



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
August 12, 2015, Part 2

BE IT REMEMBERED THAT on August 12, 2015,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: Okay. The State Board
2 will come back to order, please. The Board's fairly
3 organized. Okay. Okay. If the audience would come back
4 to order as well, please.

5 We -- so we're now to public testimony. We
6 only have two people signed up. Are there others in the
7 room who want to testify who have not signed up? Comment?
8 Testify? Comment?

9 UNIDENTIFIED VOICE: (Indiscernible).

10 CHAIRMAN DURHAM: Yeah, we might. Okay. No
11 one? So we'll start with Debra Cole. Dr. Cole?

12 MS. COLE: Mr. Chairman, members of the
13 Board, good morning. My name is Debra Cole. I'm the
14 founder of Cheyenne Mountain Charter Academy in Colorado
15 Springs, and I've been a consultant with James Irwin
16 Charter Schools for many years.

17 I hold a masters degree from Stanford
18 University and in addition to my work in education I work
19 as a translator. My most recent work was an authorized
20 translation of a book written by Pope Francis, 21st
21 Century Skills.

22 The hallmark of post-secondary and career
23 readiness have nothing to do with academics, and
24 everything to do with second physiological information
25 politely referred to as social and emotional learning.



1 These skills are marketed to an unsuspected
2 public is the so-called soft skills that merely enhance
3 the acquisition of actual knowledge.

4 Here are several. Colorado's chosen
5 assessment vendor recent -- released a study called
6 Assessing 21st Century Skills integrating research
7 findings. This study states that, quote, "Critical
8 thinking, creativity, collaboration, meta-cognition, and
9 motivation are themselves the educational outcome that is
10 being sought. Content knowledge is clearly beside the
11 point."

12 There have been reports that Pearson Common
13 Core aligned assessments contain questions that have no
14 correct answers, multiple correct answers, or questions
15 that are impossible to understand.

16 Although these tend to be identified by
17 critics as evidence of poor design, Pearson's research
18 paper suggests otherwise. The authors of the paper quote,
19 "Recommend designing open-ended and/or ill-structured
20 tasks," end quote, making student thinking and reasoning
21 (indiscernible). In other words, placing students in
22 mentally incoherent situations and observing how they deal
23 with it.

24 They cite a study showing that quote, "Tasks
25 relying on students materials designed to invoke cognitive



1 conflict, that is a uncertainty, ambiguity,
2 disorganization, and contradiction, better understood
3 elicited critical thinking skills than tasks that used
4 stimulus materials that were orderly, well organized, and
5 coherent," close quote.

6 The critical thinking skills so elicited are
7 also called higher-order thinking skills or deep thinking.
8 Lauren Resnick, a major developer of the concept of
9 higher-order thinking characterized his thinking involving
10 multiple solutions, uncertainty, and imposition of
11 meaning.

12 I wonder if parents realize that the new
13 definition of education is seeing if their children can
14 find their way out of a maze with no exit out of John
15 Dewey's indeterminate situation.

16 I would like to conclude with this graphic
17 statement from a study issued by the Gordon Commission,
18 the creation of ETS. One of those commissioners is the
19 vice-president of the Pearson Center for Digital
20 Transformation.

21 It states, "Practices of assessment do not
22 so much reflect the nature of the individual as they
23 construct the individual in their terms." I would imagine
24 as to in terms of no need to resort to conspiracy
25 theories. This statement's clear.



1 Our students are viewed as lab rats to
2 observe and transform by the company Colorado contracted
3 to assess them. This is academic child abuse and those
4 who continue to patronize it once the facts are known will
5 have much to answer for.

6 CHAIRMAN DURHAM: Thank you, Ms. Cole. Dr.
7 Walker?

8 MR. WALKER: Welcome, Dr. Asp. Excellent
9 choice on the part of the Board. And I'm sure you'll
10 offer the continuity that we need and I have another
11 suggestion.

12 Several of our Board members who happen to
13 be women are fully qualified to become commissioners, and
14 for the sake of continuity I hope they apply and I'm not
15 trying to be offensive to my friend from the attorney
16 general's office. I know (indiscernible), however
17 attorney generals have been overruled in the past and they
18 could be overruled this time.

19 Really people vote for members of this Board
20 and we have a right for them to become Commissioners if
21 the Board so chooses and the attorney general, in my
22 opinion, doesn't have the right to stifle the will of the
23 people in this case.

24 Anyhow, I came here today to talk about
25 pretty much a forgotten Colorado senator by the name of



1 Edward P. Costigan, and I didn't put it on the materials
2 that you have in front of you but his mother happened to
3 be Spanish and he worked with NCAACP, particularly with
4 Walter Mike, a light-skinned, quote unquote "black" who
5 infiltrated the clan back in the 10's and 20's and
6 understood what blanching was all about.

7 Perhaps since he was biracial or bi-ethnic
8 ,he understood how to relate to black people and other
9 group -- (indiscernible) too, and people commented
10 Colorado doesn't have that many colored or Negroes, why
11 are you sponsoring this bill? And basically said it's
12 because it's the right thing to do.

13 Franklin Delaware Roosevelt pulled the rug
14 from under him. Eleanor stood with him, so you never know
15 who's going to be your friend and ally. And the issue --
16 one of the issues I brought this up is we're hearing on
17 the media some people living in Stapleton and across the
18 country are saying black lives matters.

19 Yeah, black lives matter. We've had black
20 leaders saying it. Anglo leaders saying it for many year
21 -- years. It's nothing new. (Indiscernible) saying
22 you're going to say black lives matter.

23 You're going to take a look on the wall here
24 that says all lives matter. All students are precious to
25 us and we're looking for a commissioner -- and if we want



1 the Board to consider a black commissioner, maybe there
2 should be some black people in the room and coming to
3 these meetings if they really want to be represented.

4 One of the ways to get represented is you
5 come to meetings and be seen and be heard. And if you
6 don't, it kind of loosens your right to complain. And
7 when they talk about the Klan in Stapleton, keep in mind
8 that Edward Toskinkin (ph) did the right thing with the
9 federal anti-lynching law, but he was temporary at
10 Stapleton.

11 Mr. Stapleton, the Mayor of Stapleton served
12 from 1923 to '31. Senator Toskinkin was in the Senate
13 from '30 to '36, and in the 1920's was when these awful
14 racist standardized tests developed, right after the First
15 World War

16 I'm saying, be here and speak up against
17 standardized tests if black lives, Hispanic lives, poor
18 Anglo lives matter. Thank you for the extra time, Steve.

19 CHAIRMAN DURHAM: Thank you, Dr. Walker.

20 MR. WALKER: And good luck as chair.

21 CHAIRMAN DURHAM: Thank you. I'll need it.

22 Let's see -- now we are now -- where are we?

23 UNIDENTIFIED VOICE: Mr. Chair?

24 CHAIRMAN DURHAM: Yes, ma'am.



1 UNIDENTIFIED VOICE: Ms. Cole looked like
2 she was reading something. Do we have access to that?

3 CHAIRMAN DURHAM: She -- I'm certain would
4 be willing to provide a copy or -- of your comments. Ms.
5 Cole?

6 MS. COLE: I'm sorry. I didn't hear.

7 UNIDENTIFIED VOICE: I'm sorry. I was
8 asking for a copy of your comments today.

9 MS. COLE: I can send them to you.

10 UNIDENTIFIED VOICE: I would like that.
11 Thank you.

12 MS. COLE: Would that be all right?

13 UNIDENTIFIED VOICE: Thank you for coming
14 in, yes.

15 CHAIRMAN DURHAM: Thank you.

16 UNIDENTIFIED VOICE: You might want to ask
17 if there's anyone else who -- other people have come in in
18 the meantime.

19 CHAIRMAN DURHAM: Is there anyone else who
20 would like to participate in public comment period at this
21 time?

22 UNIDENTIFIED VOICE: I think there might be
23 other people on the their way. There was a large accident
24 on I-25, so they might be arriving later.



1 CHAIRMAN DURHAM: We have another -- there
2 are actually two scheduled today. There's another one at
3 the end of the agenda, so there is another public comment
4 period later this afternoon.

5 Okay. We'll now move to -- where were we
6 here? We're at the data privacy. Is that where we are on
7 the agenda?

8 MR. WALKER: Thank you, Mr. Chair. We have
9 with us today -- Heidi Demene (ph) from the attorney
10 general's office and Kady Lanoha, our internal policy
11 analyst as well as Leann Emm. Heidi and Kady serve on our
12 data privacy and security team.

13 As you know, we've been in the process of
14 developing some contract provisions for our contracts with
15 vendors, and provide security and privacy. We've all
16 spent some time vetting those with -- in several public
17 meetings.

18 We had one a couple of weeks ago with
19 (indiscernible) state holders that we thought was very
20 successful in getting feedback from those folks, and so
21 what Heidi and Katy will talk to you about today is where
22 we're moving ahead with this -- the data privacy
23 provisions in the contracts. I'll turn it over to Heidi.

24 MS. DEMENE: Morning.



1 CHAIRMAN DURHAM: And Heidi, would you
2 introduce yourself with the new member.

3 MS. DEMENE: Sure. My name is Heidi Demene.
4 I'm an attorney at the Colorado Attorney General's Office.
5 I specialize in privacy, one of my areas of expertise, and
6 I'm here to help the data privacy team implement the data
7 privacy requirements that the Board has directed into
8 third party vendor contracts.

9 So I did a presentation to you in June. I'm
10 providing you with an update of what we've done since
11 June. We have created a student data privacy list
12 (indiscernible) that's on the website that anyone can sign
13 up for, and we have had great success in that so that we
14 can communicate with all interested stake holders
15 including vendors and school districts. On this topic
16 we've updated lists of contracts on the website and have
17 made some improvements to the website.

