



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
December 14, 2016, Part 1

BE IT REMEMBERED THAT on December 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: The hour of 9:00 having  
2 come and gone, the State Board of Education will please  
3 come to order. Ms. Cordial, would you please call the  
4 roll.

5                   MS. CORDIAL: Board Member Flores.

6                   MS. FLORES: Here.

7                   MS. CORDIAL: Board Member Goff.

8                   MS. GOFF: Here.

9                   MS. CORDIAL: Board Member Mazanec.

10                  MS. MAZANEC: Here

11                  MS. CORDIAL: Board Member Rankin.

12                  MS. RANKIN: Here.

13                  MS. CORDIAL: Board Member Scheffel.

14                  MS. SCHEFFEL: Here.

15                  MS. CORDIAL: Board Member Schroeder.

16                  MS. SCHROEDER: Here.

17                  MS. CORDIAL: And Chairman Durham.

18                  CHAIRMAN DURHAM: Here. Quorum is present.

19 I would ask Dr. Scheffel to please lead us in the Pledge of  
20 Allegiance.

21                  MS. SCHEFFEL: I pledge allegiance to the  
22 flag of the United States of America and to the Republic  
23 for which it stands, one Nation under God, indivisible,  
24 with liberty and justice for all.



1 CHAIRMAN DURHAM: Thank you, Dr. Scheffel.  
2 Let's see. We'll now proceed to the approval of the  
3 agenda. Dr. Schroeder?

4 MS. SCHROEDER: I move we approve the agenda  
5 as published.

6 UNIDENTIFIED VOICE: I second.

7 CHAIRMAN DURHAM: It's been moved and  
8 seconded that we approve the agenda is -- as published. Is  
9 there an objection to the adoption of that motion? Yes,  
10 Ms. Rankin?

11 MS. RANKIN: I move to place the following  
12 on the agenda. Immediately following the conclusion of our  
13 lunch executive session, the consideration of personnel  
14 matters.

15 CHAIRMAN DURHAM: That's a proper motion.  
16 Is there objections to the inclusion of personnel matters  
17 at the -- essentially at 1:00 this afternoon or 1:15. Is  
18 there objection to that motion?

19 MS. SCHROEDER: I seconded.

20 CHAIRMAN DURHAM: You seconded? Yeah, I'm  
21 sorry. Can we redo it to get this right. So thank you  
22 very much. Is there objection to that motion? Ms.  
23 Mazanec?



1 MS. MAZANEC: I'm move to place the  
2 following on Thursday's agenda. The consideration of an  
3 RFP for the state assessment.

4 CHAIRMAN DURHAM: Is there objection to the  
5 adoption of that motion for placing that on the agenda for  
6 Thursday?

7 MS. FLORES: I second the motion.

8 CHAIRMAN DURHAM: Dr. Flores has seconded to  
9 the motion. Thank you, Dr. Flores. Is there objection  
10 adoption to that motion? Those two items have been added  
11 to Dr. Schroeder's motion, suit to approve the agenda as  
12 amended. Is there objection to the approval of the agenda  
13 as amended? Seeing none on that motion -- yes? Yes.

14 MS. SCHEFFEL: I -- I -- the consideration  
15 of Mancos is that on the agenda for Thursday?

16 CHAIRMAN DURHAM: That -- that will be  
17 appropriate to take up when we deal with the consent agenda  
18 which is next on the list. All right is there objection to  
19 the -- to the approval of the agenda's amended. Seeing  
20 none. That motion adopted by a vote of seven to nothing.  
21 Thank you. We'll now proceed to the consent agenda. Dr.  
22 Schroeder?

23 MS. SCHROEDER: I move to place the  
24 following matters on the consent agenda. 16.02, approve  
25 the Charter School Institute's request for waivers on



1 behalf of Early College of Arvada as set forth in the  
2 published agenda.

3                   16.03, approve the Charter School  
4 Institute's requests for waivers on behalf of Frontier  
5 Charter Academy as set forth on the published agenda.

6                   16.04, approve, excuse me, approve the 2016-  
7 '17 expelled and at-risk student services grant recipients  
8 in amount of grant awards as set forth in the published  
9 agenda.

10                   17.02, regarding disciplinary proceedings  
11 concerning a license, charge number 2016-EC-556 signify  
12 acceptance and approval of the terms and conditions of the  
13 settlement agreement by directing the commissioner to sign  
14 the original copy of the agreement.

