



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
January 13, 2016, Part 5

BE IT REMEMBERED THAT on January 13, 2016,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: So trying to get started.
2 I think we're gonna make a couple. Let's run through
3 quickly the 16.01, the bullying prevention and maybe start
4 by running through very quickly statutory requirements, as
5 I remember when I wrote this for the administration of
6 grants, we have any money, and the grants come from gifts,
7 grants and donations.

8 UNIDENTIFIED VOICE: Read those from Prop BB
9 funds?

10 CHAIRMAN DURHAM: Yeah. There is no --
11 there is no general fund appropriation or --

12 UNIDENTIFIED VOICE: No. These comes from
13 the Prop BB funds.

14 CHAIRMAN DURHAM: -- or from any money
15 that's been donated in gifts, grants, and donations.

16 UNIDENTIFIED VOICE: No, there hasn't, but
17 we do have a two million dollar appropriation from the
18 legislature through Prop BB.

19 CHAIRMAN DURHAM: Oh, through the marijuana.

20 UNIDENTIFIED VOICE: Correct.

21 CHAIRMAN DURHAM: Oh. Good. Perfect.
22 Okay. So we have two million dollars to distribute.
23 What's the time frame on the rules?



1 UNIDENTIFIED VOICE: We have 90 days from
2 receiving those funds which began January 1st, so we have
3 through the beginning of April to promulgate rules.

4 CHAIRMAN DURHAM: Yes. Dr. Flores.

5 MS. FLORES: Could we give 500,000 thousand
6 to the teacher evaluation? No, what is it?

7 UNIDENTIFIED VOICE: Licensure fees.

8 MS. FLORES: Licensure fees. I mean they
9 seem to need a lot of work and certainly we need teachers
10 and we need to get them up there if they're qualified.

11 CHAIRMAN DURHAM: I have a feeling the rules
12 won't let us.

13 MS. FLORES: Why not?

14 CHAIRMAN DURHAM: It won't let us administer
15 the grants probably. All shocked.

16 UNIDENTIFIED VOICE: You are correct. You
17 are correct that these are specified for bully prevention
18 grant program.

19 CHAIRMAN DURHAM: All right. And so when do
20 you expect to award?

21 UNIDENTIFIED VOICE: So would it be alright
22 with you Mr. Durham if I go ahead and introduce Dr. Scott
23 Ross who is going to be leading this program?

24 CHAIRMAN DURHAM: Sure.



1 UNIDENTIFIED VOICE: We kind of rushed him
2 right in but I just wanted to make sure that he had an
3 opportunity to new staff member who has just recently
4 joined us. He joins us from University of Utah. Prior to
5 that, he has been at a State Level Director of Response to
6 Intervention and Positive Behavioral Interventions Supports
7 for Oregon. So he also has a research background in bully
8 prevention. So we are really glad to have him at the
9 department. So I'm going to hand this over to him if
10 that's okay with you.

11 CHAIRMAN DURHAM: You bet.

12 MR. ROSS: Absolutely, and thank you Mr.
13 Chair.

14 CHAIRMAN DURHAM: Welcome.

15 MR. ROSS: Sure. Thank you and Board and
16 Dr. Asp. If I can go back to your -- your question which I
17 believe was, maybe you can rephrase it for me.

18 CHAIRMAN DURHAM: I was looking for time
19 frames.

20 MR. ROSS: Sure. On the case here, you have
21 four documents actually in front of you, one being the
22 slides, two being House Bill 11-12-54 which provides that
23 really around the bullying prevention grant program, three
24 you have draft program rules as well as for you of the
25 crosswalk between statute and those rules. Timeline for



1 the administration of this, we are in the notice of
2 rulemaking this month followed by the rulemaking hearing in
3 February, rulemaking in -- in -- in April. Our plan is to
4 initiate the program and after the rules have been
5 approved. So April, May, June.

6 CHAIRMAN DURHAM: Okay. Go on and proceed.

7 MR. ROSS: Okay. So and you have mentioned
8 so much of this already. House Bill 11-12-54 created a
9 school bullying prevention program, grant program. That
10 was actually during the legislative session in 2011 and on
11 page four, the State Board was instructed to promulgate
12 rules for the administration of the program on or before
13 April 1st, 2012 or not more than 90 days after the
14 department received sufficient money to implement the
15 program. Until recently, there wasn't any money in that
16 program with the passing of the passage of Proposition BB.
17 There has been allocated two million dollars to the program
18 as of January 1st. And -- and now we move forward with the
19 promulgation of the rules. So this far I can take any
20 questions you might have. You have the -- the rules in
21 your documents as well.

22 CHAIRMAN DURHAM: Yes Dr. Flores.

23 MS. FLORES: I'm just learning. So there
24 was no bully prevention before so the monies that pay your
25 position say and were there any monies that went along with



1 the bullying prevention other than say those monies that
2 we're now getting from -- from the --

3 MR. ROSS: You are correct. There were no
4 monies to do bullying prevention school program before
5 January 1st.

6 MS. FLORES: So how can we allow this to
7 happen? I mean, for them to put things on top of things
8 without even, I'm sorry. It's very important. I know it's
9 very important, but it's just that the legislature keeps on
10 putting in writing bills that do not attach monies that
11 certainly are needed to -- to pay for the services. And
12 it's very important. I know it's very important. But so,
13 they pass these bills but no money was -- was -- was
14 allocated to -- to them at all, that's sad.

15 CHAIRMAN DURHAM: Dr. Scheffel.

16 MS. SCHEFFEL: When we look at I think you
17 said. Have you done this work in Utah?

18 MR. ROSS: I've done this bullying
19 prevention work in particular. I've done it across the
20 country.

21 MS. SCHEFFEL: So have you read the research
22 of, I don't know how to pronounce his name, Seokjin Jeong,
23 J-E-O-N-G?

24 MR. ROSS: Is that a meta analysis you're
25 referring to?



1 MS. SCHEFFEL: He did a report in 2013 of
2 7,000 students from all 50 states from University of Texas
3 at Arlington.

4 MR. ROSS: Okay.

5 MS. SCHEFFEL: Anyway, I'd just like to read
6 the research behind these initials.

7 MR. ROSS: Sure.

8 MS. SCHEFFEL: And he thought the results
9 would be predictable to show that anti-bullying programs
10 actually curb bullying and instead he found the opposite.
11 Now Colorado's about to take two million dollars and put in
12 place anti-bullying. Based on the RFP, the way it's
13 written and the way grantees are chosen, we will, I guess,
14 follow what's out there in terms of how people intend to
15 stop bullying. But what this gentleman found is that the
16 way this is being thought out, configured and funded, it
17 really doesn't work. What might we do in Colorado that
18 could render it effective as opposed to just doing what, I
19 mean, you know, you look on the web sites, there's a number
20 of government sites that suggest evidence-based practices,
21 and this researcher suggests it really doesn't work.

22 MR. ROSS: You bringing back a terrific
23 point, a terrific question. There have been several what
24 are called meta analyses done on bullying prevention. This
25 is one of them. In fact, there's over ten that have been



1 done and all of them have shown mixed results, meaning some
2 interventions have shown effects, other interventions have
3 shown no effects, some interventions have actually shown
4 negative effects, meaning more bullyings after the program.

5 MS. SCHEFFEL: Have you read this?

6 MR. ROSS: Yes, absolutely. There have been
7 strong suggestions on what does work. And I think to
8 answer your question, the key is to ensure that we don't do
9 just anything but we only do strategies or support
10 strategies that we know will result in strong effects in
11 schools.

12 MS. SCHEFFEL: And what is that? I mean, as
13 I read the rules, I wasn't seeing anything unique that
14 would suggest that it would work.

15 MR. ROSS: Yeah, absolutely. So number one,
16 we're going to call the Department of Ed and my office will
17 be creating a website or has already created a website
18 where those strongest practices and evidence-based
19 practices are listed. And in the application and in the
20 rules, the draft rules at this point, the schools or
21 districts or collaboration of schools or facility schools
22 can choose from those strategies rather than just anything.

