



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO

April 13, 2016, Part 1

BE IT REMEMBERED THAT on April 13, 2016, 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: Please come to order I  
2 apologize to the audience both listening and in person.  
3 Why we are starting late, we had significant traffic  
4 issues from Members getting in today. Ms. Burdsall, would  
5 you please call the roll?

6                            MS. BURDSALL: Board Member Flores.

7                            MS. FLORES: Here.

8                            MS. BURDSALL: Board Member Goff.

9                            MS. GOFF: Here.

10                          MS. BURDSALL: Board Member Mazanec.

11                          MS. MAZANEC: Here.

12                          MS. BURDSALL: Board Member Rankin.

13                          MS. RANKIN: Here.

14                          MS. BURDSALL: Board Member Scheffel.

15                          MS. SCHEFFEL: Here.

16                          MS. BURDSALL: Board Member Schroeder.

17                          MS. SCHROEDER: Here.

18                          MS. BURDSALL: Chairman Durham.

19                          CHAIRMAN DURHAM: Present. So a quorum is  
20 present and all the Members of the Board are in  
21 attendance. So we'll proceed to Item three, which is the  
22 Pledge of Allegiance, and Dr. Scheffel, would you,  
23 everybody, please rise, and Dr. Scheffel will lead us in  
24 the Pledge of Allegiance.

25                          ALL: I pledge allegiance to the flag of the



1       United States of America, and to the republic for which  
2       it stands, one nation under God, indivisible, with  
3       liberty and justice for all.

4                     CHAIRMAN DURHAM: So we will now proceed to  
5       (inaudible) here. Now proceed to the approval of the  
6       agenda. Is there a motion to prove the agenda as  
7       published? Yes. Dr. Schroeder has moved that the agenda  
8       be approved. Is there a second?

9                     MS. FLORES: I second.

10                  CHAIRMAN DURHAM: There's a second by Dr.  
11       Flores. Is there objection to the adoption of the  
12       approval of the agenda? Seeing none, Ms. Burdsall, please  
13       record a unanimous vote in favor of approving the agenda.  
14       We now have the -- the item five, approval of the consent  
15       agenda. Dr. Schroeder, if you'd like to -- if you don't  
16       mind, proceed.

17                  MS. SCHROEDER: I move to place the following  
18       matters on the consent agenda. 13.01 regarding  
19       disciplinary proceedings, concerning a license, charge  
20       number 2013 EC 612, to signify acceptance and approval of  
21       the terms and conditions of the settlement agreement by  
22       directing the commissioner to sign the agreement.

23                  13.02 regarding disciplinary proceedings  
24       concerning an application, charge number 2014 EC 15.09,  
25       direct department staff to issue a notice of denial and



1 appeal rights to the applicant pursuant to Section 24-4-  
2 104 CRS.

3 13.03 regarding disciplinary proceedings  
4 concerning license, charge number 2014 EC 2245, to  
5 signify acceptance and approval of the terms and  
6 conditions of the settlement agreement by directing the  
7 commissioner to sign the agreement.

8 13.04 regarding disciplinary proceedings  
9 concerning an application, charge number 2014 EC 2351,  
10 direct department staff to issue a notice of denial and  
11 appeal rights to the applicant pursuant to Section 24-4-  
12 104 CRS.

13 13.05, regarding disciplinary proceeding-  
14 proceedings concerning a license, charge number 2014 EC  
15 2395, direct department staff and state attorney  
16 general's office to prepare the documents necessary to  
17 request a formal hearing for the revocation of the  
18 holder's license pursuant to Section 22-60.5-108 CRS.

19 13.6 regarding disciplinary proceedings  
20 concerning a license, charge number 2015 E.C 396, to  
21 signify acceptance and approval of the terms and  
22 conditions of the settlement agreement by directing the  
23 commissioner to sign the agreement.

24 13.07 regarding disciplinary proceedings  
25 concerning a license, charge number 2015 EC 1576 direct



1 department staff, and the state attorney general's office  
2 to prepare the documents necessary to request a formal  
3 hearing for the revocation of the holder's license,  
4 pursuant to Section 22-60.5-108 CRS.

5 13.08 approve two initial and one renewal  
6 request for an emergency authorization as set forth in  
7 the published agenda. 13.09, approve the University of  
8 Colorado Denver's request for culturally and  
9 linguistically diverse bilingual education endorsement  
10 program.

11 MS. FLORES: May I just, can I block that?

12 MS. SCHROEDER: Can I just finish?

13 MS. FLORES: Sure.

14 MS. SCHROEDER: Thank you. 14.01, approve  
15 the Charter School Institute's request for waivers under  
16 half of Montessori del Mundo, as set forth in the  
17 published agenda.

18 14.02 approve the Charter School Institute's  
19 request for waivers on behalf of New America School,  
20 Thornton, as set forth in the published agenda.

21 14.03, approve the Charter School  
22 Institute's request for waivers on behalf of The Pinnacle  
23 Charter School, as set forth in the published agenda.

24 14.04, approve the Charter School  
25 Institute's request for waivers on behalf of Salida



1 Montessori Charter School, as set forth in the published  
2 agenda.

3 14.05, approve Jefferson County's R-1  
4 request for waivers on behalf of Doral Academy of  
5 Colorado, as set forth in the published agenda.

6 14.08, approve District 49's request for  
7 early college designation for Pikes Peak College, as set  
8 forth in the published agenda.

9 15.01, approve the appointment of the  
10 Colorado Special Education Advisory Committee, Lindsay  
11 Applebaugh, Mark Sharday (ph), Carissa Clinton(ph),  
12 McColl Dallick(ph), Laurie Ditterline(ph), Lynne Fisher  
13 (ph), Rebecca Hall(ph), Chelsea Marks(ph), Michelle  
14 Queckenbush(ph), Laura Weehan(ph), and Barbara Zayas(ph),  
15 as set forth in the published agenda.

16 16.01, approve expenditures for up to  
17 \$80,000 from the Mary Jones trust fund for the Talking  
18 Book Library. This is the end of the consent agenda.

19 CHAIRMAN DURHAM: Thank you. Is there a  
20 second to that motion?

21 MS. FLORES: I'd like to add another one.

22 CHAIRMAN DURHAM: We need a second and first,  
23 and then we'll --

24 MS. FLORES: I second.

25 CHAIRMAN DURHAM: Okay. It has been seconded



1 by Dr. Flores. Of course, you have an addition or  
2 deletion.

3 MS.FLORES: I have an addition --

4 CHAIRMAN DURHAM: Okay.

5 MS. FLORES: -- and that is 14.08. I wanted  
6 to ask questions about the culturally and linguistically  
7 but I'm sure that's mastered but I have questions about  
8 the Pikes Peak Early College. The El Paso County School  
9 District 49, and that's 14.08.

10 MS. SCHROEDER: Do you wanna pull that for a  
11 vote, or do you have some questions?

12 MS.FLORES: I have questions.

13 MS. SCHROEDER: Do we have anybody who can --

14 CHAIRMAN DURHAM: Do you want to?

15 MS. SCHROEDER: -- from the staff who can  
16 answer?

17 MS.FLORES: Even the staff can answer.

18 UNIDENTIFIED VOICE: Mr. Chair, I'll have to  
19 do a little digging on that this morning. I'll --  
20 Gretchen Morgan, who would be able to answer that is --  
21 is out today. So I'll have to -- I'll have to look out  
22 and see if I can get any questions. Maybe you and I can  
23 talk about your questions. I can make sure they get  
24 answered.

25 MS.FLORES: Okay.



1 MS. SCHROEDER: Do you wanna pull it for a  
2 vote later, or do you wanna go ahead and approve it, and  
3 then still ask questions?

4 MS. FLORES: I wanna ask some questions.

5 There are some issues, like big, big.

6 MS. SCHROEDER: So what sort of questions?  
7 Do you want to pull this for a vote then? Hold off the  
8 consent agenda?

9 MS. FLORES: Yes.

10 CHAIRMAN DURHAM: Okay. That's a proper  
11 request consent agenda requires unanimous consent. So  
12 that item, 14.08 will be removed from the consent agenda.  
13 Is there a further motion? Yes, Ms. Rankin.

14 MS. RANKIN: 14.07 Eagle County School  
15 District RE 50. I would like that to be included in the  
16 consent agenda taken off the vote.

17 CHAIRMAN DURHAM: Okay. That's -- that's a  
18 proper -- that's a proper motion. Is there objection to  
19 the inclusion of 14.07 as a consent item? Okay. Seeing  
20 none, 14.07 will be included in the consent agenda. Is  
21 there, I'd say, we have a motion to second for the  
22 approval of the consent agenda as amended. Is there any  
23 objection to the adoption of that motion that does  
24 require unanimous consent?

25 MS. BURDSALL: I have a -- I have a, I need -



1 -

2 CHAIRMAN DURHAM: Yes.

3 MS. BURDSALL: Dr. Flores mentioned another  
4 one that I don't know what we ended up doing with it.

5 MS. FLORES: Oh, for that one I'm -- I'm okay.

6 CHAIRMAN DURHAM: We took 14.08 off the  
7 consent. Oh, really? It was --

8 MS. FLORES: The other one. But that's okay.  
9 I'm okay with that one.

10 CHAIRMAN DURHAM: Okay, good. So -- all  
11 right so -- all right. So as amended, is there objection  
12 to the consent agenda? Seeing none, the consent agenda is  
13 adopted. We'll proceed now to -- let's see Ms. Burdsall's  
14 report, Ms. Burdsall?

