



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
December 9, 2015, Part 4

BE IT REMEMBERED THAT on December 9, 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, lets -- if the Board
2 will come back to order, we'll start with 15.01
3 Rulemaking Hearing from the Rules of the Administration
4 for High School Equivalency Examination Program. The
5 State Board of Education will now conduct a Public
6 Rulemaking Hearing for the Rules for the Administration
7 for High School Equivalency Examination Program. State
8 Board approved the notes for rulemaking in it's October
9 7, 2015 meeting. The hearing to promulgate these rules
10 was made known through publication of a public notice on
11 October 25th 2015, through the Colorado Register and by
12 State Board notice on December 2nd 2015. State Board is
13 authorized to promulgate these rules pursuant to
14 22-2-107(1)(c) Colorado Revised Statutes. Commissioner,
15 is the staff prepared to proceed with an overview?

16 MR. ASP: Yes, we are, Mr. Chair.
17 Again these are clean up rules and I want to distinguish
18 between rules for High School Equivalency Program versus
19 excepted assessments for high school equivalency which we
20 will take up tomorrow and with a different presentation.
21 Gretchen Morgan and Misti Ruthven are here to take us
22 through this item.

23 CHAIRMAN DURHAM: Ms. Morgan, please
24 proceed.

25 MS. MORGAN: Thank you, Mr. Chair. So I



1 want to begin by just saying that this is a little bit of
2 a confusing topic and so I want to try and offer some
3 background to help make this a little less confusing. It
4 used to be that in state law, the GED which is a
5 particular high school like equivalency exam was named in
6 law as the thing that we did in our state to offer people
7 a way to demonstrate high school equivalency. Last year,
8 the legislature realized that by doing that, that of
9 course limited what can happen and also, I think
10 generally people don't find it to be good practice to
11 name a vender in state law, right?

12 And so they changed that. Our rules
13 previously named GED all through the rules, but as we
14 mentioned to you last time when we introduced these
15 rules, they also did that in a way that was duplicative
16 of statute. So initially what we thought that we could
17 bring to you was just the ability to eliminate all of the
18 rules, which is like a cause for celebration generally in
19 a State Board meeting, but then we got another call from
20 the Office of Legal Legislative Services who said,
21 actually there are two little parts that they think need
22 to stay. This is that it be made clear the CDE is the
23 entity that issues the certificates to students and that
24 CDE does have the authority to collect a fee so that CDE
25 has the ability to issues certificates and to also



1 oversee the quality of the testing centers and the
2 vendors who would be contracted with.

3 So what you have in front of you is a set of
4 rules that eliminates everything except those two parts
5 at the request of Legal Services. And as Dr. Asp said,
6 this is totally different from the decision about whether
7 you want to have more than one high school equivalency
8 exam provider in the state but the two are related. You
9 need to pass rules that get rid of all of the GED
10 language so you would then have your own authority to
11 offer that to multiple vendors, right?

12 So it is necessary that the rulemaking
13 happen prior to the selection of those providers if you
14 wanted to provide more than one or wanted to consider one
15 that wasn't GED. So that's why these things are staged
16 this way in your agenda, so we can take care of rules so
17 you would have then the flexibility given to you now in
18 law, which is brand new to consider more than one
19 provider.

20 The only other thing I want to say about
21 that is that we asked the question, and we've consulted
22 with Mr. Dyl about this, about whether -- since the
23 statute now does say that you may consider more than one
24 vendor for the purpose, which again is brand new, we've
25 never had that flexibility before because they used to



1 say GED in law. Now that you have that flexibility does
2 the need for that flexibility need to be restated in rule
3 and in talking to Mr. Dyl, he thought no, that you have
4 that flexibility without having it in rule.

5 So I just wanted you to know that was
6 something considered but on his advice we did not include
7 that in the rules because generally when you don't need
8 it, we don't put it there. And so because that authority
9 is clear in the statute, he didn't feel you needed to
10 have it repeated in the rules here.

11 I think you have heard, obviously in public
12 comment, there are a lot of people with strong feelings
13 about the decision you have tomorrow, you know about
14 which exams to choose. We only heard from a couple of
15 people in terms of feedback about these rules. Some of
16 them sent us feedback about the rules when really, they
17 we talking about the exam, so we've only -- now we are
18 going to talk to you about the two we received that are
19 actually about the rule decision. One of them was
20 feedback from someone in the field asking that -- that
21 the part that OLLS asked us to add about us being the
22 credentialing entity will be added, and since they also
23 asked for that, that is in the rules.

24 The second one, actually it was just OLLS.
25 That's the only one which was about the fees. So those



1 were the only two pieces of feedback we received about
2 the rules specifically. I mean, again we received a lot
3 of feedback about the exam selection. You'll get all of
4 that, and you have it in your materials actually for your
5 consideration of your decision tomorrow on that item.

6 So I think you have some folks who've signed
7 up who want to comment about these rules, unless you have
8 clarifying questions for us, we would welcome that to
9 happen now and then you could have your discussion and
10 decision.

11 CHAIRMAN DURHAM: Have you set the fee?

12 MS. MORGAN: The fee that comes to CDE?

13 CHAIRMAN DURHAM: Um-huh.

14 MS. MORGAN: That's been consistent. I
15 don't know what it is.

16 MS. RUTHVEN: It's currently \$7.50 per
17 module and there are four modules within our current
18 test, about \$30.00

19 CHAIRMAN DURHAM: \$30.00 a test. Seems
20 reasonable enough.

21 MS. RUTHVEN: And it's been consistent for
22 years.

23 MS. MORGAN: Yeah. We're not suggesting any
24 change in that.

25 CHAIRMAN DURHAM: Very good. Questions from



1 members of Committee? Ms. Rankin?

2 MS. RANKIN: I just have a question that I
3 don't understand.

4 MS. MORGAN: Sure.

5 MS. RANKIN: Gretchen, Number 2.00(3) the
6 high school equivalency examination, the State Board
7 approved a battery of tests?

8 MS. MORGAN: Um-huh.

9 MS. RANKIN: State Board approved that are
10 designed to measure, okay, so what that means is, I don't
11 know?

12 MS. MORGAN: What that means is when
13 someone, like currently under the GED and again you'll
14 learn about other options tomorrow, the GED is not a
15 single exam, they sit for multiple exams, so it's
16 referring to the battery of exams that are part of
17 proving high school equivalency.

18 MS. RUTHVEN: And that's a statutory
19 definition that's reflected in the rules to then define
20 the mention of that further in rule.

