



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
September 14, 2016, AM

BE IT REMEMBERED THAT on September 14, 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: State Board of Education,
2 please come to order. I'll remind the members to please
3 when speaking, turn on the microphones, and speak into the
4 microphones, we'll make Elizabeth much happier. And we're
5 -- this is our first time we've been back in this room
6 since I think our special meeting in July, right? And so
7 Elizabeth, do you have any -- any instructions -- new
8 instructions about the equipment -- we need to know before
9 we actually get started?

10 MS. BURDSALL: Just that you are correct,
11 we've renovated -- during that time, we've renovated the
12 Board room and we've improved, we've updated and improved
13 the inner room audio, so we have new speakers, new
14 microphones, that doesn't mean -- that doesn't mean you can
15 still speak away from them. Still should talk directly
16 into your microphones, but the sound quality both in the
17 Board room, and stream should be much better.

18 CHAIRMAN DURHAM: We'll try and do better.
19 Would you please call the roll Ms. Burdsall?

20 MS. BURDSALL: Board Member Flores.

21 MS. FLORES: Here.

22 MS. BURDSALL: Board Member Goff.

23 MS. GOFF: Here.

24 MS. BURDSALL: Board Member Mazanec.

25 MS. MAZANEC: Here.



1 MS. BURDSALL: Board Member Rankin.

2 MS. RANKIN: Here.

3 MS. BURDSALL: Board Member Scheffel.

4 MS. SCHEFFEL: Here.

5 MS. BURDSALL: Board Member Schroeder.

6 MS. SCHROEDER: Here.

7 MS. BURDSALL: Chairman Durham.

8 CHAIRMAN DURHAM: Present. Quorum is
9 present. Now, let's see. Ms. Anthes -- Dr. Anthes, could
10 you please send the pledge of allegiance, and please
11 everybody please stand.

12 ALL: I pledge of allegiance to the Flag of
13 the United States of America and to the Republic for which
14 it stands. One Nation under God, indivisible, with liberty
15 and justice for all.

16 CHAIRMAN DURHAM: Thank you, Dr. Anthes.
17 Just a reminder to the members, we really have a tough
18 agenda today, so any time we have an opportunity to keep
19 things brief, and on point, let's please try and do that.
20 So we hopefully won't get to -- too far behind schedule.
21 The -- let's see here. All right. Is there a motion to
22 approve the agenda? Yes.

23 MS. SCHROEDER: It's been moved.

24 CHAIRMAN DURHAM: It's been moved by Dr.
25 Schroeder. Is there a second?



1 MS. FLORES: I second.

2 CHAIRMAN DURHAM: Dr. Flores seconds the
3 motion. Any discussion? All those in favor. All right.
4 Let's try this again. Is there any objection to the
5 approval of the agendas probably? Seeing none, we'll
6 proceed then to the consent agenda Item five. Dr.
7 Schroeder?

8 MS. SCHROEDER: I move to place the
9 following matters on the consent agenda. 11.01 re-appoint
10 Cyndi Wright to the Public School Capital Construction
11 Assistance Board for a two year term effective immediately.
12 11.02, certify pay -- certify payments to school districts
13 for the Public School Finance Act of 1994 as amended, state
14 year total program in the monthly amount of \$342,927,429.41
15 for July 2016 through November 2016.
16 14.02, regarding disciplinary proceedings concerning a
17 license charge number 2012-EC-3023, signify acceptance and
18 approval of the terms and conditions of the settlement
19 agreement by directing the commissioner to sign the
20 agreement. 14.03 regarding disciplinary proceedings
21 concerning a credential charge number 2015-EC-237, direct
22 department staff and the state attorney general's office to
23 prepare the documents necessary to request a formal hearing
24 for the revocation of the credential holders professional
25 teachers license pursuant to Section 24-4-104 CRS.



1 14.04, regarding disciplinary proceedings concerning a
2 credential charge number 2015-EC-1157, direct department
3 staff and state attorney general's office to prepare the
4 documents necessary to request a formal hearing for the
5 revocation of the credential holders professional teachers
6 license, pursuant to Section 24-4-104 CRS.

7 14.05, regarding disciplinary proceedings concerning an
8 application charge number 2015-EC-1451, direct department
9 staff to issue a notice of denial, and appeal rights to the
10 applicant pursuant to Section 24-4-104 CRS.

11 14.06, approve 16 initial emergency authorization request
12 as set forth in the published agenda.

13 16.03, approve the distribution of payments to
14 administrative units for gifted education under the
15 Exceptional Children's Education Act as set forth in the
16 published agenda.

17 16.04, approve school year 2016-'17 English Language
18 Proficiency programs distribution of funds, and
19 distribution of professional development and Student
20 Support Program funds under the English Language
21 Proficiency Act as set forth in the published agenda.

22 MS. FLORES: Can I -- can we --

23 MS. SCHROEDER: Can I finish?

24 MS. FLORES: Sure.



1 CHAIRMAN DURHAM: They're just -- you make
2 note and we'll -- we'll do that all at one time. I know
3 Ms. Mazanec has note on this one.

4 MS. SCHROEDER: 17.01, approve the
5 additional alternative education campus for 2016-'17 school
6 year as set forth in the published agenda.

7 18.01, affirm the Innovation School application from Falcon
8 49 School District on behalf of the Falcon District.

9 18.02 through 18.08, approve the Charter School waiver
10 request action items 18.02 through 18.08 inclusive as set
11 forth in the published agenda. That's the end of the
12 consent agenda.

13 CHAIRMAN DURHAM: And it has been moved --
14 to move there?

15 MS. FLORES: I move it.

16 CHAIRMAN DURHAM: Was it seconded? Is there
17 a second to that?

18 MS. RANKIN: (Inaudible).

19 CHAIRMAN DURHAM: Did you just --

20 MS. RANKIN: No, (inaudible).

21 CHAIRMAN DURHAM: Not on the consent.

22 MS. RANKIN: I'm sorry.

23 CHAIRMAN DURHAM: All right, though. Okay.
24 Thank you Ms. Rankin who second it. Now, are there request
25 for removal of any items, Ms. Mazanec?



1 MS. MAZANEC: Yeah, just this one, 14.02.

2 MS. BURDSALL: Can you please speak in your
3 microphone?

4 MS. MAZANEC: I am 14.02. Actually, it's
5 just really pretty much a staff question.

6 CHAIRMAN DURHAM: Okay. We'll -- we'll take
7 it in order when we get to it. So 14.02 be removed from
8 consent agenda. Dr. Flores did you have an item you'd like
9 removed?

10 MS. FLORES: I do. It's 18.01.

11 CHAIRMAN DURHAM: 18.01.

12 MS. FLORES: And that's the innovation, but
13 it's innovation, isn't it? For Falcon?

14 CHAIRMAN DURHAM: Yes.

15 MS. RANKIN: Okay.

16 MS. FLORES: So if it helps any I -- my
17 question to staff was whether they already had innovation
18 status? And they do.

19 MS. RANKIN: Okay.

20 MS. FLORES: So this is just something that
21 they're adding on.

22 MS. RANKIN: Okay.

23 MS. FLORES: Is that correct?

24 MS. RANKIN: Yes, it's just for their high
25 school. So since they're already a district of innovation,



1 they don't need to come -- really come back for a
2 presentation, and we just put those on the consent agenda.

3 MS. FLORES: Okay. Thank you.

4 MS. RANKIN: Okay.

5 MS. FLORES: Okay.

6 CHAIRMAN DURHAM: So 18.0 -- 18.01 then will
7 remain on the consent agenda, so the only item will be
8 14.02 will be removed, and we'll try and take that in order
9 so don't let me skip it. Okay. Is there unanimous consent
10 for the consent agenda as -- as with the one item removed?
11 Seeing no objection, that there is unanimous consent for
12 the consent agenda. Okay. Thank you. All right, now --

13 UNIDENTIFIED VOICE: (Inaudible).

14 CHAIRMAN DURHAM: No, I -- I got it.

15 UNIDENTIFIED VOICE: Yeah.

16 CHAIRMAN DURHAM: Let -- let me get you.

17 Okay. So next item is, Ms. Burdsall, we have your report
18 please?

19 MS. BURDSALL: Thank you, Mr. Chair. Good
20 morning Mr. Chair, Members of the Board and Interim
21 Commissioner Anthes, and welcome back to Denver. As Steve
22 mentioned, please remember just please -- please speak
23 clearly into your microphones, and make sure they're on
24 when you are speaking. And for those of you needing to



1 connect to CDE's guest wireless, locate the CDE hotspot,
2 and the password is Silver, capital S.
3 And before I begin my usual report, I'd like to take a
4 moment to recognize the Student Artists of the 2016
5 Congressional Art Show competition. This recognition has
6 become an annual tradition starting in 2012 through the
7 collaborative partnership established with our
8 congressional representatives, and providing their second
9 place award winning artwork from the Congressional Art Show
10 competition to be housed here at the Department of
11 Education for one year, as you see over there on the wall.
12 This has allowed us a wonderful opportunity to -- oh I'm
13 sorry, a wonderful tradition of exhibiting the talent of
14 Colorado's very own student artists. Usually, this
15 recognition takes place at the August Board meeting. But
16 since we were in Grand Junction, we postponed it until the
17 September Board meeting.
18 Unfortunately, none of the students are able to attend
19 today but they were still graciously -- they still
20 graciously allowed us to hang their artwork in our state
21 Board room for the next year. So we will be sending the
22 students a certificate of recognition, and a congratulatory
23 letter as a token of our appreciation for allowing us to
24 house their artwork, and continue this visually enjoyable
25 tradition.



1 The student artists of the 2016 Congressional Art Show
2 competition are, for the second Congressional District, Kim
3 Todd, she shares her digital piece titled ''City,'' right
4 there. For the fourth Congressional District, Abby Vannak
5 shared her mixed media piece entitled Emily Rose. The
6 fifth Congressional District, Terrell (inaudible), says
7 computer generated piece titled ''Circle of Life,'' which
8 is really cool. For the sixth Congressional District,
9 Alyssa McKenna shares her water -- watercolor piece titled
10 ''Drowning in Possibilities.'' And the seventh
11 Congressional district, Max Ansbacher, shares his
12 photography piece titled ''Get away to Columbine .'' And
13 that is our artwork for the year. So in your Board
14 pockets, you have the following materials. You have your
15 events calendar, and quick glance expense report. Also in
16 your Board pockets, and or available on Board docs are the
17 following materials.

18 For item 8.01, you have a memo regarding the research
19 request to review procedure to a camping PowerPoints for
20 that presentation.

21 For Item 10.1, you have a memo regarding the accreditation
22 of school district -- school districts rulemaking hearing,
23 redline, and clean copy of the rules. The rule statute
24 crosswalk in comments we've received as well as CDE staffs
25 response written comments document.



1 For 11.01, you have a memo regarding the reappointment of
2 Cyndi Wright to the public school capital Construction
3 Assistance Board, and Cyndi's professional experience.

4 For Item 11.02, you have the fiscal year '16-'17, July
5 through November state share payments.

6 For Item 11.03, you have a memo regarding the Healthy
7 Beverages Policy rules, a red an clean -- a redline and
8 clean copy of the rules. Rules to crap -- rules to statute
9 crosswalk beverage comparison chart. The comments we've
10 received since the August Board meeting in response to
11 those written comments document.

12 For 11.04, you have a memo regarding the notice of
13 rulemaking for the accounting, and reporting rules. A
14 redline copy of the rules, and rules to statute crosswalk.

15 For Item 12.02, you have the proposed 2017 State Board
16 meeting dates.

17 For Item 14.06, you have a memo regarding the 16 initial
18 emergency authorization request.

19 For Item 16.01, you have a memo regarding Lewis Palmer's
20 waiver request, their actual request for a waiver, their
21 final rationale and replacement plan, standards based
22 report card, and measurements, document. Lewis Palmer's
23 second public hearing documents, and CDE staff responds to
24 Lewis Palmer's waiver request.



1 For Item 16.02, you have a memo regarding what -- Ray's
2 waiver request. Their request for waiver application, and
3 CDE staff response to the Ray waiver requests.

4 For Item 16.03, you have a memo regarding the Gifted
5 Education, fiscal year '16-'17 allocations, and the
6 accompanying chart.

7 For Item 16.04, you have a memo regarding the English
8 Language Proficiency Act, fiscal year '16-'17 district
9 allocations and accompanying chart.

10 For Item 17.01, you have a memo regarding the additional
11 alternative education campus for the school year '16-'17,
12 and the AEC status chart.

13 For item 18.01, you have a memo regarding Falcon School
14 District 49's innovation application request on behalf of
15 Falcon High School. District 49 CEO recommendation for
16 innovation plan be approved and amended innovation plan.
17 The districts resolution and letter for support for Falcon
18 High School, their budget report waiver 2016 (inaudible)
19 schedule and addendum to their innovation plan.