15 MS. BURDSALL: Thank you Mr. Chair. Good  
16 morning, Chairman Durham, Members of the Board,  
17 Commissioner Crandall. As always, please remember, please  
18 speak clearly into your microphones and be sure they are  
19 on when you are speaking.

20 In your Board packets you have the following  
21 materials, your -- your quick glance expenses Board and  
22 your events calendar. Also in your packets, and or  
23 available on Board notes are the following materials,  
24 7.01, a copy of the data privacy Bill, as well as the two  
25 adopted amendments to the Bill which are sitting on the



1       bench before you.

2                          For 9.01, a memo regarding the school and  
3                          district performance frameworks (inaudible) and  
4                          weightings and accompanying PowerPoint.

5                          For item 12.01, a memo regarding the average  
6                          student's received act, listening to her in state  
7                          development plan, an accompanying PowerPoint that is  
8                          sitting on the bench before you.

9                          For item 3.08, there's a memo regarding the  
10                         request for emergency authorizations for education  
11                         personnel. For item 3.09, you have a memo regarding  
12                         Colorado University Denver's request for culturally and  
13                         linguistically diverse bilingual education endorsement  
14                         program.

15                         For items 14.01 through 14.05, you have  
16                         memos regarding the Charter School waiver, plus and  
17                         additional supporting materials for each of those to be  
18                         found at Board Docs.

19                         For item 14.06, you have a memo regarding  
20                         Lewis-Palmer School district 38's waiver request to waive  
21                         22-7-1014(2)(a) CRS, and additional supporting materials  
22                         to be found at Board Docs.

23                         For item 14.07, you have the memo regarding  
24                         Eagle County School District RE 50 days request for early  
25                         college designation for Eagle County Early College High



1       School East and West, and additional supporting materials  
2       can be found at Board Docs.

3                   For item 14.08, you have a memo regarding El  
4       Paso County School district 49's request for early  
5       college designation for Pikes Peak Early College, and  
6       again, additional supporting materials to be found at  
7       Board Docs.

8                   For item 14.09, you have the students re-  
9       engagement grant program 2015, 16 overview. A grant  
10      recommendation list and accompanying PowerPoint.

11                  For item 15.01, you have a memo regarding  
12      the appointments to the Colorado Special Education  
13      Advisory Committee and their application packets. For  
14      item.

15                  16.01, you have an overview of the new  
16      region's first plan.

17                  For item 16.02, you have a memo regarding  
18      the notice of rulemaking for both rules, the operation of  
19      school transportation vehicles, which is 1 CCR 301-26,  
20      and to the annual inspection and preventative maintenance  
21      of school transportation vehicles, which is 1 CCR-301-29.  
22      A copy of the redline rules for 1 CCR-301-29. A copy of  
23      the draft rules combining the two rules, and the last  
24      one, (inaudible) related statutes to the rules.

25                  For item -- and then for Thursday, for item



1       4.01, you have a memo regarding the CMAS (inaudible) --  
2       high school science and -- science CAT scores sitting on  
3       the bench before you, and then the accompanying  
4       PowerPoint.

5                   For item 6.01, you have a memo regarding the  
6       rule-making hearing for the Bowling Convention and  
7       Education Grant Program. A copy of the draft rules, a  
8       crosswork of the statute draft rules. A letter jointly  
9       submitted by CASE, CRSA, and CAES. Sitting on the bench  
10      before you, and just so you know, we also received 144  
11      comments submitted via online at Colorado, One Colorado  
12      Form. Due to the volume of those comments, they are only  
13      available on Board Docs. And then we also have a response  
14      written on this document, which is sitting on the bench  
15      before you.

16                   UNIDENTIFIED VOICE: Are they forms?

17                   MS. BURDSALL: Yeah, it's a form that, yeah,  
18      they will go in and fill out. So that's why we only put  
19      it at Board Docs. And that concludes my report.

20                   CHAIRMAN DURHAM: Thank you. Any questions  
21      for Ms. Burdsall? Thank you, Ms. Burdsall.

22                   MS. BURDSALL: Thank you.

23                   CHAIRMAN DURHAM: So we will now proceed to  
24      legislative matters --

25                   UNIDENTIFIED VOICE: Here.



1 CHAIRMAN DURHAM: Mr. Crandall, do you wanna  
2 start or (inaudible).

3 MR. CRANDALL: We do have with us Mr. Chair,  
4 Members of the Board, Jennifer Mello, who is a contract  
5 lobbyist, had lots of conversations. It's been a very  
6 busy one month since the last Board meeting. So I'm very  
7 excited to hear the report from the time (inaudible).

8 CHAIRMAN DURHAM: Please join us.

9 MS. MELLO: Good morning, everyone? As  
10 always, its nice to see you. The bulk of our conversation  
11 today will be about House Law 1423, the student data  
12 privacy Bill. It might not --

13 MS. SCHROEDER: I don't think you're on.

14 MS. FLORES: She's on but she's not --

15 CHAIRMAN DURHAM: Just not on today.

16 MS. FLORES: -- not close enough.

17 MS. SCHROEDER: Or not close enough for the  
18 others.

19 MS. MELLO: Is that better? Okay.

20 CHAIRMAN DURHAM: There you go.

21 MS. MELLO: I find speaking with this thing  
22 in my face incredibly awkward so I apologize if I  
23 accidentally run into it. Okay. So again, the bulk of  
24 our conversation today will be about House Law 1423, the  
25 student data privacy Bill. Before I do that, I just wanna



1 note a couple of quick things.

2                   First, the ongoing conversations between the  
3 Joint Budget Committee, and the House and Senate  
4 Education Committees had their last meeting -- their last  
5 formal meeting this morning. Commissioner Crandall made a  
6 presentation, it was very well received.

7                   There was another presentation from an  
8 expert from the National Conference of State Legislators.  
9 As always, I will circulate copies of those to you as  
10 soon as I get them. And the -- Representative Rankin and  
11 Representative Hamner are proposing a piece of  
12 legislation out of that body of work, that would  
13 essentially direct the legislative staff to work on these  
14 issues over the interim and prepare a report.

15                  Again, we will get you a copy of that draft  
16 Bill as soon as I -- I have a hard copy of it but I need  
17 to get an electronic copy of it and will send them out to  
18 you. It does require that those staff that work over at  
19 the Capital consult with CDE staff. So there is a role at  
20 the staff level for CDE in that conversation but it's  
21 primarily led by the legislative staff folks at the Joint  
22 Budget Committee leg. counsel and legislative legal  
23 services. Second other thing I wanted to note is there  
24 were two Bills --

25                  MS. FLORES: May I ask a question? I'm



1 sorry.

2 MS. MELLO: Of course, you can ask.

3 MS. FLORES: Is that -- I am sorry. Is that  
4 regarding House Bill 1423, the -- talking together about  
5 that?

6 MS. MELLO: Mr. Chair, Dr. Flores. No, I'm  
7 gonna get to House Bill 1423 in a moment but I was just -  
8 -

9 MS. FLORES: Okay. You're talking about the  
10 Rankin and the Hammer Bill.

11 MS. MELLO: Yes, Dr. Flores. That -- that has  
12 been proposed has not been introduced yet and then there  
13 is an outgrowth of the school finance conversations that  
14 have been occurring at the Capital over the last three  
15 months.

16 MS. FLORES: Thank you. Excuse me.

17 MS. MELLO: Of course. Of course.

18 MS. RANKIN: Excuse me. I have a quick  
19 question too. You --

20 CHAIRMAN DURHAM: Ms. Mazanec.

21 MS. MAZANEC: Said -- you said earlier that,  
22 I caught the tail in that something -- something required  
23 the legislators to consult with CDE. Did you say  
24 required?

25 MS. MELLO: Mr. Chair.



1 MS. RANKIN: What did you say about that?

2 MS. MELLO: Well -- I -- well, you know what?

3 I have the Bill draft right here, so let's just read it.

4 In preparing the report required in the section, the  
5 Legislative Council staff shall work with the Department  
6 of Education including taking into account information  
7 received by the department in preparing the state  
8 education plan.

9 MS. RANKIN: Okay. Thank you.

10 MS. MELLO: Now I do think they're open to  
11 feedback on this draft. This has not been introduced yet,  
12 it was distributed as a draft for feedback. So we will  
13 get it to you electronically as quickly as we can. And  
14 again, if you have questions or comments, happy to -- to  
15 try to facilitate that.

16 So the next topic I wanted to discuss just  
17 briefly is, there were two Bills introduced late last  
18 night in the state Senate, they were related to charter  
19 schools. Again, we will get those added to the chart as  
20 quickly as we can, they just got right across the desk  
21 about 8:00 p.m. and we will discuss those that are  
22 alleged that have contact meeting next Wednesday. So just  
23 wanted you to know those are out there. We've got a plan  
24 for working them through our process. You may start  
25 hearing about those from your constituents.



1 MS. RANKIN: Do you know anything about what  
2 they are about? You gonna serve snapshots?

3 MS. MELLO: I want to be careful here because  
4 I -- I know from conversations in the building, some  
5 components of them but I wouldn't want you to take what  
6 I'm about to say as a comprehensive. So -- so I know one  
7 of the issues that they're trying to deal with is how  
8 school districts share mill levy revenue with Charter  
9 Schools. I think that is a rather significant component  
10 of one of the Bills.

11 I think in broad terms, they're also trying  
12 to think through the accountability system for charter  
13 school, and just making sure that that works. I know in  
14 no way shape or form, I think they're trying to suggest  
15 charter schools should not be held accountable. I don't  
16 think that's what these Bills are doing. But -- but there  
17 is there was a word in their accountability. When I see  
18 the Bills, I'll have a chance to understand them better  
19 so and we'll get those out to you again as quickly as we  
20 can.