15                   17.03, approve Colorado Mesa University's  
16 request for authorization of a combined Early Childhood  
17 Education/Early Childhood Special Education Endorsement  
18 Program as set forth in the published agenda.

19                   17.04, approve the Colorado Mountain  
20 College's request for reauthorization of its combined  
21 Elementary Education, and Culturally and Linguistically  
22 Diverse Education Teacher Preparation Program as set forth  
23 in the published agenda.



1                   17.05, approve North Star Academy's request  
2 for an Individualized Principal Preparation plan for Kendra  
3 Hausfeld as set forth in the published agenda.

4                   17.06, approve for initial emergency  
5 authorization requests as set forth in the published  
6 agenda.

7                   18.01, appoint Tammy Johnson to the Special  
8 Education Fiscal Advisory Committee.

9                   18.02, approve the 2016-'17 tuition costs  
10 rates for facilities schools as set forth in the published  
11 agenda.

12                   18.03, approve the 2016-2017 tuition rates  
13 for Rocky Mountain Deaf School as set forth in the  
14 published agenda. 4.02, deny the innovation zone  
15 application from Mancos School District titled Application  
16 Preferred as the statute, I'm sorry, as the State Board  
17 does not have the authority to waive the statutes and rules  
18 included in this application. This is the end of the  
19 consent agenda.

20                   CHAIRMAN DURHAM: Yes, Dr. Flores?

21                   MS. FLORES: I like to see if there's people  
22 here at CDE who could give little bit more explanation --

23                   MS. SCHROEDER: Dr. Flores would you speak  
24 on your mic.



1 MS. FLORES: I'm sorry. I like a little bit  
2 more explanation on 17.05, which is the individualize  
3 principal preparation program. Just a little bit.

4 CHAIRMAN DURHAM: I think it would be  
5 appropriate then Dr. Flores, if you'd like that remove from  
6 a consent agenda, we'll take it up in the ordinary course  
7 of business. I'm sure at that time staff will be able to  
8 provide a short explanation. So item 17.05 will be remove  
9 from a consent agenda. Consent agenda does requiring  
10 unanimous consent.

11 MS. GOFF: It needs a second also.

12 MS. GOFF: I second.

13 CHAIRMAN DURHAM: I'm sorry. It would  
14 someone -- I apologize. Thank you, Ms. Goff. Second some  
15 approval consent agenda. Dr. Flores has removed 17.05. Ms  
16 Rankin did you want to or I'm sorry --

17 MS. RANKIN: I want to remove the Mancos  
18 consideration in --

19 CHAIRMAN DURHAM: Item 4.01?

20 MS. RANKIN: Yes.

21 CHAIRMAN DURHAM: It's request that item  
22 4.01 to remove from the consent agenda. So --

23 UNIDENTIFIED VOICE: 4.01.

24 CHAIRMAN DURHAM: 4.01. Is it 14.01?



1 MS. RANKIN: It is 4.01. It's 4.01 on  
2 Thursday.

3 CHAIRMAN DURHAM: It's on Thursday, that's  
4 why.

5 MS. RANKIN: Yeah. So we'll take that on  
6 Thursday.

7 CHAIRMAN DURHAM: So it will be considered  
8 in the normal course of business on Thursday.

9 MS. RANKIN: Correct.

10 CHAIRMAN DURHAM: So those two items are  
11 have been request to be remove from the consent agenda. Is  
12 there -- excuse me. Is there objection to the approval of  
13 the consent agenda as modified by the two objections?  
14 Seeing no objection, that motions cleared adopted by a vote  
15 of seven to nothing. Ms. Cordial, your report to the  
16 director of State Board relations, please.

17 MS. CORDIAL: Thank you. Good morning,  
18 Chairman Durham, members of the Board, and Interim  
19 Commissioner Anthes. It's been quite a busy week for us  
20 all, though we're at least halfway through. I thought I  
21 would share an inspirational quote that I had on my morning  
22 tea and that is, "Happiness is actually an art of living  
23 which is in us." So no matter how long and challenging  
24 this week maybe, we still are able to find happiness



1 within. I just like to give my friendly reminder. It's  
2 the holidays just trying to soften -- soften it up.

3 MS. MAZANEC: (Inaudible).

4 CHAIRMAN DURHAM: Not yet, that's later --

5 MS. CORDIAL: Ms. Mazanec.

6 MS. MAZANEC: That's tomorrow afternoon.

7 MS. CORDIAL: I'd like to just give my  
8 friendly reminder, to speak clearly into your microphones  
9 and if you turn them off, please remember to turn them back  
10 on when speaking. For those of you needing to connect to  
11 CDEs guest wireless. Locate CDE hotspot and the password  
12 is Silver, capital S.