23 CHAIRMAN DURHAM: Yes, Ms. Mazanec.

24 MS. MAZANEC: My question is aside from the
25 part actually effective or not, what -- what are the



1 parameters around the rules of designing the program, the
2 rules for the program and how much -- much flexibility do
3 we have? Or is this all -- is this all governed by the
4 procurement or I mean the -- the grant program rules that,
5 I mean, it's already in statute, how much flexibility can
6 we as a State Board put into this?

7 MR. ROSS: I think we have a bit of
8 flexibility with it.

9 MS. MAZANEC: A bit?

10 MR. ROSS: Well, there are certain things
11 that need to be in the application. However, there --
12 there is some flexibility on -- on what other components
13 are in the application. So as an example, the schools or
14 the applicants must indicate the practice or the evidence
15 behind the practice that they want to implement. That's
16 required.

17 MS. MAZANEC: That's one of the questions
18 that I have actually. This evidence-based practices, what
19 exactly does that mean? I mean, does it mean that it's
20 been used for a certain amount of time by a certain amount
21 of school districts whatever and that's quote evidence-
22 based or there's pure reviewed studies, what exactly
23 constitutes evidence-based?

24 MR. ROSS: And that's another fantastic
25 question because there is a lot of different beliefs and



1 different understandings on what evidence-based practice
2 actually includes. What we argue evidence-based practice
3 includes are actual peer-reviewed studies and several of
4 them and what works clearinghouse indicates a certain
5 number. Different organizations require different number
6 of peer-reviewed studies that demonstrate that the
7 intervention or program works in real settings, and those
8 interventions can actually only be recommended in those
9 settings for which they've demonstrated.

10 MS. MAZANEC: So that really limits us
11 though, doesn't it? In a way. I mean not -- not to say
12 that every new idea is a good idea, but if it hasn't been
13 used for a period of time, peer-reviewed studied et cetera,
14 then that's not -- that's not available too. Correct?

15 MR. ROSS: Correct.

16 UNIDENTIFIED VOICE: I would like to just
17 indicate though that the Board does have discretion around
18 certain aspects here. For instance, in the definitions for
19 the rules, we do have the opportunity to define what we
20 mean by evidence-based practices. What you see here is
21 guided by what's already kind of in statute around what --
22 what -- what we typically mean by evidence-based practices,
23 the other piece and I just want to go back to this around
24 discretion for the Board is that within 11-12- 54, the
25 Board has the ability to at a minimum require particular



1 aspects which then would mean that the Board can go up
2 beyond the minimum, and it's at your discretion and what
3 you'll see in the rules that we have right here is -- is
4 based on kind of what the minimum is in statute.

5 CHAIRMAN DURHAM: Yes. Dr. Scheffel.

6 MS. SCHEFFEL: My concern is you look at
7 this initiative in the rules is just a huge pathway for
8 privacy incursions as we attempt to regulate thought and
9 language and define it in terms of bullying. And if you
10 look at case studies in other states and even in other
11 countries with respect to bullying and how it's defined and
12 how these curricula are put in place and how the
13 consequences are played out, there could be some fairly
14 chilling outcomes all a name of something that most
15 everybody would agree to which is we don't want our kids
16 going to school and getting bullied.

17 And if that were all it was, we'd all be
18 feeling wonderful about this. But when you look at how
19 it's implemented and the incursions of privacy and the data
20 gathering and the definitions and the subjectivity of the
21 data around how people think, intonations of their voices
22 and all kinds of very subjective data points, whether
23 somebody is bullying someone else, I -- I -- I really get
24 concerned about an initiative like this in terms of
25 subjectivity. So I hope that we can revisit the rules in



1 depth and look at what we might be different in Colorado
2 than other states are doing which is not just stopping
3 bullying, in fact, making it worse.

4 UNIDENTIFIED VOICE: I'm sorry. One
5 response to that if I may. Bullying is already defined in
6 -- in statute for Colorado and so the -- the rules
7 obviously would align with that definition. And districts
8 already through 12-54 are required to kind of track
9 incidents of bullying. So what this would do would not be
10 instituting something that districts aren't already doing.
11 Instead it would the volunteer basis allow some districts
12 to have some funds to institute a bullying prevention
13 program. But you point is.

14 MS. SCHEFFEL: Is it defined in the
15 document?

16 MR. ROSS: It is. It's at the end of your
17 document and I can read that for you if you like. It means
18 any written or verbal expression or physical or electronic
19 or act or gesture or pattern thereof that is intended to
20 coerce, intimidate or cause any physical mental or
21 emotional harm to any student. Bullying is prohibited
22 against any student for any reason including but not
23 limited to any such behavior that is directed towards a
24 student on the basis of his or her academic performance or



1 against whom the federal and state laws prohibit
2 discrimination upon any of the bases described.

3 MS. SCHEFFEL: Can you see the subjectivity
4 there?

5 MR. ROSS: Absolutely.

6 MS. SCHEFFEL: It's kind of improvised. If
7 we apply bullying to the behavior of even of our Board, you
8 can probably identify instances of bullying. Someone's
9 emotional stability or feeling good after they leave the
10 meeting because of the intonation of someone's voice or the
11 choice of a vocabulary word might indicate, I mean, I -- I
12 think that we have to be very attentive to the detail of
13 how this is implemented in Colorado if we really want to
14 see anything good come up.

15 MR. ROSS: I think you're absolutely right
16 and your concern about the definition of bullying is
17 completely.

18 MS. SCHEFFEL: Very pervasive, objective.

19 MR. ROSS: Yes. And it is a big issue
20 defining it objectively because even the definition itself
21 which was originally designed or written in the '70s was
22 never actually researched to begin with.

23 MS. SCHEFFEL: All right.

24 MR. ROSS: So we actually have a definition
25 that several folks have challenged in recent years.



1 MS. SCHEFFEL: And so is that definition in
2 our statute? Where is that definition?

3 MR. ROSS: Yes. That definition, you can
4 find it at the end of that House Bill 11-12.

5 MS. FLORES: What about the victim? I mean,
6 what should the victim do? Are there any strategies for
7 victim like punching, maybe not punching back.

8 MS. MAZANEC: That's the problem. They
9 can't punch anymore.

10 MS. FLORES: And you can't punch anybody,
11 you know, even though you want to.

12 MS. MAZANEC: That used to be an effective
13 way to end the bullying.

14 MS. FLORES: That's right. I think though
15 there should be some strategies for the victim to maybe
16 feel better as opposed to going home and.

17 CHAIRMAN DURHAM: Ms Rankin.

18 MS RANKIN: The subjectivity of the -- the
19 whole thing, I know you've heard all this before but it's
20 students and it's surveys that they fill out and maybe they
21 never even thought of something until they read it in the
22 survey and then you've got another variable there. And
23 then the word that the page two that really gets me is how
24 frequently the student perceives that he is a victim of
25 bullying. Perception, it's another level of that that



1 these are very concerning to me. The other thing that,
2 maybe you can answer this, two million dollars from BB, is
3 that a one time? Is it flexible depending how much
4 marijuana taxes? Are we going to get more money? How does
5 that work?

6 UNIDENTIFIED VOICE: It's anticipated to be
7 an ongoing appropriation and thus legislature will be
8 clarifying that during the session.

9 MS RANKIN: Do we see this since you have
10 the experience with it? And thank you for bringing that to
11 the table as pilot programs or looking at this and going in
12 one direction and if you see that hey, this is where I've
13 seen this before, let's change tax here, you're in that
14 flexibility for our state?

15 MR. DILL: If I understand your question
16 right, if we can keep schools accountable for doing it well
17 and if they're not doing well we can -- we can change
18 directions quickly. Is that what you're asking?

19 MS. MAZANEC: Especially as Dr. Schroeder --
20 Dr. Scheffel said, you know, sometimes it makes it worse.
21 We certainly don't want to go down that path in even one
22 school.