21 MS. RANKIN: Thank you.

22 MS. MELLO: Of course. Things move very  
23 quickly this time of year and so it's sometimes a little  
24 hard for all of us to stay on top of it. Okay. So House  
25 Bill 1423, Student Data Privacy Bill. The sponsors of



1       this Bill are Representative Alec Garnett, who is a  
2       Democrat from Denver, Representative Paul Lundein, Former  
3       State Board Chair Republican from the -- the Northern  
4       Colorado Springs area. I think would be a fair  
5       description of his district. Senator Owen Hill is the  
6       Senate Sponsor of the Bill. The Bill was introduced about  
7       10 days ago. It was heard in the House Education  
8       Committee on Monday. It passed unanimously. It was an 11  
9       to nothing vote which I have to tell you is -- is rather  
10      extraordinary. There aren't a lot of Bills on any topic  
11      that passed out of House Education unanimously.

12                     The hearing was -- was relatively short  
13      considering the passionate feelings that exist on this  
14      topic. It was about a two hour hearing. CAES testified  
15      in support of the Bill, CASB testified in support of the  
16      Bill, and then multiple parents testified in support of  
17      the Bill, including Shirkey Sicher, who I know is someone  
18      that's spoken to you all before. So all of those folks  
19      said that they support the legislation. They all said,  
20      "Of course we might want a little tweak here and there."  
21      I mean, you know, I would characterize this Bill as one  
22      where nobody is perfectly happy, everybody is pretty much  
23      happy, and would prefer for a few tweaks. Of course, the  
24      tweaks that one group wants would then be a problem for  
25      the other group.



1                   The Reps Lundeen and Garnett have done a  
2     truly remarkable job in my opinion of really working hard  
3     to create a balanced Bill. That is very tough in terms of  
4     protecting student's data and enhancing the privacy  
5     protections in existing law around that. But does it go  
6     so far as to stifle innovation technology -- technology  
7     innovation that can be used to help student learning.  
8     That is admittedly a personal opinion which probably has  
9     no place in this, but I just, having worked very closely  
10    with them at your direction, it's been really nice to  
11    watch them be incredibly thoughtful as they try to create  
12    balance to these issues.

13                  So that is kind of the big picture. The Bill  
14    is next scheduled for a House Floor vote. I anticipate  
15    that- that could happen any day now. We only have four  
16    weeks left in session, so everything is going to be any  
17    day now. Once the Bill passes the House, which I  
18    anticipate that it will, it will move onto the Senate.  
19    There will be an Education Committee hearing there as  
20    well in a floor conversation there as well. So that's  
21    where the Bill is in the process.

22                  I am happy to talk about kind of the overall  
23    structure of the Bill. It's a long Bill and it's a fairly  
24    detailed Bill and I will do my best to answer any  
25    detailed questions you have about it. But I thought in



1 terms of presenting it, it might be helpful just to focus  
2 on kind of the big picture structure, so you can have  
3 some sense of think of what the legislators are trying to  
4 accomplish. I'm seeing nodding heads as if people think  
5 that would be helpful so I want to proceed.

6 So the Bill has three major sections. The  
7 first deals with the Department of Education and the  
8 State Board of Education. As you all know, there is  
9 existing state law around data privacy issues for the  
10 Department of Education. That was a Bill that the  
11 department worked on two years ago at the Capital. So you  
12 all are actually the only entity right now that has any  
13 requirements under state law around student data privacy.  
14 This Bill enhances those, strengthens those in a couple  
15 of different ways. One, it makes it very clear that you  
16 cannot, neither the Board nor the department may enter  
17 into a new contract that would not be in compliance with  
18 these, with the provisions in the Bill. If there is a  
19 material breach related to student data privacy of a  
20 contract and I'm speaking now to -- to the Bill as it was  
21 amended in the House Education Committee.

22 So if there is that material breach student  
23 privacy, there's two things that can happen. Either you  
24 will terminate immediately, or you will have a Board  
25 policy around termination that includes a public hearing



1       about what happened, and what the -- you know, what the  
2       consequences are. So as introduced, it was just to  
3       terminate the contract. As amended, it gives you the  
4       State Board, this applies also at the local level but  
5       from memo, we're talking about State Board. You'll have  
6       some ability to consider exactly what happened and to  
7       make a determination as to how to proceed with the  
8       contract. I think that's an important change that was  
9       made to Bill in Committee on Monday.

10                   Additionally, any sort of, so you have to  
11       have, now the Department would have to have an agreement  
12       with researchers. By under statute, you would have to --  
13       they'd have to do that. And those agreements, this is  
14       only in the realm of the PII of course. So if you've got  
15       a researcher who's using PII, that researcher has to  
16       comply with all the same terms that are imposed on  
17       vendors. The primary one of which is he can't sell  
18       personal data, you have to destroy the data when it's no  
19       longer of use for the contract, those types of things. So  
20       your staff could speak better than I could to.

21                   I think the department had already been  
22       doing some of this around the research agreements but  
23       this makes it required as a statutory matter that, it's  
24       not just for vendor contracts the Department and the  
25       Board has, it is also for research agreements with



1 individuals and institutions. And then the -- the -- the  
2 department right now is required to host vendor contracts  
3 on the website. This adds all of those research  
4 agreements and the data sharing agreements with other  
5 governmental entities, all of that now as required, we  
6 post on the web site. Again I think that -- that much of  
7 that is already happening based on your direction to the  
8 staff but this puts it into a Statute.

9 It is department staff level of the Bill  
10 also does a couple of things. One, it requires that they  
11 provide sample contracts to school districts, so that  
12 school districts can be in compliance with the law.  
13 Requires that they provide sample privacy policies to  
14 districts, because one of the requirements on the school  
15 focus is that they adopt privacy policies. And so this  
16 department would have the job of just providing a sample.  
17 I think the goal being to try to make that easier for  
18 school districts at least give them a point of departure.  
19 There's nothing in the law that says they have to adopt  
20 the sample privacy policy. It's designed to be an  
21 assistance tool not -- not a detailed mandate.

22 And then the department is also required to  
23 provide some training to school districts and their  
24 personnel around around data privacy issues. So those are  
25 I think the significant changes I would highlight in



1        terms of how the Bill addresses State Board CDE. All of  
2        the language in the Bill about what local education  
3        providers, school districts need to do is brand new. So  
4        currently nothing in Statute about what will districts  
5        have to do as it relates to data privacy. So that's all  
6        new. And there's similar requirements to what state, what  
7        you all have been doing for a while.

8                      So they have to post on their website a list  
9        of all the data that they collect. They can only contract  
10      with providers that meet the privacy requirements  
11      contained in the legislation. The termination thing I  
12      explain to you for -- for your contracts, same thing  
13      applies at the local level. One of the key things the  
14      Bill does, and this is not, this is groundbreaking, no  
15      other state has looked at this way, is it distinguishes  
16      between school service contract providers which are  
17      essentially people that you have a contract with, be it  
18      the State Board, this Department of Ed or District. So  
19      you enter into a contract with them to provide a service.  
20      So that's one category of providers.

21                      The other category is what they call On-  
22      Demand service providers. And -- and I can tell you in  
23      conversation what is meant by that term in practical --  
24      in a practical sense is apps, right? So when we're  
25      talking about apps that teachers may use in their



1 classrooms, there's no contract, right, between the  
2 school district and that app. And by dividing those into  
3 two categories, the Bill allows for some regulation of  
4 that app world, that no other state has managed to  
5 accomplish to date. Every other state is simply not dealt  
6 with that issue.

7 So thinking about the apps, school districts  
8 have to provide a list of the apps that are used in their  
9 district to parents. They have to do that twice a year.  
10 If a parent has evidence that there's a privacy problem  
11 with an app, right, if they have direct evidence that  
12 this app should not be being used because it's collecting  
13 a bunch of private data on my kid, there's a process  
14 where they can go to the school district and try to  
15 address that. If a school district ceases using an app  
16 because of privacy issues, they put that on their website.  
17 They also send that to the department who puts it on  
18 their web site.

19 But one of the amendments that was added to  
20 the Bill, I honestly forgotten when, but at some point.  
21 It allows that app designer, provider, creator, to -- to  
22 provide a response. It's designed to be kind of a  
23 neutral. Just here's the information nobody is  
24 investigating, nobody is judging. These folks made this  
25 determination, here's what the app writer says, and all



1       that just is kind of out there for public information  
2       purposes. Yes, of course.

3                   MR. ASP: Mr. Chair, thank you. I have a  
4       question there. What does it trigger? How much? Give us  
5       an example of -- of a student using an app, when it would  
6       cross the threshold into PII territory as opposed to  
7       there's no online calculator. What -- what does the  
8       student have to put in that -- that jumps into that  
9       bucket?

10                  MS. MELLO: Mr. Chair, Mr. Commissioner. Oh  
11       boy, you're getting me a little out of my -- my expertise.  
12       But here's the conversations that I've heard. Right. So  
13       if you have an app that is collecting name and address,  
14       name and address are defined as PII in this Bill. And  
15       then if the app is -- is saying, you know, I mean, how  
16       many of us actually read those privacy policies whenever  
17       we buy an app? Most of us don't. But if that app says,  
18       and we have the right to sell that data that -- that app  
19       were it to be regulated by this Bill, would be in  
20       violation of this Bill. So it's a little bit tricky, but  
21       essentially the parent can say, well, wait a minute, this  
22       is collecting PII, it's not using it consistent with how  
23       the Bill would have it be used.