20 For Items 18.02 through 18.08, you have memos in supporting
21 materials pertaining to the Charter School waiver requests.

22 For Item 18.09, you have a memo regarding the notice of
23 rulemaking for the administration, certification, and
24 oversight of online programs. The redline and clean copy
25 of the rules, and rules to statute crosswalk.



1 For Item 19.01, you have a memo regarding the Colorado
2 Special Education Advisory Committee annual report. They
3 are coming in PowerPoint in their '15-'16 report.
4 For Items 20.01 and 20.02, you have a memo regarding the
5 notice of rulemaking for the college entrance exam rule 1
6 CCR 301-46, and the administration of the ACT assessment on
7 a national test -- test date rule 1 CCR 301-54 to be
8 combined into one rule, so you have a redline and clean
9 copy of those rules, and then the rule to statute
10 crosswalk.
11 For Item 20.01, you have a memo regarding the CMAS PARCC
12 contract.
13 For Items 22.01, you have a memo regarding the standard
14 revision process and accompanying PowerPoint.
15 Now, we're on to Thursday. For tomorrow, you have -- for
16 Item 4.01, you have a memo regarding the Col -- Colorado,
17 culturally, and linguistically diverse action plan. The
18 accompanying PowerPoint, and then the development plan
19 which is a working product for discussion opening.
20 For Item 6.01, you have a memo regarding the Every Student
21 Succeeds Act state plan update. The ESSA school
22 improvement Spoke Committee, and update on the school
23 improvement Spoke Committee. The accompanying PowerPoint,
24 the improvement Spoke Committee membership list, the
25 summary of the ESSA references for school support and



1 improvement, and then the ESSA listening tour feedback
2 report.
3 For Item 8.01, you have a memo regarding the administrative
4 procedures for State Board accountability actions, the
5 accompanying PowerPoint, and then the draft procedures.
6 For Item 9.01, you have a memo regarding Pueblo City
7 Schools innovation requests on behalf of Benjamin Franklin
8 Elementary, Irving, (inaudible), Pueblo Academy Arts
9 Risely, and National Academy of Innovation, and Roncalli
10 Stem Academy for, and then Pueblo's Innovation Plan, and
11 state waivers rationale replacement plan, their resolution,
12 their 2016-'17 enrollments, and then a five year summary of
13 the budget reports for their elementary schools.
14 And lastly, for Item 9.01, you have a memo regarding
15 Burlington School District's innovation zone application on
16 behalf of Burlington elementary, middle, and high school.
17 Innovation plan application, their '16-'17 budget,
18 personnel staff supporting documentation. There, let's see
19 adopted budget for their '16-'17 -- 17'-8 -- '15-'16, and
20 '16-'17 school year. And then CDE staff response to school
21 readiness, and educator license -- licensing evaluation
22 portion of intense innovation plan. And that concludes my
23 report. Sorry it was so lengthy.

24 CHAIRMAN DURHAM: Thank you. Yes Dr. -- Dr.
25 Flores, questions?



1 MS. FLORES: As I recall number four on
2 Thursday, I'm concerned about the -- the plan for --

3 MS. BURDSALL: Oh it's just an action --
4 it's an information item. So you're just getting an
5 update. You won't be taking any action.

6 MS. FLORES: I know we're not gonna be
7 taking action but before you go into a lot of work on it.
8 I mean, there are some critical issues in that -- that I'm
9 concerned about.

10 UNIDENTIFIED VOICE: Are we gonna talk about
11 --

12 MS. BURDSALL: I think, yeah we're going to
13 discuss that tomorrow.

14 MS. FLORES: Okay.

15 CHAIRMAN DURHAM: Okay. All right. Okay --
16 Any questions? Any questions Ms. Cordial? I got that
17 right this time. One more up. Any questions? Seeing
18 none. Thank you. We'll now proceed to Dr. Anthes, do you
19 have the Commissioner's report please?

20 MS. ANTHERS: Yes, thank you Mr. Chairman.
21 Well, you have quite the Board packet today, and I think
22 this will continue on throughout the next several months.
23 So I -- I thank the Board for all of the reading, and --
24 and due diligence you had to do before this meeting, and in



1 all of the future meetings. I know you -- you all have
2 quite a bit on your plate. So thank you for that.
3 Just a couple quick things, and hopefully we can make up
4 some time here. I won't spend too long. But just a quick
5 update on the ESSA plan development. This continues to be
6 a -- a huge staff effort, and -- and just wanna thank --
7 thank the entire CDE team for their continued work on this.
8 We have -- have many, many, many meetings in addition to
9 the Spoke, and Hub committee meetings going on to continue
10 to gather feedback. Over 1,500 people involved, and -- and
11 wanting to be engaged, and provide feedback on this work.
12 The Spoke meetings are -- are starting to happen. We had
13 our second Hub meeting on Monday, and I know we'll get a
14 chance to get updates from that from the team later. Just
15 -- we've done some backward mapping on that a -- add --
16 additional backward mapping, and know that the four months
17 we have in front of us are gonna be incredibly busy to get
18 you all, and have you engaged in the development of the
19 draft plan as we go forward.
20 So we are working towards releasing the student growth
21 portion of our system, the public release of that will be
22 next Tuesday, September 20th. And so that will be coming
23 out. We finished the school, and district assessment
24 release in terms of achievement on September 1st. You may
25 have seen some media reports as well as we have gotten some



1 questions from superintendents, and others on sort of the
2 new suppression rules. Which you know, have been put into
3 place because of the data privacy, and ensuring that we're
4 being very careful with student level data, and how that is
5 presented on the public website.

6 So we have gotten some questions on that. We are working
7 as a team to get some additional clarification, and
8 information out about that. Now the work once we get the
9 growth publicly released, on September 20th the work begins
10 on developing the accountability frameworks, and so that
11 will be the next big piece of -- of work for our team on
12 that front. I do just wanna say that we had -- we are in
13 process of a large scale reading conference right now.

14 I was able to stop by the morning of the first day of the
15 conference yesterday. Over 600 attendees from around the
16 state, participating in that around sharing practices, and
17 learning on evidence-based practices. For grades K through
18 three, and we -- we know next year we're working to have
19 that conference on at a time that is not during the Board
20 meeting. But there was a hotel glitch, and so we had to
21 move the date, and time, and it ended up falling on this
22 Board meeting but this is the second annual conference.

23 It's gaining more, and more interest, and steam from across
24 the state. And so the teams' doing a great job but next



1 year we'll make sure that there are no 'hotel glitches',
2 and that you all are invited to that.

3 UNIDENTIFIED VOICE: Excuse me Dr. Anthes,
4 is that open to the public, or just teachers?

5 MS. ANTHES: That's a good question. I
6 believe it's open to the public. It's mostly geared toward
7 teachers. I will say that we closed registration in two
8 weeks because of the capacity issues. So we're actually
9 even looking for additional hotel space to have it be even
10 bigger. But that shows the -- the demand out there for
11 this topic. So we're -- we're looking to even make that
12 more available next year. With that, you'll be hearing a
13 lot more detail about these things throughout the next two
14 days. But that sort of the highlights for today. Thank
15 you.

16 CHAIRMAN DURHAM: Thank you. Any additional
17 questions to Dr. Anthes? I have one. We were reporting on
18 the PARCC -- or the PARCC meeting went to -- I believe
19 that's on the agenda tomorrow?

20 MS. ANTHES: Yes. Actually it might be
21 today.

22 CHAIRMAN DURHAM: For today. But like you
23 know, we have a separate item. So we'll just hold it for
24 that time.

25 MS. ANTHES: Sounds good.



1 CHAIRMAN DURHAM: Further questions? Seeing
2 none, we'll proceed to item eight which is the
3 consideration of the revised research evaluation process.
4 Before we begin discussion, Dr. Schroeder, do you have a
5 motion?

6 MS. SCHROEDER: I move to approve the
7 provided personally identifiable information requests for
8 research process.

9 CHAIRMAN DURHAM: Is there a second to that
10 motion? Yes. Okay, Ms. Rankin seconds the motion. We'll
11 now proceed. Dr. Anthes, if you could just stand up and
12 (inaudible) overview.

13 MS. ANTHERS: Yes. Thank you. I wanna turn
14 this over to Marcia Bohannon and Jill Stacey. This is the
15 -- the third time we've come before you with our proposed
16 research evaluation process, and we're hoping for approval
17 on this. We have addressed several of the concerns that
18 you've brought to us, and so I'll turn it over to Marcia
19 for the staff presentation.

20 MS. BOHANNON: Thank you Dr. Anthes. Good
21 morning Members of the Board. We brought this -- this
22 request to you last month by Grand Junction, and we had a
23 couple of requests for us to -- to provide you some
24 additional information. So we've got that covered in -- in
25 this presentation hopefully, and then obviously if you have



1 additional questions we're here to answer those. So I'm
2 not gonna repeat everything from last month. In -- in the
3 interest of time, I'll run through this really quickly.
4 Essentially we've got the same agenda. But if you'll
5 notice, that the first -- first -- first agenda item is a
6 legislative requirement. And that's just a reminder that
7 our new data privacy law that was passed in June, requires
8 this any research request that involves personally
9 identifiable information student data. The -- the process
10 we used to consider that, it's approved by the Board of
11 Education. So that's the reason we're here. So we are --
12 are asking for a decision on that for your approval on the
13 process. If you move to page five; I'm skipping over a
14 couple of pages just because it's -- same as last month.

15 MS. BURDSALL: Marcia, can you to speak up a
16 little bit? And into the mic. Even though we have new
17 mics, we still gotta speak right into them. We're still
18 having trouble.

19 MS. BOHANNON: If you look at page five,
20 that topic is Research Approval Panel. As we discussed
21 last month, we've incorporated a new step in our review
22 process, and that's a formalized group of people at CDE
23 that can review the requests as they come in. And what you
24 see in front of you is just a little bit more information
25 about that panel. There's been some discussion off, and on



1 over the last year, or so about whether, or not CDE still
2 has an IRB, Institutional Review Board. And since we don't
3 -- we no longer have that here at CDE because we're not a
4 research organization, we wanted to have something here
5 that is a cross-functional body.
6 So we have program experts, we have subject matter experts,
7 we have privacy, we have security experts, we have,
8 basically it's a combination of the people that will review
9 these requests. So I just want to call your attention to
10 that, just so that you can see that we do have a -- a
11 panel; a group that will look at -- look at each of these
12 requests. So I should forward the slides, so it's matching
13 in what I'm saying.
14 So the -- on the next page we talk about the primary
15 evaluation requirements. And these, I -- if you remember
16 from last month, these are the sort of the fundamental high
17 level questions. Pretty much 'yes' or 'no' type things.
18 So does that research comply with our policies? Does it
19 comply with laws? Sort of the very fundamental questions,
20 that if -- if there's a no answer here, we wouldn't go
21 forward. So it's -- these are relatively; they're pretty -
22 - objective, and -- and you can answer relatively easily.
23 But having said that there's always gonna be some things
24 that we have to you know, we have to dig a little deeper
25 into. And I think this was where last month you really



1 wanted a little bit more details on what that looks like.
2 So what additional questions we ask. What might it look
3 like?
4 So on page seven, we've identified a secondary list of
5 evaluation questions, and -- and examples of the criteria
6 we'd be looking at. So if you -- if you look -- you can
7 kind of, run through those, and get an idea of the kinds of
8 questions that we're asking each time we get one of these
9 re -- research requests. There will be some variation
10 depending on the particular request we get, nature of the
11 research. That sort of thing. But this gives you an idea
12 of the kinds of questions anyway, that were gonna -- that
13 we'll ask. And rather than reading through all these, what
14 we're gonna do is show you an example of one that we just
15 actually you approved in June, that Credo request that came
16 through, and was approved by the Board in June. This was -
17 - this is a Stanford University research request that, we -
18 - we basically followed this process, it was not as formal.
19 But we'll walk through that for you.
20 Before we switch over to that though, I just wanna call
21 your attention to one -- one more thing on page -- page
22 nine. One of your requests from last month was to make
23 sure that the Board approves each re -- research request
24 before -- before we go forward. So we have altered this
25 process to accommodate that. The -- what they said last on



1 page nine, that step four said the Board notification, now
2 it's -- it's in approval step. So nothing will go forward
3 without your approval. So I'm gonna -- to hand it over to,
4 Jill Stacey who can walk through the Credo example. And as
5 we do this let us know if we need to provide more detail,
6 or whatever.

7 CHAIRMAN DURHAM: Ms. Stacey. Yes, Dr.
8 Schroeder?

9 MS. SCHROEDER: I am not familiar with I --
10 IRBs, although I think I once had a project evaluated. And
11 so I'm curious, at a research institution at a university.
12 Are all the members -- members of the university? In other
13 words is it a closed process?