18 On July 2nd, we had a meeting with parents
19 who have been concerned about data privacy and we
20 discussed our proposed privacy, security, and transparency
21 provisions and what we were going to do and sought input
22 from them.

23 We also had a public meeting with all
24 interested stake holders and I think we had probably a
25 hundred people attend that meeting as well as people



1 calling in. It was a good meeting. We had a lot of
2 comments which we have summarized and provided you with a
3 summary of the public comments in your Board packet and
4 that's been sent out to the list (indiscernible) and also
5 public -- posted on the website.

6 We also received some written comments. We
7 received a letter from Microsoft and some other vendors
8 and those written comments are included in your packet in
9 case your interested in seeing those.

10 And then we took that public input, we
11 listened and for the most part any suggestions we took to
12 heart, and we're going to include it in our template, and
13 then we started drafting -- drafting the template and
14 circulating that for internal review. We've made good
15 progress. It's about nine pages long, but it's probably
16 not quite ready for prime time yet. We have some work to
17 do.

18 So specifically, some of the public input
19 that we received is that the protection should -- the
20 protection of this data, this expanded definition of the
21 data that we're going to protect, should apply to all of
22 the subcontractors in these third-party vendor contracts.
23 We already do that, but we're going to strengthen those
24 provisions and we agree.



1 The public really asked us for a very clear
2 definition of breach. The identified data and data
3 destruction. They are very concerned about how we're
4 going to define those things, and we're still soliciting
5 input on that and thinking about it in particular how you
6 destroy data and how you verify that data has been
7 destroyed, as well as a breach and then proper use as
8 opposed to when we know that someone has really stolen and
9 improperly used the data.

10 And then they also asked us to provide a
11 data dictionary that in one place discloses all of the
12 data that CDE collects, and we have that in place but
13 we're updating it to make it more user friendly so --
14 because when you really start getting into the weeds it
15 can quickly get technical.

16 The public also asked us to publicly post
17 the vendors who are going to comply with these new
18 contractual requirements and those that are not or that we
19 have to make exceptions to, and we've agreed to do that.

20 The idea is to create a privacy scorecard,
21 one, two, or three star system for vendors that comply
22 with all of our requirements. They will get the highest
23 rating. For those that have issues or that we're having
24 difficulty with and perhaps don't have another choice of
25 vendor, they would get the lowest rating.



1 Some of the more controversial comments that
2 we see were of course to allow parents to opt out of data
3 collection. I think the Board understands what a
4 complicated issue that is from a legal perspective.

5 Some of these assessments or data
6 collections are mandated by law and there's no ability for
7 parents to opt out. If the parents feel very strongly
8 about it, they want the ability to opt out and we've heard
9 them and it's something we'll continue to listen and think
10 about, but it's a complicated issue. They want the data
11 to be protected if it's sold in a merger acquisition or
12 spin off.

13 Our contract already prohibits that conduct,
14 but it's difficult to force. A lot of times we don't
15 even know when these vendors have changed hands. They're
16 supposed to get out consent to sign the contract in
17 general, and then we find out about it six months later.

18 So we're still looking on -- at and working
19 on that. The public wanted us to stop the school
20 districts from making voluntary data disclosures, and
21 we're still kind of struggling with how we would prevent
22 that.

23 There's kind of a sense that the schools
24 don't have the resources to sort through the data and give
25 us only the data that we need, so they just give



1 everything or they're making other voluntary disclosures
2 that the parents don't feel are appropriate.

3 So what we have committed to is to update
4 the data dictionary, put it in one location; all the data
5 fields that we're collecting and make it more user
6 friendly. We're going to create a privacy and security
7 scorecard on all these vendors once we get through the
8 contract negotiations, and we're in the process of
9 creating a template.

10 It's about nine pages long if anyone's
11 interested in seeing it, and in your packet we included
12 the transparency requirements which I think are pretty
13 finalized. The transparency requirements are two pages
14 (indiscernible) through the main provisions and set up.

15 The 173 if you recall, is where the vendor
16 has to post on their website what they're doing and what
17 data is being collected and how they're using it. So that
18 really imposes more transparency at the vendor. Those
19 provisions are pretty final.

20 Some of the outstanding issues are of
21 course, I think I've mentioned to you before that the
22 State's process for contracting state procurement codes,
23 state fiscal rules, and all the layers of approvals and
24 requirements that we have to adhere to when doing these
25 contracts.



1 A lot of the contracts already contain
2 pretty strict privacy and security provisions, and those
3 again have to be reconciled with these new requirements,
4 and it's just going to take some time and we're working on
5 it. We're working on it diligently and it's a high
6 priority.

7 And then, some of the vendors of course are
8 going to be more contentious with some of the privacy
9 provisions that we want. One of the issues that we've run
10 into is the governor's office of information and
11 technology has certain IT security requirements that they
12 want in these contracts, and we're still kind of sorting
13 through which of those requirements we have to comply with
14 and how we're going to reconcile those with what the
15 Department wants to do.

16 An example is -- oh, IT wants vendors to
17 notify them on the security breach. We would like the
18 vendors to notify the Department. So we're hoping it's
19 possible to notify both because we don't, you know, we
20 just don't think it makes a lot of sense for a vendor to
21 be notifying IT rather than the Department.

22 So that's just an example of some of the
23 paperwork that we're still sorting through, and we're
24 working on it. We'll get there, but it's -- it's only
25 been a couple of weeks since our last public meeting.



1 Some of the public comments that we've
2 received and we've listened and we've looking into it,
3 really involve more of the school districts relationship
4 with their vendor. CDE doesn't have a contractual
5 relationship or maybe it's involved at a very indirect
6 level, but we're still listening to those concerns and
7 seeing how we can help but, you know, local control
8 doctrine really limits the Department's ability to dictate
9 to the school districts what they can and cannot do

10 There was a -- one school district that came
11 to the meeting and had the gumption to get up and make a
12 comment, and I thought it was a good one to form a
13 contract and alliance perhaps to try to negotiate with
14 some of these bigger vendors, so we're going to continue
15 to explore that idea.

16 We've applied to make a presentation at the
17 TASME (ph) Conference in December to try to reach out to
18 the school districts and maybe build a consortium or
19 bigger group and leverage that negotiating ability to come
20 to a consensus and try to negotiate with some of the
21 tougher vendors that we know, but we're really trying to
22 lead by example, and we -- we intend to continue the
23 dialog with the public.

24 We're going to have more public meetings
25 where all the interested stake holders will be invited to



1 come, provide comments, and we'll continue to listen to
2 their concerns but it is going to take some time.

3 And this last slide kind of shows what our
4 plan is in place to try to get a variety of the projects
5 that are involved and implementing this, what the time
6 line is going to look like, you know, and in encryption.

7 I think I had mentioned last time that
8 that's been a big issue at the vendors and we're trying to
9 give them a deadline of this December. It's got to be
10 done. Proof of destruction and cloud -- cloud location
11 and services. We want that documented at the vendor
12 level, and that's probably going to take some time.

13 The State's contracting process a lot of
14 times now ties it to steering the Titanic. You have to
15 plan about a year in advance where you want to go, how
16 you're going to get there, and get all members of the team
17 together to really implement that and so far we're making
18 good progress, but it is -- it is something that's going
19 to take some time because we are absorbing it and filling
20 existing resources. Does anyone have questions? I know
21 some of you have gotten public comments and --

22 CHAIRMAN DURHAM: Dr. Schroeder?

23 MS. SCHROEDER: A couple of things I'd --
24 that I would like to suggest. One of them as we're
25 putting information on line, how about we don't use



1 acronyms on a regular basis, PII, et cetera. I recognize
2 that we have our language, but we're -- we can identify
3 actually who's going to be reading them to the extent that
4 we've got families reading that they -- they're eyes are
5 going glaze over pretty quickly with that.

6 For me, it's the easiest way I can give some
7 examples, so as you're describing giving definitions, et
8 cetera, if there's a simple example I find that very
9 helpful to just kind of bring it down to a level that
10 they're very familiar with. That's my first suggestion if
11 you want to take it.

12 The second one is to think about compliance
13 at the school district level which has been my biggest
14 concern because I think that's where the greatest leaks
15 occur, and we don't have, you know, unless there's a law,
16 we really don't -- a law change, we really don't have any
17 authority.

18 However, I have found that one, if we
19 provided the model for districts to copy that provides the
20 data, privacy, and security, and two, we let districts
21 report that they're only level and at the state level
22 they're compliance with that.

23 It might be a surprise how many districts
24 want to come forward and say we comply with this model,
25 and that's a kind of a different kind of pressure than



1 having a law, but it's an incentive because we know the
2 parents out there are concerned about it.

3 They're going to read it and if we're
4 posting it on our website that a hundred out of 178
5 districts have committed to complying with this, to
6 working with their staffs, with their teachers et cetera,
7 that might actually mean that we'd only have to go and be
8 legal and have all the monitoring, et cetera.

9 So it's something maybe for us to in general
10 to be talking about and see actually what happens within
11 our districts. It does need to go down to the teacher
12 because that's where just not realizing that there are
13 some of the breaches that we don't want to have occur.

14 CHAIRMAN DURHAM: Further questions or
15 comments, Dr. Scheffel?

16 MS. SCHEFFEL: Thank you for the
17 presentation. The folks that I hear from I think this
18 presentation's helpful because it really speaks to the
19 contracts and the vendors. The parents that I hear from
20 and other stake holders seem to be wanting to answer a
21 simpler question in some ways.