24                  UNIDENTIFIED VOICE: Jennifer, let me just --  
25       you give me enough to --.



1 MS. MELLO: Please.

2 MR. ASP: This is sort of how the real world  
3 operates. And so, here's my big concern 99 percent of the  
4 the time, the teacher has no idea what that app is sort  
5 of used in that classroom. There are so many apps. Oh,  
6 we were using one the other day, around cut paste a PDFs  
7 class I was in. That was an app, and you had to put in  
8 your e-mail address to -- to get to use this app. There's  
9 a teacher in Berkeley in trouble office. Well, you know,  
10 there are several apps out there around PDFs. Some  
11 student goes to it, puts their e-mail address, gets it  
12 and starts using it. Where's that line then?

13 Well, the teacher mentioned that you had  
14 general category of PDFs or apps. I'm just worried that,  
15 and this happens and let's face it all the time, we, in  
16 the name of protection actually create this incredible  
17 hindrance to technology, because that's not how the world  
18 works for apps. How do we make sure that we haven't, you  
19 know, we have a conversation of wine, but there's a  
20 little -- little challenge in there?

21 MS. MELLO: Mr. Chairman, Mr. Commissioner.  
22 You know, I think that those exact concerns were part of  
23 the dialogue. So nothing in the Bill says teachers,  
24 there's no, I mean the Bill is absolutely silent as it  
25 relates to teachers being in trouble or anything like



1       that are being disciplined. It really is about districts  
2       now kind of, I think have to go look within and figure  
3       out how are we going to interact with our teachers to  
4       figure out what's being used in the classroom.

5                   And the testimony from the case  
6       representative was, I think, really interesting on this  
7       point. Because what he said is, what we've realized over  
8       the last year, or so, is we probably need to get a better  
9       handle on this. Some of us would have done it anyway.  
10      This Bill of course requires that we do that. And I think  
11     that's part of the soft touch, so it's not saying you  
12     can't use it. Nothing -- nothing in this Bill says you  
13     may not use this, but it is designed to bring some  
14     transparency to what is being used, and to give parents  
15     who have concerns about a particular app an avenue to  
16     express those concerns. Still school district gets to  
17     decide what to do about it. So there's nothing that  
18     requires a school district to do anything.

19                   MR. ASP: Just a quick follow up towards  
20     that. I got my challenges, that's not the world of apps.  
21     Apps were created on the fly thousands every day. So to  
22     say school, it should, twice a year you must publish  
23     those lists of apps. That's not even the real world that  
24     kids live in, that you inform to us. And trust me, as a  
25     guy with 13 kids, I'm bored about apps all the time, just



1 try to, you know, see what's going on there.

2 (Overlapping)

3 MS. MELLO: Mr. Chair. Absolutely.

4 (Inaudible) And I should have said, I think that I've  
5 heard the sponsor say several times. Like this is  
6 Colorado's first attempt at this. This is going to be a  
7 last I'm going to have this conversation. Assuming this  
8 Bill passes, there are going to be some unintended  
9 consequences that are going to have to come back and be  
10 fixed. And -- and I -- I think that, I mean, I'm so not a  
11 technology person. I defer completely to your expertise  
12 on that. I'm sure you're right. I mean, I write, I defer  
13 to my nine year old's expertise on it as well, because  
14 she's a whiz at apps and it makes me nervous. I feel like  
15 I needed a class to help me figure out what she should  
16 have and not have. So, you know, that's one of the place  
17 where the Bill is trying to walk a line, and -- and, you  
18 know, you all get to decide whether you think it's done  
19 so appropriately. But.

20 MR. ASP: I do like like the Bill. I meant  
21 to say, you know, a piece of it there just --

22 MS. GOFF: Well, I was at the hearing, and  
23 one of the things I heard was that anybody can bring up  
24 the app. Anybody. The parent, a child, a student, a  
25 teacher, the school district, anybody can bring up. You



1 know, this is what this app is- is doing, and it's not,  
2 you know, it's not conforming to statute. So it's up to  
3 everybody to bring this up if they find it. If they find  
4 that, you know, an app is not what it should be doing. In  
5 other words, selling information to other parties inside.  
6 So this has to be brought up by citizens and teachers and  
7 the school community and the community at large. I wanna  
8 be sensitive to time. So Mr. Chair, maybe just I'll try  
9 to quickly finish describing what's in the Bill then I --

10 CHAIRMAN DURHAM: Dr. Schroeder.

11 UNIDENTIFIED VOICE 1: I'm sorry, I  
12 apologize.

13 MS. SCHROEDER: So just listening to this  
14 conversation makes me wonder whether in terms of the  
15 training, training ought not include the warning that if  
16 you're using an app or if your teacher is recommending a  
17 particular program, if they ask for PII, may perhaps that  
18 should be a flag. Just the fact that you're being asked,  
19 either a student is being asked to put in personal  
20 information or a teacher is putting in information about  
21 his or her students, that's a kind of flag that calls for  
22 either check one here, technology person if you're -- in  
23 your school district if they have one, or that there's  
24 some sort of response to that, that that becomes a  
25 trigger as opposed to trying to look at this only from



1       the outside.

2                   MS. MELLO: Up down.

3                   MS. SCHROEDER: Shouldn't we be training our  
4       kids and our staff that when they are inserting that kind  
5       of information, they ask themselves the question, "Why do  
6       I know that it's okay for me to do this?" And if they  
7       don't have any answer to that that they go in order to  
8       investigate further. It seems to me that that process  
9       might provide a whole different approach to how we do  
10      this.

11                  CHAIRMAN DURHAM: Dr. Scheffel and Dr.  
12      Flores.

13                  MS. SCHEFFEL: So do we have time to keep  
14      discussing this or we're trying to get through a number  
15      of Bills?

16                  CHAIRMAN DURHAM: We'll make time.

17                  MS. SCHEFFEL: So thanks for the  
18      presentations. I wasn't able to be at the meeting but I  
19      try and follow the nuances of this legislation. Were  
20      there other amendments that were introduced that are --  
21      that were -- that are being considered? Did you addressed  
22      those? Is that the --

23                  MS. MELLO: Around here.

24                  MS. SCHEFFEL: Have you already addressed  
25      that?



1 MS. MELLO: Mr. Chair, Dr. Scheffel, I talked  
2 about -- so there were -- there are two amendments that  
3 we're adding committee one of which clarified this issue  
4 around contract termination both at the local level and  
5 the district level -- excuse me.

6 MS. SCHEFFEL: So the breach of privacy that  
7 was at -- was at the --

8 MS. MELLO: Correct, correct. And I did e-  
9 mail these to you all. So you -- it's -- I'm happy to  
10 describe them, but you do have them somewhere in your  
11 inboxes. The other thing the Bill did is -- in its  
12 original form, the Bill said that if parents think that  
13 data about their kid is inaccurate, they could go to the  
14 vendor to correct it. The district said, "We'd really  
15 much rather they come to us and we'll work with the  
16 vendor.".

17 And I think from a parent perspective that  
18 makes more sense too, right? Like as a parent, I know who  
19 my school and my district is. I know and may not know who  
20 the right person to call it whatever vendor is. So I  
21 think that was a friendly amendment kind of from all  
22 sides. The other thing that it did is, so the Bill -- we  
23 haven't talked yet about the requirements on vendors,  
24 there's a bunch. We'll leave it at that for the moment.

25 And then it applied both to the contractor



1 and subcontractors, but I think it was accidentally in  
2 the drafting. If a con -- if a vendor discovers a privacy  
3 problem with that subcontractor, there was no requirement  
4 to disclose. So they added that in, that if there is a  
5 subcontractor problem, you -- the contractor, the vendor  
6 had to disclose it but it didn't -- it hadn't worked its  
7 way through the language so that if a subcontractor makes  
8 a mistake, that also has to be disclosed. I'm just  
9 looking at these real quick.

10                   I think in terms of the agreement, the  
11 research agreements that the department may enter into  
12 with researchers, language was added around department  
13 shall implement the process subject to approval by the  
14 State Board. So the department's gonna come up with some  
15 process on that and then bring that to you all as their  
16 bosses. I was trying to think of a better word, all I  
17 could think of was overseers, which seem force the  
18 bosses.

19                   CHAIRMAN DURHAM: Dr. Flores.

20                   MS. SCHEFFEL: Wait, I'm not finished.

21                   CHAIRMAN DURHAM: I'm sorry. Yes, please  
22 proceed.

23                   MS. SCHEFFEL: So can you -- is it -- is it  
24 the case that the way the people's legislation is  
25 currently written that PII still could be shared out in -



1 - with out of state databases without parental consent?

2 That's something I'm hearing, that doesn't preclude that.

3 UNIDENTIFIED VOICE: It does preclude that, I  
4 think.

5 MS. SCHEFFEL: I don't think it does.

6 MS. MELLO: Mr. Chair, Dr. Scheffel, I don't  
7 wanna give you an input. Can I -- can I get -- I wanna  
8 get the right answer and I'm afraid that if I do that off  
9 top my head, it won't be right. So may I seek an answer  
10 to that question for you and get back with you on that?

11 MS. SCHEFFEL: Right. And then I have  
12 another question about the IRB. So right now, it's a  
13 contract with the state, the IRB, in terms of an entity  
14 doing research of data at CDE, and the state is -- the  
15 burden of the IRB is on the entity, but CDE doesn't have  
16 an IRB. Is there a discussion too at that back then? I  
17 mean, that gives us a stronger view as a Board to review  
18 and oversee research that's been conducted with data at  
19 the state as opposed to the contract. The IRB process is  
20 very different. Is there any appetite for that claim?