14 MS. BOHANNON: I believe it is. No? I'm
15 not an expert either.

16 MS. SCHROEDER: Okay. Because --

17 MS. BOHANNON: Julie.

18 MS. SCHROEDER: -- because what -- what we
19 have now it's going to be only C -- CDE.

20 MS. BOHANNON: For this process, yeah.

21 MS. SCHROEDER: Yeah for this process. And
22 I know it's analogous it's not identical.

23 MS. BOHANNON: Right. It's not -- it's
24 definitely not but what we are doing --



1 MS. SCHROEDER: Okay but I was just curious
2 because I don't know how they work at the university.

3 MS. BOHANNON: Yeah. And what we are doing
4 is requiring any research requests to have an IRB approval
5 already. And you can go ahead on the details.

6 UNIDENTIFIED VOICE: The -- the guidance for
7 IRB, you have to go through some particular training, and
8 the protocols for reviewing what they require (inaudible)
9 outside the institution. And in fact, most requiring non-
10 scientists need a non-social scientist as well. Remember
11 for example, I'm on the IRB for the Chicago Institute of
12 Medical Social Work. That's how -- how outside the
13 institution will be required to get by the court of law.

14 MS. SCHROEDER: Okay. Thank you. Should we
15 be thinking that we should have somebody from outside?
16 Have you -- have you considered it I guess? And -- and I'm
17 not sure --

18 MS. BOHANNON: Would.

19 MS. SCHROEDER: -- that I know why I'm
20 asking this other than --

21 MS. BOHANNON: If you look at page eight,
22 there is an opportunity there to bring in outside members
23 depending on the research. Especially if it's -- if it's
24 sensitive questions, sensitive data. If we do, I think the
25 -- the way we're approaching that is we're letting that



1 panel decide if we need to bring in some outside expertise,
2 or some additional opinions --

3 MS. SCHROEDER: Oh I see the very bottom.
4 Okay so even though they're not on that panel --

5 MS. BOHANNON: They may be on every right.

6 MS. SCHROEDER: -- you would bring them in
7 as needed.

8 MS. BOHANNON: Yes.

9 MS. SCHROEDER: That makes sense. Thank
10 you. Sorry, go ahead.

11 MS. STACEY: All right. I'm not gonna go
12 into great detail about the past history with Credo. Just
13 know as Marcia said, that we -- we did bring it to you in
14 the June meeting, and it was approved. As part of that
15 evaluation process, we took a look at what the research
16 approval panel would have looked at as part of that, and
17 then we also did acknowledge the fact that both the
18 Commissioner, and the Board approved this research. If you
19 move to slide five, this is just a basic overview of the
20 research. It basically was designed to extend their study
21 into Charter Schools. And we did once it was approved, we
22 did make sure that we signed a data sharing agreement with
23 them prior to any data being released.

24 As I mentioned on slide six, we actually looked at each
25 individual question that we proposed we would do as part of



1 the evaluation process. These particular first questions
2 are from the original slide where it was the primary
3 evaluation questions, where we would expect a more
4 objective 'yes' or 'no' answer. And as you can see, we go
5 into some detail but basically, they did fulfill the
6 minimum requirements required. In that we got yeses to all
7 the various questions.

8 On page seven, we go into more of the subjective questions
9 that we analyzed, and looked at as part of our review of
10 this research. I'll not go through these in great detail,
11 but I just wanted to point out a few things that I think
12 are of particular value. We did loop in a program expert
13 to determine if the methodology was valid. And we
14 determined that it was. And we also did determine that
15 this research would be of value to CDE, and to Colorado.

16 On page eight, we did look at the specific data being
17 requested, and determined whether or not that held any
18 sensitivity. We determined that we would mask the sole
19 identifier, so that they received jumbled say sets rather
20 than actual say sets. And we also determined that they
21 requested raw test scores, and juvenile detention
22 information. We determined that that was far too sensitive
23 for us to provide, so we did not provide that information.

24 And we work with Credo, and they were perfectly acceptable
25 of that limitation that we had. When we determined whether



1 or not the researcher was of a sensitive nature, we looked
2 at the fact that this is a continuation of research that
3 has been ongoing for several years. And the fact that
4 parents had been completely looped in, and were providing
5 an opportunity to complain, or raise questions, or concerns
6 if they needed to.

7 So we went and looked it over, and determined that based on
8 this review, we would again choose to bring the Credo
9 proposal to your -- to -- to -- to you for approval, and
10 that we would have again approved that research. So I'm
11 open to any questions that you might have about that
12 process.

13 CHAIRMAN DURHAM: Questions, Dr. Scheffel?

14 MS. SCHEFFEL: Yeah. Thank you. When the
15 VA study was going on, I at least got calls from folks who
16 had asked for the IRB from the researchers, and had asked
17 for the -- what data was being shared on their students,
18 and they weren't able to get it. How do we avoid that
19 going forward with this process so that it's transparent,
20 and parents do get a clear idea of what is being shared on
21 their students, can they opt-out? How do we put that in
22 this process? Where does that -- where are those
23 protections?

24 MS. STACEY: Are you talking about the
25 University of Virginia request?



1 MS. SCHEFFEL: Yes.

2 MS. STACEY: There -- that particular
3 request process which we didn't walkthrough had a very
4 extensive opt-in policy, so I'm not sure I guess the answer
5 to that would be what we did with UVA is we -- we -- we
6 researched the steps that they went through, and we looked
7 at their methodology, and they -- they did have that a very
8 extensive process for parent opt-in. In fact, you couldn't
9 even participate unless the parents had signed something to
10 -- to say they wanna -- wanna do it. So I'm not familiar
11 with the specific requests that you got but we -- we'll be
12 happy to look into that. But what we're trying to do with
13 this process is make sure that all those kinds of questions
14 are asked to begin with. So -- so we do have something in
15 here about opt-in, and are the processes adequate for that.
16 So before we even go into it, or before they go into it
17 we're asking that question of the -- the researcher.

18 MS. SCHEFFEL: What was the opt-in for the
19 UVA study? Because that's -- that wasn't at least what I
20 was hearing that there were extensions -- extensive
21 procedures for opting in. But I don't really know cause I
22 didn't see the IRB myself.

23 MS. STACEY: There was a couple of different
24 layers. There was a form that was provided to parents for
25 them to sign. And I think we may have presented that at



1 one of the earlier Board meetings this year. In addition,
2 there were some testing procedures that happened with the
3 students, and the parents actually had to provide their
4 children, take them to the testing center, and approve
5 understandably of that testing before they even provided
6 their children. It was completely optional, and they had
7 the choice to not attend if they wanted.

8 MS. SCHEFFEL: So you're saying that the
9 kind of information the Board would get when it -- when
10 it's -- when we would be looking at these requests would
11 include how parents can opt-out? What data is being
12 shared, and -- and that parents have full disclosure of
13 that?

14 MS. STACEY: Absolutely.

15 MS. SCHEFFEL: How does the money work?
16 How's CDE incentivized, or just compensated for providing
17 these data? How does the money work?

18 MS. STACEY: There's no money that comes to
19 CDE for this. This is a service that we provide. But it's
20 also obviously one that we -- we have to prioritize. I
21 mean, the -- the amount of effort that it takes to provide
22 data. We have to look at the full workload, and that's why
23 more of the questions in here's looking at resource
24 capacity, and to determine if we have the time to do it.
25 And you know, with whatever else is going on.



1 MS. SCHEFFEL: So you're saying that if CDE
2 partners on a research project, the only in-kind
3 contribution from CDE is just the time from employees to
4 compile the data, and disaggregate it providing the certain
5 files is that what you're saying?

6 MS. STACEY: Essentially yes.

7 MS. SCHEFFEL: There's no direct
8 compensation to CDE to engage in research projects.

9 MS. STACEY: No. The only additional
10 benefit would be that -- the results of the research
11 itself, and the value that -- that -- would bring. But no
12 monetary compensation.

13 MS. SCHEFFEL: Is there any process? I'm
14 sorry go ahead.

15 MS. STACEY: Oh I was just gonna -- gonna
16 mention that the -- everything that we do about providing
17 data, and the contracts we sign, and research agreements
18 are all posted online. So if people are curious about what
19 is going on with, you know, what data is being provided to
20 a research organization, or another agency, or -- or
21 whatever, it -- that's all posted. So it's just another
22 avenue for people to -- to see what's going on here.

23 MS. SCHEFFEL: And is there any process in
24 place whereby we could periodically audit this process? So
25 that -- I mean I'd like to see something inserted, so that



1 we audit this process periodically. So that we're sure
2 that PII data is not shared in a way that compromises data
3 privacy, and that parents satisfaction with the process in
4 terms of opting in, or opting out works because there's
5 kind of a disconnect between what you're saying, and what
6 I'm hearing from the public. And so I don't know why that
7 is, but it would be great to survey, or do something to
8 audit. Does this work? Are people really satisfied with
9 this product -- this process? Is it serving the State of
10 Colorado? Is it serving parents whose -- were using the
11 data on their children? So they need to be a -- a level
12 one constituent on this process.

13 MS. STACEY: We could probably incorporate
14 like periodic audit going back, and looking at the process
15 that we followed, and seen, you know, they're looking at
16 the research in process, and looking at research results to
17 match it up, and see if it's -- if we're really
18 accomplishing what we set out to do. And it's I -- I can't
19 say that we can go so far as to audit a university IRB, or
20 a university --

21 MS. SCHEFFEL: No, just our -- just our
22 processes, and are parents satisfied with this? Do they
23 feel that they had the option to opt-out? Because I think
24 what you're saying is there were many options to opt-out,
25 and many opportunities for them to see data. Not what I'm



1 hearing. I don't know why the disconnect. But it would be
2 great to surface why that is, and to ensure that this new
3 process really addresses that fully. We could -- we could
4 build something like that in, to look at our process.

5 MS. SCHEFFEL: Thank you.

6 CHAIRMAN DURHAM: Dr. Flores?

7 MS. FLORES: I think those are very
8 interesting questions that Dr. Scheffel asks. Also, I just
9 wanted to add that this is very important information that
10 we would want to have in the state about these Charter --
11 Charter schools, and we don't have to pay for it. And it's
12 -- it just adds to I guess the knowledge base, and the area
13 that would be I think very important research. Thank you.

14 CHAIRMAN DURHAM: Yes, Ms. Rankin?

15 MS. RANKIN: I agree with Dr. Flores on
16 that. Thank you for that comment I -- I thought the same
17 thing when I read that. But I also wanna say that our
18 legislature worked very hard on this privacy law. It's new
19 to our state. It's new to the United States. I think
20 you've done an amazing job at capturing the essence of that
21 law, and putting it into effect in our department. And I
22 went through everything you said, and the example, and I
23 thought you did a great job. I just wanna pass it along.
24 Thank you.



1 CHAIRMAN DURHAM: Further comments, or
2 discussions? For discussion? Yes, Dr. Schroeder?

3 MS. SCHROEDER: So I'll (inaudible) what Ms.
4 Rankin said. Thank you very much. I just wanna clarify,
5 what point the State Board approval comes in? It's after
6 you have gone through the analysis?

7 MS. STACEY: Yes, after we've done -- after
8 we've gone through the evaluation process. And after the
9 Commissioner has -- has approved it, reviewed it, and made
10 -- and made her recommendation. One -- once you approve
11 it, then -- then we'll go back, and we'll actually develop
12 a data sharing agreement. I put the paperwork in place but
13 we don't wanna start that process until we've gotten your
14 approval.

15 MS. SCHROEDER: Now -- now I understand it.
16 Okay. 'Cause I saw those things underneath there, and I --
17 I didn't want us to be evaluating till you had done some of
18 those. So when you bring it to us there will be
19 documentation from you that we can expect to read. Great.
20 Thank you. Thanks for that clarification.

21 CHAIRMAN DURHAM: Okay. And -- and then
22 there's certainly nothing that prohibits you from expanding
23 the internal review committee to add a parent if you think
24 something is strictly sticky, and hopefully you would --
25 would do that.



1 MS. STACEY: Right. Yeah, absolutely.

2 CHAIRMAN DURHAM: All right. Any further
3 questions, or discussions? It's been moved, and seconded
4 that we've approved this proposal. Is there objection to
5 the adoption of that motion? Seeing -- yes, yes, Dr.
6 Scheffel?

7 MS. SCHEFFEL: So just the things that I ask
8 for. I -- I can they be inserted, or added to this process
9 in some way? Or is that -- is that possible?

10 MS. STACEY: Right. The other process.
11 Yes, we've worked on the idea.

12 MS. SCHEFFEL: The idea of asking whether
13 it's working. I don't know if we call it a formal audit
14 but I mean, I think something like an audit to -- to ask
15 our parents feeling that they can opt-out. Are they
16 feeling they do understand the data that's being shared?
17 Do they understand how the research is going to be used?
18 Can they see the process? The transparency issue. Some
19 sort of a feedback survey, or something so to get their
20 efforts right.