21 MS. RANKIN: But that is only for the GED as
22 we know it today, no?

23 MS. MORGAN: The other exams also do have
24 multiple modules.

25 MS. RANKIN: I see.



1 MS. MORGAN: So it would be true for all of
2 them.

3 MS. RANKIN. Okay, so it's flexible.

4 MS. MORGAN: Um-huh.

5 MS. RANKIN: So anybody that comes forth,
6 you won't even bring it to us unless it's approved in
7 align with everything that we do here, correct?

8 MS. MORGAN: We're bringing you actually,
9 three options because three folks submitted -- you know,
10 information to us and it was a competitive bidding
11 process.

12 MS. RANKIN: Yes.

13 MS. MORGAN: And then we are bringing you
14 the feedback from the people in the Competitive Review
15 Committee.

16 MS. RANKIN: Okay.

17 MS. MORGAN: Which is not always definitive.
18 Right, if the members disagree.

19 MS. RANKIN: You answered my question.
20 Thank you, I appreciate that. And then my next one is,
21 if you do have this here, how long does that go for? I
22 mean, what if a year from now ten more people come
23 forward, then do we end up doing it again and adding more
24 or reviewing the whole thing, I don't understand?

25 MS. MORGAN: I don't know that statute



1 dictates a frequency, does it?

2 MS. RUTHVEN: It does not, but I think --
3 are you asking about the exams selection process and not
4 rulemaking, is that accurate?

5 MS. RANKIN: Yes.

6 MS. RUTHVEN: So within the exam selection
7 process, there is not a standard procurement term,
8 there's one that is suggested, and I believe it's three
9 years.

10 MS. RANKIN: Okay, okay, and that's not in
11 the rules and so this rule is pretty flexible as far as
12 how many come in it?

13 MS. MORGAN: Correct.

14 MS. RANKIN: Thank you, that answered it.

15 MS. MORGAN: Yep.

16 CHAIRMAN DURHAM: Further questions about
17 these rules?

18 MS. RANKIN: It's really nice to see all the
19 strikethroughs.

20 CHAIRMAN DURHAM: We're still happy.

21 MS. MORGAN: Thank you.

22 MS. RANKIN: It's really sad you used so
23 much paper to do so.

24 CHAIRMAN DURHAM: So your question Ms. Goff
25 is not about the rules but about the test?



1 MS. GOFF: I think it will be appropriate
2 regardless of when I ask it.

3 CHAIRMAN DURHAM: Go.

4 MS. GOFF: It's in the other part of the
5 conversation.

6 CHAIRMAN DURHAM: Go ahead.

7 MS. GOFF: Well -- interesting to hear -- I
8 don't want to get muddied up with is this rules or is
9 this test selection discussion. I'm just not going to go
10 there.

11 MS. MORGAN: Okay.

12 MS. GOFF: I found it interesting all the
13 comments about the quality -- the nature of the GED and
14 what some of the comments against having that be the
15 single exam. So I'm trying to clarify that right now.
16 Is it the, an access question, is it a location, a
17 testing location challenge, because it's all
18 computerized?

19 MS. MORGAN: Um-huh.

20 MS. GOFF: Is it because -- what about the
21 test questions, does it have something to do with the
22 rigor level, the content of the test, you know all three
23 of them claim to be aligned with our standards. A couple
24 of people phrased it as aligned with the common core, so
25 I'm wondering what's that interpretation and the maker --



1 the mind of the maker in that statement because common
2 core, are we talking about math and language arts part of
3 it. My understanding, and I think I'm right, all along
4 has been the GED or the high -- whatever the high school
5 equivalency exam is called, it covers content areas?

6 MS. MORGAN: Um-huh.

7 MS. GOFF: That are basically an expectation
8 of kids by the time they graduate from high school.

9 MS. MORGAN: Um-huh.

10 MS. GOFF: So do we have clarity and does
11 the public think about it, that social studies and some
12 science, you know, the basic - some basic concepts of
13 science, principles of science in addition to math and
14 language arts and really what we kind of call our core,
15 our real core subject area. So I'm curious about that.
16 I have no one way or the other opinion or choice among
17 the three that we're talking about right now, I think
18 they are all excellent, but I found it interesting to
19 hear the comments that weren't quite fully presented, for
20 me to be able to tell where people really are. Cost is a
21 factor too.

22 MS. MORGAN: Um-huh.

23 MS. GOFF: It's a matter of are we talking
24 about the exam quality or are we talking about details
25 and logistics?



1 MS. MORGAN: Can I just respond briefly?

2 CHAIRMAN DURHAM: Please.

3 MS. MORGAN: So all of the exams that you
4 all will hear about tomorrow do include all four of those
5 subject areas, language arts, mathematics, science and
6 social studies, so you're correct that it does include
7 those other areas. And one of the requirements is that
8 they demonstrate alignment to our state standards in
9 those areas. Different vendors, you know in the
10 competitive bidding process they may have, you know may
11 have certified to us that that is true or may have
12 provided evidence that that is true.

13 And one of the questions we'll have for you
14 all tomorrow is sort of what standard do you want to
15 consider about that, so if someone didn't, for example
16 provide us documentation, is that something you want us
17 to require before establishing contracts, things like
18 that we plan to get into tomorrow. The other thing I
19 just want to let you know is that tomorrow the three
20 vendors actually will be here and presenting to you.

21 So you are going to have ample opportunity
22 to ask them direct questions about these things. So
23 where in the competitive bidding process maybe something
24 wasn't eliminated, which is not uncommon, right, people
25 submit what they have, the reviewers deal with what's



1 been submitted. You'll have the purvey to ask questions
2 beyond that when you have them in front of you tomorrow.

3 MS. RANKIN: Thanks.

4 CHAIRMAN DURHAM: Okay, any further
5 questions from members? Now we'll proceed to public
6 testimony. Frank Watress.

7 MR. WATRESS: Thank you Mr. Chair, members
8 of the board. My name is Frank Watress, I'm a senior
9 policy analyst with The Bell Policy Center. I have two
10 quick comments for you to update from the written
11 comments that were previously provided to you that are in
12 your package in front of you that were submitted before
13 some of the latest changes in that. So my two comments
14 are sort of updates to what you have there.

15 The first is important in non-substantive
16 comment, and that is that I want to acknowledge and thank
17 staff in the department for reaching out to stakeholders
18 when they heard about our concerns about the full repeal
19 of this rule. This is an extremely important program
20 just as you heard about this morning. There are
21 literally thousands of students who are affected by this,
22 there are 340,000 adults of working age in this state
23 that do not have a high school diploma or the equivalent.
24 So this is a critical issue and a critical program, and
25 many stakeholders were concerned when the full repeal was



1 going to take place. So I just wanted to thank the staff
2 for reaching out and seeking input on what should be
3 retained.