13 In your board packets for Wednesday,  
14 December 14th, you have the following materials: The  
15 events calendar and quick glance expense report. And also  
16 when your board packets or available on board docks are the  
17 following materials:

18 Item 8.01, the draft 2017 legislative  
19 priorities. 11.01, materials pertaining to the notice of  
20 appeal for Charter School appeal case number 16-CSO-3,  
21 Great Work Montessori School v. Jefferson County School  
22 District.

23 For item 13.01, you have a memo regarding  
24 the School Turnaround Leaders Development Program



1 rulemaking hearing accompanying PowerPoint, a redlining  
2 clean copy of the rules, and rules to statute crosswalk.

3                   For item 14.01, you have the memo regarding  
4 the School Turnaround Leaders Development Program Provider  
5 approval and accompanying PowerPoint.

6                   For item 15.01, you have a memo regarding  
7 Colorado's Finalist for the National History Teacher of the  
8 Year.

9                   For item 16.01, you have a memo regarding  
10 the rules for the administration certification and  
11 oversight of Colorado Online Programs, a redlining clean  
12 copy of those rules and rules to statute crosswalk.

13                   For item 16.02, you have a memo regarding  
14 the Charter School Institute's request for a waiver on  
15 behalf of Early College of Arvada and supporting materials  
16 pertaining to their request.

17                   For item 16.03, you have a memo regarding  
18 The Charter Schools Institute, Charter School Institute's  
19 request for waivers on behalf of Frontier Charter Academy  
20 and supporting materials pertaining to their request.

21                   For item 16.04, you have a memo regarding  
22 the recommended grant awards for the Expelled and At-Risk  
23 Student Services, EARSS Program and lists of grantee  
24 recommendations.



1                   For item 17.01, you have a memo regarding  
2 the notice of rulemaking for the amended sections of the  
3 rules for the Administration of the Educator -- Education  
4 Licensing Act, a redline and clean copy of those rules and  
5 rules to statute crosswalk.

6                   For item 17.03, you have a memo regarding  
7 Colorado Mesa University's request for authorization of  
8 Early Childhood Education and Early Childhood Special  
9 Education Endorsement Programs.

10                  For items 17.04, you have a memo regarding  
11 Colorado Mountain College's request for reauthorization of  
12 its Elementary Education, and Culturally and Linguistically  
13 Diverse Education Endorsement Programs.

14                  For item 17.05, you have a memo regarding  
15 North Star Academy, North Star Academy's request for  
16 approval of their Individualized Principal Preparation plan  
17 for Kendra Hausfeld.

18                  For item 17.06, you have a memo regarding  
19 the four initial emergency authorization requests.

20                  For item 18.01, you have a memo regarding  
21 the Special Education Fiscal Advisory Committee vacancy  
22 recommendation and a letter from the consortium of  
23 Directors of Special Education.



1                   For item 18.02, you have a memo regarding  
2 the tuition costs rates for facilities schools for fiscal  
3 year 16-17 and the list of tuition cost rates.

4                   For item 18.03, you have a memo regarding  
5 the tuition cost rates from Rocky Mountain Deaf School for  
6 fiscal year '16-'17 and list of tuition cost rates.

7                   And for Thursday, December 15th, item 3.01,  
8 you have a memo regarding the Every Student Succeeds Act  
9 update, accompanying PowerPoint, the state template for  
10 consolidated state plan, State Assurance template,  
11 accountability state plans and data reporting, summary of  
12 final regulations, and draft state plan section 3 academic  
13 assessments.

14                   For items 4.01 and 4.02, you have a memo  
15 regarding Mancos School District's two Innovation Zone  
16 application requests. Their innovation preferred plan, the  
17 innovation contingent plan, the projected budget summary  
18 and overview, and the signed board resolution.

19                   And for item 6.01, you have a memo regarding  
20 the district performance framework and accreditation rating  
21 discussion. And on the bench before you, you have the  
22 accompanying PowerPoint, the 2016 district accreditation  
23 assignments, and the district performance frameworks  
24 initial final ratings 2010 through 2016.