23 MR. DILL: Absolutely. And one of the
24 requirements that we have written into the rules, or into
25 the application, is that they will have to report to us



1 early on not only the student outcomes of their
2 intervention efforts, but also their implementation
3 fidelity meeting, their implementation of how they are
4 actually doing the work. Because what we find is that a
5 bad program results in bad outcomes, a good program has
6 done badly, results and bad outcomes as well. So to answer
7 your question the short way, yes we will -- we'll be
8 keeping a very close eye on the results of efforts.

9 MS. MAZANEC: Do you.

10 CHAIRMAN DURHAM: Yes, please proceed.

11 MS. MAZANEC: Do you have an idea in your
12 mind how you want to do this?

13 MR. DILL: Yes I do. We have already begun
14 or the -- the website is under revision but it has been
15 developed since that 2011 legislation.

16 MS. MAZANEC: What do you feel about that
17 since you're new?

18 MR. DILL: The website itself?

19 MS. MAZANEC: And what it may say and how
20 that fits into what you plan to do.

21 MR. DILL: It is -- it is, we have high
22 expectations for -- for the clarity of the website and for
23 the opportunities that it produces or it presents for
24 folks. You're absolutely right, we have to keep a close
25 eye because there is the possibility of -- of negative



1 results. And so we are taking it very seriously to not
2 just spread the money around as we do whatever feels good
3 but rather, we need to really keep a close eye on
4 measurement of outcomes.

5 CHAIRMAN DURHAM: Ms. Mazanec.

6 MS. MAZANEC: I think one of the things that
7 we, you know, I understand that what we're doing is we're -
8 - we're creating rules for a grant program that schools
9 will then apply for. This is something I think we already
10 see happening in some schools and in an effort to make sure
11 the kids are safe. Bullying, kids are being labeled as
12 criminals or getting into a lot of trouble for behavior
13 that when you and I were in school, well okay, I was in
14 school a long time before some of you. We would be sent to
15 the principal's office or you know, a teacher would discuss
16 with us that that was inappropriate. And -- and
17 unfortunately in many cases these days, there's -- there's
18 no -- there's no room for judgment. The children are just
19 labeled, and so then you have a victim perhaps and you have
20 just made another victim. And so I'm very concerned for
21 all the reasons we've all discussed, and so my -- my ask is
22 that we look for ways to make this as light a touch as
23 possible. And I think we should put this off.

24 CHAIRMAN DURHAM: Doctor.

25 MS. MAZANEC: What time is it?



1 CHAIRMAN DURHAM: Dr. Scheffel, it's late.
2 It's almost 5:00 p.m.

3 MS. SCHEFFEL: So yeah, I would agree as we
4 can think about this in greater detail. I was just looking
5 at the definition. This language bullying is prohibited
6 against any student for any reason including but not
7 limited to, and so forth. Prohibited against any student
8 for any reason, prohibited. Does that mean -- what does
9 that mean?

10 UNIDENTIFIED VOICE: So I think that perhaps
11 --

12 UNIDENTIFIED VOICE: I think Mr. Dill is
13 ignoring you.

14 UNIDENTIFIED VOICE: -- Mr. Dill may you
15 want to -- to respond to that.

16 MS. SCHEFFEL: I mean when you look at the -
17 - when you look at the pervasiveness of it, written or
18 verbal expression or physical or electronic action or
19 gesture or pattern intended, you know, it could be almost
20 anything and is prohibited meaning that, what?

21 CHAIRMAN DURHAM: The definition, I think if
22 somebody feels offended that's probably good enough. They
23 perceive the offended.

24 MS. SCHEFFEL: I mean does the Board, when
25 we try to write rules for this, is it helpful if we try to



1 define this further to avoid such pervasive, blanket,
2 anything that anybody is offended by?

3 MR. DILL: Mr. Chair. In listening to this
4 discussion, unfortunately I haven't -- I -- I haven't been
5 asked to review these. But taking a -- taking a look at
6 this, of course, the problem is if you write a standard
7 that is inherently subjective, then there's really no way
8 to, you know, to judge. You know, and I'm wondering if --
9 if for purposes of the rules, if we can reframe this in
10 terms of what a reasonable man would consider to be
11 bullying or be considered to be coercive or intimidation,
12 to put -- to attempt to sort of import from, you know,
13 really from the English common law an objective standard
14 into here.

15 I was reminded of a very, very old case we
16 studied that -- that -- that gave us the reasonable man
17 standard. And it had to do with a man whose attorney came
18 up with a wonderful defense. He said, he was too stupid to
19 realize what was going to happen. So he shouldn't be
20 culpable, he had no idea. He said, "Well, no that's not --
21 that's not a -- that's not a workable legal standard but a
22 reasonable man standard is." So I wonder if there's a way
23 that we can rework the language here to -- to sort of
24 import that concept into the rules.



1 MS. SCHEFFEL: Yeah, I'm taking a deep look
2 from a legal perspective of what we can do to create some
3 rails here so that this isn't a blanket invitation to
4 create as you said, almost a criminalizing of what happens
5 to different kind of normal kid behavior in some respects,
6 not the bullying is that but I'm just saying, they're so
7 subjective. So what kind of parameters can we build around
8 it to avoid a blanket atmosphere of fear?

9 MS. SCHROEDER: So I don't disagree with
10 what you're saying but this is not going to identify
11 bullies. This is to apply for a grant. I hope, so that
12 that's -- we're not setting the rules for identifying who's
13 a bully and who isn't.

14 MS. SCHEFFEL: But the school would do that
15 based on the money.

16 UNIDENTIFIED VOICE: So as a point of
17 clarification. Right now also in House Bill 11-12-54, in
18 addition to creating a grant program, the -- there were
19 additional requirements called the Safe School reporting
20 requirements. And so districts are already required to
21 report this type of information as part of their compliance
22 with this, bullying behavior is not called out specifically
23 within that reporting, it's part of a larger reporting
24 about behavior that's detrimental to the welfare safety of
25 other students or staff.



1 So I just wanted to clarify that this --
2 this is something that's already taking place in school
3 districts. And the other point of clarification as well,
4 and perhaps Mr. Dill might be able to help us a little bit
5 with this, the State Board according to the statute needs
6 to adopt rules within 90 days of receiving funding.

7 So by noticing rulemaking today, just voting
8 to notice rulemaking, I believe we would still have the
9 opportunity to address some of the Board's concerns with
10 these draft rules and bring forward either answers to some
11 questions that you might have here specific to the
12 definition of bullying as well as see if there's some other
13 way, other things that we can do to address some of the
14 Board's concerns and bring that forward.

15 We wouldn't be in the February meeting, this
16 would be in the March meeting, when we would actually have
17 the hearing that would give us a little bit of time to
18 perhaps meet with some Board members if you have some
19 questions and -- and incorporate some of those changes for
20 the actual hearing. But I needed to defer to Mr. Dill if
21 this is -- if my understanding is accurate.

22 MR. DILL: I think that is accurate by
23 noticing the rulemaking you're just really beginning the
24 process. It doesn't commit you to pass anything that is --



1 that is in the original notice, it's all subject to -- to
2 amendment preferably after you received comment.

3 CHAIRMAN DURHAM: Well, let's -- why don't
4 we take -- why don't we do it this way, whether we notice
5 it this month or next, I don't think it makes too much
6 difference. The -- if -- if we're uncomfortable with this
7 as a starting point, maybe we can talk to staff and go back
8 and start someplace else. I think a couple of questions,
9 I'd like to see -- I'd like to see a couple sample reports
10 that districts are submitting, so what they think bullying
11 is and what's going on currently might give us some idea of
12 whether we can conclude that we believe they're acting in a
13 reasonable man standard or whether the districts are
14 already out of hand with some of these -- some of these
15 filings.

16 And we perhaps take that information, look
17 at it, and in the next meeting you could see if you'd
18 incorporate some of that. Also, I'd like to know
19 definitively, when you say you expect this to be an ongoing
20 appropriation, I mean given how short the -- the budget is
21 this year, you know, the idea of putting \$2 million dollar
22 a year into this to essentially apparently study it is a --
23 the legislature may want to see whether they want to do
24 that in perpetuity or not.