21 MS. MELLO: Mr. Chair, Dr. Scheffel, I think  
22 that has been in conversation. So the Bill does talk  
23 about IRB's in the context of research by higher  
24 education institutions. And essentially it says that if a  
25 researcher has gone through that process, that is deemed



1 sufficient to substitute for some of the other  
2 requirements -- for the requirements the Bill in general  
3 imposes on researchers. I think the thinking being that  
4 those are -- I don't know which -- if one is better,  
5 there at least equivalent. Perhaps one is even better  
6 than the others, I don't know.

7 MS. SCHEFFEL: You mean the contract versus  
8 an IRB?

9 MS. MELLO: Correct.

10 MS. SCHEFFEL: They're really not equivalent  
11 at all.

12 MS. MELLO: Okay.

13 MS. SCHEFFEL: But I mean I'm just wondering  
14 if anybody had surface on those entities.

15 MS. MELLO: I mean, I think that that's been  
16 a topic of conversation. I don't -- my understanding is  
17 there's not any plans to change the current language in  
18 the Bill that, as it stands, individual researchers,  
19 other researchers who go with the department have to do  
20 an agreement and they are subject to all of these terms.  
21 The IRB only comes into play in the Bill when it has to  
22 do with higher education research.

23 MS. SCHEFFEL: Okay. And then finally, just  
24 to come in on the commissioner's comment. I think, as I  
25 read the Bill, the onus of the on-demand providers in the



1 Bill is put on the vendors to comply, not on the teachers.  
2 So when we talk about, you know, this isn't reality or  
3 whatever, the onus is on the vendor, not the teacher to  
4 go and scurry around and figure out how this compliance  
5 is gonna be, I think and rightfully so.

6 UNIDENTIFIED VOICE 1: Dr. Scheffel, just  
7 real quick. I think you may be right, but the challenge  
8 is the vendor of an app is a 13-year-old kid living in  
9 Uzbekistan, who posted it to a -- you know, to the Google  
10 Play Store. And so what do we -- I mean, how realistic is  
11 this? And obviously, this has nothing to do with that.  
12 This is -- I understand what we're trying to accomplish  
13 here, I wonder if the language stays be rewarded in all  
14 of this.

15 MS. SCHEFFEL: To the extent that even the  
16 log ins of PII, that PII data can be shared out of state  
17 without parental consent, then the individuals who  
18 develop apps that are used in public schools need to be  
19 more responsive and responsible with the kind of data  
20 they're collecting and where it goes. So I get it that  
21 kids develop apps, but I'm just saying that this is a  
22 public entity and, you know, when we have data being used  
23 for various purposes, I think we have to, you know, be  
24 diligent and how it's used and where the onus is. So that  
25 was that.



1 CHAIRMAN DURHAM: Dr. Flores.

2 MS. FLORES: So one of the -- one of the  
3 things that I know, they were talking about that this was  
4 not gonna cost money but I think it's gonna cost money. I  
5 mean, you're gonna train teachers. And if the state is  
6 going to be responsible according to what the legislation  
7 says, then there should be monies attached for the  
8 department and for the training. I mean, there's money  
9 out there, and yet it went off as there's no cost and  
10 there is cost.

11 And suppose somebody wants -- I mean, I was  
12 just thinking, according to how it's written, people  
13 could ask, I just wanna, you know, I want the department  
14 to come out here and really train the people because  
15 we're really concerned about this. And I think that that  
16 seriously needs to be looked at because we're already --  
17 I mean, I think the department may not have the resources  
18 kind of in that area, and that needs to be looked at.

19 MS. MELLO: Mr. Chair, Dr. Flores, I think  
20 there was some testimony -- interesting testimony to that  
21 point that came from the school district representative  
22 talking about, because the Bill does not come with  
23 additional resources, there was gonna be a need for  
24 patience that because both school districts in the  
25 department would be implementing this within current



1       resources that, you know, none of this would happen  
2       overnight. And I understand your point, and so I just  
3       wanna make your colleagues aware that that's how that  
4       topic was discussed in the hearing.

5                   I think it's also important to note that  
6       when the department prepared its fiscal note, it listed  
7       some assumptions that relate to this, and that is that  
8       the training that they're being asked to provide under  
9       this Bill is consistent with what they're already  
10      planning to do based on Commissioner Crandall's direction.  
11      So if that assumption was not be true, I think the -- one  
12      could refer back to that fiscal note in the future and  
13      say we're getting much much more requests and then have  
14      that conversation to the budget process. So that's I  
15      think how the fiscal issues have been addressed today.

16                  CHAIRMAN DURHAM: Okay. Ms. Mello, I've  
17      observed that I think probably the legal and the  
18      practical cutting line on this is if the teacher says I  
19      suggest it or and says depending on whatever language is  
20      that you use app X, I think there's some responsibility  
21      that accrues to the district and they should be cognizant  
22      of what's going on and careful about monitoring what's  
23      going on. There's simply no way to prevent a student from  
24      accessing whatever app they want. It's not -- and  
25      frankly, that's an issue between the parent and the



1 student and not the -- not the state and the student, and  
2 I don't know how we would involve ourselves in that. So I  
3 think the practical side of the Bill is pretty simple if  
4 the districts or its representatives are involved in  
5 pushing something, they're gonna end up with some level  
6 of responsibility.

7 MS. FLORES: Mr. Chair?

8 CHAIRMAN DURHAM: And that's where the  
9 training comes. Dr. Flores.

10 MS. FLORES: I think there was mention that  
11 parents have to be trained as well. So the legislation  
12 assures, you know, districts that -- the district is  
13 responsible I think for training the parents, and the  
14 department is responsible for training the district. So  
15 there's a chain there, and I think monies are going to be  
16 much more than zero.

17 CHAIRMAN DURHAM: Thank you. Ms. Mello, any  
18 other?

19 MS. MELLO: Well, I serve at your pleasure.  
20 I have yet to describe the vendor requirements in the  
21 Bill, would that be helpful?

22 CHAIRMAN DURHAM: I think that would.

23 MS. MELLO: Okay. All right. So we'll --  
24 I'll try to do that as quick as I can. So note,  
25 everything I'm talking about right now relates to school



1 service contract providers so the folks that there's a  
2 contract with. So we're not talking about the apps right  
3 now. We should be clear about that. So they have to  
4 provide information about the types of PII that they  
5 collect and the learning purpose for that information.

6 The way the Bill is structured is they  
7 provide that to the district that that puts it on their  
8 website, again because parents wanna go to the district  
9 website. They don't wanna have to find some vendor  
10 website. But if the onus is on the vendor to prepare that  
11 in a form that ideally the school district just -- they  
12 probably do more than copy and paste, again I'm no  
13 technology expert, but something equivalent to copy and  
14 paste to put it up on their website. School service  
15 contract providers may collect, use, and share student  
16 PII only for purposes authorized in a contract or with  
17 the consent of the student or student's parents. School  
18 service contract providers may not sell student PII, use  
19 or share student PII for purposes of targeted advertising  
20 to students, or use student PII to create a personal  
21 profile of a student other than for sporting purposes  
22 that are addressed in the contract.

23 There are a few exceptions to that. So if  
24 they get a court order, they have to disclose. We did get  
25 some language inserted into an earlier draft to the Bill



1       based on some great feedback from Board Member Rankin  
2       that if -- if that PII does have to be disclosed in a  
3       judicial context, the parent should get notified about  
4       that. So that's in the Bill. School service providers  
5       have to maintain a comprehensive information security  
6       program. They shall destroy student PII within the time  
7       period specified in the contract or at the point where  
8       that data is -- the purpose of the contract has been  
9       fulfilled. So there's a data destruction requirement in  
10      the Bill.

11                   So those are -- I mean, I'm giving you the  
12      highlights, but those are essentially the requirements  
13      around inventors and researchers. Remember, because at  
14      the beginning of the Bill, it talks about researchers  
15      working with the department and have to comply with all  
16      of those things as well. So the only group that did not -  
17      - that testified on Monday but they did not support the  
18      Bill. They testified in an amending position, which is a  
19      soft oppose, I will just -- I mean, that's my  
20      interpretation, it's not what they said, but that would  
21      be my interpretation of what amending means, was the  
22      Software Industry Association.

23                   So the technology folks have some concerns  
24      that they think this Bill goes too far. They don't like  
25      that the definition PII is different from other states



1 because it's easier for them, understandably. I mean, I  
2 get it, right? If I'm running an operation in 30 states,  
3 I'd rather have the rules be the same. But I understand  
4 where they're coming from. But I know that the  
5 legislators who crafted this were very thoughtful about  
6 the definition of student PII and are particularly  
7 interested in changing it just to make it easier for  
8 other folks. So that's I think a decent overview of the  
9 Bill, and I'm happy to continue to answer questions or  
10 dialogue.

11 CHAIRMAN DURHAM: Further questions about  
12 House Bill 1423? Yes, Ms. Goff.

13 MS. GOFF: Yeah. Thank you. I don't really  
14 have a question, I guess more of a comment that it could  
15 be a question. The issue about the elimination or  
16 termination of contract, we had -- we had talked a little  
17 bit about that when we first got the Bill, but some  
18 clarification about the prerogatives that either the  
19 state, the department, or a district has. When we're  
20 using termination of contract, I didn't -- I didn't  
21 discern. I can -- I can look again of course, but any  
22 real clarity about immediate versus after a period of  
23 time where there's a review of the case.

24 And I'm just -- I'm thinking ahead, and the  
25 other kind of tied in with that is the fact that if this



1 law should pass, probably will in some form, guess who  
2 gets set to do rules. So we're gonna have plenty of  
3 opportunity to really process through all of this. But I  
4 think from the get-go, some clarity about the  
5 determination -- we don't need to think about the -- the  
6 aftermath or how the Bill ends up, whether or not -- how  
7 did we -- I mean, we're gonna have to set some kind of --  
8 some parameters for what has -- what is a breach, I  
9 guess, and how do we know that? And how many of those  
10 will we have in a years time?