4 My second comment is important and
5 substantive I hope, although it sounds like -- I'm glad
6 to hear there was discussion about whether these rules
7 should explicitly identify your authority to be able to
8 select more than one examination as being approved in
9 this state. We don't believe that the rules as they are
10 written and in front of you right here fully acknowledge
11 or represent that authority to the person who might be
12 looking at this -- these rules and make it really clear
13 that you have that authority to approve more than one
14 examination in the state.

15 There are four places in the one page
16 document where the high -- approved high school
17 equivalency examination is referred to in the singular,
18 and whether you are required to or not, or whether it's
19 necessary to or not, we believe it would be valuable for
20 you to express that in those four places that you have
21 the authority to approve more than one. So looking
22 through here it would be the simple addition of
23 parenthesis with an S in it to show plural rather than
24 singular. In the last sentence in 1.00 the prove -- the
25 high school equivalency examination(s). In 2.002, same



1 thing at the end of the last sentence, the approved --
2 the State Board approved high school equivalency
3 examination(s) to show that that's a possibility but not
4 necessary something that you will decide. Many of us
5 hope that you will, but we want you to be clear on your
6 authority there.

7 And then also in the 2.003 high school
8 equivalency examination(s) there and then in 4.00 the
9 department may charge a fee, the high school examination
10 now singular now, we'd ask for you to make that plural.
11 And again not trying to make a legal argument for whether
12 it's necessary or not but certainly just trying to say
13 for the clarity of understanding of what your authority
14 is and what the options are, we would urge you to make
15 that change. Thank you.

16 CHAIRMAN DURHAM: Thank you, Mr. Watress.
17 Let's see. Annamae Lindsay?

18 MS. LINDSAY: Yes.

19 CHAIRMAN DURHAM: Please join us.

20 MS. LINDSAY: Thank you very much. I have
21 folders for each of you. May I please hand them out.

22 CHAIRMAN DURHAM: Yeah, Ms. Burdsall will
23 take care of that.

24 MS. LINDSAY: Okay, thank you.

25 CHAIRMAN DURHAM: Okay, please proceed.



1 MS. LINDSAY: Thank you members of the
2 Colorado State Board of Education. My name is Annamae
3 Rayle Lindsay, I come to you from the San Luis Valley
4 where I am an adult ed educator. I'm also the president
5 of CAEPA, which is the Colorado Adult Education
6 Professional Association and today I am here to represent
7 CAEPA.

8 I appreciate that I can be here today to
9 follow up on the two letters that I sent. You probably
10 recognize my name. The letters that were sent on
11 September 22nd and November 3rd regarding the High School
12 Equivalency Program. CAEPA -- first of all, I want to
13 explain a little bit about CAEPA if you don't know. It's
14 an organization dedicated to provide leadership and
15 professional development to the field of adult education
16 and family literacy with over 60 programs around the
17 state that are community based, college based, faith
18 based, school districts and other public entities.

19 The Adult Education Program serves over
20 15,000 students, learners every year. In addition to the
21 letters addressed to you on September 22nd and November 3rd
22 a petition was developed on our website, CAEPA website
23 and over 100 members to date, I think it's 109 were
24 signed off expressing their concerns over the rulemaking
25 and the RFA and the approval of expanding assessment



1 options leading to the high school equivalency. As I
2 told you earlier, I have -- I am a director of an adult
3 ed program.

4 I have done this for over 20 years in the
5 family literacy and adult ed programs, so I feel that my
6 experience in this just reinforces what I believe and the
7 significance of the adult ed programs and it's far
8 reaching importance. Pursuing a high school equivalency
9 diploma is an important goal whether you're 17 years old
10 or you're 45. I have seen a 67 year old woman get her
11 GED about seven years ago. It is a stepping stone to a
12 college or to employment. Not everybody that comes to
13 the Adult Ed Program wants to go to college. Sometimes
14 they want to get an increase in pay, but maybe they want
15 to go into a Cosmetology Program at a Community College,
16 but because they don't have a GED or a high school
17 equivalency, they cannot get a PELL Grant or financial
18 aid.

19 Whether it is a personal, family or economic
20 goal, the State of Colorado can only benefit as we
21 develop a stronger workforce with more self sufficient
22 citizens moving out of poverty, and as you all know, in
23 the San Luis Valley we have a lot of folks who are
24 economically disadvantaged, and they could certainly use
25 the education to get them out of that rut. Ladies and



1 Gentlemen, I stand before you as an experienced educator,
2 as president of CAEPA and it's membership to urge you to
3 carefully consider the rulemaking process in order to
4 ensure student and program success.

5 We strongly recommend that you consider
6 input throughout the state from whatever means from the
7 many experienced educators around the state and adopting
8 policies, rules, regulations concerning the adult ed
9 program. Given the actions in many other states across
10 the country to expand assessment options the RFA is not
11 only necessary, it is crucial to student success.
12 Providing options for high school equivalency assessments
13 would recognize the variety of learning styles, testing
14 format preferences, financial circumstances, life goals
15 and post-secondary or workforce desires.

16 Having said this, we again urge you to take
17 measures to give Coloradoans a choice of exams that are
18 accepted in many other states to document high school
19 equivalency. The recently passed WIOA, the Workforce
20 Innovative Opportunity Act was created so that our
21 domestic workforce has the guidance and pathways needed
22 to obtain required skills. In order to meet these new
23 challenges we must work together to give our learners the
24 instruction and the tools for success. Thank you again
25 for having me here and for listening and for your



1 attention.

2 CHAIRMAN DURHAM: Thank you. Shirley Penn?

3 MS. PENN: Okay, my name is Shirley Penn,
4 and I have been an adult educator -- I'm retired from
5 being an adult educator, my time in adult education was a
6 director for 23 years. I've also been on the CAEPA Board
7 for ten years and am a past president. I'm also a part
8 of the High School Equivalency Task Force. You have
9 before you today some important decisions about the rules
10 and I would like to echo what Frank Watress has said. We
11 appreciate the Department of Education and engaging with
12 us in dialogue over the rules and regulations that are
13 before us today. We've had several discussions and
14 unfortunately, I don't think we've come to a consensus
15 yet. So what I would like to do is just talk about that
16 a little bit.

17 The first kind of -- in October I think the
18 rules were to be all abolished. If you look at what you
19 got back in October, every rule was red lined. We were
20 concerned, we didn't -- we understand that we don't want
21 to overregulate, but we think that for basic program
22 operation there needs to be some rules and some
23 regulations and some guidelines that are there for all
24 stakeholders so that we're speaking a common language and
25 we have common expectations. We believe that rules



1 protect students, protect programs and protect the
2 Department of Education from misunderstandings and
3 conflicts. Having said that, like I said in the
4 beginning, all rules were to be abolished. Then after
5 some discussion the department has resubmitted those
6 proposed rules to you. They do include some of the very
7 core basic principles of issuing a high school
8 equivalency diploma.