21 MS. BOHANNON: Yeah, we can -- we can have
22 that. Absolutely.

23 MS. SCHEFFEL: Thank you.

24 CHAIRMAN DURHAM: Okay. Any -- any further
25 discussion? All right. Is there objection to the adoption



1 of the motion? Seeing none, that motion's (inaudible)
2 adopted by a vote of seven to nothing. Thank you very
3 much.

4 UNIDENTIFIED VOICE: Thank you.

5 CHAIRMAN DURHAM: Okay. The next time is
6 public comment which is supposed to start at 10. We --
7 (inaudible) we run past 10. Could we start?

8 UNIDENTIFIED VOICE: Yeah, we may have, it
9 may be the extra 10 minutes.

10 CHAIRMAN DURHAM: Well, I'm not sure we'll
11 give him an extra 10 minutes, and maybe a break time. But,
12 we will start. Main -- so you need -- may need to leave
13 the sign up sheet out there, and at 10 o'clock we'll get
14 that one.

15 MS. FLORES: I hope the camera is aimed for
16 those people.

17 CHAIRMAN DURHAM: All right. Okay, thank
18 you.

19 MS. FLORES: That's a lot of cameras.

20 CHAIRMAN DURHAM: Okay. We'll get started
21 on this. I would simply request that if particularly, if
22 you're here unhealthy beverages that if it's already been
23 said there's no reason to repeat it. And I -- it looks
24 like we got a number of people who are likely to comment on
25 this issue. There are only so many reasons to be against



1 the change. So once we've summarized those, maybe we could
2 keep it as brief as possible. We'll -- we'll start with
3 Leslie Levine, please.

4 MS. LEVINE: Good morning, I -- good
5 morning, I'm Leslie Levine with LiveWell Colorado. We are
6 a statewide nonprofit organization, admitting -- admitted
7 to reducing the barriers to healthy eating, and active
8 living. I'm also a mom with three kids in middle, and high
9 school. Obesity in kid's health is a complex issue that
10 cannot be solved overnight. To address it requires all of
11 us, parents, schools, and communities working together.
12 While our adults are considered to be healthy in Colorado,
13 childhood obesity is still a major threat in the health of
14 our kids here. I'm speaking this morning to ask all of you
15 to keep the ban on the diet soda sales in place.
16 Through this policy revision the Board of Education is
17 essentially encouraging more marketing invisibility of soda
18 companies which means the State Board is supporting a
19 policy that undermines our efforts at home. I developed a
20 strong understanding about the importance of nutrition,
21 fuel strong minds, and strong bodies for our kids. But
22 when they walk out my door, and are pummeled by unhealthy
23 food, and beverages marketing. In addition to peer
24 pressure, it's tough to see the course, and avoid the



1 temptation of unhealthy foods, and beverages. Our schools
2 should be a place where our kids are focused on learning.
3 When we provide a comprehensive approach to healthy eating,
4 obesity rates can drop. In May, Colorado WIC released data
5 indicating the childhood obesity rates dropped 7.4 percent
6 among the children they serve. What we've learn from WIC
7 is it's not about one magic bullet, we need a comprehensive
8 strategy to address this issue. Banning diet soda sales in
9 high schools is one important part of the strategy. Among
10 the 2016 legislative priorities for the Colorado Board of
11 Education is to promote and support closing the student
12 achievement gaps in Colorado. The ties between health, and
13 academic achievement are strongly supported through
14 research.

15 This Colorado Education Initiative Document, published in
16 2015 clearly demonstrates how student health including
17 nutrition is connected to academic performance. Obesity
18 rates among high school students in Colorado is increasing.
19 Soda companies target advertising to communities of color
20 at a higher rate. Many students of color are trailing
21 behind an academic performance, so we should do everything
22 we can to reduce the gap in academic performance including
23 promoting a healthy environment in our schools.

24 As a parent, in a school district, that has not
25 demonstrated leadership in school wellness, I look to, and



1 I rely on, how the season regulations that support my
2 children's health and academic performance? The health of
3 my children, and all of Colorado's children should override
4 the desire for local control. How can you ignore the
5 research that health, and academic achievement are tied
6 together. Diet soda does not belong in our high schools,
7 and certainly does not belong in a Healthy Beverage Policy.
8 Thank you.

9 CHAIRMAN DURHAM: Thank you. Just a quick
10 reminder, you are limited to three minutes. You are
11 limited to three minutes. Next, Wyatt Hornsby?

12 MR. HORNSBY: Good morning. My name is
13 Wyatt Hornsby, I work at Delta Dental of Colorado
14 Foundation. We're the largest oral health funder in
15 Colorado. We're a nonprofit foundation. And receive our
16 funding from Delta Dental of Colorado, a nonprofit dental
17 insurance company. At Delta Dental of Colorado Foundation,
18 our mission is to eradicate early childhood tooth decay.
19 Tooth decay, is the most common chronic disease in
20 childhood. And to prevent the health of nearly 100 percent
21 at the time. Study showed that children with toothaches in
22 oral health are lower GPAs and miss more school. Their
23 parents also miss more work.
24 State data from the Colorado Department of Public Health
25 and Environment shows that truth that oral health in



1 children is much more common in schools, but higher for
2 income-reduced lunch rates. Our foundation's work include
3 supporting health and to create healthier environments for
4 children as well as supporting education for families
5 across the Colorado. As such, we support the State Healthy
6 Beverage Policy and oppose and replacing it with the lower
7 federal standards for two reasons.

8 First, the federal standards allow the sale of diet soda in
9 Colorado high schools. Diet soda is acidic, and erodes
10 teeth contributing the poor oral health. This is the fact
11 that's well-documented. Diet soda erodes the teeth.

12 Secondly, the federal standards allow us the 20 percent
13 more juice to middle school students. In many cases, juice
14 is just as sugary as soda, look at the labels, it's right
15 there. The sugar, and juice produce cavity causing
16 bacteria. This is well-acknowledged by the American
17 Academy of Pediatrics. The American Academy of Pediatrics
18 industry and several other medical groups. Finally, as a
19 Douglas County parent, I like many parents hear this
20 morning, work very hard to instill the my son healthy
21 behaviors and importance of making healthy choices. But
22 that cannot be all on the parent.

23 Our schools, and our State Board of Education also have a
24 huge responsibility here replacing what is a good policy in
25 Colorado with a low-bar federal standard, send a terrible



1 message to parents and may adversely affect the health of
2 many children, that is why I take defense to revealing our
3 State Healthy Beverage Policy. There is no need to do
4 that. And if there is a reason, it has to be -- it has not
5 been made clear. For these reasons, we employed you as the
6 members of the State Board of Education to do the right
7 thing and you as the Members of the State Board of
8 Education, to do the right thing and uphold State Healthy
9 Beverage Policy. Thank you.

10 CHAIRMAN DURHAM: Okay, Mindy Simon.

11 MS. SIMON: Good morning Mr. Chair, and
12 Members of the Colorado State Board of Education. My name
13 is Mindy Simon, and I'm representing myself. As a 13-year
14 administrator at a high school in Colorado Springs, and we
15 speak before the Board today, and we're speaking in favor
16 of renewing our contact with PARCC, in efforts to see our
17 accountability measures stay consistent, as well as,
18 provide useful data. The district I work for services a
19 community that is 73 percent free-reduced lunch. We have
20 made large strides in closing the achievement gap within
21 average population. Having strong acceptance that provide
22 clear, and rigorous benchmarks has been central to raising
23 the bar in the classroom on a daily basis. I support the
24 key ship in education on lean schools accountable in



1 providing choices for students and families, to determine
2 schooling options.

3 The adoption consistent for these exams such as PARCC,
4 PSAT, 10 and SAT that are given across the State give
5 communities feedback on their school's performance, and
6 have given our high school laser-like focus on standards.
7 Developing this expertise over time is no easy peak. We
8 are on the cusp of having a third year of data which will
9 give us a trend line for the first time with our new state
10 assessment. This is a critical in helping our school
11 determine if we have been doing right by kids.

12 Two years ago, my district adopted a new Math series that
13 the teachers have embraced, and feel is better aligned with
14 the State standards than our old curriculum. Our Math
15 teachers are excited to see if this work in incorporating,
16 and changing our lessons, to match the new level of rigor
17 with our new resources pays off. Changing the PARCC
18 Assessment will not give us a chance to see if the new
19 textbook adoption we have put in place has had positive
20 outcomes for students.

21 Lastly, our students will be able to have growth data for
22 the first time, with the new rigorous exam. They are
23 invested in seeing how they have started to gain ground in
24 their achievement -- in their achievement. At the start of
25 the year, we deliver our school's results to the kids at



1 class meetings. There's nothing more satisfying than
2 showing students that we have closed gaps within the State.
3 Over the years, the systemic work behind creating these
4 types of results has helped develop a can-do mindset that
5 you can see in our kids.
6 Recently, the Colorado Education Initiative gave us data on
7 our student mindset out of every school in the cohort, we
8 have the highest student mindset, as it pertains to wanting
9 to work harder in school, and believing they can be
10 successful in college. You can see the importance of this
11 investment in mindset when talking -- taking a moment to
12 look at specific student stories.
13 Karina, a recent graduate is starting this week at
14 University of Denver. She is a student who had several
15 risk factors working against her, poverty, her father being
16 deported from her freshman year, and her younger brother
17 being diagnosed with cancer. Her belief that hard work,
18 and strong standards leads to results, changed her
19 trajectory. I wanna reiterate the importance of keeping
20 PARCC consistency in our state -- high-stakes exams, helps
21 build teacher expertise, hones our focus on the standards,
22 and helps us continue to develop our kid's investment in
23 their results.
24 Thank you, Mr. Chairman, and Member of the State Board for
25 the opportunity to appear before you today.



1 CHAIRMAN DURHAM: Thank you. Greg Hill.

2 MR. HILL: Well, good morning and thank you
3 for the opportunity to make a few brief comments this
4 morning. My name is Greg Hill, I'm the Executive Director
5 of the Colorado Dental Association. We represent about
6 3,200 members of dentists across the state or 72 percent of
7 the Licensed Dentists in Colorado. Promoting measures that
8 advance the dental health of all Coloradans is a key
9 component of our Dental Health Matters campaign. And is it
10 -- is in the spirit of why I'm here today.

11 I urge the Colorado State Board of Education to maintain
12 equal standards to those currently in place, regarding
13 access to diet sodas in high schools, in quantities of
14 juice that can be served in middle school. It's been pre-
15 assigned in our entire life that sugar is bad for our
16 teeth, and causes cavities. And how many times did you
17 hear that from your dentist while growing up? But what we
18 don't hear as often, is that even diet sodas, because of
19 the acids, can cause the erosion of the tooth enamel.
20 Tooth decay is the most common chronic disease of the
21 childhood, affecting 40 percent of kindergartners, and 55
22 percent of third graders here in Colorado.
23 Core Dental Health has a direct impact on learning, an
24 education issue that is at the forefront of what you do on
25 this Board. Tooth decay is mainly preventable. Colorado



1 takes pride in being one of the healthiest States in the
2 nation. By moving the Federal standards, and aligning for
3 a less restrictive policy, we are effectively backing away
4 from this health standard, we as a State have set for our
5 children. Thank you for the time this morning, and I ask
6 that you vote to maintain the existing standards here in
7 Colorado. Thank you.

8 CHAIRMAN DURHAM: Thank you. Theresa, is
9 that like Hafner? Did I get that right? Yes. Thank you.

10 MS. HAFNER: Good morning. My name is
11 Theresa Hafner. I'm the Executive Director of Food
12 Services for Denver Public Schools, and I'm here
13 representing Colorado School Nutrition Association. I want
14 to say that I am in support of streamlining the
15 regulations, so that as School Food Administrator, we are
16 not trying to satisfy both State, and Federal regulations
17 that are overlapping, and confusing at times. I'm all in
18 favor of streamlining the regulations. Thank you.

19 CHAIRMAN DURHAM: Thank you. I'm sorry,
20 Beth Wallace.

21 MS. WALLACE: Good morning Members of the
22 State Board of Education. As the Executive Director for
23 Food and Nutrition Services at Jeffco, I encourage you to
24 support aligning the State and Federal rules. I'm sorry, I
25 forgot to introduce myself. I'm Beth Wallace.