11 I'm -- I'm being -- I'm looking at the  
12 optimistic side. Is it how many? And what does  
13 constitute grounds? How many people, for example, need to  
14 draw it to somebody's attention before it becomes, you  
15 know, when it -- when it becomes a viable case of breach.  
16 I'm just -- I'm just concerned.

17 MS. RANKIN: A breach is a breach, as a  
18 breach I think.

19 MS. GOFF: Well but -- but, yes. But I think  
20 we're gonna have to have some sort of characteristics of  
21 it or what is -- what is -- what is this breach? If it's  
22 just PII, one student's PII, I don't know. I mean, I'm  
23 saying this to be -- I do support this Bill. I think it's  
24 a great start. I do understand and -- and I identify with  
25 those who are saying oh, the what if's and the unintended



1 consequences. But I just want us to be prepared for that  
2 because this is brand new, in many, many ways. Not all  
3 ways --

4 UNIDENTIFIED VOICE 1: Right.

5 MS. GOFF: -- but many ways so.

6 MS. MELLO: I -- I would just note that  
7 there's case law that I think will inform the definition  
8 of material breach even when this Bill becomes law. I  
9 think your -- your counsel over there, you might want to  
10 have some conversations about how to perform that.

11 UNIDENTIFIED VOICE 1: Okay, and --

12 CHAIRMAN DURHAM: The Attorney General is for  
13 Employment Act, so --

14 MS. GOFF: May I?

15 CHAIRMAN DURHAM: Yes, Ms. Goff?

MS. GOFF: Always something to do, right?

17 Legislative legal services in -- in the -- your  
18 department and others, have we had any indication that  
19 there's problems, shaky ground, new territory, possible -

20 -

UNIDENTIFIED VOICE 3: Minefields.

22 MS. GOFF: -- minefields?

23 CHAIRMAN DURHAM: Mr. Dill?

24 MS. GOFF: pit holes, all those words.

25 MR. DILL: We had expressed some concern



1       about the effective to know this requirement, and that  
2       there's -- there's no opportunity for a hearing before  
3       the vendor who -- I guess, the breach agreement has --  
4       has been posted and how to deal with that. The response  
5       to that is to add language to -- to the Bill, to say that  
6       when -- when that -- the vendor's name is posted, it must  
7       be posted with a response by the vendor's, should the  
8       vendor choose to -- to include one. If -- you know, if --  
9       if the final version of the Bill, you know, if -- if the  
10      feeling is that it proves it's insufficient, that perhaps  
11      we could look at additional policies that would -- that  
12      we could put into process that could be done by the  
13      Department of State Board.

14                     CHAIRMAN DURHAM: Thank you, Mr. Dill.

15                     MS. GOFF: So the -- the -- sorry.

16                     CHAIRMAN DURHAM: Go ahead.

17                     MS. GOFF: The vendor's posting would be, at  
18        whichever level, there's a problem. So in other words,  
19        CDE, we would have -- if we have a problem over some  
20        vendor and we need to post the response on -- it's at a  
21        state level. If a district has a problem with the vendor  
22        and --

23                     MS. MELLO: Just to -- I'm sorry but I wanna  
24        make sure we're -- that we're clear about what we're  
25        talking about here because this only relates to on-demand



1 providers, right? So it is not about contractors. That  
2 part of the Bill only relates to on-demand providers. And  
3 if a district stops using it for privacy reasons, they  
4 put it on their own website. They then send that  
5 information to the department that is also required to  
6 put it on its website --

7 MS. GOFF: Okay.

8 UNIDENTIFIED VOICE: -- along with a  
9 response. So I -- I just wanna make sure --

10 MS. GOFF: That's important.

11 UNIDENTIFIED VOICE: -- we have the factual  
12 context there. Okay?

13 MS. GOFF: Thank you.

14 CHAIRMAN DURHAM: Okay? Okay. Any further  
15 discussion of House Bill 1423? Seeing no, is there a  
16 motion on House Bill 1423. Yes, Ms. Goff?

17 MS. GOFF: I move that the Board adopt a  
18 position of support for House Bill 16-1423.

19 CHAIRMAN DURHAM: So proper motions, is there  
20 a second? It's been moved and seconded. Dr. Schroeder  
21 have seconded. Is there an objection to the adoption of  
22 that motion? Seeing none, then that motion's adopted by  
23 votes seven to zero. Ms. Mello, you can go ahead to  
24 communicate that to the sponsors and when appropriate to  
25 Members of the General Assembly. We would appreciate it.



1 MS. MELLO: Absolutely, Mr. Chair. Thank you  
2 all. We'll see you soon. I imagine.

3 CHAIRMAN DURHAM: Thank you. All right. Now  
4 we will move to item eight, public comment. Ms. Burdsall,  
5 do we have a sign-up sheet handy?

6 MS. BURDSALL: Yeah.

7 UNIDENTIFIED VOICE: We'll let you all know  
8 that --

9 UNIDENTIFIED VOICE: Yeah.

10 CHAIRMAN DURHAM: I -- I can't make it work  
11 so I've always robbed one while I'm trying.

12 UNIDENTIFIED VOICE: Okay. Do we have --

13 CHAIRMAN DURHAM: Which way do you wanna go?

14 MS. MELLO: So just did a quick update. The  
15 Bill's being debated on the House floor right now. So  
16 it's up for a second reading right now. So I'm gonna  
17 hustle across the street. Make sure to let them know  
18 about your position.

19 UNIDENTIFIED VOICE: Thank you. I'll -- I'll  
20 tell.

21 CHAIRMAN DURHAM: That works. We're a little  
22 behind time. But with any luck, we'll catch up here.  
23 Let's start to -- yes, Ms. Goff?

24 MS. GOFF: I just wanted to share with you  
25 that Ms. Mello, on her way out, the -- told us that



1       they're hearing the Bill right now --

2                     CHAIRMAN DURHAM: Right.

3                     UNIDENTIFIED VOICE: -- on the floor. So  
4       just get going.

5                     CHAIRMAN DURHAM: So -- so maybe in the  
6       center by the time we get to tell anybody.

7                     UNIDENTIFIED VOICE: Yeah. Like by 10:30  
8       a.m.

9                     CHAIRMAN DURHAM: Yeah, it's 10:30 a.m.  
10       Let's start with Cindy Loveland. So Ms. Loveland? And  
11       just a reminder, Ms. Burdsall will keep time for everyone.  
12       You have three minutes.

13                    MS. LOVELAND: Okay.

14                    CHAIRMAN DURHAM: Thank you.

15                    MS. LOVELAND: Hello. I'm Cindy Loveland. I  
16       live in Jefferson County, in the 7th Congressional  
17       District. I appreciate the opportunity to bring some  
18       concerns to you today. I've been to a lot of Jefferson  
19       County School Board meetings but this is the first time  
20       I've ever come before the state Board. So I appreciate  
21       that you allow this comment. The concerns that I wanna  
22       bring to you today are about two Bills. One that was  
23       passed in 2014 and that one was House Bill 1288, and  
24       another one that's currently laid over in the house,  
25       House Bill 1164.



House Bill 1288 that passed in 2014 requires schools to make the immunization an exemption information to vaccination of their enrolled students publicly available on request. It also requires CDPHE in consultation with other state departments to establish a joint policy on the immunization data collection and sharing. I haven't been able to -- to see a copy of that joint policy. If there is -- if there even is one, I'm not sure if there is.

10 So I'm hoping that maybe somebody could let  
11 me know if there is one and where I could get a copy of  
12 that. Well, the Department of Education isn't  
13 specifically named. I just assume that because this is a  
14 state issue, a state Bill is going to apply to every  
15 single school in the state, that there would be some sort  
16 of a collaboration or policy. The current Bill that is  
17 laid over in the house for second reading proposes to  
18 force parents who have chosen to exercise their legal  
19 right to exempt or delay one or more of the vaccines  
20 required for school to submit their medical, religious,  
21 or personal belief exemption directly to CDPHE.

That record would then be put into either  
the current immunization tracking system or in a separate  
state-ran centralized database. Current state law  
requires schools to collect a certificate of immunization



1 for every student enrolled, and this is the way it's been  
2 done since 1979. These immunization records are  
3 considered educational records and are protected by FERPA.  
4 House Bill 1164 would circumvent FERPA, which would  
5 require written consent before the school would share  
6 that record with the state health department. Parents  
7 have the expectation that their child's school records  
8 are private. If CDPHE moves forward with this new online  
9 system, parents need to be fully informed that they will  
10 be giving up their privacy protection provided by FERPA.

11 That communication would need to come  
12 through schools because that's FERPA issue and CDPHE  
13 doesn't have to comply with that. Finally, I just wanna  
14 say there's a lot of confusion on this issue and I think  
15 it would be helpful, since it's a state issue that  
16 affects every school, that maybe CDE could provide some  
17 clear and accurate information on this. We're -- we're  
18 already hearing from parents, that they're getting  
19 letters already stating that they must file their --

20 CHAIRMAN DURHAM: Ms. Loveland, your time has  
21 expired. Could you wrap it up, please.

22 MS. LOVELAND: Okay. I wanted also to just  
23 give you some information about the organization that I'm  
24 with. I've a copy for all of you. It's geared towards  
25 legislators, but it's good for anybody that has to look



1       at policy.