9 It states that the department has the
10 authority to issue and refers to several other basic
11 principles. I think where the difference lies in how we
12 read rules. I think under the interpretation that comes
13 from the Department of Education they feel that all the
14 old rules actually from the GED testing company. As
15 someone who's been around for 23 years I disagree, and I
16 feel like some of those rules were there to maintain
17 quality and establish some order and some oversight on
18 behalf of the Colorado Department of Education.

19 I've outlined 12 areas or 12 questions that
20 I think will be left unanswered if all rules are
21 abolished and I feel like that we do need to have certain
22 expectations of all the stakeholders that will allow for
23 smooth operation and for a dynamic program -- a dynamic
24 adult education program in the state. And so you know,
25 and to speak of the fees that are being charged to our



1 students, you know that's okay, that's fine but how is
2 that money being utilized, is it being utilized to help
3 us have a strong program in the state, are there
4 expectations from the department that will help us
5 maneuver through all the changes that are coming of that
6 and insure program quality.

7 And I think that those rules that are listed
8 in the 11 pages that were given to you originally in
9 October and kind of my Readers Digest version of those
10 rules will point some areas where we might have a
11 misunderstanding if there's not some type of rule or
12 regulation in place. And we feel like the fees of the
13 students should go toward building a quality of the
14 program. And so it is my request today that I don't
15 think we are at a point where we can say that all rules
16 should be abolished and I'm asking you to postpone a
17 decision on the rulemaking process until we've had a time
18 -- that there's been time to discuss these important
19 issues and to clarify what is it that the Department of
20 Education's going to do to ensure the quality of
21 programming in the state and to ask a question because we
22 were told that all of these would be covered in contract.
23 That if it's covered in contract that means we're turning
24 it over to the vender's and I don't think that we can do
25 that. I think that we as a state, need to have oversight



1 and authority to keep the program on track. So again I
2 ask that you postpone the decision on this issue.

3 CHAIRMAN DURHAM: Thank you very much. Is
4 there anyone else that would like to provide public
5 testimony? I see none. Public testimony is closed. Any
6 further questions for staff. I have one in regard --
7 relative to the last comment. Was it the original
8 statement that we were allowed to abolish most of these
9 rules because the statute was specific enough to be self-
10 executing?

11 MS. MORGAN: Yes, there were two reasons.
12 The primary one was that they are duplicative of a lot
13 that's in statute. The other part is some of things that
14 were in statute were GED specific and GED proprietary and
15 so needed to be removed according to OLLS.

16 CHAIRMAN DURHAM: Okay. Ms. Mazanec?

17 MS. MAZANEC: So, would you speak to
18 Shirley, who is it, Penn?

19 MS. MORGAN: Uh-huh.

20 MS. MAZANEC: Would you speak to some of her
21 concerns about the vender's being in charge of the rules.
22 One other thing too, what does happen to the fees, are
23 the fees just to administer the program through CDE?

24 MS. MORGAN: Um-huh.

25 MS. MAZANEC: Or is there any, is it, what



1 are those fees used for, how are they used?

2 MS. MORGAN: Um-huh, yeah so the first
3 question about the rules, when we would go about
4 establishing contracts with vendors we still would be
5 beholden to the detail on the law so our perception, we
6 don't have more flexibility in negotiating with vendors
7 then we did previously, it's just that what was in rule
8 about that is already in law so we're still accountable
9 to both - we're still accountable to that it just is only
10 listed in once place, not two.

11 MS. MAZANEC: Okay.

12 MS. MORGAN: That'd be our view on that.
13 And then in terms of what we do with the GED fees I'll
14 think I'll defer to you on that.

15 MS. RUTHVEN: Just one other comment I'll
16 add.

17 MS. MORGAN: Sure.

18 MS. RUTHVEN: Much of what is in current
19 rules so literally the name of the current rules are
20 administration of GED.

21 MS. MORGAN: Right.

22 MS. RUTHVEN: GED testing program. So much
23 of this is very specific to GED as a test program and as
24 a vendor how they handle certain areas such as
25 accommodations, much of this you'll hear about tomorrow



1 though the vender conversation and the contract piece
2 will outline specifically with that vender how the vender
3 will approach it but also in partnership with the
4 department, if that makes sense. Fees right now cover
5 part of an FTE to oversee the venders, also we're
6 responsible for selection of the testing centers, and the
7 testing sites of which there are nearly 100 across our
8 state and then we also offer professional development in
9 partnership with our adult education programs and prep
10 sites.

11 CHAIRMAN DURHAM: Further discussion? Yes,
12 Dr. Schroeder?

13 MS. SCHROEDER: Is there any problem with
14 adding (s) in the four areas that Mr. Watress identified?

15 MS. MORGAN: I'm going to ask Mr. Dyl to
16 come in on that because I believe these are in the areas
17 of definition which probably are repetitive of statute
18 but I'm going to ask you if that's true?

19 MR. DYL: I don't - I don't think it would
20 necessarily be violative of the statute, but I don't
21 think it's necessarily required. If I understood the
22 comment correctly, it was more going to avoiding
23 confusion if someone was reading only the regulations but
24 not necessarily the statute.

25 CHAIRMAN DURHAM: So there's no reason not



1 to do it?

2 MR. DYL: There's no reason not to.

3 MS. SCHROEDER: So I'd suggest that we
4 consider that. And then I'm a little flummoxed about the
5 -- for example what is the process for renewing contracts
6 with vendors. That's in the vendors, do you have listed
7 online some guidelines so that folks know that these are
8 -- I'm not in favor of putting things in rules that don't
9 have to be in rules that may need to be changed based on
10 situations and we start all over again with the rules and
11 they're really more about process. Just talk to me a
12 little bit about how these concerns -- how someone who
13 has a question like some of these can find out about
14 them.

15 MS. MORGAN: Yep.

16 MS. RUTHVEN: So as part of guidance for
17 testing centers we have a 20 page process and procedure
18 guide.

19 MS. SCHROEDER: Oh good lord.

20 MS. RUTHVEN: To outline those processes.

21 MS. SCHROEDER: Thank you. So it sounds
22 like you would hit quite a few of these, probably hit all
23 of these.

24 MS. MORGAN: That is our intent, yes.

25 MS. SCHROEDER: Are they easy to find



1 online?

2 MS. MORGAN: It is, we are happy to provide
3 that to you, if you'd like.

4 MS. SCHROEDER: I don't want to, I just want
5 to make sure that others. I got my GED. I want to make
6 sure that is easy for somebody who has those questions.

7 MS. RUTHVEN: We try to make it as easy as
8 possible and there's also a frequently asked questions
9 section, depending on audience, so for testers
10 specifically or prep sites or centers et cetera.