1                   For item 6.02, you have a memo regarding the  
2 innovation accountability pathway overview, accompanying  
3 PowerPoint, required components of an innovation plan, and  
4 the innovation plan rubric for priority improvement and  
5 turnaround schools and districts.

6                   And 7.01, you have a resolution recognizing  
7 the contribution that Dr. Deborah L. Scheffel has made to  
8 the education of children in Colorado. And that concludes  
9 my report.

10                   CHAIRMAN DURHAM: Thank you very much Ms.  
11 Cordial. Any questions for Ms. Cordial? Seeing none,  
12 we'll proceed to commission's report, Dr. Anthes?

13                   MS. ANTHERS: Good morning Mr. Chair, Members  
14 of the Board. Yes, we are on hump day of a very busy week.  
15 It seems that every December, it all coalesces on the same  
16 week. Legislative hearings day, ABC, State Board meetings,  
17 accountability ratings, all sorts of things. So I think  
18 the entire staff will be sleeping heavily this weekend. So  
19 I have been on my tour as I've mentioned to you all before,  
20 visiting all of the districts that are on that fifth year  
21 of the accountability clock. And so since I last saw you,  
22 I have visited three more districts. I went to Greeley,  
23 Montezuma-Cortez, and Adams 14, and they were very  
24 welcoming and it was great visit. I got to visit  
25 classrooms, district personnel, and spend a fair amount of



1 time with each of them. So I was very -- it was very  
2 wonderful to be there. I was impressed with their  
3 commitment and in many cases, progress. I also visited the  
4 Harrison School District and saw some great work happening  
5 down there as well, and got to spend the day with them  
6 seeing some bright spots and promising practices in some of  
7 their schools.

8           As you will see tomorrow, we have been  
9 spending the majority of our time, carefully thinking  
10 through the request to reconsider from districts. As you  
11 know, the commissioner actually makes the decisions on the  
12 district account or the district ratings, and then the  
13 State Board makes decisions on the school plan types. So  
14 you will be seeing tomorrow my final decisions on the  
15 request to reconsider process, and school districts if they  
16 don't agree with the decisions I made, can appeal to you  
17 for a different decision if -- if they so choose. We had  
18 over twice the amount of those this year. So I do just  
19 want to give a huge thank you to our staff who have been  
20 spending, day in, day out, night and day, carefully  
21 reviewing those, making sure the decisions and  
22 recommendations were consistent across.

23           Yesterday, we presented to the Legislative  
24 Interim Committee on ESSA that was -- we were asked to  
25 provide a brief update on that work. It was fairly brief



1 from our -- our perspective. I think I was practicing my  
2 brief comments, and so I think that that went well.  
3 Nothing in particular came up there when I was there -- I  
4 was not there for the whole meeting, I was just there for  
5 the -- the first part of the meeting. Board Member Rankin  
6 and I went to our first ever American-Indian Tribal  
7 Consultation in Board Member Rankin's district. We went to  
8 Ignacio. This was a formal consultation process that the  
9 American-Indian tribes hold with state governments around  
10 the country.

11                   And so we were invited to participate and  
12 very honored to do so. It was a relationship building  
13 session and I think it went really well. We learned a lot  
14 about the two tribes here in Colorado and they learned a  
15 little bit about CDEs role and the State Board of  
16 Education's role. Appreciated going with Board Member  
17 Rankin. And we have been busy preparing our responses and  
18 our briefings for our joint budget committee hearing --  
19 that is Friday.

20                   So with that I -- I do just want to, I know  
21 we'll be talking more about this tomorrow, but I want to  
22 give a personal thank you to Dr. Scheffel for her board  
23 service, and amazing commitment and expertise to the State  
24 of Colorado. I know you'll continue to serve but thank  
25 you. It's been a pleasure.



1 MS. SCHEFFEL: Thank you.

2 CHAIRMAN DURHAM: Yes, Dr. Schroeder?

3 MS. SCHROEDER: Will we get a new book for  
4 the JBC meeting or --

5 MS. ANTHES: Yes, you will.

6 MS. SCHROEDER: Yeah. I'm really sorry. I  
7 don't mean to put you on the spot.

8 MS. ANTHES: No.

9 MS. SCHROEDER: Just to be there in the  
10 past. I don't wanna suggest that I was able to read  
11 everything and memorized all the stuff, you know, I'm  
12 serious. But I think we did sit there with the note --  
13 Board Member Scheffel with a note book --

14 MS. ANTHES: Right.

15 MS. SCHROEDER: And to, kind of, follow the  
16 responses in order to get the sense for listening, and to  
17 legislators to see what answers they really wanted as  
18 opposed to what is said.