1 CHAIRMAN DURHAM: Thank you.

2 MS. WALLACE: I encourage you to support
3 aligning the State and Federal rules by approving the
4 proposed changes in the Colorado Healthy Beverage Policy.
5 With the implementation of the Healthy Hunger Kids Free Act
6 and Smart Snack Policies, the State no longer really needs
7 to have a beverage policy. The Child Nutrition Directors
8 are the nutrition professionals in our schools, and the
9 recognized experts in the Student Nutrition Program in
10 Colorado. Because of the efforts of the Nutrition
11 Directors, Colorado was the first with 100 percent
12 compliance with the New Menu Mandates and Smart Snacks.
13 Colorado School Directors have proven they worked with
14 their communities to make sound nutrition decisions.
15 All districts -- all districts with this change will still
16 have the Local Wellness Policies in place, giving local
17 control to the beverages. Currently, it is difficult to
18 manage two regulations, and one policy is far more
19 manageable. Even today when I came to speak, I had to pull
20 out the two policies to remind myself what the differences
21 were. I've been in the business for 25 years, and I still
22 have to pull policies to remind myself what the differences
23 are. Please listen, and weigh carefully the District
24 Director's statements. Outside agencies don't have the in-



1 depth understanding of the complex issues schools face on a
2 daily basis, implementing a very heavily regulated program.
3 Thank you for considering our comments. As a professional
4 representing 87,000 students in more than 154 schools, I
5 thank you for taking the opportunity to allow me to express
6 my views. I offer myself as a resource for any more
7 information you would need. Thank you.

8 CHAIRMAN DURHAM: Thank you. Mona Martinez.

9 MS. BROSH: Good morning. Excuse me, I've
10 got a frog in my throat. My name is Mona Martinez-Brosh.
11 I am the Director of Nutrition Services for Aurora Public
12 Schools. I'm also a registered dietitian, and you asked us
13 not to repeat what other people have said. So did over
14 what Theresa said, did over with Beth Wallace said, but I
15 hope that you strongly will look at voting in favor of
16 aligning the regulations. It is an administrative burden
17 to try to work through these policies. We have a very
18 strong wellness policy in our own district, and we feel
19 that this would be the right move, and direction to go. So
20 we thank you for your time.

21 CHAIRMAN DURHAM: Thank you very much.
22 Brent Craig.

23 MR. CRAIG: Thank you. I appreciate the
24 opportunity to address the State Board of Education today,
25 and speak today concerning the combining of the Colorado



1 Beverage Rule, and Federal regulations surrounding
2 beverages. By way of introduction, my name is Brent B.
3 Craig. I come from, I'm the Director of Nutrition Services
4 at Douglas County School District. We have 67,000
5 students, and are responsible for bringing healthy meals
6 and beverages to Denver daily. I've been in this business
7 for 26 years, and bringing healthy foods that students
8 enjoy, and educating them to make good sound nutrition
9 choices has always been my passion.

10 It brings a great sense of satisfaction knowing they are
11 learning good eating habits, growing to be healthy, and
12 making good nutrition choices. Both myself and my fellow
13 directors in the 185 School Districts in this great State
14 of Colorado, share that same passion, and dedication to
15 serving healthy meals each day. You may not hear from us
16 very often and so loudly, because we spend all of our time
17 in the trenches feeding those kids healthy meals, and
18 teaching them how to make good choices. We put our hearts
19 in every day into making these -- offering these healthy
20 meals.

21 The same is true about the beverages. Last year, Douglas
22 County served 1.6 million beverages to our high schools,
23 and that does not include milk or half pint juices. Of
24 those six -- 1.6 million beverages, 75 percent of those
25 beverages were water -- bottled water. I am thrilled. It



1 is a thrill to me as a director to see our students making
2 good choices in beverage consumption. That is a trend that
3 excites me as sodas, diet sodas are not the emphasis or the
4 popular choice amongst these kids. They are making good
5 choices. That's very different from 10 to 20 years ago
6 when I was younger, and diet sodas with all the rage.
7 Today, I want to make four points -- three points. Number
8 one, this consolidation simply streamlines our decision-
9 making process by not having to monitor, and keep track of
10 two regulations. Number two, all districts are required to
11 have wellness policies that speak to the such things as
12 sodas, and sugary snacks, and sugary beverages. It is
13 being dealt with on a local basis. I will say that it is
14 being dealt with in Douglas County Schools. And the third
15 point is that, I want you to understand, and recognize us
16 as new pro -- nutrition professionals, trusting that we are
17 passionate, and committed to bringing healthy options to
18 our students in the 185 districts of the State of Colorado.
19 Thank you very much.

20 CHAIRMAN DURHAM: Thank you. Danielle
21 Brock. Bock. Danielle. Thank you.

22 MS. BROCK: Good morning, Members of the
23 School Board. Thank you for allowing me time to speak with
24 you this morning. I'm here today to represent Jeremy West,
25 the Director of Nutrition Service in Greeley-Evans School



1 District six, as well as the 22,000 students that we have
2 enrolled in our district. I feel as though given the
3 opportunity, our community would like to engage in
4 conversations about local control over what we serve at our
5 School District. And I wanted to represent here today to
6 assure you, that diet sodas will not be an offering at the
7 high schools in Greeley-Evans School District six, if you
8 choose to align State policy with Federal policy. We
9 appreciate the opportunity to engage in those local
10 conversations with our local community because as we see it
11 in Greeley-Evans School District, nutrition is a community-
12 based decision, and we need their input to help us make the
13 right decisions. Thank you for your time this morning.

14 CHAIRMAN DURHAM: Thank you very much.
15 Jessica Gould.

16 MS. GOULD: Good morning. My name is
17 Jessica Gould. I am a registered dietitian, the Director
18 at Littleton Public Schools, and a Member of Colorado
19 School Nutrition Association, and their president-elect.
20 I'm here today to talk to you about the Healthy Beverage
21 Policy. Colorado has led the nation when it comes to
22 healthy beverage options in the K12 school setting. Now,
23 with successful implementation of the Healthy Hunger-Free
24 Kids Act of 2010, the Colorado Healthy Beverage Policy can
25 be met through Federal regulations with only a few minor



1 variables. We are thankful to the State Board of Education
2 for considering public comment about this policy, and after
3 thoughtful consideration, would encourage them to eliminate
4 this policy that simply is no longer needed, thanks to
5 Federal regulations.

6 The benefits of aligning the policy include the
7 simplification of the understanding of the policies school
8 level, in reduction in unnecessary administrative burden
9 that comes from managing two regulations, and the return of
10 local control giving School Districts, and communities the
11 responsibility to serve their students as they see
12 appropriate. Colorado Child Nutrition Directors are
13 nutrition professionals, and the recognized experts in
14 child nutrition for Colorado. Because of these efforts --
15 because of the efforts of nutrition directors across
16 Colorado, we were the first State of the Union to obtain
17 100 percent compliance with the Healthy Menu Mandates of
18 the Healthy Hunger-Free Kids Act. Colorado Child Nutrition
19 Directors have proven over, and over that they will work
20 with their communities to make sound nutrition decisions.
21 All districts will have -- will still have Local Wellness
22 Policies in place, giving local control if desired. Thank
23 you for considering our comments. As a professional
24 association representing more than 850 school nutrition
25 professionals across Colorado, we thank you for taking the



1 opportunity to view our comments, and to offer our members
2 as a resource to you for any additional information you may
3 request. Thank you.

4 CHAIRMAN DURHAM: Thank you very much. So
5 that concludes those who signed up to testify this point in
6 time. Okay. We're a little ahead of schedule for the next
7 item which is -- pardon me. Yeah, we'll take a short break
8 I think because I'm -- I'm not sure we can start the next
9 item until actually 10: 30 because it is rulemaking
10 hearing. So we'll come back to item -- is that on 10?
11 Item 10 at 10:30, so it'll about a 15 minute break.

12 UNIDENTIFIED VOICE: Like to speak. Is
13 there anyone else who would like to speak in public
14 participation? Okay. Give us -- give us just one more
15 second while people -- we -- we sort of have sent a mixed
16 message. We didn't realize that you did -- you all didn't
17 know how to sign up but it's fine. Excuse me. Thank you.
18 We have two speakers. Would you please introduce
19 yourselves.

20 UNIDENTIFIED VOICE: Okay. So my name is
21 (inaudible) and I'm a junior at George Washington High
22 School.

23 MS. BARROW: And I'm Anna Barrow I'm also a
24 junior at George Washington.



1 UNIDENTIFIED VOICE: And our schools
2 actually still has vending machines that dispense diet
3 soda, and lots of sugary beverages. But however, they've
4 increased water access by allowing water filling stations
5 replaced in every corner of the building. And there are
6 now lines during every single five minute passing period,
7 so students can fill up their water bottles just to get a
8 clean drink of water. And speaking from a students
9 perspective, we don't want to put soda, and sugary
10 beverages to our bodies, and by putting more soda and
11 sugary drinks in our school, it's allowing us and
12 incentivizing us to make unhealthy choices, and live an
13 unhealthy lifestyle. Increasing water access can give us
14 the ability to take care of ourselves, and it -- and it
15 incentivizes us to stay hydrated, and stay healthy
16 throughout the day.

17 MS. BARROW: Also, putting more diet sodas
18 in schools isn't beneficial to students health, and isn't
19 the option we want to choose. For us, as students, we want
20 to know that the state has our best interests at heart, and
21 our school has shown us that they are willing to help us to
22 choose healthier options by increasing water access, and
23 decreasing the sugary beverages that we have access to.

24 UNIDENTIFIED VOICE: We want to thank you
25 for allowing us to speak today, and we want as students, we



1 want to make the best choices, we can for our health, and
2 for our bodies, and we asked you to help us do that. Thank
3 you.

4 UNIDENTIFIED VOICE: Thank you very much.
5 So folks, I have a new list. I'm probably going to mess up
6 some names, so please forgive me. Anna Barrow -- that was
7 you guys. Fanny Mendez, would you like to speak?

8 MS. MENDEZ: (Inaudible) Good morning. My
9 name is Fanny Mendez, and I'm here to be -- to give my
10 testimony about my son. I am very worried about all the
11 beverage with sugar -- sugary beverage in the schools, and
12 I have a personal testimony about my son who has pre-
13 diabetes. So at home, we control all those sugary beverage
14 and the food that we are giving him, but when he goes to
15 school, it's impossible. All these options are available
16 for him. So he's living a very frustrating situation right
17 now because every day he wakes up, and he sees the menu for
18 the school, and he's full of beverages that have a lot of
19 sugar, and low quality food.
20 So it is very hard for him because he needs to kind of
21 fight against whatever is there available to him. I want
22 you do have in mind all those bad things that we're doing
23 for youth. My son is just 12 years old, and by allowing
24 all these sugary beverage in the school, we are
25 contributing to all those things not only diabetes but also



1 cholesterol, and other heart diseases. So please, just
2 having consideration all those sugary beverage that you are
3 allowing kids to have options for. Thank you so much.

4 UNIDENTIFIED VOICE: Thank you. Ms.
5 Gabriela.

6 MS. MEDINA: (Inaudible) Good morning. My
7 name is Gabriela Medina. I have two kids. One is 11, and
8 the one is 10. So I am very worried about the options that
9 we have in the schools right now. Juices and also sodas --
10 diet sodas which are not healthy for the kids. I'm here
11 also to share with you my personal situation with my son
12 who amount of sugar that he's eating -- he's drinking is
13 causing for him to be more hyperactive. And this is
14 causing for him to have a lot of problem in school because
15 many times, he needs to take breaks to get in the hallway,
16 and he is -- he has a lot of promise to be control.

17 (Inaudible).

18 So at home, we also control what he is consuming for those
19 sugary beverage, so my worry is that when he's out there,
20 he has access to all that. (Inaudible). Also, the other
21 situation that I have is dentist problem. The dentist has
22 told us that old the things are affecting his enamel, the
23 teeth enamel. So sugar, you know, give some time of --
24 produce some kind of acids in the mouth in that and that
25 he's causing that he has some problems with the teeth



1 enamel, and the cavities. (Inaudible) dentists are
2 recommending a lot of -- of water and healthy beverage, and
3 I am very proud because to their -- until now, they have
4 not have cavities yet. (Inaudible).
5 We know also the sugar is addictive, and we please ask you
6 to consider your position in regards to it. And we are a
7 group of parents here that are representing other parents
8 that are not able to be here today, and we would like you
9 to please reconsider your -- or consider when you were
10 taking this the kind of decisions. (Inaudible). Thank you
11 so much.

12 UNIDENTIFIED VOICE: Tracy Kaye.

13 MS. KAYE: Hello. Good morning. My name is
14 Tracy Kaye. I am the public health coordinator for
15 Westwood Unidos and organization based in Southwest Denver,
16 and we are working with the Delta Dental foundation of
17 Colorado on a cavities get around campaign. And what work
18 we do is working in schools, to work with parents to
19 provide them education about the prevention of cavities
20 which is the number one reason why children are missing out
21 on school days. And a big reason for this is because
22 they're consuming juice, and sometimes soda, and even diet
23 soda contains acid which can be problematic for children's
24 teeth. If we want to think about the academic achievement
25 of our children, I highly recommend that you reconsider



1 whether, or not to allow diet soda in schools, and how much
2 juice we'll be allowing in middle schools, so that children
3 can have the best possible school day, and school year, and
4 achievement in the long term. Thank you.