22 What data points are out there, for which
23 kids, who sees them, and how can the parents see them to
24 see that they're accurate and so that they can get a sense



1 of what's being reported on their children in the case of
2 parents. So that is not part of this approach.

3 I mean, I was just looking at the public
4 input slide and it says someday the collection is mandated
5 by law. CDE will review what is mandated by law, where it
6 has to be stored, how it's encrypted, who sees it, for all
7 the, you know, dependencies there.

8 But I just think on a simple level, the
9 public broadly speaking, feels like how many data points
10 are out there on my child? Who sees it, and can I as a
11 parent see it when -- whenever I want to see it so I know
12 what's being reported, stored, and shared on my child.
13 And that doesn't seem to show up here with clarity. Is
14 that something that we can require -- request? Is that
15 something you're going to be working on? Where does that
16 level of simplicity surface for the public?

17 MS. SCHROEDER: Well, on the website there
18 is a page that explains in pretty simple English what data
19 is being collected on the tests and the assessments, and
20 then it provides a hyper-link where you can see the actual
21 data fields collected. You can't drill down to look up
22 your child.

23 MS. SCHEFFEL: Why would that be?

24 MS. SCHROEDER: You know, that -- that again
25 really gets into a whole different technical level of



1 having to verify that parent and who they are, and whether
2 it really is district data. Is the district really on the
3 data or is the CDE on the data?

4 In most instances, the district owns the
5 data and we're just facilitating some type of mandated
6 collection and reporting for the legislature and that type
7 of thing, but the data dictionary also is something that
8 we put out there and we're trying to make more user
9 friendly to give parents a better sense of what data is
10 being collected and then why?

11 Why is this data being collected and why is
12 it so important? What is being used for, and why is it
13 important rather than just, well it's mandated by law.
14 We're really working with the program people here at CDE
15 to come up with an FAQ (ph) I believe, to explain in real
16 terms why it's important to access a child's readiness for
17 first grade. You know, why is that important from an
18 early education perspective. So --

19 MS. SCHEFFEL: I kind of think of a simple
20 analogy which is like a personnel file. Only a hard
21 copy's. We have the right to look at our personnel files,
22 see what's being said about us, refute it if we disagree
23 with it, and know who else has looked at it.

24 And in this case because it's all digital,
25 parents feel I can't look at it. I don't know what's



1 being said about my child, and we look at TS Gold there
2 are, you know, three social/emotional objections with nine
3 dimensions. What's being said about these kids and why
4 can't parents look at that and refute it or disagree with
5 it or whatever.

6 MS. SCHROEDER: We had a presentation by a
7 kindergarten teacher and the parents actually do have
8 access to the TS Gold tablet -- assessment, and a lot of
9 times, the teacher's constantly interacting with the
10 parent on that assessment.

11 They have a right to see it and discuss it,
12 and ask for changes and that type of thing. So that's a
13 message that either we or the school districts need to do
14 a better job giving out that the parents do have access to
15 that assessment information. I was surprised at how, oh
16 yeah, the parent has access and, you know, then there was
17 some security issues around that, but we had a little
18 concern about -- but in the -- some parents like it and
19 some parents don't as least that's what I'm told.

20 MS. SCHEFFEL: Where does the concept of 400
21 data points come from? Maybe some other Board members
22 have seen that, where -- where some of the public are
23 saying there are 400 fields on children somewhere and I
24 need to know what's in those fields for my child and I'd



1 like to know who else looks at it and how it's used.

2 Where does that come from?

3 MS. SCHROEDER: I think there's a plan to do
4 a presentation to the State Board on the assessment tool
5 next year when it has to be re-approved or something. For
6 -- but that's -- isn't that where that --

7 MS. SCHEFFEL: Just generally, tell me. I
8 hear people saying there are 400 plus data points on
9 children relating to a host of different areas. Parents
10 are saying I want to know where that list is. What's in
11 those fields? Who else looks at it? How it's shared, why
12 it's collected. I don't have know the answer to that
13 question.

14 MS. SCHROEDER: We have some of those on the
15 website. We do, we have what has been collected in the
16 11th grade assessment for example and the data fields that
17 will be collected.

18 MS. SCHEFFEL: I've looked at that website,
19 so I need to revisit it. Maybe it's been updated.

20 MS. SCHROEDER: Yeah, and you have to really
21 kind of --

22 MS. SCHEFFEL: I didn't see anything
23 holistic. It seemed kind of staccato.



1 MS. SCHROEDER: Yeah, we're trying to make
2 it more user friendly. We have gotten that feedback it's
3 hard to find.

4 MS. SCHEFFEL: Yeah.

5 MS. SCHROEDER: Hard to use. Hard to
6 understand.

7 MS. SCHEFFEL: It doesn't give people the
8 sense of calm to walk away thinking okay, I understand
9 what's out there on my child. I understand why it's
10 collected. I know who uses it. I know how long it lasts.
11 I mean, that clarity seems to somehow be missing. Maybe
12 we can get there. I think that's what people want from
13 the stories that I hear.

14 CHAIRMAN DURHAM: There's no questions?
15 Yes?

16 UNIDENTIFIED VOICE: This may be a little
17 early in the game, but do we have any consequences along
18 the lines for breaching in this?

19 MS. SCHROEDER: Yes. Well, the first
20 consequence is that they have to remediate the breach
21 immediately and notify affected pupils and parents and pay
22 the cost of all that remediation.

23 We are going to implement monetary penalties
24 on the vendors that have security breaches, and then the
25 ultimate consequence is termination of the vendor and



1 sometimes that can take time. We have to bid it out
2 again and find a replacement vendor. It is fairly easy to
3 terminate a vendor. It's more difficult to find a
4 replacement.

5 UNIDENTIFIED VOICE: Mr. Chair, I'd like to
6 follow-up with that.

7 CHAIRMAN DURHAM: Please proceed.

8 UNIDENTIFIED VOICE: Okay. Let's take the
9 vendor out of it. How about at the school level? Are
10 there also consequences that are clearly defined if the
11 breach is at that area?

12 MS. SCHROEDER: I don't know the answer to
13 that question. Obviously under Furbuck (ph), they are
14 required to remediate the breach. A privacy breach is a
15 tort action and so you know, ordinarily a school district
16 would have granted immunity on that and in some of the
17 recent, larger security breaches like the Anthem (ph)
18 breach, I know some private individuals have brought civil
19 lawsuits against Anthem for example for negligence and
20 we'll see if those succeed. T

21 That's a pretty new area of the law but in
22 general, you know, you really have to prove causation that
23 caused damages and a lot of times people can't prove that
24 because it doesn't go -- the breach is caught fairly
25 quickly. But at the school district level it -- I don't



1 know. I'd have to look. I don't think you need a statute
2 to impose penalties on them for a breach.

3 UNIDENTIFIED VOICE: Thank you.

4 CHAIRMAN DURHAM: Dr. Schroeder?

5 MS. SCHROEDER: So I guess I'd like to
6 suggest -- I really like the questions that the Deb has
7 brought forward of these -- these are things that matter
8 for parents. What can I see? Where do I go to see it?
9 So that not everybody is showing up down here because it
10 really is probably at the school level that it's most
11 available. But I think that would be really helpful if
12 you had those questions in mind as you're going back
13 through the website so that we can start doing frequently
14 asked questions and -- and put some of that stuff in there
15 and maybe that will -- maybe that will help.

16 And then I think, it's appropriate, I mean,
17 I hope it's appropriate to say there aren't any items of
18 information that we've collected that a parent cannot see.
19 It's just where it's available and when it's available. I
20 mean, I'm hoping that that in fact is where we end up, law
21 or no law.

22 UNIDENTIFIED VOICE: I'm sorry, Angelika,
23 can you repeat that?

24 MS. SCHROEDER: Yeah, I was quite clumsy.
25 That we're not going to see in there that there is some



1 data that is identified that we collect on kids that
2 parents don't have access to in some way, but it's not
3 going to be coming down here. It's going to be probably
4 where it's -- where that information is collected.

5 UNIDENTIFIED VOICE: Right. At the school
6 district.

7 MS. SCHROEDER: At the school district
8 level. I mean, I think that's the -- that's the challenge
9 we're coming to because it's not unusual for parents to
10 skip the various levels to get what information they want
11 and then to contact their state board member for how to do
12 as opposed to going back to the teacher and going back to
13 the school.

14 It's the same at the school board level, but
15 they're -- it's easiest if you start sort of at the lowest
16 level, the most direct level I should say, but it's not
17 often done and it might be helpful if you tell parents
18 where to start as they're trying to get information about
19 their kids.

20 UNIDENTIFIED VOICE: Good idea.

21 MS. SCHROEDER: Thank you.

22 CHAIRMAN DURHAM: Dr. Scheffel?

23 MS. SCHEFFEL: Well, that was my question.

24 Is -- you -- you said that the data collected on a child



1 is actually available to parents. You -- I think you were
2 referring just to TS Gold.

3 What about other sources of data on our
4 children? What -- do we know? Do we have any knowledge
5 of what if any of that data is also available to parents?

6 UNIDENTIFIED VOICE: Well, most of it would
7 be if it's part of their educational record under FERPA,
8 and the parent has a right to see it and request
9 amendments, but I think that frequently that's not done or
10 I'm sure most school districts do comply with it.

11 They're probably varying levels of
12 compliance with that, but people don't perhaps don't know
13 what to ask for to the vice-chair's point. You know,
14 perhaps we could come up with an FIQ of where do I find
15 out what data is being collected on my child and then --

16 MS. SCHEFFEL: And what steps do I -- what
17 steps can I take to, you know, I think that would be very
18 helpful.

19 UNIDENTIFIED VOICE: -- access that and it
20 will unfortunately go back to the school district, so it
21 would be helpful to get some feedback from them on what
22 they think about this and how they would proceed because
23 it's, you know, will be a burden on the school districts
24 to respond to those requests.