19 MS. ANTHES: Yes. Thank you Dr. Schroeder.  
20 We are -- it seemed to me and maybe, I'm wrong but it  
21 seemed to me this was even more condensed period from when  
22 our briefing was, to when our hearing was, so we are  
23 actually putting together the last responses this morning  
24 and making copies of all of those right now.

25 MS. SCHROEDER: Okay.



1 MS. ANTHES: So yeah, we'll make sure you  
2 get one.

3 MS. SCHROEDER: So if it helps folks at all  
4 who are feeling overwhelmed as am I, this year the CASB  
5 conference was a week later. And I think -- I looked at  
6 the calendar for next year and it is a week earlier. And I  
7 think that has helped to make us all feel yet more  
8 overwhelmed than we normally do on this particular day in  
9 December, so I just want you to know that that's one of the  
10 things that it turns out really is different.

11 CHAIRMAN DURHAM: Yes. Any further -- any  
12 additional questions for Dr. Anthes? Okay. Seeing none.  
13 We'll just have a brief discussion of our 2017 legislative  
14 priorities. Ms. Miller, if you would join us in the table  
15 and let us know what's going on across the street. I'm  
16 sure the excitements overpowering.

17 MS. MILLER: Sitting in a JBC hearing room  
18 for hours at a time overpoweringly exciting, then yes. So  
19 a couple of things to touch on just in terms of what's been  
20 going on. Yes, the JBC hearing was last week. That was on  
21 Wednesday, excuse me, the briefing. The briefing is where  
22 the staff member basically, presents the results of their  
23 work over the previous six months and kind of, looking at  
24 the department, thinking about what issues they believe  
25 that the Joint Budget Committee should consider.



1                   As is often the case, the Department of  
2 Education briefing -- was a lot of time was spent on school  
3 finance. The funding of our schools is a pretty big deal  
4 obviously, in our state, year in and year out. Mr. Harper,  
5 who is the JBC analyst made a rather provocative  
6 recommendation in that context, to go back to a statewide  
7 mill levy. That would require referred measure to the  
8 voters. The legislature could choose to refer that measure  
9 to the voters. Whether they will do so or not, I think  
10 remains to be seen. But it was a -- I thought one of the  
11 more interesting, and kind of, substance in conversations  
12 around school finance and school finance equity issues that  
13 we've had in the past.

14                   The other issue that came up -- that there  
15 wasn't time spent on was, Mr. Harper expressed some  
16 concerns with the way that the department has been treating  
17 classified positions when they become open and transfer him  
18 to Outwell. Your staff is all over this and is working  
19 hard and has a good response. You know, taking it very  
20 seriously, I think happy to have it brought to their  
21 attention and -- and ready to respond on Friday. And those  
22 responses will be included in the document that Dr.  
23 Schroeder just asked to be shared with the Board. That was  
24 the JBC briefing, the hearing is this Friday at 9:00. It's  
25 currently scheduled for that third floor JBC room. I think



1 it might be moved to the first floor but at the moment it  
2 has not been, so --

3 MS. SCHROEDER: Which building?

4 MS. MILLER: So it is not in the state  
5 capitol.

6 MS. SCHROEDER: Not in state --

7 MS. MILLER: Not the state capitol. It's is  
8 what they call the Legislative Services building right.  
9 The building just to the south of it. Yes.

10 CHAIRMAN DURHAM: Old museum building.

11 MS. MILLER: Yes.

12 MS. MAZANEC: Excuse me. Would it be okay  
13 if we asked you the opportunity to sort of summarize what  
14 that concern was about the classified employees? At-will -  
15 - the issue.

16 CHAIRMAN DURHAM: Ms. Miller?

17 MS. MILLER: I'm happy to do so. I think  
18 what -- Mr. Harper observes that department hasn't -- this  
19 department clearly has some statutory authority to manage  
20 its personnel practices a little bit different than other  
21 departments. He, however, believes that there's a pattern  
22 where the department when classified positions come open,  
23 that they are determined not to be classified and filled by  
24 at-will. He implies, I think fairly strongly, he doesn't  
25 think of that as appropriate. Again, I think it's



1 important, and I was really pleased with the fact that the  
2 JBC members, I think said, we need to hear both sides of  
3 this. Like we really want to understand -- okay, we hear  
4 you Mr. Harper and value your opinion, but we really want  
5 to know what the department has to think about this and why  
6 they've been doing that and what their, you know, what  
7 their thoughts are.