2                     CHAIRMAN DURHAM: Thank you very much.

3                     MS. LOVELAND: Thank you.

4                     CHAIRMAN DURHAM: We appreciate that.

5     Melissa Winefeldt? Thank you.

6                     MS. WINEFELDT: I'll wait until she's done  
7     passing this out. Thank you. Good morning. I am coming  
8     to you this morning as a mother with concerns regarding  
9     House Bill 1164 and even the new -- the implementation of  
10    this new program through CDPHE and CDE, even if this  
11    legislation does not pass. I would really like to note  
12    first that everyone I've been in contact with at CDE, so  
13    far, has been nothing but kind and respectful.

14                   I feel the need to recognize this because  
15    you're going to hear great frustration in my voice, and  
16    from other parents probably, and I just want everyone  
17    hear to understand, it's not directed at anyone at CDE,  
18    specifically. I am a mother trying to protect my family,  
19    my rights, and for months have been passed from office to  
20    office. So please understand why we are so upset and  
21    coming here now to you to express these concerns. I sent  
22    an e-mail yesterday with concerns and asked it be  
23    forwarded to Dr. Schroeder because she is my -- we're in  
24    Jefferson County schools. I don't know if you were  
25    forward of that --



1                   UNIDENTIFIED VOICE 11: Yes.

2                   MS. WINEFELDT: -- because I did not receive  
3                   a response. Instead I received a reply from Ms. Sara  
4                   Matthews that did not address one of my concerns. She  
5                   recommended that I contact Diana Herrera who work at  
6                   CDPHE. The Governor's Office of Constituent Services has  
7                   recommended I contact said CDPHE. The Attorney General's  
8                   Office has recommended I contact CDPHE. Legislators --  
9                   they are the sitting legislators, they -- CDPHE is the  
10                  problem.

11                  Why would I contact CDPHE? We are not  
12                  getting anywhere with CDPHE. They're the ones who are  
13                  running out of control trying to implement a new program  
14                  outside of legislative authority. They are misleading  
15                  school districts, health and wellness coordinators,  
16                  school nurses, and even legislators. CDPHE has been  
17                  running out this information for months while the  
18                  legislation has currently stalled in house. There was an  
19                  incredible amount of confusion among school districts,  
20                  and child care facilities, and school nurses. CDPHE  
21                  claims that even if 1164 does not pass, there'll remain  
22                  the option for parents to go online to file their vaccine  
23                  exemptions, which, if I would be correct, it's only for  
24                  parents to file exemptions for the children. This is not  
25                  if you get vaccinated and you get -- you still get the



1 freedom to turn your records into -- to school every  
2 fall.

3 It's only discriminating against a small  
4 group of families who choose to file or have medical  
5 exemptions for their children. We're gonna -- we're gonna  
6 harass you, and pick you out, and treat you as a second  
7 class citizenship. And we're gonna make you go directly  
8 online to the state where we're gonna track your  
9 children's information. And then we're gonna follow up  
10 with reminder recalls. "Hey. They're your forms. Are  
11 you aware of these reforms, of this incriminating  
12 statement on it that says as a parent who is foregoing  
13 the -- the recommendations of a physician, then I'm  
14 putting my child and myself at risk by not getting him  
15 vaccinated?".

16 That's compelled speech. No parent is gonna  
17 sign that new exemption form. So how -- how is CDPHE  
18 gonna get anybody to go online to fill out these forms  
19 anyway? And do you all know that there is a separate  
20 database at CDPHE? Even if you opt your child out of  
21 CIIS, when you go on filing your exemption forms online,  
22 your information -- this came from making various CDPHE.  
23 You can double-check this information with them. All your  
24 information is going to go into a separate internal  
25 database to CDPHE first, and then if you choose to opt it



1 out of CIIS, she simply won't pass that information along  
2 to CIIS. I don't, as a mother, I do not know where to go  
3 anymore. The problem is, is that once this information is  
4 taken out of schools, we lose FERPA protection. I don't  
5 think the state has any business getting involved with  
6 stripping me of my federal rights. I welcome any  
7 questions you may have.

8 CHAIRMAN DURHAM: Thank you very much, Ms.  
9 Loveland. Ms. Winefeldt. I'm sorry. Pam Long?

10 MS. LONG: Hello. My name is Pam Long and  
11 I'm from Douglas County.

12 CHAIRMAN DURHAM: Please speak up a little  
13 bit, if you would, Ms. Long, please.

14 MS. LONG: Can you hear me now?

15 CHAIRMAN DURHAM: A little louder, louder --

16 MS. LONG: Can you hear me now?

17 UNIDENTIFIED VOICE 12: Can you keep it in  
18 the --

19 MS. LONG: I feel like I'm yelling at you.

20 UNIDENTIFIED VOICE 13: It wouldn't be the  
21 first.

22 CHAIRMAN DURHAM: You won't be yelling out  
23 loud. So it's okay.

24 MS. LONG: All right. One more try.

25 UNIDENTIFIED VOICE 12: There we go.



1 MS. LONG: Okay. My name is Pam Long. I'm a  
2 parent from Douglas County and I have shared some of my  
3 concerns of the past week with Members of the Board. I  
4 also have a son with vaccine-induced brain injury. I know  
5 that might come as a surprise to you, but pharmaceutical  
6 products and vaccines, they do sometimes have adverse  
7 effects. So I want to skip over some of the parts that  
8 we've already talked about.

9 CDPHE is not being transparent with school  
10 districts and school nurses. And it is acting beyond its  
11 legislative authority in a way that is currently  
12 directing schools to violate the FERPA House Bill 1288. A  
13 2014 law directs schools to violate FERPA by uploading  
14 all philosophical and religious vaccine exemptions with  
15 PII to their database which is known as CIIS or C-I-I-S.  
16 And since 2014, the CDPHE has not been able to resolve  
17 this violation of FERPA problem discussed in all of their  
18 quarterly stakeholder meetings, many of which I have  
19 attended. It is technically true, if you talk to CDPHE,  
20 they will tell you they are not violating FERPA because  
21 that state office falls under HIPAA. However, they have  
22 directed the schools to share PII, which is a direct  
23 violation of FERPA.

24 And I could read you the part -- the  
25 paragraph from the 2016 state audit of CDPHE that



1 directly says they aren't in violation with FERPA. Well,  
2 they're directing schools to violate FERPA. But for the  
3 sake of time unless you ask me to, I'll skip over that  
4 and go on to my next point. Because CDPHE could not  
5 resolve the FERPA violation, they proposed this Bill this  
6 year to -- House Bill 16-1164 to seize control of all  
7 school immunization records from schools which would then  
8 lose all other FERPA protections and now fall under  
9 HIPAA.

10                   This Bill is not law, however, CDP is acting  
11 like it is signed into law. They are sending postcards,  
12 this came up in House testimony. Two families directing -  
13 - in directing school nurses to post on their school  
14 websites that the vaccine exemption process is changing  
15 to an online-only process controlled by CDPHE in July of  
16 2016. And the frustration you are going to hear from  
17 parents is, "Will schools protect our rights?" ensuring  
18 that school staff gives correct information, that this  
19 online system is voluntary. It is not mandatory, it is  
20 not current law.

21                   Will CDE ensure the school staff informs  
22 parents that they have the right to opt out and I will  
23 finish up, thank you. Will -- will CDE explain to parents  
24 that if you submit your -- your medical records directly  
25 to CDPHE, you forfeit your rights under FERPA. So in



1 conclusion, the statutes are clear that each school has  
2 authority over school immunization records, not CDPHE.  
3 And yet both CDE offices, Data Privacy and Wellness, that  
4 have been communicating with me graciously, have been led  
5 to believe that they cannot challenge the directives of  
6 CDPHE even when privacy is being violated and  
7 misinformation is being disseminated. If you have any  
8 questions, I welcome them. I have been working on this  
9 issue to protect vaccine exemptions for families in  
10 Colorado for 10 years.

11 CHAIRMAN DURHAM: Thank you, Ms. Long.

12 Deborah Cole.

13 MS. COLE: Mr. Chairman, Members of the  
14 Board, good morning. At the end of last -- the last  
15 school year, Colorado families were happy to learn that  
16 the amount of standardized testing imposed under the new  
17 Common Core aligned regimen would be reduced. The PARCC  
18 consortium announced that the total length of assessments  
19 in each grade would be decreased by 90 minutes. A careful  
20 comparison between last year and this year reveals that  
21 the cheering was premature.

22 If you look at the charts I've distributed,  
23 you will see that the total testing time allocated for  
24 third grade Math last year, for example, was 300 minutes  
25 while for this year it is 240 minutes. That seems to be a



1       true reduction until you look at the small print. The  
2       300-minute figure for last year was the total for time  
3       and a half which is required for students with special  
4       needs. Last year as it happens time and a half was made  
5       available to all students, those with and without  
6       required accommodations who were tested together  
7       indiscriminately.

8                     In practice at our elementary schools almost  
9       all the students without a special needs designation  
10      truly did complete these assessments int two-thirds of  
11      the available time. Hence the typical average student  
12      would have finished in 200 minutes. Compare 200 minutes  
13      to 240 minutes, which is the total for the current year  
14      minus extended time. That is the true comparison that  
15      should be made. And there's something else. Both the  
16      test administration manual and the PARCC website state  
17      the testing window for paper and pencil testing is a  
18      maximum of 30 school days. The District of Columbia for  
19      example has a paper and pencil window running from 28th  
20      of March to 29th of April. Maryland and New Jersey give  
21      the maximum of six weeks, and Massachusetts allows  
22      testing between 25th of April and 27th of May.