11 MS. SCHROEDER: Fantastic. Thank you very
12 much.

13 CHAIRMAN DURHAM: Okay, for those that are
14 attending for the first time, flummoxed is a technical
15 term that used here quite often.

16 MS. SCHROEDER: I'll make a motion if you
17 want one.

18 CHAIRMAN DURHAM: Is there a motion, yes do
19 we have a motion.

20 MS. SCHROEDER: I move to approve the rules
21 for the administration of the High School Equivalency
22 Examination Program.

23 CHAIRMAN DURHAM: Is there a second? Second
24 Ms. Goff. Do you wish to amend the motion to include the
25 sub (s) in the four identified locations?



1 MS. SCHROEDER: Four identified locations.

2 MS. MORGAN: Okay.

3 CHAIRMAN DURHAM: Okay. So that's an
4 amendment, is there a second to the amendment. Dr.
5 Flores seconds. Is there an objection to that amendment?
6 That amendment is adopted by unanimous vote. Now we are
7 back to the motion is amended which is the approval of
8 the rules for the administration of the high school
9 equivalency exam. Is there an object to the adoption of
10 that motion?

11 MS. FLORES: I have a question about the
12 fees.

13 CHAIRMAN DURHAM: Discussion, go right ahead
14 Dr. Flores.

15 MS. FLORES: Are those fees really
16 necessary, I mean these kids are not going to take up all
17 those thousands of dollars going to school, going through
18 high school and such, that's thousands of dollars and not
19 that we're supporting it but, you know, that money is not
20 being spent, so couldn't we support these kids for, in
21 adults for going, taking the effort to take the test and
22 provide -- provide the state with workforce ready people.

23 MS. MORGAN: May I respond.

24 CHAIRMAN DURHAM: Yes, please.

25 MS. MORGAN: So, unfortunately our state



1 doesn't provide any funding to GED, so in other states,
2 not only are departments funded to do this oversight out
3 of tax funds but also there are subsidies provided to
4 students to offset the cost of taking these exams. Our
5 legislature has not provided for either of those kinds of
6 funding and so this was the, I think sort of the
7 practical solution at the time. It predates me in this
8 work, but I think it was the practical solution at the
9 time to ensure that there was some oversight and that the
10 department could do a good job and issuing certificates
11 in a timely manner.

12 MS. FLORES: So not only are they going to
13 pay the fee for the examination which is separate from
14 the fee that we charge, would it add up to the same or
15 more or would it still be logical for some students to go
16 to Wyoming to take the test?

17 MS. MORGAN: So Wyoming subsidizes the cost
18 of the exam, so their situation is very different than
19 ours. But the fee for every student taking it is made up
20 of three parts, there is a part that goes to the vender
21 that provides the exam, there is a fee that goes to the
22 testing center which is separate from the fee that goes
23 to the vender who creates the exam and does the work of
24 validation there and then there is this fee that comes to
25 us so that we can provide some oversight and issue



1 certificates to students. In all cases those three kinds
2 of fees would be there in any of the choices you would
3 look at tomorrow.

4 MS. FLORES: What about the SAT, when the
5 SAT, ACT is provided. Do all those fees?

6 MS. MORGAN: It's very different.

7 CHAIRMAN DURHAM: Yes.

8 MS. FLORES: Are fees considered part of the
9 rules? Or is funding?

10 MS. MORGAN: The only fee that is talked
11 about in the rules -- actually it isn't a specific fee,
12 it is just CDE being given that clear authority to
13 collect it's fee as it currently does.

14 CHAIRMAN DURHAM: Yeah. I think statutory,
15 you usually have to have an authority level as the fee
16 and the standard rule is the fee cannot exceed the cost
17 of the administration of the program and I presume we are
18 in compliance with that statute.

19 MS. MORGAN: Yep.

20 MS. MAZANEC: So were still just working on
21 the rules right now, fees are tomorrows discussion,
22 correct?

23 CHAIRMAN DURHAM: That would be, I believe
24 correct.

25 MS. MORGAN: Yep



1 CHAIRMAN DURHAM: Yes, they are said
2 separately. Ms. Goff?

3 MS. GOFF: So if we repeal the current rules
4 and replace with new rules, do we have to get spending
5 authority again. Do we have to renew that kind of
6 legislature?

7 MS. MORGAN: No, because that is in the
8 rules that you would be adopting today, so it just would
9 continue the same as it has been.

10 MS. GOFF: I'm sorry, I missed it, I think.

11 MS. MORGAN: It's okay.

12 MS. GOFF: Whatever specific reference there
13 is to that part of it just dawned on me, so.

14 MS. MORGAN: Yeah, it's the very last part.
15 It's just a single line. The department may charge a fee
16 for state administration of a high school equivalency
17 examination(s), Franks edit.

18 CHAIRMAN DURHAM: Further discussion on the
19 motion to adopt the rules. Is there an objection to the
20 adoption of that motion? Seeing none. That motion is
21 declared adopted on the unanimous vote. I think we
22 should now proceed to Item 22 out of order. If there is
23 no objection, I think we have our program here to talk
24 about the Capital Construction Assistance Board of
25 Legislative Program and Dr. Schroeder will you please



1 assume the chair?

2 (Pause)

3 MADAM CHAIR: We're on Item 22.00 update on
4 the Capital Construction Assistance Board, Legislative
5 Board Platform 2015-2016. Mr. Commissioner?

6 MR. ASP: Excuse me, I'm sorry Madam Chair.

7 MADAM CHAIR: Go.

8 MR. ASP: We have with us -- I'm going to
9 start with Scott Howell who works with us on the Best
10 Board, we're here to talk about an update on Capital
11 Construction and we'll let Scott take it from there,
12 thank you.

13 MR. HOWELL: Hello, I'm just going to kind
14 of pass it on to Scott Newell, Director of the Office of
15 Capital Construction and invited Lyndon Burnett to speak
16 today, he is the Chair of the Capital Construction
17 Assistance Board and they've prepared a legislative
18 platform for this year and would like to address you on
19 that.

20 MR. NEWELL: Thank you, Scott, members of
21 the board, Vice-Chair Ms. Schroeder and Dr. Asp. I'm
22 here on behalf of our board today to talk about our
23 legislative agenda. I think the primary thing we have on
24 here is that we'd like to go to the legislature and ask
25 an increase in our cap this year.