25 CHAIRMAN DURHAM: Dr. Scheffel?



1 MS. SCHEFFEL: Well, and I was wondering if
2 the learning registry, if you looked at that, I guess
3 that's a national data base that some teachers use I mean,
4 and I think maybe that's where some of this multiplicity
5 of data points is being referenced. I guess again,
6 parents are (indiscernible) what's being formally used,
7 what's being informally used, where does it go and do
8 districts surface that information clearly to parents? I
9 guess there seems to be a lot of miscommunication about
10 what data bases are being used for what purpose and
11 aligned with what other data bases. So that would be a
12 good thing to look into too.

13 CHAIRMAN DURHAM: Any other member
14 questions? If not, I have a couple. The public meeting
15 that I attended, it was -- I'm sorry -- that the public
16 meeting -- it was stated that companies involved in the
17 early childhood assessment or school readiness assessments
18 have to be approved by the -- by the State Board.

19 And I think that gives us a unique
20 opportunity to -- to review those companies that we've
21 certified, and gives us a significant lever over them to
22 ensure that if they don't want to be de-certified that
23 they -- they -- they comply with what we -- with what
24 standards we intend to impose.



1 And I intend to put that on the -- the --
2 starting the review of the companies on the next month's
3 agenda including -- including TS Gold. But I think if you
4 look at -- Stanford children I think produced a very nice
5 memo in support of our efforts, and -- and I'll read what
6 I think is -- if we could focus on it, I think it's the
7 most important.

8 "Requiring a vendor to demonstrate a
9 specific legitimate educational purpose for using any
10 personal addition -- identifiable information from any
11 source. And I would go so far as to say not for using but
12 for collecting.

13 That the screen needs to be a collection and
14 the burden is on the vendor to demonstrate a need, an
15 educationally legitimate need to collect and if we were to
16 -- if we could enforce that provision up front with all
17 the vendors, I think it might go a long way to solving
18 these problems.

19 And I think as you enter into your
20 negotiation phase and keep in mind that a number of
21 legislatures including Representative (indiscernible) Dean
22 (ph) have offered to do what they can to focus a bright
23 light on those vendors that don't comply, that are
24 recalcitrant, and so I think there are a number of tools
25 in the tool box and we ought to figure out how to use



1 those. So -- but I would encourage you to focus on the
2 legitimate educational purpose. They need to demonstrate
3 that for every piece of data they collect, so I don't know
4 if you have any -- is that -- are you headed in that
5 direction?

6 MS. SCHEFFEL: Yes. That is the direction
7 that we are going is that they can only use it for that
8 purpose. They're prohibited from using it for any other
9 purpose including a commercial purpose and yes, that's
10 where we're going.

11 And I like your idea about the assessment
12 vendors because since it is approved by the Board that is
13 really kind of the approval at the state level and then
14 the school districts contract them correctly. So I think
15 who would be helpful for you to have some more information
16 on those tools. It helped me understand why they're
17 collecting the data and how much data they're collecting.

18 CHAIRMAN DURHAM: Thank you. Ms. Mazanec?

19 MS. MAZANEC: Yeah. I would say that
20 obviously we need to be clear about what a legitimate
21 educational benefit is too. That can be very broad, so I
22 think we need to be timing that up too.

23 MS. SCHEFFEL: I think the senate bill 173
24 kind of struggled with that definition, and it is, you
25 know, for the school readiness assessments it's pretty



1 much a statutory directive on the criteria that are going
2 to be assessed, but it's how you get to those assessment
3 points.

4 CHAIRMAN DURHAM: I think we'll need to see
5 those in our next meeting.

6 MS. SCHEFFEL: Yeah.

7 CHAIRMAN DURHAM: What those statutory and
8 outline statutory requirements are. Ms. (indiscernible)?

9 UNIDENTIFIED VOICE: I'm on. I guess so.
10 Can you hear me?

11 UNIDENTIFIED VOICE: You're not on.

12 UNIDENTIFIED VOICE: You're not on.

13 UNIDENTIFIED VOICE: I can't tell. Thank
14 you. Going back to the glossary, a related thought and
15 question. I wonder if there is some way need or it -- and
16 if there's confusion among a few words.

17 One of them is render and one of them is
18 assessment -- that piece of -- the body of work that -- if
19 it's TS Gold, as an example.

20 TS Gold is an assessment, is the maker --
21 the test maker and I know there are experts in here -- is
22 the test maker necessarily considered vendor because
23 there's a third layer? In my thinking, there's the actual
24 technological layer who develops, who create, who builds.



1 So I'm wondering if that would be important
2 at least for us to have a straight picture on what are we
3 talking about because if we're looking at certifying --
4 whatever the work would be -- when we vote or we vote to
5 approve or accept a set of the assessments read act.

6 The most recent we've done is readiness
7 tests. We've got this menu of tests, but in certifying
8 the vendor, does that mean certifying the test maker?
9 Does that mean certifying the technical designers actually
10 put it on-line? I would like to have a clear pathway of
11 how we think about that from now on because I do think it
12 relates to what happens in districts and we've talked
13 about enforcement or consequences for what to room (ph) I
14 guess, you know.

15 And if a -- if a school district is not able
16 to be clear and express to their community how this works,
17 I just think we might, not today, but at some point we
18 need to clear -- help people understand that. I could use
19 a little clarity today after listening to our
20 conversation. Sorry about my voice. The allergies time
21 is for me.

22 UNIDENTIFIED VOICE: I believe when the
23 Board previously approved the three approved assessment
24 vendors that it -- it is kind of like a package deal.
25 They have the tool, they have the assessment, tasks to the



1 factors, and that -- the approval though was really that
2 it met the statutory criteria and was accepted as best
3 practices, and then those three --- those three assessment
4 vendors, they are vendors, companies engaged for profit or
5 non-profit. It doesn't really matter, and the schools get
6 to pick one of those three vendors and they contract with
7 them directly.

8 So when I started looking at the
9 Department's contracts and TS Gold, we really just have a
10 very -- a little small contract to provide training to
11 teachers. That's it. But it's more complicated than that
12 like you said. There's this kind of indirect -- indirect
13 relationship with them so we can't just stop there. You
14 have to kind of drill down into where these concerns are
15 coming from. But in general, the parents interact with
16 their school districts on these assessments and tests. I
17 know that test is a four-letter word here.

18 UNIDENTIFIED VOICE: (Indiscernible) word.

19 UNIDENTIFIED VOICE: Are you talking about a
20 test? Yes. Sometimes it's a test for the school
21 readiness. It's for the teacher's assessment of the
22 child's readiness for 17 statutory factors. But it is
23 confusing. I have found it confusing and I've been
24 working on it.



1 UNIDENTIFIED VOICE: A lot of things are
2 confusing.

3 CHAIRMAN DURHAM: Dr. Scheffel?

4 MS. SCHEFFEL: Yeah, just in defense of the
5 vendors it strikes me that they are developing a product
6 that can be sold.

7 And so I recall when Pearson was chosen by
8 CE to be the vendor for us, there was no discussion that I
9 recall at least on what is their philosophy of developing
10 items.

11 What is the under -- the underpinnings of
12 why cognitive dissidents would be centerpiece of the items
13 that were developed by the vendor.

14 And so you know, vendors really developed
15 products that can be sold based on guidance based on
16 guidance from educators in the field and so I think it's
17 accompaniment upon us -- it's one thing to -- to ensure
18 that the vendors are being cautious about data.

19 That's important, but even a more
20 fundamental issue is what are the -- what are the -- what
21 are the underpinnings of these assessments? Why are
22 certain data fields collected? What is the underlying
23 blueprint or philosophy of the -- of the assessment, and
24 how could we speak into that as opposed to saying well,
25 there's only three of the reasons. Here's what they're



1 based on, choose one, and whose giving those vendors
2 guidance as to how these assessments are developed.

3 Well, we need to be speaking into that
4 because our state is purchasing it. So I think it's good
5 that we balance that and not just hold up the vendors as
6 yes, let's hold them accountable.

7 We do, but we also have to hold ourselves
8 accountable for saying which assessments really resonate
9 with what Colorado students should be assessed for?
10 What's the basis of it? So I think that's a good
11 discussion that we really never had.

12 CHAIRMAN DURHAM: Any further comments on
13 the data privacy issue? Thank you very much and we very
14 much appreciate your efforts.

15 UNIDENTIFIED VOICE: We'll be back. Thank
16 you.

17 CHAIRMAN DURHAM: That's --

18 UNIDENTIFIED VOICE: Really?

19 CHAIRMAN DURHAM: We want you back. That's
20 good.

21 UNIDENTIFIED VOICE: Thanks.

22 CHAIRMAN DURHAM: We're quite a bit ahead of
23 schedule; about an hour I think if I'm reading it right.
24 What about any objection to proceeding out of order for
25 consideration of Item 14 of the resolution?



1 UNIDENTIFIED VOICE: We're -- so Marsha will
2 be here --

3 CHAIRMAN DURHAM: Oh, she'll be here? Oh,
4 okay.

5 UNIDENTIFIED VOICE: And she's not in yet,
6 but the next, Item 11.02, the Colorado Special Education
7 Advisory Committee Report, they're ready if you'd like to
8 move on to that item.