5 CHAIRMAN DURHAM: Thank you. We have time
6 for about one of two more. Let's see, Ana Munoz. I read
7 that right?

8 MS. MUNOZ: Good morning. Good morning. My
9 name is Ana Maria Munoz, and I have two kids in Denver
10 Public School. . I have a nine year old, and he is
11 already overweight. I am very afraid that when she gets to
12 middle school, he's going to have all these type of
13 beverage available to him. I just came back from the
14 doctor, and I -- I am very worried because they told me
15 that they could take my son if he is extremely overweight.
16 It's very difficult as a mother. This situation is very
17 difficult for a mother. Psychologically, I know that this
18 is affecting him and if this is hard for me, I can imagine
19 how hard it is for him. So I asked you please to
20 reconsider your decision about making those sugary beverage
21 available at schools. I try as much as I can to control
22 all those kind of foods, and beverage at home but they are
23 in school eight to 10 hours sometimes a day. So it is very
24 difficult for us to do our job at -- at home. So please --
25 please, we need your support. We need the -- your support



1 in the job that we do at home. We have a lot of kids in
2 our community with diabetes, with high cholesterol, with
3 heart problems. So we all of us mothers are trying to get
4 the this education for our kids. So please support us.
5 Thank you.

6 CHAIRMAN DURHAM: All right.

7 We have two more signed up speakers either
8 from the same organization, so please let's not have any
9 more repetition, or it will interrupt the proceeding. So
10 Ad -- Adriana --

11 UNIDENTIFIED VOICE: (Inaudible).

12 MS. HERNANDEZ: Good morning, my name is
13 Adriana Hernandez, and I also have a daughter in DPS. So
14 I'm not going to repeat the same thing but the story is the
15 same. I have a daughter that has high cholesterol. She
16 has a inflamed kidney. I have problems with bad food. And
17 we are doing everything at home to help her and we need
18 your support so this -- whatever they're consuming in
19 school is healthy.

20 CHAIRMAN DURHAM: Okay, thank you very much.
21 Anybody else, Gloria?

22 MS. BORUNDA: (Inaudible) Good morning, my
23 name is Gloria Borunda. I am an organizer, and also a
24 mother, and I am here to ask you to please reconsider your
25 decision about sugary beverage. I do have a lot of



1 questions for you. Who are you -- who are you thinking
2 when you are taking these kind of decisions? Why are you -
3 - who you thinking about health, and the -- the health of
4 our kids. So I just have a lot of questions about who are
5 you thinking of when you are putting the things back into
6 the schools. Thank you.

7 CHAIRMAN DURHAM: Okay. That concludes the
8 public testimony. Thank you. All right. Now we will
9 proceed. Does anybody need a -- like a short break, or --

10 UNIDENTIFIED VOICE: (Inaudible).

11 CHAIRMAN DURHAM: We do. We'll take five
12 minutes right now.

13 (Pause)

14 CHAIRMAN DURHAM: Come back to order. We'll
15 now proceed to item 10.00, the Rules for Administration of
16 Accreditation of School Districts. The Colorado State
17 Board of Education will now conduct a public rulemaking
18 hearing for the Rules for the Administration of
19 Accreditation of School Districts, 1 CCR 301-1. The State
20 Board voted to approve the notice of rulemaking at it's 8th
21 of June, 2016 Board meeting. A hearing to promulgate these
22 rules was made known through publication of a public notice
23 on 25th of June, 2016 through the Colorado Register, and by
24 State Board notice on 7th of September, 2016. The State
25 Board is authorized to promulgate these rules pursuant to



1 22-2-107 (1)(C) Colorado Revised Statutes. Commissioner,
2 is the staff prepared to provide an overview?

3 UNIDENTIFIED VOICE: Yes, Mr. Chair. I'll
4 turn this over to Associate Commissioner for Accountability
5 and Data, Allyson Pearson.

6 MS. PEARSON: Good morning everybody. So as
7 the Chairman said, in June, the State Board voted to issue
8 a notice of rulemaking for 1 CCR 301-1 to codify the
9 assessment provisions that were in House Bill 15-1323 that
10 requires districts in the institute as part of their
11 accreditation contracts to provide assurances that they
12 will not impose negative consequences on the student, or
13 parent if the parent excuses his or her student from
14 participating in the state assessment, and not imposing an
15 unreasonable burden or requirement on a student that would
16 discourage the student from taking a state assessment or
17 encourage the student's parent to excuse the student from
18 taking the state assessment.

19 Since the notice was published, CDE has received one
20 comment related to these rule changes. The commenter was
21 supportive of the rule changes but also expressed other
22 concerns with Colorado's assessments. You can access a
23 copy of that rule -- that comment along with CDE staff
24 response, and the responses to written comments on rules
25 for assessment provisions document on Board Docs. So today



1 we're asking if you are unanimous to vote on the rules,
2 then it would be codified. If you're not unanimous, then
3 we will come back for a vote in October.

4 CHAIRMAN DURHAM: All right, questions. As
5 I looked at these, they appear to be fairly self-
6 explanatory, and they appear to be balanced, in that, there
7 is no negative consequences for parent excusal, and no
8 unreasonable burden should be put on a student that, or a
9 parent that wishes to encourage the taking of tests. Is
10 that correct?

11 MS. PEARSON: Correct.

12 CHAIRMAN DURHAM: So it's fairly
13 straightforward, and I think a good rule because it does
14 cover both contingencies. So is there discussion from the
15 Board on these.

16 UNIDENTIFIED VOICE: Did -- did you
17 (inaudible).

18 CHAIRMAN DURHAM: Oh yes, there was a sign-
19 up sheet and no one signed up to testify on this rule. And
20 by the way, in about 15 minutes, there's going to be a
21 civil defense siren test. This is only a test. So don't
22 panic. And I don't know if we'll even be able to hear it
23 but you should be prepared just in case, there's no reason
24 to be concerned.



1 UNIDENTIFIED VOICE: We should have that a
2 pop quiz, I think.

3 CHAIRMAN DURHAM: Yeah probably.

4 MS. FLORES: It will be translated in
5 Spanish?

6 CHAIRMAN DURHAM: Yeah. She did. She did.
7 Yeah.

8 MS. FLORES: Okay.

9 CHAIRMAN DURHAM: All right. So any -- yes,
10 adoption?

11 UNIDENTIFIED VOICE: So I move to approve
12 the Rules for the Administration of the Accreditation of
13 School Districts, 1 CCR 301-1.

14 CHAIRMAN DURHAM: Okay. Is there a second
15 to that motion? Ms. Mazanec seconds the motion. Is there
16 objection to the adoption of that motion? Seeing then, the
17 motion is adopted unanimously, so that rule then is
18 adopted. Correct? Thank you. Okay. We'll now proceed to
19 item 11.01 --

20 MS. BURDSALL: 11.03.

21 CHAIRMAN DURHAM: 11.03, I'm sorry. Thank
22 you. Thank you, Ms. Cordial. The next item on the agenda
23 is the consideration of the Rules for the Administration of
24 Healthy Beverages Policy. Before we begin the discussion,



1 is there a motion on the table? Would anyone like to make
2 a motion on the rules. Yes, Ms. Mazanec.

3 MS. MAZANEC: I move that we -- we adopt the
4 rules as proposed. (Inaudible) read it?

5 CHAIRMAN DURHAM: I don't think you need to
6 read the rule. No.

7 UNIDENTIFIED VOICE: It's on.

8 CHAIRMAN DURHAM: You have to get closer.

9 UNIDENTIFIED VOICE: To approve the Rules
10 for the Administration of the Healthy Beverages Policy.

11 CHAIRMAN DURHAM: Okay. That's proper
12 motion. Is there a second? Second? Yes, Ms. Rankin. It
13 has been moved, and seconded. Commissioner, is their staff
14 ready to provide an overview -- answer questions? I think
15 this is the second time we have spend on the agenda, so any
16 last minute comments from staff?

17 UNIDENTIFIED VOICE: Yes. I will just turn
18 it over to Jennifer Okes.

19 CHAIRMAN DURHAM: Thank you.

20 MS. OKES: Thank you. Jennifer Okes from
21 School Finance, and I'll just turn this over to Brehan
22 Riley. She's our Director of School Nutrition, and the
23 expert on this matter. So --

24 MS. RILEY: Good afternoon. The public
25 hearing to approve the proposed rules occurred at the



1 August Board meeting, and a unanimous vote was not reached.
2 Today is your opportunity for a second vote. Since the
3 last Board meeting, we have received an additional 19
4 comments. This makes up a total of 35 comments received.
5 Twenty-two comments from health advocates are opposed to
6 aligning. They all want the diet soda restrictions to stay
7 in place, and the dental groups also want to keep
8 restrictions on juice. Thirteen comments from school
9 districts CAES, CASB, BOCES, and the Colorado School
10 Nutrition Association want the rules to align, and utilize
11 their local school wellness policies to meet the needs of
12 their communities.
13 To exemplify the regulatory burden districts currently face
14 in Colorado, I have developed a comparison chart that I
15 included in your Board documents. For the past three
16 years, districts have had to interpret which set of rules
17 to follow for the types of beverages they can sell in their
18 schools, which can be complex, and confusing as you've
19 heard from earlier testimony. By aligning the two
20 policies, districts will have a more clear, and concise way
21 to meet compliance requirements. One area Colorado will
22 still remain more restrictive due to state statute is the
23 extended school day rule. Districts will continue to
24 utilize their local school wellness policies to enforce
25 stricter guidelines based on community needs. All



1 districts have wellness policies, and many already have
2 stronger policies in place as seen in Boulder, Denver,
3 Buena Vista, Greeley, Adams 14, Center, and Poudre, just to
4 name a few.

5 Our district's Nutrition Services Departments are overseen
6 by nutrition professionals. They will continue to promote
7 healthy school environments through their wellness
8 policies. We respectfully request that the Board vote in
9 favor of the proposed rules to align the policies, so we
10 can reduce the regulatory burden the districts have faced
11 over the past three years and move forward streamlining
12 guidance, and training efforts. Thank you.

13 CHAIRMAN DURHAM: Thank you, Ms. Riley. Any
14 questions from Members of the Board, Dr. Flores?

15 MS. FLORES: So when you say streamlining --
16 (inaudible). So what do you mean -- when you say
17 streamlining, what exactly do you mean by streamlining as
18 opposed to what we have now?

19 MS. RILEY: Mr. Chair. Basically we are
20 combining the two policies, so that we have one full policy
21 that they can meet all the regulations instead of having to
22 go back and forth between two different policies to
23 determine which is the more restrictive policy to go ahead
24 and comply with.



1 MS. FLORES: So the -- excuse me. The only
2 difference I see is that high schools will be able to -- to
3 sell -- to sell cokes, and such like that -- diet cokes.
4 Is that correct? I mean, that's what I see as a
5 difference. And -- and the other schools will not; they
6 will be able to sell water, they'll be able to sell tea --

7 MS. RILEY: Mr. Chair.

8 CHAIRMAN DURHAM: Yes.

9 MS. FLORES: -- in high school.

10 MS. RILEY: It's more complex than that.
11 The policy that's currently in place in Colorado has many
12 regulations around calorie content per ounce. That's not
13 something the federal regulations have in place. And so
14 for every beverage that's sold, regardless of the age
15 group, the districts have to figure out if that also
16 complies with particular calories per ounce based on the
17 State rules.

18 UNIDENTIFIED VOICE: (Inaudible) it's not
19 difficult. Well then, we should stay with what we have.

20 CHAIRMAN DURHAM: Any other. Yes, Ms. Goff.

21 MS. GOFF: Thank you. I, kind of along with
22 that I guess. Is there any -- do we have any information
23 about knowing that districts have wellness policies? How
24 binding are the rules, they are to the logo. I just -- I'm
25 just curious to know how many districts do, you know,



1 enact, implement, follow along really strictly their own
2 wellness policies as regards to diet drinks, and flavored
3 milk, and such, and how many would continue to do so if
4 this is lessened up? That concerns me, you know, that the
5 bottom line on this -- in this area -- this arena of
6 concern is kids' health.

7 And when I'm hearing from the dental industries, and the
8 dental insurers, and the dental caregivers, providers, and
9 I'm hearing from childhood obesity experts, and other
10 people who are well-informed of that, hearing from parents
11 about their willingness to support a district in making the
12 best kinds of nutritional decisions for their kids, that's
13 where I -- that's where I end up. And I'm just curious, I
14 mean, I trust the districts are as concerned as they can be
15 about child -- children's health and nutrition.

16 I guess I'm looking for some evidence about how many
17 districts are following through on discouraging the healthy
18 beverage, or the -- discouraging the diet sodas and such
19 and other high calorie beverages from kids' exposure.

20 There is no control of what a child will choose to do when
21 they're off school grounds, anybody who has teenagers knows
22 this. And there are going to be temptations, and they're
23 going to be attractive options all the way around life. I
24 just have a feeling, my -- my conviction is that as long as
25 we're in public schools, and we have a concern about



1 childhood health nutrition that we need to find a way to
2 continue the message of this is what the State of Colorado
3 believes needs to be happening.