1 I think you should know the program started
2 out with a \$40 million cap on our lease purchase payments
3 and we're bumped right up against that, have been for
4 several years. Since that time we've had other monies
5 come in, primarily the excise tax from the wholesale
6 piece of marijuana thing comes to the Best Board and that
7 goes up to \$40 million, the first \$40 million comes to
8 our board and so far, this year I think we're up around
9 \$32 million to \$38 million of that. The monies coming in
10 and then just recently in November passed Proposition BB
11 which also didn't refund money tax payers and the first
12 \$40 million of that refund that goes to the Best Board,
13 so we've had that income coming in.

14 We had a meeting a couple of months ago with
15 the Treasurers Office, the deputy treasurer and also our
16 attorney through the Attorney Generals Office that
17 represents our board and both of them has stated that
18 when we sell these bonds no one's ever asked where the
19 money comes from. The State backs these bonds, they
20 don't seem to care if comes from marijuana, excise tax
21 money or where it comes. I think that our board, or I
22 know that our board has had a lot of discussion about how
23 do we make this program more sustainable. We have all
24 this money coming in and we can put it out in cash grants
25 but leveraging the \$40 million has turned into about \$700



1 million in building construction. So what we were
2 talking to the legislature about is possibly running a
3 bill to increase that cap somewhat and we're probably not
4 going to get to far ahead of ourselves because the
5 legislature did give us permission to start up a new
6 assessment program and we're just putting out the initial
7 stuff for the assessment.

8 It will be about a year before we really
9 have those figures in, but there seems to be a pretty
10 good appetite at the legislature right now to talk about
11 increasing that cap and so we're asking for your support
12 today to go forward and explore what that looks like. I
13 don't think we're going to be asking to increase it by
14 \$80 million or anything, even though we might have that
15 kind of money sitting around this year. But we're
16 looking at an increase of even \$3 million to \$5 million a
17 year, somewhere in that neighborhood, if we could get
18 some legislation structured around that so that we can
19 utilize some part of the money that we are getting in and
20 really leverage it and go a lot further in helping these
21 schools.

22 I'm sure you're already aware that the
23 Governor's office is saying we're going to be adding to
24 the recession with the K-12 education and probably not
25 have any more money and this Capital Construction Program



1 has really become a linchpin for school districts all
2 across the state, charter schools, proceeds and the
3 people that have access to those funds, which the only
4 other one I'm leaving out is the Colorado School for the
5 Blind and Deaf. So I think boards are important and I
6 think being able to leverage that would go if we could
7 get the details worked out in legislation. So are there
8 questions to this point?

9 MADAM CHAIR: Let me just clarify that for
10 the board, this is an information item only. So we will
11 not be voting on level support, but we are thankful that
12 you've come and shared that, and we'll expect to hear the
13 back and forth that's going to occur across the street.
14 But I don't think, unless my colleagues say otherwise, I
15 don't know that we want to make this a voting item and
16 that's not how it's been presented to us.

17 MR. NEWELL: Okay.

18 MADAM CHAIR: Colleagues questions? Pam?

19 MS. MAZANEC: What do you mean by an
20 assessment -- did you say an assessment program, you're
21 starting a new assessment program, does that mean you're
22 looking at where the needs are across the state?

23 MR. NEWELL: Yes, ma'am. When the
24 legislation was created six years ago, the first thing
25 they did was a state wide assessment of the facilities



1 conditions in the whole state. At that time the
2 assessment showed a need of about \$18 billion in funds.
3 That's how far we were behind, but it was a one time shot
4 and we used it for a number of years, but that figure is
5 stale now. So what we have done is looked at things and
6 that was part of an audit we had a couple of years ago
7 too that we needed to refresh that and take another look
8 at it. Once again if we did what we did before we would
9 have a hugely expensive assessment. It'd be a one time
10 shot of what's going on.

11 So our staff and to Scott's credit, the
12 people in our office came up with a plan to hire regional
13 representatives and there will be four or five of them
14 around the state and we've just put out a RFP for a
15 company that's going to come in and help us do that and
16 put out a database and so these people will be on our
17 staff full time and every building in the state will be
18 kept current within two or three years so everything will
19 stay fresh and never get older and we could do it in-
20 house for a fraction of the cost of what a one time deal
21 would be.

22 So as soon as we get these people hired and
23 in place and get this company up and setting up the
24 database we're really working to make it user friendly so
25 these districts don't have a lot of personnel and a lot



1 of time, because the first time around it took a lot of
2 time and people had to walk around with the company that
3 was doing that and so we're hoping to make this a little
4 more interactive and a lot more user friendly. But our
5 staff will be out there gathering that information. Some
6 of the bigger districts may have the capability to push
7 that information through our system and we're real
8 excited about how that's going to work. But yes, the
9 point is that we'll have much fresher data, then we can
10 really target schools -- the worst schools in the state.

11 We can't go out and make them pass a bond
12 issue and do it but at least if we know who the worst
13 are, and the conditions of the worst facilities are then
14 we can work with them and more target our approach. We
15 do a lot of that now, but this will sure give us a lot
16 more better -- or give us better information going
17 forward.

18 MADAM CHAIR: Mrs. Emm you want to make a
19 comment?

20 MS. EMM: Yes, thank you. I'm Leanne Emm,
21 Associate Commission for school finance and operations
22 and one point of clarification on that. Last year the
23 last session, the legislature took up the conversation
24 about should we update the priority assessment and they
25 did grant funds to the department appropriated about \$2.7



1 million to do the refresh on the assessment and get that
2 current and also authorize the department to hire the
3 staff in order to go out and provide us a sustainable
4 method of keeping the assessment up to date. I just
5 wanted to clarify that.

6 MADAM CHAIR: Great, thank you. Other
7 questions? How much money have we given to the Best
8 Program or has the Best Program received in those six
9 years, do you know?

10 MR. NEWELL: We have put out in construction
11 over \$1 billion, I think it's \$1.2 billion or \$1.4
12 billion, something like that. Now that's leverage money
13 and other money that's come through. We received 50
14 percent of the income from the state land board land so
15 we don't get any general fund money, this is all money
16 that comes through. We get a little bit of lottery
17 overflow proceeds. It's pretty unsteady, it's anywhere
18 from \$50,000.00 to \$2 million or \$3 million, maybe \$12
19 million one year, but we never really know what that is.
20 But those are sources of income.

21 MADAM CHAIR: And is there a matching bond
22 locally that goes along with that, or does that vary?

23 MR. NEWELL: Yes, ma'am. All districts have
24 some sort of match that they have to make based on free
25 and reduced lunch and other factors that go into that



1 formula and so if they go -- primarily who this benefits
2 is districts that don't have bonding capacity, some of
3 the rural districts can't even come close to raising
4 that. So we also have waiver letters for districts that
5 have unusual circumstances that they can waive part of
6 that match if they need to, but primarily most of them
7 max out their bond to get a -- especially if they are
8 getting a new school that will be leveraged.