9 CHAIRMAN DURHAM: I'm sorry. Which item is
10 it?

11 UNIDENTIFIED VOICE: 11.02.

12 CHAIRMAN DURHAM: 11.02.

13 UNIDENTIFIED VOICE: Uh-huh.

14 CHAIRMAN DURHAM: Where are my logs? Oh,
15 I'm sorry. I thought we -- okay. Let's do that. I
16 apologize.

17 UNIDENTIFIED VOICE: That's where we all
18 are.

19 CHAIRMAN DURHAM: Actually that's where we
20 are. Good point.

21 UNIDENTIFIED VOICE: I mean to be helpful
22 (indiscernible).

23 CHAIRMAN DURHAM: You're not. I appreciate
24 it. I need all the help.



1 UNIDENTIFIED VOICE: We'll screw that up for
2 you anyways. (Indiscernible) asks too many questions.

3 CHAIRMAN DURHAM: Would you-all introduce
4 yourselves to (indiscernible), please? Dr. Asp?

5 MR. ASP: Thank you. I'm going to turn this
6 over to Randy Boyer, Assistant Commissioner for
7 Exceptional Student Services, but I just want to make a
8 comment about how much we appreciate the efforts of the
9 volunteers that serve on this Board.

10 They give us feedback from public and parent
11 point of view about our work with special needs students
12 and we appreciate their service and how much they
13 contribute to the welfare and education of these students.
14 With that, I'll turn it over to Mr. Boyer.

15 MR. BOYER: Mr. Chair, I'm Randy Boyer,
16 Assistant Commissioner of the Exceptional Student Services
17 Unit and the state director of special education.

18 On behalf of the Colorado Special Education
19 Advisory Committee, we're here today to inform the State
20 Board of the work the committee has done to support the
21 improvement of the educational outcome for young children
22 and youth with disabilities.

23 I would like to introduce a member of our
24 team which is Cindy Dascher, the supervisor for the parent



1 and school -- excuse me -- the family and school
2 partnership team in our unit. Cindy?

3 MS. DASHER: Thanks. SEAC, or the Colorado
4 Special Education Advisory Committee is comprised of
5 members from around the state and they represent various
6 stake holders.

7 SEAC provides an important voice that as we
8 work together to improve results for students with
9 disabilities.

10 It is my pleasure to introduce Debra Paul.
11 Debra is -- has been a member of SEAC for several years
12 and is in her second year as the co-chair of the advisory
13 committee. Debbie serves on SEAC as a parent
14 representative from Congressional District 2.

15 MS. PAUL: Thank you, Cindy. Good morning,
16 Chairman Durham, Dr. Asp, and members of the Board. Thank
17 you so much for allowing us to come today and provide
18 highlights of the work of the Colorado Special Education
19 Advisory Committee.

20 I'm going to provide you with some updates
21 today. I know that you-all have a few documents in front
22 of you that we provided in advance that include highlights
23 from 2014, 2015, and is entitled The Annual Report
24 Colorado Special Education Advisory Committee as well as a
25 guidance document on early dispute resolution.



1 Again, I wanted to provide highlights so it
2 will be brief. But of the really valuable work that the
3 Colorado Special Education Advisory Committee does, very
4 briefly.

5 As an advisory panel, we must advise the
6 state educational agency of unmet needs within the state,
7 and the education of children and youth with disabilities.

8 We provide and comment publicly on any rules
9 or regulations proposed by the State regarding the
10 education of children with disabilities.

11 We advise that as they in developing
12 evaluations and reporting on data to the to the secretary
13 under Section 6.18 of the Act. We also advise the State
14 Education Agency in developing correction action plans to
15 address findings identified in federal monitoring reports
16 under Part B of the Act as well as advising the State
17 Educational Agency in developing and implementing policies
18 relating to the coordination of services for children and
19 youth with disabilities.

20 Our current SEAC subcommittees consist of
21 bylaw's committee, communications committee, membership,
22 public policy and legislation as well as student outcomes
23 and I'll expand a little bit more in a few minutes on the
24 rules of those subcommittees.



1 I think the bi-law subcommittee that the
2 title is self-explanatory. This committee worked last
3 year on reviewing and updating our bylaws and to clarify
4 our legal duties as an advisory committee and our
5 responsibilities.

6 One of the things that we did do and as a
7 result amended our bylaws was we added a new SEAC number
8 position from Colorado's parent training and information
9 center which was -- is the peak parent center.

10 Our communication subcommittee is always
11 very busy. The purpose of this committee is really to
12 increase the presence of the SEAC and to create two-way
13 communication which results in very rich dialogs between
14 the State Board of Education, the Colorado Department of
15 Education, local SEAC's as well as our constituent groups.

16 This group developed a process last year for
17 utilizing social medial They took the lead in serving
18 local SEAC's together constituent input on early dispute
19 resolution and they held the fourth annual -- this
20 committee worked hard, very hard, to support the Fourth
21 Annual People First meeting and recognize outstanding
22 applicants for students with disabilities.

23 And I would like to put a shout out to Dr.
24 Scheffel for coming to the meeting. We really appreciated
25 your presence and as you know, the weather turned rather



1 nasty that evening, so we all had a long commute home but
2 thank you so much for coming.

3 MS. SCHEFFEL: A wonderful event.

4 MS. PAUL: The membership subcommittee
5 focuses on recruiting new members as well as retaining
6 existing members. One of the things that we established
7 last year was a SEAC mentorship program for new members.

8 I can speak for myself it can be a really
9 overwhelming process especially as a parent. I'm not a
10 school Board member. I'm not a teacher, so there were
11 several thing specific to things we needed to learn as
12 representatives of SEAC that were very foreign.

13 A lot of acronyms, so I believe this -- this
14 program in particular has been extremely valuable for our
15 new members and helping them feel welcome and to learn the
16 ropes.

17 Another one of our subcommittees is the
18 public policy and legislation subcommittee. They've been
19 equally busy this past year. Their goal and purpose is to
20 increase participation of SEAC and legislation and
21 policies prior to issues becoming law.

22 They stay abreast of information and
23 disseminate it to our SEAC members. This subcommittee has
24 worked closely and maintained communication with Dr.
25 Scheffel who is our State Board of Education liaison.



1 The members of this committee have
2 collaborated with special education directors consortium,
3 and several of the subcommittee members have served on a
4 number of committees and groups including the ones that
5 are listed on the power point.

6 The last subcommittee that the Colorado
7 Special Education Advisory Committee has is our student
8 outcomes subcommittee. The purpose of this committee is
9 to advise SEAC members and the state on unmet needs of and
10 issues to improve outcomes for students with disabilities.

11 This group has maintained subcommittee
12 connection to the state's systemic improvement plan and
13 results driven accountability development. They also have
14 worked on summarizing and sharing survey results with SEAC
15 members on student outcomes for students with
16 disabilities.

17 On the next slide, the following information
18 are the bullets that are provided on this slide includes
19 concerns that were brought to our attention by either SEAC
20 members, our constituent groups.

21 And they are early dispute resolution,
22 extended school year, individualized education programs,
23 statewide standardized testing, graduation rate of
24 students with disabilities and the implementation of the
25 new graduation guidelines.



1 Transition services, and post-secondary
2 outcomes across the state including employment for
3 students with disabilities, a significant need for post-
4 school opportunities for students with disabilities, and
5 inclusive opportunities for students with disabilities.

6 One of the things that I am extremely proud
7 of on behalf of SEAC to report that we initiated is an
8 area of focus as an advisory committee.

9 In 2014, SEAC committed to creating a
10 collaborative process to include gathering input from our
11 constituent groups on a particular area as it relates to
12 the unmet needs of children and youth with disabilities.

13 In the spring of 2015, we gathered input
14 from a variety of constituent groups that included family,
15 educators, and related agencies on the topic of early
16 dispute resolution. As such, we identified questions to
17 gather input.

18 UNIDENTIFIED VOICE: Can I interrupt?

19 MS. PAUL: Following the --

20 UNIDENTIFIED VOICE: Excuse me. May I
21 interrupt you?

22 MS. PAUL: Yes, you can.

23 UNIDENTIFIED VOICE: For those of us who are
24 not directly from the education community, it would help
25 if you could describe dispute resolution.



1 Is this between parents and the staff, et
2 cetera? Or just some very, very simple examples so that
3 those of us who have not been part of the education system
4 understand one, the need for it to be early and two, one
5 or two examples of what it means.

6 I -- I did read your report and I think it's
7 terrific. I'm not criticizing it, but we're talking
8 inside baseball again I fear.

9 So if you can just give us a couple of
10 examples, some other folks will understand exactly the
11 kinds of things that -- a few of the kinds of things that
12 come up that made this a critical effort on your part.
13 Thank you for your question vice-chair woman. I'm going
14 to ask Randy to chime in.

15 MR. BOYER: Thank you. One of the
16 cornerstones of special education is due process and the
17 due process procedures really are set up to resolve
18 disputes at the resource level at the determination of
19 eligibility level.

20 And disputes as you can imagine are quite
21 frequent within the process of identifying students with
22 disabilities and the services and resources that are
23 associated with serving those folks.

24 UNIDENTIFIED VOICE: Who's disputing?

25 MR. BOYER: Excuse me?



1 UNIDENTIFIED VOICE: Who are they -- are the
2 individuals who are disputing? I'm just trying to get you
3 -- I'm trying to get you to get kind of a basic --

4 MR. BOYER: I'm trying.

5 UNIDENTIFIED VOICE: -- for us.

6 MR. BOYER: It's the parents and the school
7 districts that are required to determine eligibility and
8 commit resources --

9 UNIDENTIFIED VOICE: Okay. Thanks.

10 MR. BOYER: -- to special education. So out
11 of -- out of that, significantly what we're trying to do
12 is avoid all of the conflicts and the very expensive
13 process of either state complaints or due process
14 procedures that -- that get involved.