4 You know, I understand the -- I do
5 understand, and appreciate what -- what feels like over
6 regulation, and burdensome tasks is. I understand that
7 fully. I -- I guess I would just ask this, our state
8 policies have been in effect since 2009. Why not -- we
9 could -- maybe we can figure out a way to make them a
10 little more streamlined but not to go away from opening up
11 this to kind of you know, what if -- what if situation is
12 bothersome to me.

13 CHAIRMAN DURHAM: Ms. Mazanec.

14 MS. MAZANEC: Mr. Chair.

15 MS. SCHEFFEL: Did -- did you wanna respond?

16 CHAIRMAN DURHAM: Oh, I'm sorry. Yeah, it's
17 (inaudible).

18 MS. MAZANEC: Sorry. I just wanted to speak
19 to how wellness policies are handled. USDA requires that
20 all school districts on the National School Lunch Program
21 have wellness policies in place. We do USDA administrative
22 reviews every three years, and it's something that we look
23 at, and if they are not complying with our own wellness
24 policy then their findings, and we put corrective action
25 plans in place, and then they do have to follow the



1 wellness policy that they have in place at the level -- at
2 the school level.

3 MS. SCHEFFEL: So it's by school level
4 rather than local --

5 MS. MAZANEC: It's school districts --

6 MS. SCHEFFEL: -- district. Okay.

7 MS. MAZANEC: And then all of us schools
8 have -- have to follow.

9 MS. SCHEFFEL: Okay. Okay, thanks.

10 CHAIRMAN DURHAM: And Ms. Mazanec.

11 UNIDENTIFIED VOICE: I would just like to
12 say I can appreciate the desire of parents to have their
13 public neighborhood schools provide the kind of food,
14 information, values, all kinds of things that they provide
15 themselves at home, that are in -- in alignment with what
16 their own values are. I appreciate that no parent gets
17 that. You know, some parents are really concerned about
18 the fact that condoms are provided in schools. I don't
19 think many people would argue that we shouldn't do that.
20 But yet, we are very concerned about diet soda being given
21 to high school students, and second of all, there is a -- a
22 remedy here. I -- I appreciate the idea that we can -- we
23 can lessen the regulation burden on school districts, and
24 yet local school districts have the ability to limit diet
25 soda, or to ban diet soda, and that is where this decision



1 belongs. This is close to the schools, and the parents,
2 and the community as possible. So they still have that
3 ability to do that. We do not need the state to mandate it
4 in order to do that. So I will be voting to -- to align
5 these rules.

6 CHAIRMAN DURHAM: Dr. Flores.

7 MS. FLORES: I think, one of the -- one of
8 the issues that maybe may not be understood, and why we had
9 so many Latino parents here who are concerned about their
10 children, and the preponderance of -- of diabetes in the
11 Latino community, and in Native American communities. It
12 is very high. I know that it's something that my family
13 had to deal with. I had a brother with diabetic who died
14 very young. And although while at home, my mother made
15 sure that all of us ate the same way he did, and she was a
16 very good cook.
17 But I -- I just know the temptations are -- are very high,
18 and I can see why we have all these parents who are very,
19 very concerned. And especially when chocolate milk with
20 all that sugar is provided in many of the schools, and only
21 chocolate milk. Sometimes, there's no white milk for kids
22 to choose from, and you -- you get these wonderful rolls --
23 cinnamon rolls that are just filled with sugar at the top.
24 I mean they're wonderful, and it's very difficult when you
25 get only that for breakfast, you know, to -- to -- to say



1 no for that sometimes. So I -- I think parents know what
2 they're talking about, and I know that some of our large
3 school districts, you know, who came to in -- that they can
4 but I think in -- in some areas, it's -- it's very
5 difficult, and I can see why parents just came in force
6 today to tell us, and warn us that, you know, this is not
7 good. Thank you, and I -- I will not be voting for this
8 amendment.

9 CHAIRMAN DURHAM: Ms. Rankin.

10 MS. RANKIN: Is there anything -- if these
11 laws are aligned State and Federal, is there anything in
12 there that prohibits parents, or local school districts
13 from having more stringent requirements on their specific
14 schools?

15 MS. SCHEFFEL: Mr. Chair.

16 CHAIRMAN DURHAM: Yes.

17 MS. SCHEFFEL: No.

18 MS. ANTHERS: Thank you.

19 CHAIRMAN DURHAM: Okay. Dr. Schroeder.

20 MS. SCHROEDER: So I get fact that
21 administrators want administration to be easier. I
22 understand that, and aligning them does make their job
23 easier. I'm simply not willing to make that my priority
24 over the health of kids. And well, I haven't looked deeply
25 into the calories et cetera in our prior rules, I am



1 confident -- confident that diet beverages are unhealthy,
2 and our kids growing body should not be consuming them.
3 And I can't in any kind of a clear conscience support that.
4 I don't care really what congress did they wanted to give
5 the rights to the states, and we are not living up to our
6 responsibility. I am hopeful that our legislature will.

7 CHAIRMAN DURHAM: Further discussion. Okay.
8 I would simply observe that -- that there's no better
9 regulator for this conduct than the parent, and -- and the
10 parents voice at the local school Board. I need to really
11 believe as a parent that the state can protect your
12 children from a variety of unhealthy behaviors is really a
13 foolish risk to take. The -- the fundamental
14 responsibility belongs with parents, and I would hope they
15 would exercise it as they make their own judgments. Ms.
16 Cordial, will call a roll, please.

17 MS. BURDSALL: Board Member Flores?

18 MS. FLORES: No.

19 MS. BURDSALL: Board Member Goff?

20 MS. GOFF: No.

21 MS. BURDSALL: Board Member Mazanec?

22 MS. MAZANEC: Yes.

23 MS. BURDSALL: Board Member Rankin?

24 MS. RANKIN: Yes.

25 MS. BURDSALL: Board Member Scheffel?



1 MS. SCHEFFEL: Yes.

2 MS. BURDSALL: Board Member Schroeder?

3 MS. SCHROEDER: No.

4 MS. BURDSALL: Chairman Durham?

5 CHAIRMAN DURHAM: Yes. The motion's adopted
6 by vote four to three. Thank you. Will now proceed to
7 item, where we are here? 11.04, which is, (inaudible).
8 Yeah, here we go. Okay, the next item on the agenda is the
9 consideration of notice of rulemaking, for rules, for
10 counting, and reporting 1CCR 301-11. Before we -- we begin
11 the discussion, is there a motion on table? Dr. Scheffel.

12 MS. SCHEFFEL: I move to --

13 CHAIRMAN DURHAM: Yeah.

14 MS. SCHEFFEL: I move approve the notice of
15 rulemaking, the rules for the counting, and reporting 1CCR
16 301-11.

17 CHAIRMAN DURHAM: (Inaudible) for motion, is
18 there second? Yes. Going once, going twice. Ms. Mazanec
19 will second. Thank you, Ms. Mazanec. Okay. Now,
20 Commissioner could staff prepare to provide an overview.

21 MS. SCHEFFEL: Yes, Mr. Chair, I will turn
22 this back over to Jennifer Okes, Executive Director for
23 School Finance.

24 MS. OKES: Great. Thank you. Again,
25 Jennifer Okes and we're asking you to approve a notice of



1 rulemaking. This is essentially a housekeeping item.
2 These rules we would like to update them to reflect some
3 recent legislative changes. Just so there is alignment
4 between the statute changes, and our rules related to
5 accounting and reporting.
6 There's three bills that have been passed recently that we
7 would like to be reflective in these rules. The first is
8 House Bill 151184 that added Charter School networks that
9 definition to statute, and so we simply want to add that to
10 these rules to clarify that these rules apply consistent
11 with the statute. There is a statutory that all of the
12 financial, and budgeting requirements, and law, and
13 regulations apply to these. So therefore, we just want to
14 add the Charter School networks to the list of applicable
15 agencies, or entities.
16 House Bill 601354 last session added a new fund, that's the
17 supplemental capital construction technology and
18 maintenance fund. And basically, what this allows is that
19 if a district were to add -- have an additional mil levy
20 for things like capital construction, new technology,
21 existing technology upgrades, or ongoing maintenance needs
22 that this would be the fund that those mill levies are
23 accounted for in there. And so this has sort of two
24 different aspects to it. Those depending on what the
25 school district authorized in their election, it could be a



1 capital projects fund. This special technology, our
2 special capital construction technology and maintenance
3 could be treated as a capital project if that local
4 district approves something like a new roof, or a new
5 building. Alternatively, depending on the local election,
6 it could as be treated like a special revenue fund. That
7 would be if the approval was for ongoing operating expenses
8 like technology upgrades, and keeping those things update -
9 - up-to-date, or ongoing maintenance needs.

10 The third bill that changed was House Bill 16.

11 CHAIRMAN DURHAM: Yes, Dr. Scheffel?

12 MS. OKES: Sorry, let me just --

13 UNIDENTIFIED VOICE: Sorry.

14 MS. SCHEFFEL: At the time of the election,
15 do you have to specify how it's going to be spent? This is
16 for more than one year, right? Isn't that continuing mil
17 override?

18 MS. OKES: Yeah.

19 MS. SCHEFFEL: So might you not in one year
20 put on a new roof on a building? Another year spend the
21 year engaged in extra maintenance. I mean, can't -- can't
22 those funds go back and forth, and if so ho -- how does the
23 Board decide -- School Board decide that, or how is it
24 handled?



1 MS. OKES: It would be based upon the
2 wording in the mil levy election. And so if it is very
3 open to say it could be for this variety of things, then
4 that would be treated like a Special Revenue Fund, and it
5 would be treated consistent with what was in that language.
6 So it's really dependent on the local school, the local
7 language about what is put forth in the election. It could
8 be very narrow.

9 MS. SCHEFFEL: But it has to stay that way?

10 CHAIRMAN DURHAM: Ms. Mazanec?

11 MS. MAZANEC: I believe that once they
12 passed the ballot language, and if they included capital
13 construction, and ongoing maintenance in the question, then
14 the district may be budgeting into two separate funds each
15 year.

16 MS. SCHEFFEL: Year each.

17 MS. MAZANEC: Yes.

18 MS. SCHEFFEL: Okay. 'Cause I think that's
19 -- well, I haven't looked at but I'm pretty sure that's
20 sound worded.

21 MS. MAZANEC: And I don't believe that the
22 ballot language would need to specify which fund, the fund
23 -- the money would go into. It would be here's what we're
24 going to use it for, and then once they receive it, then
25 they determine where it's going to be budgeted (inaudible).



1 MS. SCHEFFEL: How to allocate it, and it'll
2 -- and is likely to -- to with Board approvals, School
3 Board approval to -- to vary depending on each year's
4 needs.

5 MS. MAZANEC: Yes. Okay, that make sense.
6 Thank you.

7 MS. OKES: Yeah. Then, the third change to
8 legislation was House Bill 161422 that added to total
9 program reserve fund. And so we're including that in our
10 list of fund. And so previously, if the mill levy
11 generates a district's -- mill levy generates more revenue
12 than needed, the mill levy would be reduced. With this
13 bill, the mill levy would remain constant, and that
14 additional revenue would go into this Total Program Reserve
15 Fund, and then the statutes outline that -- that those
16 monies can be used to essentially pay back, or buy down the
17 negative factor, or replace the negative factor. So those,
18 we're just simply adding these to new statutorily created
19 funds to the list of funds just for specificity, and so our
20 rules are alignment with what was passed by the
21 legislature.

22 MS. SCHEFFEL: Can you just give me an
23 example? I don't understand the -- I never -- I still have
24 not understood exactly how that last one works.



1 UNIDENTIFIED VOICE: So this is specific to
2 those districts that we talked about last year that were in
3 a categorical buyout situation where there was a refusal to
4 pay. So there was four districts that did not wanna pay
5 the state back for the categorical buyouts. This was a
6 compromise piece of legislation that said if you are in
7 that boat, and your mill levy generates more than your
8 total program in your categorical buyout, then district
9 instead of you lowering your mill levy each year, you can
10 keep your total mills, and then that excess that is
11 generated above and beyond total program and categoricals,
12 they can actually put into this reserve fund, so that in
13 the event that their assessed value declines, and all of a
14 sudden they are not generating more, and the negative
15 factor kicks in, then they can use those monies in that
16 reserve fund in order to basically pay themselves back what
17 they would lose in the negative factor.

18 MS. SCHEFFEL: Okay. And that's just for
19 those basically just self funding districts.

20 MS. OKES: Yes. Yes.

21 MS. SCHEFFEL: Thank you. That was the
22 piece I missed 'cause I don't understand all that term
23 you've mentioned.

24 CHAIRMAN DURHAM: Further questions.

25 Yes, Dr. -- Dr. Schroeder.



1 MS. SCHROEDER: So the title of the document
2 Crosswalk Linking Accounting and Reporting Statutes to
3 Rules. Is that -- does that mean that they weren't linked
4 before, or that we're linking them now in these three
5 situations where there were additional statutes. Is that
6 what you're saying?