9 MADAM CHAIR: So totally in the last six
10 years how much money has been put into Capital
11 Construction for schools?

12 MR. NEWELL: I think it's that \$1 billion.

13 MR. HOWELL: Sure. Madam Chair. \$1.24
14 since program inception, of that about \$800,000.00 came
15 from the state and the rest came from a local share.

16 MADAM CHAIR: Thank you. Other questions?

17 MS. MAZANEC: I have one other question.

18 MADAM CHAIR: Sure, Pam.

19 MS. MAZANEC: So the process every year is
20 you get applications, or you go look or a combination of
21 both? You decide?

22 MR. NEWELL: It's applications, it's a grant
23 program and each district has to apply and put together
24 the application and our staff helps them with the
25 process, hopefully, not always.



1 MS. MAZANEC: Then your board decides?

2 MR. NEWELL: Then our board has a meeting
3 every May and we make a decision and we rank that stuff
4 and vote on it and then we move forward and move that
5 list to you people to - to your board, I'm sorry, to
6 approve first and when we have lease purchases that goes
7 on forward to the Capital Development Committee for
8 approval, but we didn't do that last year because we
9 haven't had any lease purchase projects for a couple of
10 years.

11 MS. MAZANEC: So my question is though
12 sometimes districts decline or are unable to pass a bond
13 correct? So they are offered this grant and they need to
14 make the matching bond and doesn't happen, then what
15 happens to the money, does it just go back into the fund
16 for next year or do you ever try to use it in that same
17 year?

18 MR. NEWELL: No, because when once we've
19 given that list out, that's it we do -- I can think of
20 two districts right now that came back three different
21 times. It took them three years to get a local match
22 pass, so they are eligible to come back and apply as much
23 as they want, but sometimes it takes a couple of years.
24 I can think of Elbert School District in Elbert County, I
25 know they came back three times before they got the



1 matching bond passed in their district and we've had a
2 couple of others that's taken more than one try to get
3 the voters on board to do that.

4 MS. MAZANEC: Okay, thank you.

5 MADAM CHAIR: Mr. Newell did you have a
6 comment?

7 MR. HOWELL: Sure just maybe expand on that
8 a little bit. When we were financing projects, because
9 we were going through a due diligence process which took
10 about six months to get those projects finance ready, we
11 did during those grant cycles award back-up projects too,
12 because it -- we couldn't get them finance ready in time.
13 So in those instances there were a few that weren't able
14 to raise their match and those back-ups were there to
15 maximize the dollars in that given year. But if an
16 awardee doesn't raise their match it does go back into
17 our available funds for next year. And I guess it's
18 important to note too, that a bond proceeds aren't the
19 only source of match that they are required to bring.
20 They can use general fund dollars, other grants,
21 donations, things like that.

22 But I wanted to expand upon a third vote
23 that wasn't in our platform but was approved by our board
24 this last Friday at our last board meeting and that's
25 kind of program enhancements as we're moving forward into



1 this next phase of the Best Program and that's really to
2 address this targeted outreach for schools. And two
3 things we've noticed. One, when we get the assessment
4 data updated, in our previous assessment it just outlined
5 conditions, it didn't really prioritize needs based on --
6 on our statutory requirements which are health, safety,
7 security, top tier, overcrowding, technology and then
8 other capital improvements.

9 So now we'll have a prioritized list and one
10 of the things we think would be a good idea is the
11 ability to provide planning grants now. So if we get a
12 list each year and we identify, let's say the top three
13 schools but they're not poised to come to us for an
14 application for a variety of reasons, we'd like the
15 ability to give them funds to get the planning process
16 started and at least move forward in that direction since
17 we have identified them as a needy school in the state.

18 The other thing we are looking at -- at
19 considering is the two phased approach if we go into
20 lease purchase grants now. One of the things we've run
21 into particularly in recent years is a really wild
22 construction industry and there's a lot of variables in
23 that when you are building a school. So we're -- we're
24 looking at the idea now of awarding a need in one year
25 that would result in a cash grant to get them through a



1 planning process and then come back the next year of hard
2 costs, a real design that would then be funded through a
3 lease mechanism. And those are two things we are also
4 kind of considering right now.

5 MR. NEWELL: Mr. Chair, I just wanted to add
6 one thing we're talking about and really looking for is
7 the sustainability. We want to be able to take the funds
8 we have and get these programs as lease purchase stuff
9 pays off, most of these are 20 years out so we're trying
10 to start putting a little money every year so that we get
11 to a point down the road where these pay off every year
12 and then we'll have those funds to go back in. I'd like
13 to also point out that we don't use any general fund
14 money or any state ed fund money, this is money that
15 comes in to the Capital Construction Assistance Board.
16 But we think that long term piece of getting these to
17 where we can stretch these out, we actually have the
18 deputy treasurer looking at some stuff to see if there's
19 something they can do to kind of space those payments out
20 a little bit. I'm not sure how far we will get with
21 that, we do have three or four loans that I do think will
22 pay off in the next six years so. But we really do need
23 to get this deal where it's an annual kind of thing where
24 it turns over and so, it's a long term process but that's
25 our ultimate goal.



1 CHAIRMAN DURHAM: Any further questions?

2 MADAM CHAIR: Do you have a draft of the
3 bill that you're going to propose?

4 MR. NEWELL: No ma'am.

5 CHAIRMAN DURHAM: Okay, further questions
6 from members of the board. Thank you very much and we
7 appreciate your adjusting your schedule for us.

8 MR. NEWELL: Thank you. I just have to keep
9 my coat on, I just ironed the front of my shirt before I
10 came. Thank you.

11 CHAIRMAN DURHAM: I should probably follow
12 that rule myself. Okay, since we're still ahead of
13 schedule and I don't think we can start the Item 17
14 early, let's see if we can dispose of Item 23 quickly.
15 Let's see if we can dispose of Item 23 quickly if you'd
16 assume the chair Dr. Schroeder, please. Recently a
17 number of us attended a speech by the Governor in which
18 he identified as one of the problems for local school
19 boards the rules and regulations enacted by the State
20 Board of Education as being overly burdensome and
21 apparently unnecessary.

22 So I took that as an invitation to work
23 cooperatively with the Governor's office to see if we
24 could identify those rules and see if we couldn't get
25 those dialed back. Although I'm not aware of the details



1 of the complaints he's had about the -- apparently his
2 remarks were triggered by complaints he's had from Boards
3 of Education. So I would just like to request that staff
4 from the department to prepare and send a letter to the
5 Governor and ask him to identify those rules that he
6 believes are overly burdensome and can and should be
7 repealed and/or modified and he would provide us with a
8 list -- if he would provide us with a list I will assure
9 him they will be on the agenda for consideration at the
10 earliest possible moment, and I would also ask staff to
11 review any complaints you've received from local school
12 boards about our rules being overly burdensome and if you
13 would bring those complaints, whether you think they are
14 legitimate or not, to us for our review so we would have
15 the opportunity to evaluate those and whether or not we
16 might have in fact have a chance to on our own
17 initiative, remove some of those rules and if there's --
18 I just ask for approval from the board to request that
19 the department send a letter to the Governor asking him
20 to identify areas of concern and rules that specifically
21 could be removed and then for the department staffs
22 cooperation in sending us information.