1 And -- and finally, I'd like to know
2 definitively how you do this without significant privacy --
3 considerations. If you start surveying kids, which I
4 presume is the methodology, you certainly can't do it by
5 computer and ensure any -- any level of privacy. So I
6 presume it's going to be all paper and pencil and that
7 would be a Grant requirement to make sure that somehow
8 you've protected the privacy of the -- of the answers.

9 So there are -- there are a whole number of
10 considerations that need to go into this, I don't -- I
11 don't see -- I didn't see privacy issues or carve outs in
12 the rules. So you need to start there when you're writing
13 the rules about how you ensure student privacy. One of
14 them is you keep this kind of data out of -- out of
15 electronic distribution. So I think we got a long way to
16 go before we notice it and you know, we try hard to meet
17 legislative deadlines and we'll try.

18 MS. ANTHERS: Mr. Chair, can I --

19 CHAIRMAN DURHAM: Yes.

20 MS. ANTHERS: -- mention one thing on this
21 just I -- just so you're aware. I do think we do have a
22 legislative deadline that will be -- we'll pushed that we
23 could potentially do emergency rules if you wanted to be in
24 compliance.



1 CHAIRMAN DURHAM: That's easy. The point is
2 the state of mind.

3 MS. ANTHES: But -- but just know that if
4 you make a decision, we'll probably be out of compliance
5 with when the rules need to be noticed, just so you are
6 aware.

7 CHAIRMAN DURHAM: Okay. All right. Well,
8 if you want to make a motion we'll go and vote on it,
9 that's helpful. Yes Dr. Schroeder.

10 MS. SCHROEDER: I am moved to prove the
11 notice of rulemaking for the school bullying prevention and
12 education rights program for schools under Section 22-93-
13 102 CRS.

14 CHAIRMAN DURHAM: So second to that motion.
15 Ms. Goff seconds, would you call the rolls -- roll please
16 Ms. Burdsall?

17 MS. BURDSALL: Board Member Flores.

18 MS. FLORES: Aye.

19 MS. BURDSALL: Board Member Goff.

20 MS. GOFF: Aye.

21 MS. BURDSALL: Board Member Mazanec.

22 MS. MAZANEC: No.

23 MS. BURDSALL: Board Member Rankin.

24 MS. RANKIN: No.

25 MS. BURDSALL: Board Member Scheffel.



1 MS. SCHEFFEL: No.

2 MS. BURDSALL: Board Member Schroeder.

3 MS. SCHROEDER: Yes.

4 MS. BURDSALL: Chairman Durham.

5 CHAIRMAN DURHAM: No. The motion is
6 defeated by a vote of four to three. All right. We'll
7 move on to -- let's see, I think probably we're going to
8 start proceeding out of order. Why don't we do public
9 comment because I think we're running late for that and
10 then we'll make a decision on what we absolutely feel we
11 have to get done today and we can't carry on for tomorrow.
12 So every public comment, I may confer with the Dr. Asp
13 about some of these issues. Okay. All right. We have two
14 people signed up to testify. Bruce, would you like to join
15 us? Coy, Coy thank you. I've not seen it printed before.
16 Thank you.

17 MS. SCHROEDER: I thought it was Cole.

18 UNIDENTIFIED VOICE: Mr. Chair, Members of
19 the Board and Dr. Asp, thank you for listening to a brief
20 public comment and I sure it will be brief. I just wanted
21 to explain a little bit about the Colorado Association of
22 School Executives Pro Test about the SET, SAC -- SAT
23 decision that was made recently. I'm the Executive
24 Director of Case and upon the decision that was made on



1 December 23rd announced by the department, there was an
2 incredible hue and cry from within our membership.

3 And I think it represented that well in a
4 protest that we subsequently found not to have standing in
5 the official procurement process. And I would've
6 appreciated a notification about that by the way and not
7 reading about on Chalkbeat. But it was something that
8 occurred and I just wanna highlight one aspect of what we
9 said and -- and -- and that is, and this comes directly
10 from Lisa Escarcega, who's the Chief Accountability and
11 Research Officer for overall public schools and she said to
12 me, "Students deserve optimum conditions for high stakes
13 testing, especially for a college entrance exam. These
14 testing conditions include; adequate time to prepare and
15 practice the assessment format, test administrators that
16 are thoroughly trained to give the assessment, and data
17 system set up and ready to accurately pull the student
18 information necessary."

19 When we read about this decision on December
20 23rd for a Spring 2016 implementation, her conclusion was,
21 under the current proposed timeline for the first ACT
22 administration, these conditions for testing cannot be met.
23 It was seen as an impractical decision mostly due to the
24 timing of it. We just wanted to highlight that and I think
25 that now I'd like to be able to say to Dr. Asp and his



1 team, thank you for working on a compromise. I think
2 that's going to make a big difference this year.

3 There are some questions that remain and I
4 think that our members will be asking them in fact I was at
5 the EC -- Ecentral boss's meeting this morning talking to
6 about 20 superintendents there, and I just asked them, what
7 do you think? You know, are you okay with this test
8 decision and how it was made? There's a split out there.
9 There are some districts that are feeling okay about moving
10 with this delayed timeline into this new framework and
11 there are some that feel very, very strongly that this is
12 gonna be a difficult hurdle especially at a time when
13 funding and resources are so tight for schools. I had a,
14 probably about 40 or 50 emails after I sent a briefcase out
15 yesterday and asked for a response from our members and one
16 of the responses was from school principal in -- in MICA,
17 and I think that Pat Sandals will -- will refer to that but
18 also from the superintendent. And what Superintendent
19 Chris Salis said was, "We have reached a threshold for
20 change in Colorado that is going to create real push back."
21 And I think my suggestion would be going forward, we really
22 work collaboratively with the field to make sure that we
23 can do the best we can for those kids who deserve optimum -
24 - optimum conditions to take those tests.



1 CHAIRMAN DURHAM: Thank you. Thank you and
2 I think usually we don't respond to public comment but I
3 think it's particularly important and you certainly had
4 every right to protest. But I think when I saw that you
5 had concluded, you didn't have standing to do it, I'm not a
6 lawyer but I -- I play one on television occasionally. I
7 think that -- that your complaints were -- were well-
8 founded with the timing and I think Dr. Asp and staff
9 really, I didn't think they're going to be able to correct
10 this problem and they -- they at least corrected it for
11 this year.

12 But the legislature, I would help, you would
13 visit with the legislature about this matter I think that
14 they -- they knowingly or otherwise created a problem and
15 didn't fully appreciate the nature of their acts. And I
16 would -- would hope you would go over there and make sure
17 that- and if you want the whole issue revisited, I mean, we
18 can't do it here, so it needs to be done over there. And I
19 would encourage you next suspect, you won't be shy about --
20 about letting them know about the long term consequences.
21 So I would -- I think the Board by and large agreed with
22 your analysis, and we're pleased that we got some result
23 that helps us in the short run, and then the legislature
24 needs to sort out what they really intend to do for the
25 long term.



1 UNIDENTIFIED VOICE: Thank you.

2 CHAIRMAN DURHAM: Thank you. All right.

3 Pat Santos?

4 MR. SANTOS: Good evening, ladies and
5 gentlemen.

6 UNIDENTIFIED VOICE: It is evening.

7 MR. SANTOS: Commissioner Asp, Board
8 Members, thank you for giving me the opportunity to speak
9 today. My name is Pat Santos. I'm the President of
10 Colorado Association of Secondary School Principals, and
11 also a member of CAES, and -- and CASB is a sub
12 organization of CAES. And so I wanted to let you know
13 that. I'd like to share today what's by no means a
14 comprehensive list that concerns with the SAT, and ACT
15 process and the decision-making.

16 I'd like to first thank the committee by the
17 way, for taking the time and making the effort to work on
18 that decision. I know it's not an easy decision, and I
19 really do respect their time and effort in doing that. I
20 have a great deal of respect for them for doing this. So I
21 wanted to say that there was the committee who actually
22 made that decision. However, we have great concern about
23 the committee representation. I noticed in an earlier
24 presentation, there were no less than four high school
25 representatives, high school principals, represented on



1 that smaller committee that dealt with the much smaller
2 issue.