15 UNIDENTIFIED VOICE: In other words, you're
16 trying to get the job done rather than going through a
17 series of legal steps that are required by parents?

18 MR. BOYER: Yes, ma'am. Exactly.

19 UNIDENTIFIED VOICE: Yes. That's what I
20 wanted -- that's -- thank you. That's what I wanted you
21 to explain so that people understand because those of us
22 who have not been through that process don't even have any
23 idea how complicated -- how complex it can become and
24 frustrating for families. Thank you.

25 MR. BOYER: Thank you.



1 MS. PAUL: Following this collaborative
2 process, we then as a advisory committee created a
3 guidance document that you all have a copy of. I want to
4 provide just a few highlights.

5 Again, it's in the document that you-all
6 have, but there were things that originated out of that
7 constituent input from the various individuals that I
8 spoke to previously that we gathered input.

9 Those themes included training and
10 educational opportunities and these -- this information in
11 front of you is really from -- from their words.

12 So one of the things that came up was
13 providing joint trainings. Back to school an example
14 being back to school with a IP training for families and
15 school employees.

16 Providing trainings on the basics of federal
17 and state special education law and collaborative decision
18 making and positive communication and how do we go about
19 achieving that? Through a training or an educational
20 opportunity.

21 Another suggestion was creating a video
22 library or webinars. Specifically to create this for
23 families, educators, administrators, service providers,
24 support staff advocates and others.



1 Another theme that came up as a suggestion
2 was around communication and specifically suggestions were
3 to create a template for a packet that would outline the
4 individualized education program process for the upcoming
5 year for families of a child who has qualified for an IP.

6 Information in the document could include
7 the case manger's name for the child, contact information,
8 names and contact information for all staff members
9 including those individuals who are working with the
10 student or evaluate -- or have evaluated the student.

11 Special education busing contact information
12 guidelines and schedule. Information regarding special
13 education and state assessments including dates and
14 available accommodations.

15 Information on how progress reports will be
16 provided by each service provider. A general time line
17 for the IEP process including when families could expect
18 letters to arrive requesting permission to access and what
19 that assessment time line is as well a date when a draft
20 copy of the IEP will be available for parents viewing and
21 who could parents contact with questions.

22 I think you can see that specific to this
23 theme of communication, it's really pro-actively providing
24 families with information upfront which we believe will
25 alleviate anxiety and frustration.



1 One of the other suggestions was providing
2 families with helpful links with information about IEP's.
3 Specifically on how to write IEP goals and objectives,
4 best practices, and legal requirements for IEP's.

5 Additionally, there were suggestions around
6 providing information and links to other resources that
7 might be helpful for families including local and state
8 special education advisory committees peak parent center,
9 parent-to-parent, ARCS Community Center boards, the CDE
10 website, child advocates mental health resources,
11 individual disability groups such as the Autism Society
12 and websites or other related on line resources.

13 Individuals also provided suggestions that
14 it would be helpful to provide links to the District
15 and/or other trainings that might be of interest to
16 parents with students with disabilities.

17 And finally, a copy of the different
18 district calendar for quick reference. So looking ahead,
19 what's next for the Colorado Special Education Advisory
20 Committee. We really have taken the opportunity to step
21 back and reflect on our legal duties as an advisory
22 committee.

23 We've developed a process to better fulfill
24 out legal duty, to advise the Colorado Department of
25 Education as well as the Colorado State Board of Education



1 on the unmet educational needs of children and youth with
2 disabilities.

3 As such, we will continue to build guidance
4 documents on specific special education areas and share
5 these with all of you, the Department of Education, local
6 SEAC's families and our other constituent groups.

7 We will distribute the advice that we've
8 created as a result of the constituent input on early
9 dispute resolution, and we value the Colorado Department
10 of Education initiative to reduce disputes, complaints,
11 and their related costs for families and for school
12 districts.

13 We also will continue to support the results
14 driven accountability process to monitor the results of
15 students with disabilities on statewide standardized
16 testing and tracking the achievement and progress of
17 students from year to year.

18 We also are committed to urging meaningful
19 transition planning and options to increase student
20 graduation rates and improve post-secondary outcomes
21 including employment for students with disabilities.

22 We will continue to support the State
23 systemic improvement plan in its collaboration with CDE to
24 accomplish the State identified measurable result. We
25 will review and update our publications including the



1 mental health position statement and the State performance
2 plan brochure.

3 And similar to the process we used in
4 gathering information from our constituents on early
5 dispute resolution, we recognize the benefits of
6 appropriate extended school year services which is another
7 topic that was identified that we are going to explore as
8 we go into our upcoming meeting in September, and as such,
9 we're going to begin that collaborative process again of
10 gathering constituent input.

11 So in conclusion, I'd like to extend on
12 behalf of the Colorado Special Education Advisory
13 Committee our appreciation to Dr. Scheffel. Thank you so
14 much.

15 The State Board of Education and the
16 Exceptional Student Services Unit, Randy and Cindy, for
17 their input and continued support of SEAC and our role of
18 improving the education of children and youth with
19 disabilities.

20 It is our intent in the coming year to
21 utilize a representative and collaborative process to
22 continue to advise all of you as our State Board of
23 Education and the Colorado Department of Education on the
24 unmet educational needs of children and youth with
25 disabilities. Thank you very much for this opportunity.



1 UNIDENTIFIED VOICE: Thank you.

2 CHAIRMAN DURHAM: Thank you. Any questions
3 or comments? Ms. Goff?

4 MS. GOFF: Thank you. Forgive me if I
5 missed it. Is there a SEAC or a related special education
6 representative on the mental health task force that was
7 established by the bill this last session?

8 UNIDENTIFIED VOICE: I don't believe we had
9 anyone from SEAC on that committee. I recently was
10 contacted by someone from CDE that's working on a mental
11 health -- updating a mental health document, and have
12 initiated a dialog with that individual.

13 MS. GOFF: May I missed -- maybe it's a
14 misnomer on my part. It's mental health -- there was a
15 bill passed that created a task force on school safety I
16 believe, is also part of the -- the area of consideration,
17 but it brings in mental health and I believe it was
18 related to schools. So a study to look in.

19 UNIDENTIFIED VOICE: Senator Scheffel? The
20 Chair of that group?

21 MS. GOFF: Yeah. It just popped into my
22 head to ask.

23 UNIDENTIFIED VOICE: Uh-huh.

24 MS. GOFF: It seemed that after listening to
25 your discussion that --



1 UNIDENTIFIED VOICE: As an advisory
2 committee --

3 MS. GOFF: Check our connections all over
4 the place.

5 UNIDENTIFIED VOICE: We are very
6 appreciative when we're made aware of related committees
7 that we can have representation on so we always look
8 forward to those opportunities too.

9 UNIDENTIFIED VOICE: I believe that group
10 has already started meeting and I'm -- I don't recall
11 right this second what they're -- what the span of number
12 of meetings they've had planned, but I will -- I will look
13 it up too and I'll see what I can find.

14 UNIDENTIFIED VOICE: Okay. But thank you
15 for the report. It always gives other ideas to think
16 about.

17 UNIDENTIFIED VOICE: Thank you.

18 CHAIRMAN DURHAM: Thank you. And we -- we
19 can also follow-up on that as well.

20 MR. GOFF: Dr. Schroeder?

21 MS. SCHROEDER: So first of all, thanks for
22 the report and thank you for the really hard work. I
23 appreciate it. Thank you for bringing some of the
24 concepts down.



1 I just want to encourage all of us to do
2 that. I try to keep kids in mind but I also keep in mind
3 that folks that are comfortable in their slippers and
4 lattes and they're listening to us and they're -- what I
5 see in the audience are the folks who are so involved in
6 education that they understand the acronyms and they
7 understand what we're talking about.

8 But I'd like us to recognize that we have
9 thoughtful citizens who are listening to us who may or may
10 not get that, so I would like -- would love it if we could
11 keep that in mind.

12 Think latte, think slipper, think caring
13 folks, parents out there. So the one question I have is
14 did you have some advice for us in this? I didn't see a
15 list of recommendations for things that you want us to do.

16 Now, I know that if I drill any deeper,
17 you're going to talk about finances and you know that we
18 don't -- we don't have the bucks here, but were there any
19 other specific items that you would want to advise us
20 regarding for the coming year?

21 And I'm very appreciative of the work you're
22 doing. You -- you've -- you've done a lot of advice for
23 yourselves as a group. Hats off to you.

24 This is a population that I just don't ever
25 -- the -- the families I'm talking about never have quite



1 enough support for the work that they have to do for their
2 kids, and so I'm grateful to you.

3 UNIDENTIFIED VOICE: I can speak for myself
4 and I believe as well as SEAC, that we appreciate so much
5 the ability to have open dialogs, and active listening not
6 only on our part, but on -- on behalf of the State Board
7 of Education as well as working collaboratively in
8 partnership with the Colorado Department of Education as
9 well as all of you.

10 We especially appreciate Dr. Scheffel's
11 participation as our State Board of Education liaison.
12 It's been extremely beneficial to have her participate in
13 our meetings that are held four times a year I believe,
14 and I mean, it's also very helpful for us as an advisory
15 committee to hear what's happening at the state level.

16 We try to keep abreast of what's going on,
17 but it's helpful for you to provide and a meaningful way
18 for us to understand because we realize how busy you-all
19 are.

20 UNIDENTIFIED VOICE: Thank you.

21 CHAIRMAN DURHAM: There's no questions? Dr.
22 Schroeder, Scheffel? Whoever?

23 MS. SCHROEDER: I don't mind. I hope -- I
24 hope you don't mind.



1 UNIDENTIFIED VOICE: Thank you so much.
2 What a great group. Deborah, thank you for your service
3 and I know that (indiscernible) done a great job preceding
4 you and Cindy and Randy too, and I've -- special education
5 is near and dear to my heart since it's really my history.