23 I would encourage local school boards to --
24 wherever they find there is problem believe that we have
25 some flexibility to send that information to staff and



1 staff will bring those to us and so I don't know if
2 that's a motion or acquiescence or however you'd like to
3 treat it Madam Chairman and I'll make a motion if
4 appropriate.

5 MADAM CHAIR: Comments colleagues? Do you
6 want to make a motion? Dr. Asp.

7 MR. ASP: Thank you, Madam Chair. We meet
8 regularly with representatives, the Executive Director in
9 fact, of the Colorado School Board Association as well as
10 representatives of the rural alliance to talk about these
11 kinds of issues among other things. We also have
12 informal meetings with school board members,
13 organizational meetings, things like Casby for example.
14 But we hear mostly complaints around rules or other
15 issues that you've talked about Mr. Durham, from our
16 interactions in a formal way with Superintendent's and
17 also -- an informal way for Superintendent's they don't
18 have any qualms about letting us know about the things
19 they think are burdensome.

20 So we have typically have not brought those
21 to the board unless they required some sort of rule
22 change, some of the things that we've heard about over
23 the last couple of meetings or some other action by the
24 board. We try to work with our constituents to do that
25 and continue to reduce burdens on districts, but we'll



1 make it a considered effort to be even more vigilant
2 about that then we have in the past.

3 CHAIRMAN DURHAM: All right.

4 MADAM CHAIR: Colleagues any additional
5 comments? Do we want to vote on this? Debora?

6 MS. SHEFFEL: I was just going to say it's
7 consistent with our legislative priorities that we want
8 to reduce regulatory burdens so it's a great time to
9 review what's there and what can we do to make it better.
10 Thank you.

11 MADAM CHAIR: So I'd say we are in agreement
12 with just asking staff to go forward and we don't need a
13 motion? Jane?

14 MS. GOFF: Yeah, I would also hope that as
15 part of this discussion, which I completely support, as
16 we've found out today, what -- maybe there is some
17 clarification that's needed about what is the role of the
18 OLLS, how is the interaction -- how does that happen and
19 why, because it seems like today there's -- there could
20 be occasions where there's confusion if we create -- we
21 promulgate rules based on statute and then now facing it,
22 dealing with the question of your rules are too much. So
23 at the basis of statutory language how does that help?
24 What is the interim filter, what is that all about and
25 how does that work? I have public that would be liking



1 to know that. When I say we have rules based on
2 legislation they say well, and why do they get.

3 CHAIRMAN DURHAM: Is that question to?

4 MS. GOFF: Dr. Asp.

5 MR. ASP: May I defer to Mr. Dyl?

6 MR. DYL: Yes, currently I know of no rules
7 that have been promulgated by this board that weren't
8 specifically required by one statute or another. Once a
9 rule is promulgated by this board it goes through two
10 sets of review. One is by my office and the other is by
11 the Office of Legislative Legal Services that reviews all
12 the rules promulgated throughout the state each year to
13 determine whether or not they believe that they are in
14 strict compliance with the statute.

15 So that is what we are hearing now. We are
16 going through the process of seeing the results of OLLS
17 review. Most of this is extremely minor changes that
18 they are coming up with, but if you do not agree to make
19 those changes then those particular sections of those
20 rules get added to sort of a catch all bill. And the
21 purpose of the bill is to sunset any regulations that
22 aren't specifically continued every year by the General
23 Assembly. So that's the process we're going through now.
24 Does that answer your question?

25 MS. GOFF: Sort of.



1 MADAM CHAIR: Dr. Asp?

2 MR. ASP: I would just like to add to Mr.
3 Dyl's point. I directed all members of exec team based
4 on either their feedback from the field or our own review
5 just to ensure that we have not gone beyond the authority
6 we we're given in statute and our rules did not contain
7 things that are not needed. And sometimes we've asked
8 ourselves some very tough questions about that piece and
9 you'll hear some of that tomorrow actually in one
10 particular case. So we appreciate the fact that could
11 happen sometimes, and we use Mr. Dyl's office to check.

12 MADAM CHAIR: So I guess I want to, oh go
13 ahead Pam, I'll be last.

14 MS. MAZANEC: I would just say that I think
15 it would be much like - which City council is it that --
16 Glendale rolls back an ordinance every meeting. I think
17 it would be great if our legislature next year, this
18 coming session encouraged by the Governor and certainly
19 by the State Board of Education start looking at what
20 regulation we could roll back. I think that would be
21 awesome.

22 MADAM CHAIR: You go over there and talk to
23 them.

24 MS. MAZANEC: I will, I'll do that.

25 MADAM CHAIR: I think my comment would be in



1 relationship to Mrs. Goff's question. On our website --
2 our all inclusive website, do we actually have a little Q
3 & A or something that talks about the process? How is it
4 that we get to where our rules are that we promulgate and
5 that send out and if we don't, could we think about sort
6 of a general thing about how legislation and how rules in
7 Colorado around education work including maybe a small
8 piece from the feds. In other words what are -- what is
9 our role in responsibility around education roles?

10 MS. MORGAN: We do have some information on
11 the website on how rules -- the process for rulemaking,
12 but we can take another look at that and make sure it's
13 really user friendly and understandable.

14 MADAM CHAIR: Yes.

15 MS. MORGAN: Yep.

16 MADAM CHAIR: You know, kind of why are we
17 here in a very general way? That might be helpful for
18 some who are questioning.

19 CHAIRMAN DURHAM: How bill becomes rule?

20 MADAM CHAIR: Would you like to have this
21 back?

22 CHAIRMAN DURHAM: If we -- I think we're
23 finished and we'll -- thank you very much and I'm sure --
24 and I think at the next meeting we'll have on the agenda
25 the review of the responses from the field and from the



1 Governor's office on the particular rules that need
2 attention. So we're now -- let's see, should we take a
3 break or should we proceed? You want a break, ten
4 minutes, five minutes and we'll start -- we'll come back
5 to the Student Center Accountability Project which is
6 scheduled for 3:30 and we'll -- should be right on
7 schedule. Thank you.

8 (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

Verbatim Reporting & Transcription, LLC
1322 Space Park Drive, Suite C165
Houston, Texas 77058
281.724.8600