7 UNIDENTIFIED VOICE: Yes.

8 CHAIRMAN DURHAM: Yes Ms. -- Dr. Schroeder.

9 UNIDENTIFIED VOICE: We're linked all along.

10 UNIDENTIFIED VOICE: They were linked but
11 with the addition of these two new funds referenced in the
12 statute, we wanted to add those to the rules just so it's a
13 comprehensive listing of all of the statutorily created
14 programs. This document what we wanted to do is just show
15 you for the rules that are there, and the proposed
16 additions to the rules. What are the statutory citations
17 that support each of those aspects of the rules, or each
18 provision of the rules? So that was just for additional
19 clarification. So if you have a question about what's the
20 basis for this rule. There's the statutory for background
21 reference. And so yes, we're just simply adding those new
22 references into the rules.

23 MS. SCHROEDER: And so the infrastructure to
24 link these is already in place at the districts, and



1 charters is that right? And so all they're doing is adding
2 an application of that infrastructure, is that right?

3 UNIDENTIFIED VOICE: Yes, essentially
4 including this doesn't change anything other than provide a
5 little bit more clarity so that when a district looks at
6 the rules it's a comprehensive listing of the funds
7 available.

8 MS. SCHROEDER: Thank you.

9 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

10 MS. SCHROEDER: Chair, one more -- one more
11 question and perhaps I misunderstood that but when I was
12 reading materials it talked about there could be 13 more
13 funds. I thought what are these just funds that are
14 specific, that a school district specifically adds because
15 they are allocating in a unique way, or was that all about
16 please?

17 UNIDENTIFIED VOICE: So what this says is
18 that the rule --

19 UNIDENTIFIED VOICE: Excuse, sorry to
20 interrupt we are.

21 CHAIRMAN DURHAM: Ma'am.

22 UNIDENTIFIED VOICE: We're parents.

23 CHAIRMAN DURHAM: Okay.

24 UNIDENTIFIED VOICE: We represent the
25 (inaudible).



1 CHAIRMAN DURHAM: I will stand a recess a
2 little bit.

3 UNIDENTIFIED VOICE: We are unhappy with
4 that decision that you make because you don't take the
5 consideration of the community. So I really think there's
6 no our response when the (inaudible) model ARs in this
7 school. So we need you to support, please think about it.
8 As RPs who are en-raised, you don't thinking about the
9 students, and health of the students. You thinking about
10 money only, and that's the only thing down you care about.
11 Sorry for my English I don't know, I know it's not perfect.
12 But I'm unhappy, our people with me are unhappy with the
13 decision you make, and you guys supposed to be representing
14 our necessities, and you are not thinking about us when you
15 make the decisions. Because my responsibility is like a
16 mother when my child is at home, and giving them the
17 (inaudible) -- the advice, but when -- when they are in the
18 school, or in other places I don't have control about it.
19 And you could access to unhealthy food in the school, and
20 you could be all these things, and then (inaudible) tell me
21 to really take care of my child. So please think about the
22 students. All these parents are unhappy with the decision.
23 Please, I say please, with respecting about the students,
24 think about the future of the students, and the kids.



1 Don't care about the money. The money is the less
2 important.

3 UNIDENTIFIED VOICE: Okay guys (inaudible)
4 thank you guys.

5 MS. SCHROEDER: Pardon. Well, with that out
6 we will continue discussing (inaudible). We're not done,
7 are we?

8 MS. BURDSALL: No.

9 MS. SCHROEDER: That's right. I was ready
10 to move on with the next step.

11 MS. BURDSALL: We were talking about 13
12 funds.

13 MS. SCHROEDER: Yeah, 13 funds.

14 MS. BURDSALL: Yes, so what that is
15 referencing? So the Colorado Revised Statutes.

16 MS. SCHROEDER: Did he not (inaudible)?
17 (Pause)

18 CHAIRMAN DURHAM: Board will come back to order. Thank
19 you.

20 MS. OKES: Thank you. So the question was
21 that there is a reference to 13 additional funds. And so
22 there are nine statutorily defined funds, and these are two
23 additional ones that were adding to the list of statutorily
24 defined funds.

25 MS. BURDSALL: This makes 11.



1 MS. OKES: It was seven before, plus two
2 equals the nine that are just listed. And so all of those
3 are listed in 4.05. The changes we've added all of those
4 are listed there. And then the earlier rules. So all of
5 the existing rules. There are 13 additional funds that
6 haven't been identified by Colorado Revised Statute, but
7 have been authorized by earlier rules that just allowed
8 districts to operate pursuant to GASBY standards. And so
9 the examples would be a pupil activity fund. Is a type of
10 fund that has been authorized by rule that's not authorized
11 by statute, or specified in statute, but it's just
12 clarification for districts of how to account for all of
13 the different types of activities consistent.

14 MS. SCHROEDER: In order -- in order to make
15 the data comparable between districts, so that you've got
16 sort of a common -- common financial language between
17 districts in the state of Colorado. Right? Thank you.

18 CHAIRMAN DURHAM: Yes, Dr. Scheffel.

19 MS. SCHEFFEL: The GASBY standards, can you
20 elaborate?

21 MS. OKES: Yes. The GASBY is the
22 Governmental Accounting Standards Board. So it's the
23 accounting standards that districts are required to react.
24 It's just Governmental Accounting, and so there's different
25 treatments for different types of activities.



1 CHAIRMAN DURHAM: Further questions? So Ms.
2 Okes it would appear that these are just conforming should
3 be non-controversial rules, okay. So the motion before the
4 Board is the -- to approve this for rulemaking hearing at
5 the next meeting.

6 MS. OKES: Two.

7 CHAIRMAN DURHAM: Two meetings from now so
8 it would be November maybe. So is there objection to the
9 adoption of that motion, seeing that that motion is adopted
10 by a vote of seven to nothing? Thank you. We'll now
11 proceed to the last item before the executive session which
12 is the proposed regular state Board meeting dates. And I
13 guess it was Ms. Cordial this would be your item probably?

14 MS. BURDSALL: Correct. So we have -- we
15 have not made any changes since the 2017 meeting dates had
16 been proposed to you at the August Board meeting. They are
17 all the second Wednesday and Thursday of the month
18 excluding the August Board meeting for. So we're in a
19 better kind of alignment for semester's police results, and
20 things like that. To give you more time to review those in
21 advance, and then other than that there just are normal
22 meeting dates, and so far they don't overlap any religious
23 holidays, or anything like that. So we double checked to
24 make sure.



1 CHAIRMAN DURHAM: Any questions about the
2 meeting dates or objections?

3 MS. SCHROEDER: I'd like to move to approve
4 the proposed 2017 state Board meeting dates.

5 CHAIRMAN DURHAM: Is there a second to that
6 motion, yes Dr. Flores. Okay, it's been moved and
7 seconded. I think everyone's had a chance to review these.
8 So is there objection to the adoption and publication of
9 these as the meeting dates for calendar year 2017. Seeing
10 no objection, that motions clear adopted by a vote of seven
11 to nothing.

12 MS. SCHROEDER: Can I make a comment?

13 CHAIRMAN DURHAM: Yes.

14 MS. SCHROEDER: I should have said this
15 earlier. There are folks who are going to be confused
16 about the August shift. And so if there is a way to
17 highlight that.

18 MS. BURDSALL: Make a note that it's.

19 MS. SCHROEDER: Somehow make a note in order
20 to help folks. Now theoretically, I'd like to see our park
21 results come in May and then, this is a one year thing
22 while we think things are going to be the same. But in any
23 case I don't think you need to explain why but I think we
24 need to really highlight the fact that we're out of order.

25 MS. BURDSALL: Okay.



1 MS. SCHROEDER: These folks are actually
2 going through their calendar. The Board meets the second
3 Wednesday, et cetera. So that would be helpful if you
4 could.

5 MS. BURDSALL: Okay. Speaking to
6 (inaudible) that.

7 MS. SCHROEDER: Thanks.

8 CHAIRMAN DURHAM: Okay. Yes Ms. Goff.

9 MS. GOFF: Thank you. I know, I understand
10 how challenging calendaring is. It's my -- it's my big C
11 word calendar challenge, but I'd be curious to know if
12 there's been in recent years especially any communication
13 with CASB about when the schedule. I imagine just because
14 there is hotel involved with their meetings this fall
15 conference. I can't remember a year we haven't had a
16 conflict with them Board meetings, and the CASB conference.
17 Well, yeah, we think about things. However, that's it. I
18 mean, I just you know if we. If we can still want to re
19 talk with them sometime about maybe an alternating
20 situation.

21 The other thing too is I haven't looked at the calendar.
22 December is just getting later and later in the month for
23 our meeting. And I'm just wondering when the flip back
24 happens where that second, or second week of the month gets
25 earlier. This -- this is as late as it's ever been.



1 December 13th and 14th is pretty late in the month but it
2 has to be that way. That's the way it is. That's all. I
3 agree with everybody's agreement on this. GASBY by the
4 way, those are generally the third week in October for the
5 annual meeting that will fluctuate a little bit each year.
6 So as we continue to look at that, and I also had a
7 conversation, it came up about the holidays and I -- I
8 have, I've gotten the answer.
9 I'm satisfied for my own self asking the question, but not
10 necessarily today but at some point an explanation of how
11 the state personnel system, and our HR department here how
12 we interact. We all understand the laws, and the
13 personnel, the policies of the state in general. But
14 someone was asking me, this was what last week there was an
15 inquiry about could we change our October meeting to
16 accommodate people who wanted to come, and speak or to give
17 comment in our October meeting, Thursday is Yom Capurso.

18 MS. BURDSALL: It's the Wednesday meeting
19 that's Yom Capurso. So we'll be moving.

20 MS. GOFF: One of the days. So it was just
21 a notion that is of personal interest to some people. So
22 then that led to some further thinking about how does our
23 staff keep this. This was an inquiry to me sort of. How
24 does our staff handle national holidays, and how do staffs
25 in general? I tried to explain, I think I covered it about



1 how those determinations are made. Here's a set of state
2 paid holidays, and building is closed, and so on, and so
3 what happens on religious holidays particularly where the
4 building is not closed, and certain employees are put in a
5 position where they have to make a decision, or they can't
6 make a decision. So I got my own answer. But at some
7 point maybe I don't know if it's needed enough but at some
8 point to expand this conversation a little bit more just an
9 explanation somewhere for our publics if not every agency
10 about these days that since we meet always during the week,
11 during the workday, it's something to think about as far as
12 public access to our meetings, and that's it. I'm just.
13 All of this has brought some of this stuff out this last
14 month or so.

15 CHAIRMAN DURHAM: Okay, any further
16 discussion. Okay, so a motion or we adopt a motion.
17 Timing is everything. All right. So now we are ready for
18 executive session. We're ahead of schedule. No we did.
19 We got out of word between.

20 MS. SCHROEDER: We did, and then we started
21 asking questions.

22 CHAIRMAN DURHAM: So I think -- I think the
23 best way to handle this, we are a little ahead of -- are we
24 ahead of schedule?

25 MS. SCHROEDER: Yeah.



1 CHAIRMAN DURHAM: We are a little ahead of
2 schedule. So when I reach, when we go into executive
3 session we'll recess until I think 1:00 p.m. And we'll
4 come back and do the disciplinary. The first item on the
5 disciplinary hearing which would be 14.01 -- 0 -- 01 yeah
6 14.01. And so we'll -- we'll recess until 1:00 o'clock.
7 If we finish early we might come back, and discuss items
8 that are not that won't fit into or executive session, that
9 won't be particularly relevant. So we'll, we won't take any
10 action or anything before 1:00 o'clock. So yeah might take
11 a walk or something. Ms. Cordial would you like to read
12 us, read the appropriate language for executive session?

13 MS. BURDSALL: An executive session has been
14 noticed for today's state Board meeting in conformance with
15 24-6-402 (3)(A) CRS to receive legal advice on specific
16 legal questions pursuant to 24-6-402 (3)(A) (II) CRS in
17 matters required to be kept confidential by federal law, or
18 rules, or state statutes pursuant to 24-6-402 (3)(A) (III)
19 CRS.

20 CHAIRMAN DURHAM: Okay. All right. Is
21 there a motion for any executive session? Dr. Schroeder,
22 Ms. Goff seconds. We will, as objection to the adoption to
23 that motion requires five votes. Seeing no objection, that
24 is passed by a vote of seven to nothing. So all of us are
25 entitled to leave the room, and we'll take a short recess



-
- 1 now till we get set up for the executive session. Thank
 - 2 you.
 - 3 (Meeting adjourned)



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C E R T I F I C A T E

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

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

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

/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