3 As far as I'm aware, there were no
4 comprehensive high school principals on the committee, I
5 think that's a big concern when you're asking folks who
6 really have to be on the front lines and administer that
7 assessment. There should be representation there. Those
8 folks should be part of that -- that decision-making
9 process. I'm puzzled as to why the main group was not
10 there. I -- I think I've heard plenty of concerns from
11 colleagues about the timelines and quick turn around with
12 no feedback. I need to tell you there's a great deal of
13 discomfort and an angst from parents and from school
14 administrators with regards to how this process unfolds in
15 the future.

16 Dr. Asp, why do you have to say thank you?
17 I think you alleviate a lot of that stress right away in
18 looking for a solution, a temporary solution, but I do
19 think we have to find a permanent solution that really does
20 make sense for kids, first and foremost, and that is an
21 actionable process that we can follow. Because high school
22 principals have such a strong responsibility in that,
23 they're the folks who are going to take the majority of
24 calls from upset parents, from parents who spent a great
25 deal of money and time and effort over the years preparing



1 their kids for the ACT. We were not taking any position on
2 which ACT/SAT which should be the test of choice, but we
3 need to make sure that we do this in a process that they
4 have an opportunity to talk. We're worried about that red
5 sign over there.

6 UNIDENTIFIED VOICE: Turn your bad side.

7 MR. SANTOS: Well, okay. Many high school
8 principals have raised concerns about the potential for opt
9 outs. Which really does damage their ability to measure
10 longitudinally what they can do with that. If kids start
11 taking that opt out choice and start taking one of the
12 other assessments, they call it readiness assessments, I
13 think it can really impact how we look at 191, and how we
14 really look at how -- how our teachers can demonstrate
15 growth. Okay.

16 CHAIRMAN DURHAM: Go ahead and finish it.

17 MR. SANTOS: Okay. Thank you. I -- I -- I
18 mentioned the great deal of time. I think there's some
19 concerns from some principals have reached out and asked me
20 about the science component, what does that look like, or
21 we're gonna have to give a separate science assessments.
22 Is it something that's gonna be negotiated in the new
23 piece? And I think the other question they have, which is
24 a good question is, how does the ESSA impact this decision-
25 making. Because we know with the new guidance that will



1 come out, we're going to have much more say in our schools
2 or districts, going to have the opportunity to make some
3 determination on that. So this is really a moot point. I
4 think those are some of the things. I appreciate you
5 taking your time and listening.

6 I didn't get a chance to share Meeker's --
7 the principal for Meeker's statement. If I can do that
8 just really quickly, I appreciate it. She says, "In
9 response, our rural community, ACT is very important. Most
10 of our students who go to college, go to public schools
11 which -- which accept the ACT. We've had very few students
12 take the SAT in my five years here. The ACT was the only
13 test that did not create controversy in our community.
14 Last year, we had a high opt out rate for the park test at
15 the high school, and generally speaking, our parents were
16 not very fond of standardized tests, except the ACT.

17 We have never had a problem getting students
18 and parents to buy in. As a matter of fact, as a school,
19 we wrote most of our measures of student learning around
20 ACT, and we recently dropped NWEA MAP testing and added ACT
21 Aspire. Teachers who wrote their individual MSLs based on
22 growth, on the ACT Aspire, we've been training our freshmen
23 sophomore to get the ACT. Needless to say, this change has
24 changed everything the entire direction of the school. So
25 honestly, we don't know what direction we're going, and



1 we're frustrated." So that was her comment in her note to
2 me. Okay. Thank you.

3 UNIDENTIFIED VOICE: Thank you.

4 CHAIRMAN DURHAM: Thank you. Proceed.

5 MR. SANTOS: Yes.

6 CHAIRMAN DURHAM: Let's proceed, if we can,
7 and see how much of this we can knock out. 16.02,
8 kindergarten school readiness, reporting system, next item
9 is the consideration of the score in its reporting system,
10 and let's say Commissioner, and we have staff for a quick
11 overview.

12 MR. APS: Yes. Thank you very much, Mr.
13 Chair. As you recall, we had a presentation at the last
14 Board meeting, and in between that, we met with several
15 Board Members also to clarify some questions, and -- and
16 make sure that you were clear on what -- what the data
17 elements were that were to be collected, I turn this over
18 to Dr. Melissa Colzman, just to give a -- a brief overview,
19 and then --

20 MS. COLSMAN: Yeah.

21 MR. DILL: -- see what questions you still
22 have.

23 MS. COLSMAN: Great. So thank you. Yes.
24 We'll make this as -- as brief as you like. As Dr. Asp has
25 indicated, we met with several Board Members between the



1 last Board meeting and -- and this meeting, our purpose
2 today is to provide the Board with a recommendation for the
3 kindergarten school readiness as a reporting system, and we
4 have that recommendations spelled out on the third slide of
5 your handouts, which is that CDE will utilize the existing
6 state reporting system, data pipeline to report just the
7 statutorily required minimum information regarding
8 kindergarten school readiness, and we articulate what those
9 areas are, and we stipulate that the Department will not
10 click any information beyond what's necessary to produce
11 the reports and strictly to adhere to all data privacy and
12 security legal requirements.

13 As a follow up then between our last
14 conversation in December and today, I just wanted to
15 clarify one piece. The Board Chairman asked a question
16 about what the timeline was for when the Board would need
17 to act on this, I indicated that there wasn't a particular
18 timeline that the Board needed to adhere to. I did wanna
19 clarify, however, that the Department has a responsibility
20 to begin reporting on kindergarten school readiness,
21 actually, in February of 2014. So we're out of compliance
22 with that. So I just wanted to make you aware of that.

23 MR. DILL: It's a state of mind.

24 MS. COLSMAN: Yeah. Okay.



1 CHAIRMAN DURHAM: Alliance is a state of
2 mind.

3 MS. COLSMAN: The other piece was, we were
4 able to meet with Dr. Flores and Dr. Scheffel back in
5 December to go over some specific questions that the Board
6 Members had about the data elements. We wanted to dig in
7 and understand that a little bit more. We were able to
8 present to them what forms IDAC actually receives when they
9 approve a particular collection, and we are able to look at
10 kind of a sample of what would districts submit in terms of
11 these minimal areas. Some recurring questions have been
12 around the area of social-emotional development, and we've
13 discussed that here.

14 I know that you've received questions from
15 the public. I just wanted to clarify a couple of options
16 around that. I think Dr. Scheffel had asked, might there
17 be some different ways that we think about that piece?
18 Because there's concerns about some sensitivity around that
19 information. Recognizing that social-emotional development
20 is -- is not akin to a psychological profile, instead it
21 really is just looking at the skills that kids need to be
22 successful in a classroom setting kind of with that caveat.

23 We did bring forward that question to IDAC
24 at their last meeting and asked, "Are there some different
25 ways that we might ask district to report that?" One of



1 the things that IDAC said is, "If he asks us to do
2 something different for one of the indicators, it makes it
3 hard. It increases the burden because they can't just use
4 one system, they have to use a different system." So as we
5 try to generate some other ways of thinking about that in
6 response to your question, the Board could ask the
7 Department to think about how we use that data, or what we
8 do with that data after we receive it, and we've kind of
9 come up with a couple of options that you might wanna
10 consider.

11 First, the Board may instruct the Department
12 to remove some of the school readiness information from our
13 data warehouse at a particular point in time. That point
14 in time could be as early as like for instance, third
15 grade. Where we would say, that after third grade, we
16 would remove that information. I'm keeping it to third
17 grade. Why we picked that would be, would enable the Board
18 to look at any relationship that there is between
19 kindergarten school readiness information and academic
20 achievement as measured at third grade.

21 So that could provide the Board some
22 information about making some policy decisions around the
23 utility of the kindergarten school readiness initiative,
24 and we as a state, could look at whether or not that
25 information is useful. The other option could be that the



1 Board can instruct the Department to only keep that data
2 long enough to produce our required reports. So I don't
3 know that that fully gets at. I'm looking to Dr. Scheffel,
4 because this is a concern that you had raised, and you'd
5 asked that we kind of generate some options around that.
6 But I wanted to just present that as an opportunity for the
7 Board to consider.