6 And I just wondered if -- also, I'll just
7 congratulate you on that event, the Fourth Annual People
8 First. What a wonderful event, you know, honoring people
9 that advocate for those with disabilities. So honored to
10 be there, and it was just very inspiring. So thank you
11 for all the work that went into that too.

12 I have a real quick question about advising
13 us on the unmet needs of individuals with disabilities.
14 That's really your core mission, and we need to hear about
15 it.

16 And it's been my honor also to serve as the
17 liaison, but I want to ask a specific question about this
18 Results Driven Accountability Process and the whole idea
19 of tracking results of students with disabilities on
20 statewide standardized testing.

21 I mean, what we know in terms of the
22 research is that most students are referred for special
23 education services because us language issues. Oral
24 language, written language, and of course other areas too,
25 but the vast majority have language issues.



1 And so when we look at standardized testing,
2 especially the new ones that have been in place, and the
3 language load in those assessments are substantial. So
4 I'm wondering if you could comment on that.

5 That concerns me because I think we want to,
6 when we look at direct instruction and how effective it
7 can be for students with disabilities whether it's direct
8 instruction in skills or content, that's -- we get the
9 best results with students with disabilities with that
10 categorical approach, and yet the assessment itself in
11 some ways as it's been referenced doesn't really approach
12 learning that same way.

13 So in terms of tracking outcomes and then
14 informing instruction, there's a bit of a disconnect there
15 and we want to ensure that 10.2 percent or whatever of
16 students in Colorado that are identified as individuals
17 with disabilities are served well in our educational
18 system both the content and skills and the approach. Can
19 you speak to that as you're trying to inform us on the
20 unmet needs?

21 UNIDENTIFIED VOICE: And I -- I am going to
22 ask Randy to also provide his thoughts around this. I can
23 tell you Dr. Scheffel that this is a topic that I believe
24 probably comes up at each of our special education
25 advisory committee meetings and is an ongoing dialog.



1 Just as we identified as an advisory
2 committee that we needed to get back to our grass roots in
3 terms of identifying how can we best advise on the
4 imminent needs of students with disabilities. I think
5 it's an ongoing process for us in terms of what does that
6 look like.

7 Randy, could you provide some insight, you
8 know, from your perspective. He -- Randy is at every
9 single one of our meetings and we too appreciate your
10 involvement and dedication and commitment to us as an
11 advisory committee.

12 MR. BOYER: Well, thank you and Dr. Scheffel
13 as the -- as the rules have changed in special education
14 as of 2014 office of -- special education programs has
15 produced a major holding states responsible for 50 percent
16 compliance, 50 percent student achievement. Achievement
17 around students with disabilities.

18 So we are in the process of trying to -- to
19 basically ramp up what this means in terms of outcomes for
20 students with disabilities. You're absolutely right.
21 Part of the criteria for eligibility for students with
22 disabilities is achievement and it's usually poor
23 achievement, but part of the other expectation is the
24 investments in special education are going to have an
25 impact on that achievement.



1 So as we bring the committee along from --
2 from the understanding of just compliance into
3 achievement, we will be addressing many of those questions
4 you're asking; what are our assessments really doing?
5 What are we looking at? Are we able to look at growth in
6 students with disabilities over time? Are we able to see
7 some improvement of growth over time.

8 So that's our charge and that's -- and we're
9 -- they're hanging with us and they're certainly growing
10 us around. Why are we doing assessments and we really are
11 -- are trying to monitor our investments into the
12 educational process with students with disabilities.

13 MS. SCHEFFEL: I guess it's always concerned
14 me that direct instruction in the features of languages
15 that sit underneath the content of expertise and skills is
16 so essential for students with disabilities.

17 It's essential for all students, but when we
18 look at the assessment and how process-based it is, and so
19 -- how language dense it is, without that direct
20 instruction, those students will look at that test and
21 just glaze over it.

22 I mean, we will not be able to track much
23 progress because it is so language heavy and dense. Many
24 of us looked at those items and the paragraphs and the



1 types of questions, the length of the sentence stems, and
2 the questions themselves.

3 So it's a great thing for us to look at
4 because we want to put a pulse on what students needs, how
5 we can assess it, and how we can move the needle because
6 most of these students can increase achievement
7 dramatically, but not unless we have the approach to
8 teaching, and not unless we're assessing it in a way that
9 captures that. So thank you again for your great work. I
10 really appreciate it.

11 MR. BOYER: Thank you.

12 CHAIRMAN DURHAM: Any additional questions
13 or comments? Thank you for your volunteer time you give
14 to the State of Colorado.

15 MS. SCHEFFEL: Thank you.

16 CHAIRMAN DURHAM: Thank you. We're a little
17 ahead of schedule. Is there an objection to proceeding
18 out of order to Item 23 which is the state board member
19 reports on activities? We can just start down the line.
20 Dr. Scheffel, do you want to -- if there's -- is there an
21 objection first of all? No objection to proceeding out of
22 order? Okay. If you have any reports, we'll just go down
23 the row.

24 MS. SCHEFFEL: This is a time also to bring
25 back -- bring up issues or is that later? Just reports?



1 CHAIRMAN DURHAM: I think the -- probably
2 we'll try to work that in a little later. This is -- the
3 reports are usually at the end where we -- if anybody has
4 attended meetings --

5 MS. SCHEFFEL: Okay.

6 CHAIRMAN DURHAM: -- if there's something we
7 should know about.

8 MS. SCHEFFEL: I've just a brief report.
9 I've mostly done a fair amount of speaking this summer
10 just in small groups of individuals that requested to
11 talking about issues that are -- we've addressed last year
12 and continued the issues this year.

13 Common core testing, privacy, issues like
14 that, and I wasn't able to attend case for which I
15 apologize due to family issues, but I know it was a great
16 conference and been a great summer just have had
17 opportunity to really interface with constituents.

18 CHAIRMAN DURHAM: Dr. Forest?

19 MS. FOREST: I attended the National
20 Associate -- I attended the National Association for
21 School Boards and met a lot of my counterparts, new
22 counterparts in the country and learned a lot. It's a
23 great conference really to see the differences in how
24 Boards are elected and also the things we have in common.
25 How we're different and the things we have in common, and



1 the issues that we're working on. I was very appreciative
2 to have attended. Thank you.

3 CHAIRMAN DURHAM: Ms. Rankin?

4 MS. RANKIN: I just interviewed for this
5 position pretty much.

6 CHAIRMAN DURHAM: That's full-time work for
7 awhile.

8 MS. RANKIN: Last week, yes.

9 CHAIRMAN DURHAM: Dr. Schroeder?

10 MS. SCHROEDER: What I did on my summer
11 vacation?

12 CHAIRMAN DURHAM: We did have a month off.

13 MS. SCHROEDER: We did. Had a little
14 wedding in my own family, so my focus was not necessarily
15 on State Board work. I did attend the case conference.
16 While it's a great conference and there are great
17 opportunities to listen learn, I found the opportunity to
18 listen to learn and learn from my second CD
19 superintendents, principals, administrators, was actually
20 the most enriching.

21 It gives me a sense -- I mean, I hear from
22 voters. I don't hear as much from the folks who are in
23 the districts and this is actually probably the best place
24 for me to hear some of the concerns. What is it that
25 we're doing to them? What is it we're doing for them?



1 And so, while my ears were burning some of the times, I
2 found that extremely helpful and I'm appreciative that
3 case encourages us, comps us to come in and attend this.
4 It's extremely worthwhile.

5 CHAIRMAN DURHAM: Okay. Ms. Mazanec?

6 MS. MAZANEC: I actually don't have much to
7 report.

8 CHAIRMAN DURHAM: Ms. (indiscernible).

9 UNIDENTIFIED VOICE: Thank you. Ditto to
10 the always appreciated chance to listen, learn, grow, try
11 some things, new thinking through the NASBE, New Member
12 Institute and also the case conference. It was a couple
13 of weeks. I had -- I think I had half a day to change
14 suitcases and fly the other direction. So that's often
15 how we spend our summers.

16 But it was -- it's always great and I
17 appreciate that Val was able to join our professional
18 association time and still encouraging others that haven't
19 had the chance yet to take it to heart.

20 But I would -- as long as we're on our
21 reports, I will let the Board know, a little heads up,
22 Bizy has been informed and she's also part of our helper
23 coordinator on NASBE-related business and items and plans.

24 We have elections coming up in October at
25 the annual meeting which is going to be held in Baltimore,



1 and registration is now open for us as a member state, so
2 anyone I would encourage you to think about it if you can
3 do it. The 22nd to 24th of October. In that week we --
4 we do try and we have been able to make sure that our
5 board meeting in October does not -- that neither meeting,
6 neither conference nor our meeting overlaps or has a
7 conflict with the others. So we're good on that.

8 The election position is open this year. At
9 -- annually, we elect a president-elect and there are two
10 candidates vying for that position this year. We also
11 have the secretary/treasurer position which is a three-
12 year term that is open this fall, and there is a candidate
13 -- one candidate for that position.

14 We also have one area director in each of
15 the four regions; NASBE member states, and the western
16 region does have one open seat this year and our Angelika
17 Schroeder is has -- has cleared the nomination process to
18 be the next western region director for NASBE. So
19 Angelika is on -- in the process of getting all that
20 information. The Board will have -- we have some small
21 steps and very easy instructions.