23                     Why did CDE feel it necessary to force  
24      schools opting for paper and pencil to complete all  
25      testing between 11th of April and 29th of April. Once



1 again, to take third grade as an example these young  
2 students are having to sit for Math tests for four  
3 straight days for a total of 240 minutes and after a  
4 break of a few days for another three straight days of  
5 ELA testing totaling 255 minutes. They're permitted a  
6 three minute break during a testing session. Special  
7 needs students are being assessed for 360 minutes over  
8 the first four days for Math and 283 minutes for three  
9 days of ELA testing. A gratuitous and unnecessary strain  
10 is being placed on our youngest students and our most  
11 vulnerable students. Colorado's families should be  
12 asking, "Why?" Thank you.

13 CHAIRMAN DURHAM: Thank you very much, Ms.  
14 Cole. Ms. Leeds -- Ms. Leeds in the room -- L-E-D-S,  
15 sorry.

16 MS. LEOS: It's Leos.

17 CHAIRMAN DURHAM: It's what?

18 UNIDENTIFIED VOICE: Leo, it's L-E-O.

19 CHAIRMAN DURHAM: Oh, it's an "O" and not a  
20 "D" sorry. I will get my glasses checked.

21 MS. LEOS: It's okay.

22 CHAIRMAN DURHAM: Okay.

23 MS. LEOS: Good morning, Members of the  
24 Board. My name is Blanca Leos. I'm having a bullying  
25 prevention program. It is crucial for our schools. It



1 gives school staff the tools to be better at to intervene  
2 and assist students when incidents of bullying occurs.  
3 Bullying prevention programs create and sustain a  
4 positive school culture where students feel connected to  
5 their schools and also gives parents a sense of relief  
6 knowing that our schools are taking the steps to prevent  
7 our children from being targeted simply for being who  
8 they are. It ensures that students have caring, safe and  
9 respectful space for them to learn in.

10 I know for me it would have come in handy  
11 when my child was getting bullied for being different. He  
12 was eight -- He was in the eighth grade when -- sorry,  
13 when students began to bully him at school. For him, just  
14 calling him names just simply because he didn't like  
15 sports, he liked girly things and acted gay. He was  
16 called names and was getting picked on. This affected him  
17 in many ways. He battled with depression, contemplated  
18 suicide and at one point wanted to drop out. It made it  
19 very difficult for his dad and I because my son has  
20 always been an overachiever and a "straight A" student.

21 But when you hear your kid say, "Mom, I hate  
22 school" you feel your heart tear apart. Although he told  
23 several teachers about it and was telling them what was  
24 going on, including the principal, it didn't prevent it  
25 from happening and at one point it -- it made it very



1 difficult and worse for him. Being bullied at school made  
2 it very difficult for him to learn, grow and be himself.

3 I'm here today to speak on behalf of those  
4 parents who struggle with this every day and who have  
5 similar experiences with their children. As parents we  
6 want to feel that the school system is doing all they can  
7 to keep our children safe and prevent any harm to our  
8 children both physically and emotionally. If we team up  
9 together, we'll have the ability to do something about --  
10 about it and prevent children like mine to endure these  
11 types of issues and even prevent suicide. This prevention  
12 program will give parents like me the opportunity to work  
13 with schools to create and implement bullying prevention  
14 strategies, stay involved and help put the end to  
15 bullying. Thank you so much for your time.

16 CHAIRMAN DURHAM: Thank you very much, Ms.  
17 Leos. Sarah Sampayo.

18 MS. SAMPAYO: Thank you. My name is Sarah  
19 Sampayo. I'm here as a parent. Although I am a school  
20 Board Member, I am not speaking on behalf of our school  
21 Board but rather the constituents and like-minded parents  
22 who elected me.

23 I would like to speak about the use of  
24 standardized testing as a venue to collect survey type  
25 data on our children. The matter of standardized testing



1 has evolved from an interest in permitting education to  
2 an interest in promoting political agendas. When one has  
3 knowledge of the history of how standardized testing has  
4 been evolving, it is apparent.

5                   Mandatory participation in standardized  
6 state required testing should not be used as a license to  
7 a data pool population without the informed consent and  
8 knowledge of the parents as to what they're collecting  
9 and the use of it. Last year, there were numerous reports  
10 of questions on standardized tests that required a  
11 student to access their personal political values or  
12 religious or family beliefs in order to answer the  
13 questions. I argue that such questions are inappropriate,  
14 number one, because they were forbidden by the then  
15 current federal law; and number two, because who  
16 determines the right answer.

17                   This begs the question of why are such  
18 questions on this test. The State has no right to be  
19 measuring our children according to these religious,  
20 family or political beliefs. I am now hearing reports of  
21 pretest survey data that accompanies the standardized  
22 tests. We as parents should have the right to be informed  
23 and refuse participation in such survey type information  
24 gathering. Currently, only on the minor -- only the minor  
25 children are being informed and instructed. I would



1 respectfully ask that the State Board implement an  
2 instruction that the test proctors administering the  
3 tests should be instructing children that they are not  
4 required to answer questions that ask them to reveal  
5 their personal attitudes, values or beliefs.

6 I respectfully request that we ensure by way  
7 of policy that our schools recognize and respect the  
8 primacy of the rights of the parents in the parent-child  
9 relationship especially regarding the privacy and the  
10 role of the parent in the matter of attitudes, values and  
11 beliefs, and that survey type questions be required to  
12 have the informed consent of the parents before the kids  
13 are invited to participate. Thank you.

14 CHAIRMAN DURHAM: Thank you very much, Ms.  
15 Sampayo. Ray Trout.

16 MR. TROUT: My name is Ray Trout. I was not  
17 prepared to say anything so I will try to be brief.

18 UNIDENTIFIED VOICE: Excuse me, we are not  
19 able to hear him very well, so --

20 CHAIRMAN DURHAM: Speak up, speak up just a  
21 little if you would.

22 MR. TROUT: Yes. Once an engineer, but I  
23 have been working this past year in the process of light  
24 assessment that I hope can take the place of serious  
25 overtesting. I was at the meeting yesterday at the



1 capitol on the privacy issue. I think that was good. But  
2 I think the default in the personal information should be  
3 that the personal information does not leave the school,  
4 that should be the default.

5 This kid came and installed it on my  
6 computer the other night without my permission or desire,  
7 it took me half an hour to block all of the ways that a  
8 youngster might grab as the easy default, an open window  
9 to an endless number of vendors being able to pull  
10 whatever they wished from my computer, and surely, the  
11 computers of young people.

12 I think that's a -- that's the wrong way to  
13 structure a default. The firewalls in the legislation as  
14 far as I can tell has to do with contract language, the  
15 possibility of maybe a curtailment of a contract, the  
16 language should be discussing a serious prison time for  
17 violations in my opinion. That should be the default, not  
18 potential cancellation of some business. The way it's set  
19 up as far as I can tell, I'm not an expert but it seems  
20 like it's going to pitch mothers against a very large  
21 powerful industry; and that's not the default it needs to  
22 be, turned a bit upside down. That's as much as I can say  
23 right now. Thank you very much.

24 CHAIRMAN DURHAM: Thank you, Mr. Trout. I  
25 thank those who participated. Sticking to the time, I'm



1 just going to exercise a little discretion here. The --  
2 by way of disclosure, the 1979 amendment on the personal  
3 exemption, if my memory serves me correctly, is one that  
4 I carried as a Member of the Legislature and put into the  
5 lawsuits. I've a little stronger feeling in favor of  
6 personal exemptions than perhaps most. And I would ask  
7 Mr. Dill to review whether or not school districts are  
8 obligated without additional statutory change to comply  
9 with requests, these requests from CDH -- C -- C --  
10 Colorado Department of Health and if they are not to  
11 propose a notice that we might send to them reminding  
12 them of their obligations under the law to keep that  
13 private.

14 So -- and I'm sure that will be  
15 controversial within your own department, Mr Dill, and I  
16 presume you will exercise appropriate fiduciary duty for  
17 us. So I think that -- I think that the department should  
18 not be assisting nor should school districts be assisting  
19 unless they're compelled by State Law to do so. And if  
20 they're, that's -- then that -- I hate to suggest that  
21 the parents need to go someplace else, but it is more  
22 appropriately taken across the street than here  
23 unfortunately. Also, I do -- the -- the -- the PARCC  
24 exams, could -- can we have these time frames reviewed  
25 and -- and the survey question issues especially, have



1       that reviewed. I would appreciate it.

2                   MS. MAZANEC: Excuse me.

3                   CHAIRMAN DURHAM: Yes, Ms. Mazanec.

4                   MS. MAZANEC: Ms. Sampayo is here. Didn't we  
5       have this issue discussed last year that there was a  
6       survey at the end of -- is that the same thing you're  
7       talking about.

8                   MS. SAMPAYO: That was before and this is  
9       after.

10                  MS. MAZANEC: This is different. Okay. We'll  
11      talk to you afterwards to get more details.

12                  CHAIRMAN DURHAM: I think we need -- we need  
13      your help in those discussions of -- I mean not -- not  
14      here, but those were discussed last year, Ms. Mazanec and  
15      I think there was a general denial that that took place  
16      but who knows --

17                  MS. MAZANEC: Well, it was up to districts.

18                  CHAIRMAN DURHAM: So. All right. Yeah.

19      Thank you. Why don't we take a five minute recess and  
20      then we'll start with the item nine. Okay. Five minutes,  
21      try and keep it five minutes if we can. Thank you.

22                  (Meeting adjourned)

23

24

25



**C E R T I F I C A T E**

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

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

10 IN WITNESS WHEREOF, I have hereunto set my hand  
11 and seal this 25th day of October, 2018.

12

13 /s/ Kimberly C. McCright

14 Kimberly C. McCright

15 Certified vendor and Notary Public

16

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