8 CHAIRMAN DURHAM: Yes, Dr. Scheffel?

9 MS. SCHEFFEL: Yeah. And thanks for taking
10 time to meet with myself, and Dr. Flores. So my question
11 is this, we read the statute. Right? So it says, "The
12 purpose of the statute is to look at readiness" Then it
13 specifies areas or domains that need to be assessed. TS
14 GOLD assesses these multiple areas of social, emotional,
15 language, cognition, but it doesn't say that we have to
16 report to them the data as scores. It says that we're
17 supposed to produce a report, and tell me if I'm wrong,
18 that says, this is the number of students, the percentage
19 of students that are "ready." So is there any way to
20 render the score a dichotomous, yes or no, with a certain
21 level of confidence? Like the confidence score almost?

22 I'll leave it at that. That way, you get
23 rid of the score itself, and the descriptors beneath the
24 score, that's where the privacy issues enter in. And many
25 would say that preschoolers being identified with



1 cognitions scores, I mean, those -- those scores change a
2 lot as kids get older. So parents because of the privacy
3 issue, don't like all this data being collected in such
4 specificity, and we know there's -- I can't remember how
5 many data points there were but a lot. That's the problem.
6 So I mean, as we look at the statute, what we're trying to
7 report is readiness. How many kids are ready in these
8 types of settings? So let's say they give the TS Gold, we
9 ask the vendor to align with the privacy requirements, and
10 they don't report the scores to us. They take the data,
11 use a dichotomous decision-making process with perhaps a
12 confidence level.

13 MS. FLORES: That's it?

14 MS. SCHEFFEL: I mean, is there any way to
15 think about this to address this problem with our youngest
16 kids? Or do you care about readiness, but we don't care
17 about all of these data?

18 MR. SANTOS: We've shouldn't care.

19 CHAIRMAN DURHAM: Yes, Dr. Schroeder?

20 MS. SCHROEDER: We've talked about this
21 before.

22 MS. SCHEFFEL: I know. I just can't never
23 figure out how it's amended.

24 MS. SCHROEDER: And we were --

25 MS. SCHEFFEL: Just a minute.



1 MS. SCHROEDER: -- and -- and one of the
2 things, and I've been thinking about this myself. Because
3 we were talking about not dichotomous but trichotomies? Is
4 that possible?

5 UNIDENTIFIED VOICE: And it's already -- not
6 ready.

7 UNIDENTIFIED VOICE: Yeah.

8 MS. SCHROEDER: And there are a couple of
9 things we care about. One of the things we care about is
10 whether there is improvement over time in school readiness.
11 We are making huge investments in our education. We are
12 trying to help parents help kids be ready for school, and
13 we wanna see if there is change. So what information do we
14 need in order to be able to see that?

15 I'm pretty interested in picking a time to
16 delete the materials, and I would say that we don't
17 actually assess kids in anything but reading, until fourth
18 grade. And I'm gonna get back on my favorite horse, which
19 is that early childhood math development is huge, and we're
20 not paying attention to it. And then the research shows
21 that by 12th grade, it makes this. And there's some real
22 strong data that by 12th grade, you can almost make some
23 predictions about success for students, so I want to be
24 very careful about --

25 MS. MAZANEC: 12th grade or 12 years?



1 MS. SCHROEDER: 12th grade. That early
2 reading is not as predictive of success in school by the
3 end of school as early math skills. It's weird, I'll
4 admit, but that's what some of the research is showing, and
5 so I wanna not cut off. I mean, I -- I tend to agree with
6 Deb that we probably should delete some of the data, but we
7 need to think about what are the questions we wanna answer
8 over time.

9 One, are kids more and more ready? Two,
10 what does that readiness suggest to us by fourth grade?
11 Which is such an important year for students success, and
12 that's when we actually start doing some of the more
13 detailed assessments on students. So I was actually
14 surprised to see that we'd settled on actual scores because
15 I was trying to figure out if we had four, which is not
16 ready, almost ready -- ready, and I don't know. Bluebird.
17 Trying to figure out where those things cut off even, is a
18 whole lot more difficult than just popping in the score,
19 agree to -- to eliminate. Especially, I mean, I'm not as
20 upset about if the social and emotional development piece
21 is uncomfortable for some people, drop that when earlier,
22 but certainly, the ones that are language comprehension,
23 general mathematics knowledge, those are things that can
24 really help us move forward in changing how we prepare kids
25 for school. And I hate to lose that information.



1 I don't -- I don't know a better way than
2 the low score. Simply because, in terms of those four
3 different, you know, do you use three, do you use four, do
4 you use five, for teacher evaluation? We've got five
5 different things, and then you try to figure out what's the
6 cutoff, and you kind of make yourself nuts.

7 CHAIRMAN DURHAM: Yes, Dr. Scheffel?

8 MS. SCHEFFEL: Maybe this is a question for
9 Tony. Based on what the law says, and then we can decide
10 if we wanna do this. I would like to see it done. Can we?
11 If -- If the goal of this legislation is to answer, "Are
12 the kids ready or not?" Can we not report scores? I mean,
13 we have to test the kids in these areas. Can the schools
14 take the data and make a decision about ready or not,
15 ready, or partly ready, and can we use that? I mean, why
16 do we have to get these scores at the State level, when we
17 know there aren't huge privacy issues? And I hear what
18 you're saying about decision-making for the efficacy of
19 preschools, but I -- I guess I'd like the -- the students
20 and the parents needs to trump the needs of the State right
21 now because of the vulnerability of the kids and their --
22 their age, and I -- I just wonder if --

23 MS. SCHROEDER: What are they vulnerable to?

24 MS. SCHEFFEL: -- do we have to have these
25 scores?



1 MS. SCHROEDER: What are they vulnerable to?

2 MS. SCHEFFEL: Privacy issues.

3 MS. SCHROEDER: Why do they care?

4 MS. MAZANEC: Why did they care? You mean
5 the children?

6 MS. SCHROEDER: I mean, what --

7 MS. SCHEFFEL: Parents care a lot.

8 MS. SCHROEDER: -- what -- what's gonna
9 happen to the kids? I don't -- I don't get it. I actually
10 don't get it.

11 MS. MAZANEC: Because they might be
12 exploited.

13 MS. SCHROEDER: How?

14 MR. DILL: The statue says that it has to be
15 suitable for measuring student's levels of school
16 readiness.

17 MS. SCHEFFEL: Okay. So that's the test?

18 MR. DILL: That's the test. it doesn't
19 indicate what format those measures we necessarily have to
20 -- have to --

21 MS. SCHEFFEL: To report.

22 MR. DILL: Yeah, it's not -- yeah, it's not
23 that prescribed.

24 MS. SCHEFFEL: Yes, so I know I -- What
25 you're saying is we discussed it before, I agree. I keep



1 pushing on. I don't want the state to gather this
2 information in this level of detail. I don't think we need
3 it. I don't think the statute requires it, and I'd like to
4 see a different approach to this kindergarten readiness
5 database that what's currently being envisioned. As I read
6 the statute too, I don't think we have to do this level of
7 detail. So that's my only point. I don't know what other
8 Board Members think in the name of privacy. And young
9 children and a host of information, when you actually read
10 the descriptors on the test, it's very intrusive. That's
11 my problem with --

12 MS. SCHROEDER: Oh, I'm -- I'm not
13 suggesting that you report the score on every single
14 question. Either that or I'm misunderstanding it. These
15 are -- these are aggregated scores in the five different
16 areas. They are not the individual, right?

17 MS. SCHEFFEL: All the database has
18 responses to the actual questions. That's what we are
19 concerned about.

20 MS. SCHROEDER: So that's not what's speaks
21 --

22 UNIDENTIFIED VOICE: So to clarify that, Dr.
23 Scheffel, districts have their own contracts with whatever
24 assessment publisher that they're using. What we would be
25 asking is that districts would report that aggregate score



1 for each domain. We did ask EDAC whether or not it would
2 be acceptable, how it would work from an implementation
3 standpoint to indicate either yes or no ready, and each of
4 those areas are what it would take to say, kind of,
5 exceeding, meeting, or not yet meeting age expectations.