22 One of the things that's our task as a Board
23 is to designate the voting delegate to the annual meeting.
24 Each member state is entitled to one person -- one vote
25 per item. So the bi-laws, amendments, proposals, will be



1 up around bi-laws. The elections we have no obligation.
2 We have an option if we wish to voice support of
3 endorsement if you want -- if you will for one of -- one
4 or more candidates in any race. We can talk about that
5 next meeting. That will fine.

6 But I did want to give you-all a heads up to
7 know that at -- toward the end of August, board members,
8 you will be getting nomination packets, materials, info,
9 on our candidates and brief -- brief outline of some steps
10 we take between now and the end of the time.

11 So -- and Bizy is -- is aware of all this.
12 So Bizy is our -- she can help you register if you wish
13 and take care of NASBE-related administrative tasks.
14 Appreciate it. And then, that's -- that's really how I
15 spent my summer non-vacation. It was fun.

16 CHAIRMAN DURHAM: Okay. I attended the ALLY
17 Convention in late July. Two very vigorous discussions.
18 One on charter school standards, and the other on
19 assessments and common core. It was some very interesting
20 points of view.

21 The school superintendent from -- statewide
22 superintendent from North Dakota was on the panel and did
23 an outstanding job of talking about the problems that you
24 have with assessments in a state that's growing as fast as
25 North Dakota is and some of those regions and trying to



1 track student progress. So there were a number of
2 interesting aspects to that and then I also attended and
3 spoke to the CHSSA conference last weekend and -- and --

4 MS. SCHROEDER: What is CHSSA?

5 CHAIRMAN DURHAM: Colorado School Activities
6 Association. They're a former client of mine and they
7 were kind of enough to invite me to address the group and
8 they're -- there are several superintendents and
9 administrators on the CHSSA Board as well as athletic
10 directors and -- so I got a lot of feedback primarily from
11 rural -- in rural schools about testing. How much -- what
12 kind of problems it created for graduation standards and
13 some other issues.

14 So it was generally productive. Do we have
15 time -- as long as we're still ahead of schedule to do the
16 proposed meeting dates? Bizy, do you need help with that
17 or --

18 MS. BURDSALL: No. I just wanted to make
19 sure that everybody does take the opportunity to look at
20 those dates and kind of tentatively calendar those dates
21 to make sure they work before, you know, we go to approval
22 next month and we find out that there's a major conflict
23 and --

24 CHAIRMAN DURHAM: It's 21?

25 MS. BURDSALL: Yeah. Yes.



1 CHAIRMAN DURHAM: If you want to flip to it
2 real quick.

3 UNIDENTIFIED VOICE: Chair, I do have a
4 comment on the schedule.

5 CHAIRMAN DURHAM: Okay. Ms. Mazanec?

6 MS. MAZANEC: It's like the third or fourth
7 year in a row that we have our February meeting on
8 Ashland's Day (ph). Was there anyway around that? I
9 mean, I don't -- I can come late or leave early. I don't
10 really like having to do that.

11 UNIDENTIFIED VOICE: There -- this past year
12 we had it on the 18th. Did that conflict with --

13 MS. MAZANEC: Every year.

14 UNIDENTIFIED VOICE: Every year?

15 MS. MAZANEC: So far it's been.

16 UNIDENTIFIED VOICE: Yeah, we can look into,
17 you know, moving it up a week or back a week or a
18 Thursday/Friday meeting or try to just --

19 MS. MAZANEC: I mean, I --

20 UNIDENTIFIED VOICE: -- have a one day
21 meeting on Thursday.

22 MS. MAZANEC: As always, I don't want to
23 turn everything upside down over this but I would like to
24 be able to attend the entire meeting and also attend Ash
25 Wednesday's Services.



1 UNIDENTIFIED VOICE: Sure. Yeah, we can
2 definitely look into that.

3 CHAIRMAN DURHAM: Which -- it's scheduled
4 this year for --

5 UNIDENTIFIED VOICE: February 10th, isn't
6 it?

7 CHAIRMAN DURHAM: February 8th?

8 UNIDENTIFIED VOICE: The second -- the
9 second week in --

10 UNIDENTIFIED VOICE: The meeting date.
11 February 10th.

12 MS. SCHROEDER: What about Thursday and
13 Friday the following day? I mean, --

14 CHAIRMAN DURHAM: 2015.

15 MS. MAZANEC: Or even if we do a Tuesday and
16 Wednesday meeting which often the second day of our
17 meeting isn't --

18 UNIDENTIFIED VOICE: Shorter?

19 MS. MAZANEC: Yeah, it's shorter.

20 MS. SCHROEDER: We can make -- we can make
21 the first one shorter.

22 CHAIRMAN DURHAM: What about how -- how --

23 UNIDENTIFIED VOICE: Whichever.

24 CHAIRMAN DURHAM: -- what starting time
25 would work for attending morning services?



1 MS. MAZANEC: Well, I actually am not sure
2 about the cathedral. They only had evening this time I
3 think. So -- but for my home Parrish, they have, like,
4 8:00 in the morning, so it would be probably --

5 MS. SCHROEDER: Noon or afternoon.

6 MS. MAZANEC: Ten before I could get here if
7 I went to my home Parrish, but --

8 MS. SCHROEDER: How long is your commute
9 from?

10 MS. MAZANEC: It's a good hour.

11 MS. SCHROEDER: Oh, it's just an hour.

12 MS. MAZANEC: So if services start in
13 monument at eight --

14 MS. SCHROEDER: From 12? What about if we
15 had it like 12:30?

16 CHAIRMAN DURHAM: Why don't we consider --

17 MS. MAZANEC: Well, let's just --

18 CHAIRMAN DURHAM: -- some possibilities of
19 moving it and we'll also consider some -- we'll talk off-
20 line a little bit about time.

21 MS. MAZANEC: Right.

22 CHAIRMAN DURHAM: -- and see what we can
23 work out. There's a solution (indiscernible).

24 MS. MAZANEC: It'll probably be tough.

25 Yeah, probably for me to get the time changed.



1 CHAIRMAN DURHAM: Yeah. Surely they must --

2 MS. MAZANEC: Usually there's a morning --
3 there's a morning service and an evening one, so...

4 CHAIRMAN DURHAM: Right. Okay. So any
5 other comments on the schedule?

6 UNIDENTIFIED VOICE: I know we have it.

7 MS. MAZANEC: Not to belabor any of this
8 right now, are we -- Tony -- I don't know -- Bizy? All
9 right. Do we set some kind of precedent by -- I know we
10 have every -- every flexibility and right in the world to
11 change our schedule.

12 I'm just wondering if -- if -- if the
13 reasoning behind it is a -- a -- an observance day that is
14 not necessarily recognized as -- I don't know. You know
15 what I'm trying to say? Would there be other expectations
16 by other bodies or even the State Board in the future to
17 accommodate that type of --

18 UNIDENTIFIED VOICE: I -- I don't believe
19 that there's anything inappropriate about accommodating
20 Ash Wednesday services. It's within the discretion of the
21 Board. I -- I think there might be a reasonable
22 expectation that there might be, you know, additional
23 accommodations that other people might want to request on
24 a case by case basis, but that could be, you know, for any
25 particular reason.



1 MS. MAZANEC: Right. Okay.

2 CHAIRMAN DURHAM: All right. Any other
3 comments or -- how's the schedule look otherwise to
4 everyone appear to be a generally acceptable category and
5 you've checked it Ms. Burdsall against the kind of a
6 master calendar I presume?

7 MS. BURDSALL: Yes, that's correct.

8 CHAIRMAN DURHAM: All right. Okay. Very
9 good. Okay. Well, let's see. We can start lunch early.
10 I'm hungry. Is there anything else we might swog (ph)
11 through if anybody's interested? Going once. Why don't -
12 - we'll be having an executive session procedurally. Do
13 you want to take that vote now to go into executive
14 session?

15 UNIDENTIFIED VOICE: Yeah, let's go ahead
16 and do that because I think it's going to be a lot longer
17 --

18 CHAIRMAN DURHAM: All right.

19 UNIDENTIFIED VOICE: -- executive session.

20 CHAIRMAN DURHAM: Okay.

21 UNIDENTIFIED VOICE: So having more time I
22 don't think will hurt us.

23 CHAIRMAN DURHAM: Okay. All right. So now
24 we need -- do you read first? I'm sorry. My memory's
25 failing me here.



1 MS. SCHROEDER: I think she wants a motion.

2 CHAIRMAN DURHAM: Do you want a motion
3 first?

4 UNIDENTIFIED VOICE: Yes, please.

5 CHAIRMAN DURHAM: Do we have a motion to --
6 to move into executive session?

7 MS. BURDSALL: So moved.

8 CHAIRMAN DURHAM: All right. Do we have a
9 second?

10 MS. SCHROEDER: Second.

11 CHAIRMAN DURHAM: Second. It's been moved
12 and seconded. We have an executive session. The -- this
13 requires five votes. Is there objection to moving into
14 executive session? Seeing none, staff will record a
15 unanimous vote to move into executive session and we'll
16 take -- do you want then to do the reading and then we'll
17 take a short recess?

18 MS. BURDSALL: Yeah, let me do the reading
19 and then we'll be ready. So an executive session has been
20 noticed for today's State Board meeting and confirmed 246-
21 402(3)(a)(III) -- (III)CRS to receive legal advice on
22 specific legal questions pursuant to 24-6-
23 402(3)(a)(III)CRS and on matters prior to be kept
24 confidential by federal law, rules, or -- or state statute
25 pursuant to 24-6-402(3)(a)(III)CRS.



1 CHAIRMAN DURHAM: Okay. So let's take a ten
2 minute recess and then we'll start the executive session.

3 (Meeting adjourned)

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C E R T I F I C A T E

I, Kimberly C. McCright, Certified Vendor and Notary, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of January, 2019.

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

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