6 The feedback that we received from EDAC was,
7 that requires additional staff and burden and programming
8 to be able to say, "Here's the score" And then we have to
9 program it to translate it to whatever cap reporting
10 category. They're not saying that they couldn't do that.
11 They're just saying that it does require an additional
12 burden, and they serve as an advisory council for us as a
13 Department about how we go about collections. So I just
14 wanted you to know kind of what their response was to that.
15 It's not impossible, but it -- it -- it does- it just
16 requires a little bit of a burn.

17 MS. SCHEFFEL: It unseals than what we have?

18 UNIDENTIFIED VOICE: Correct. And the only
19 other -- the other consideration from -- from a data
20 standpoint is, whether or not- it increases the opportunity
21 for errors in terms of how the scores can be reported. So
22 for instance, human error enters into it when you start to
23 translate like, "Okay, this score equals this rating." We
24 could end up -- human error could attribute the wrong, you
25 know, level of readiness for particular kids, and we -- it



1 could go undetected, and so that's just a drawback. But
2 again, this is obviously a consideration for the Board.

3 CHAIRMAN DURHAM: So any other comments?
4 Let me just ask a quick question. I mean, first of all, I
5 think this slide is very helpful, and I'd like to see this
6 every time we're collecting any kind of data, this is, --
7 this really lays it out. Really, you have about, I think
8 if probably two items, perhaps three, where there's some
9 serious privacy consideration, because otherwise a math
10 score and a date of birth and all that, you're gonna have
11 to have all that to -- then you have study after protect,
12 but I don't think it's suddenly be carried with a --
13 through to a student for his life. The concern is that
14 this data never goes away and somebody, you know, when
15 they're hiring, goes back and is able to look at those
16 records. That's the concern. So is it possible if -- if
17 you have the social and emotional data? If you have one
18 score?

19 And I -- I remember, because the thing that
20 bothered me about those items were the things that they
21 don't- that obviously society doesn't value anymore. It
22 doesn't value leadership. it doesn't value initiative. It
23 doesn't value self-reliance. Because none of those things
24 are interested, it's how well you work with others, and
25 what I would call softer skills. So if those were the



1 stole aggregate and you get one -- one number, and I don't
2 care what the number. How many, one of five, one of 10,
3 and -- and that's the number reported for social emotional
4 development, and you're not going into all the breakdowns.
5 Does that -- can you do that? Does that solve your
6 problem? I think just one score on social and emotional
7 development doesn't have a serious impact on somebody's
8 future at kindergarten. So that's the only thing that
9 scored there as opposed to potential axe murderer. Then --
10 then I think we can --

11 MS. MAZANEC: Every five year old is.

12 CHAIRMAN DURHAM: I had a council that tell
13 me about one of my eighth graders who depicted that
14 actually but different issue.

15 MS. SCHROEDER: We are -- we are getting
16 punchy, folks.

17 CHAIRMAN DURHAM: Yeah.

18 MS. SCHROEDER: Yeah.

19 CHAIRMAN DURHAM: So you know, cognition. I
20 mean, if it's on single scores, then I think we might be
21 able to, at least I can certainly work with that, and I
22 don't think you're getting into too much detail.

23 UNIDENTIFIED VOICE: So Mr. Chairman, that's
24 -- that's precisely what this would indicate. It would be



1 a single -- This precisely one -- one single score for each
2 of those areas.

3 CHAIRMAN DURHAM: And that's all you're
4 going to collect?

5 UNIDENTIFIED VOICE: That -- that would be
6 all.

7 CHAIRMAN DURHAM: So wait. Dr. Scheffel,
8 what do you think of that?

9 MS. SCHEFFEL: It doesn't -- it doesn't
10 satisfy my need.

11 CHAIRMAN DURHAM: Okay. All right.

12 MS. SCHEFFEL: And these are all PII data,
13 and you got scores on each of these dimensions, and anybody
14 can look up what those dimensions stand for in terms of the
15 questions, and they exist of the district. And as you
16 point out, the each of separate vendor contracts, so they
17 can. The data exists in detail, right? You're saying
18 you're collecting the aggregate score, but I -- we don't
19 need to do that, as I understand. We need- we could be
20 talking about readiness without doing this. At the very
21 least, we should have a very specific guideline as to
22 making the data go away, as soon as the requirements are
23 met, and then I would object to this kind of a database for
24 young kids, because it's PII data, and it's still intrusive



1 with respect to these dimensions, and we don't need it to
2 answer the readiness question. Restraint in government.

3 MS. SCHROEDER: But we -- but we do need it
4 to ultimately serve kids and improve the system, and that's
5 the reason. Yeah, we do.

6 MS. SCHEFFEL: I know. The schools have the
7 data.

8 MS. SCHROEDER: But in a folder.

9 MS. SCHEFFEL: The schools are doing what
10 they're doing in terms of readiness to address
11 instructional needs of the kids. The State isn't going to
12 do anything.

13 MS. SCHROEDER: We, as a society, are
14 investing huge resources in serving our early kids, and to
15 the extent that we can answer the question, that our kids
16 already are than they are today, especially special
17 populations.

18 MS. SCHEFFEL: Who can answer that question?

19 MS. SCHROEDER: We can -- we can say this is
20 worth it. And to the extent that there's no change, and
21 there's no improvement, or worse yet, there's actually a
22 diminish. For example, so we're -- we're hearing from some
23 studies that sending kids to preschool actually messes them
24 up, and they're not as socially and emotional ready for



1 second grade. These are things we should know in order to
2 -- to self-correct, and we cannot self-correct in a vacuum.

3 And so I would agree that the specific --
4 the specific scores on specific questions are unnecessary,
5 but because when we need that information, somebody can dig
6 deeper. But in general, to have some general data over
7 time, to be able to see changes, or to be able to see that
8 kids who are at a certain level in terms of readiness by
9 fourth grade are really doing well or doing poorly in math
10 scores, that might actually help us figure out where we
11 should be presenting, what kind of information for kids,
12 what kind of strategies should we be giving. And at the
13 harm --

14 MS. SCHEFFEL: I disagree, but I hear you.

15 MS. SCHROEDER: Okay. The harm, I
16 absolutely do not get. I wish somebody could give me an
17 example of the harm that my grandson is going to have.

18 MS. SCHEFFEL: We could go back and read the
19 items on the assessment. I mean, we did that before.

20 MS. SCHROEDER: I'm talking about this
21 aggregate -- this aggregate stuff, the harm that can harm
22 my grandson because he gets a score of two or 30 on any one
23 of these. I don't understand. And if somebody can give me
24 an example, I would be really grateful because I don't -- I
25 don't get it. I think these companies want to have that



1 information in order -- excuse me, in order to sell -- to
2 sell programs, curricula, and such.

3 MS. FLORES: This isn't the company book.
4 You're right about that. You're absolutely right about
5 that, but that's not what this is.

6 MS. FLORES: Yeah, but --

7 MS. SCHROEDER: This isn't going to
8 companies. The companies are -- the companies have
9 whatever they have.

10 MS. FLORES: Let's say your grandchild gets
11 a mallet and goes and hits another kid in the head.

12 MS. SCHROEDER: Impossibility.

13 MS. FLORES: No, impossibility -- it
14 happens. Little kids do that all the time.

15 MS. SCHROEDER: So what does that have to do
16 with collecting this information? I don't -- how does --
17 how does that show up, by the way, on here? There's
18 nothing on here that talks about mallets or my kid grandson
19 hitting anybody.

20 UNIDENTIFIED VOICE: Well, but it's part of
21 it. Are they ready -- are they ready socially? You know,
22 little kids are amoral. I mean, I've said this before, and
23 we teach them how to be -- how to be moral and do good
24 things.



1 MS. SCHROEDER: That's what should -- that's
2 what we should be -- should be improving over time, and I'm
3 not interested in this specific questions.

4 UNIDENTIFIED VOICE: And I'm not throwing to
5 them -- into the bullying too. I think we should teach
6 them right from wrong.

7 MS. SCHROEDER: Deb, do you have an example
8 of what's going to happen to my grandson when we- when we
9 report these aggregate scores to the department?

10 MS. SCHEFFEL: Because I don't think it is
11 just the aggregate scores. I don't trust it, that's all
12 that happens because --

13 MS. SCHROEDER: But that's all the districts
14 going to send us.

15 MS. SCHEFFEL: -- it's -- it's more than
16 what we need to do. I believe in looking at statute, doing
17 what we need to do, and if we do more than what we do,
18 we're overreaching what is necessary. We're trying to
19 answer a readiness question, for State data purposes.
20 Schools are trying to work with kids to help them get
21 ready. They're looking at those dimensions that's been
22 done for years and preschools and kindergartens. I don't
23 like the idea of sending that data to the State unless we
24 have to, because we don't need to.



1 MS. SCHROEDER: Why did the legislature do
2 this?

3 MS. SCHEFFEL: That's a longer discussion.

4 MS. SCHROEDER: They're trying to find
5 correlations.

6 MS. SCHEFFEL: There is so much --

7 MS. SCHROEDER: Well, they're hoping to find
8 some ways to improve, isn't it? Isn't why we're doing it?
9 Why the -- all these changes are occurring?

10 MS. SCHEFFEL: I just don't think it's not
11 the role of the state.

12 MS. SCHROEDER: We get better at combining
13 education for all our kids, that it's --

14 UNIDENTIFIED VOICE: I think even our
15 teachers are so different.

16 MS. SCHEFFEL: I think we -- I think we can
17 meet the requirement of the law without this level of
18 detail, and I'm all for restraint when it comes to,
19 especially young children. I just don't think we need the
20 state. It's my fault.

21 CHAIRMAN DURHAM: All right. Let's see.

22 MS. SCHROEDER: Hopeless.

23 CHAIRMAN DURHAM: The -- Let me ask you
24 there.

25 UNIDENTIFIED VOICE: Mm-hmm.



1 CHAIRMAN DURHAM: Can we get a copy of this
2 rule? It's not rule, right? Is it?

3 MS. SCHROEDER: Uh-uh.

4 CHAIRMAN DURHAM: So it's not a rule, it's -
5 -

6 UNIDENTIFIED VOICE: So are you asking for -
7 - within your materials, you should have just a kind of a
8 summary or grouping of the statutory requirements, kind of
9 by category rather than sequentially. It's a little easier
10 to read.

11 MS. ANTHES: Just as a refresher, that we
12 brought this to you because the rule actually said that the
13 Board had to approve this collection. It's a little
14 unusual. So you're just, approving this collection for us
15 to be able to meet statutory requirements.

16 UNIDENTIFIED VOICE: And again, as -- as Dr.
17 Anthes points out, this cap for K was passed in 2008,
18 preceded our- our reporting system as a state, and so this,
19 well, it's kind of asking for this reporting system to be
20 approved by the Board. So I think that kind of gives a
21 little bit of reason like why it feels a little unusual to
22 be addressing this.

23 CHAIRMAN DURHAM: All right. Is it in
24 objectives delaying this sort of till tomorrow for action,
25 or we're only trying not to have a great deal of



1 discussion. Give as a chance to sit down and read this,
2 suggest modifications, if we can put them together by
3 tomorrow, and let's see if we can move forward then.

4 MS. SCHROEDER: One more question.

5 CHAIRMAN DURHAM: Yes.

6 MS. SCHROEDER: What's the burden on
7 districts? What's the greater burden on districts?

8 UNIDENTIFIED VOICE: So when you say the
9 greater burden --

10 MS. SCHROEDER: We already have the system.

11 UNIDENTIFIED VOICE: Right.

12 MS. SCHROEDER: Will districts have this
13 number? So is it just a matter of right it down?

14 UNIDENTIFIED VOICE: Yeah, districts will
15 have this information. I don't think there will be a
16 district out there that would say, "Oh, we're really glad
17 to be able to provide even more information." I mean, no
18 illusion about that. EDAC's role is to help us be able to
19 implement statute in the way that has the least burden on
20 districts, and it provide us advice around that. And so,
21 what we propose is kind of based on, kind of a back and
22 forth between questions that the Board has bringing those
23 to EDAC to get some advice back. So what you have here is
24 what EDAC says is -- is the -- the least burden.



1 MS. SCHROEDER: So teachers, kindergarten
2 teachers, have the- not the laptop but whatever -- whatever
3 device they use. They collect the information. They push
4 a button, and they get an average score for each item. Do
5 they send it to the principal?

6 UNIDENTIFIED VOICE: So right, kinda how it
7 works a little bit.

8 MS. SCHROEDER: I'm trying to figure out
9 what's -- what's the process in order to maybe minimize the
10 burden or not.

11 UNIDENTIFIED VOICE: Right. So -- so the --
12 the way that this sort of work is -- is that whatever --
13 whatever tool it is that teachers are using, it would kind
14 of -- kind of store all that information in their -- in
15 their recording system. Principals can look at that data
16 through, you know, kind of an account, kind of -- I'm
17 trying to think of what is called. What's that called?
18 Someone said a word, and I was hoping it was the right
19 word, but --

20 MS. SCHROEDER: So you saw on tablets,
21 right?

22 UNIDENTIFIED VOICE: Right. So online they
23 can look. Yeah, they have particular permissions to -- to
24 look at data, and district level has the opportunity to
25 kind of take that information. What they would typically



1 do is -- is districts have kind of a student information
2 system that they use, whether it's Alpine or infinite
3 campus, some of these might sound familiar to you. What
4 they typically do is, kind of use that as the interface
5 between all of the multiple programs they use and
6 communication with parents, and they extract information
7 from that to send to the department. So I don't know that
8 that really answers your question necessarily.

9 MS. SCHROEDER: Just want to know, somebody
10 have to come in with a pencil and paper, or can they
11 extract it from the -- from the tablets and, whoosh?

12 MS. SCHROEDER: So through the district's
13 student information system, they can set up so that they
14 can download, just the particular things that are needed.
15 So in this case, it would be these areas, they would kind
16 of download just that information, and they would be able
17 to put that in their student information system, and send
18 that to the state, so they have control over what it is
19 that they pull from their student information system.

20 MS. SCHROEDER: Thank you.

21 CHAIRMAN DURHAM: All right. I think we
22 just the action only tomorrow and we'll have to figure out
23 some sort of agenda and way to handle it. I think the
24 items we have left, I believe, we're gonna try and lay
25 over, and my apologies for not keeping you on schedule.



1 Item 17, which are the visions to read act, we did not
2 finish, so that we'll try and lay over till tomorrow. And
3 I'm trying to remember if that was contentious or not.

4 UNIDENTIFIED VOICE: Oh, yeah.

5 CHAIRMAN DURHAM: Items 1902, school
6 districts and performance framework and target setting, I
7 don't -- do we get that?

8 UNIDENTIFIED VOICE: We -- we did not, Mr.
9 Chair, but I talked to Allyson. She said it's not an -- an
10 urgent item, so we could just lay that over to February
11 then I'm for the next agenda.

12 CHAIRMAN DURHAM: All right, let's do that.
13 And then --

14 UNIDENTIFIED VOICE: 19.02.

15 CHAIRMAN DURHAM: -- 19.02 and then Item 20.
16 We should need to do until we will have our kids sometime
17 for item 20.

18 MS. SCHROEDER: Okay.

19 CHAIRMAN DURHAM: If you can help me kind of
20 revised the agenda, and we'll get some talking points. So
21 anyway, thank you all for a long day. And tomorrow we have
22 some extra events with the State of the State message, and
23 I can't remember what else we have but --

24 MS. SCHROEDER: We'll have Charter School
25 hearing.



1 CHAIRMAN DURHAM: Charter School hearing.
2 We definitely have to be on time for that. So I will
3 stand, and we'll be adjourned until 9:00 a.m. tomorrow
4 morning.
5 (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
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Certified Vendor and Notary Public

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