8 MS. MAZANEC: So what's the next step with  
9 that?

10 MS. MILLER: So the next step is to respond  
11 in the hearing on Friday. Dr. Anthes and Mr. Chairman did  
12 send a brief e-mail to the committee on Friday, just  
13 saying, you know, we're happy to, I'm paraphrasing but  
14 basically, thanks for bringing this to our attention, you  
15 know, we take this seriously. We want you to know we take  
16 it seriously and we're looking into it. In the -- there  
17 were three or four specific questions submitted by JBC  
18 members on this topic in response to the briefing. The  
19 department's responses to that will be included in the  
20 materials you will get shortly.

21 CHAIRMAN DURHAM: Yes, Dr. Flores?

22 MS. FLORES: I know -- over the issue that  
23 Mr. Harper wants us to go back to mill levy. Can you  
24 explain a little bit how -- how it was before and how it  
25 will be with mill levy?



1 CHAIRMAN DURHAM: Ms. Miller?

2 MS. MILLER: Mr. Chair, Dr. Flores, I am not  
3 an expert in school finance. So I will do my best and then  
4 if that's not sufficient perhaps I can, there might be some  
5 few people sitting behind me who have a little bit more  
6 depth of experience. It may be easier to start with why  
7 this is an issue, right? And I think there are two things  
8 that are driving this conversation. One is that over time  
9 when you look at the total amount of money we in Colorado  
10 spend on K12 education, the amount coming from the state  
11 has gone up and the amount coming from local districts has  
12 gone down.

13 So that has implications for the state  
14 budget obviously, right? It's a bigger piece of the  
15 state's budget every year. The other concern is that, you  
16 know, districts are in different positions when it comes to  
17 being able to have the capacity to pass a mill levy, right?  
18 So if you're a large district with a lot of people, you can  
19 raise real money through a mill levy, if you are a much  
20 smaller district with a much smaller tax base, even if you  
21 passed one, you can't raise a ton of money, so it's one of  
22 the equity issues.

23 And then some voters are more willing than  
24 others in local districts to approve mill levy overrides.  
25 So what we have is a situation where districts who have



1 resources, with taxpayers resources and voters who are  
2 willing to prove, have been able to do that which provides  
3 them more funding. We have other areas of the state that  
4 have not been able to do that and there is a concern about,  
5 are we treating the kids in these different areas  
6 equitably? I mean, I think that's the -- my level, the  
7 5,000-foot version of it. So what Mr. Harper's proposal  
8 does is essentially says, we're going to -- and again, the  
9 voters would have to approve this, but every district in  
10 this state will have the same number of mill levies which  
11 means --

12 CHAIRMAN DURHAM: There will be the same  
13 number of mills.

14 MS. MILLER: Mills. Thank you. Property  
15 taxes are a little -- little complicated. And what that  
16 does is ensure that basically, the level of effort for  
17 every local district is the same. Now, those mills will  
18 raise different amounts. That's okay. But everyone is  
19 trying at the same level. Does that answer your question?  
20 Okay.

21 MS. FLORES: Yeah, yeah.

22 MS. MILLER: The other thing -- so as Dr.  
23 Anthes mentioned, there was another meeting of the Interim  
24 Committee on ESSA yesterday. It was really -- they had not  
25 met for several months and I think that the totality of the



1 meeting was really just, kind of, updating them on where  
2 things stand. They had a presentation from the National  
3 Conference of State Legislatures that was, you know, kind  
4 of, talking about some of the changes we may see at the  
5 federal level which I can summarize as we don't know.

6                   So you know, that -- that was -- that's what  
7 you missed. I mean, the folks from NCSL are great. Don't  
8 get me wrong, but I, you know, the bottom line is we don't  
9 know. Dr. Anthes talked a lot about the -- you know, the  
10 hub and spoke and all the work that the department has  
11 done, pointing out that Colorado has had a very, very  
12 robust stakeholder process. And then the committee talked  
13 a little bit with Julie Pelegrin, who is essentially their  
14 attorney about what -- I think they are still trying to  
15 wrap their heads around what -- I think they understand  
16 there's not any necessarily required changes to statute as  
17 a result of ESSA. There are things they could change in  
18 statute as a result of ESSA, and I think they're trying to  
19 get more clarity about what those are and whether or not  
20 they want to move forward because those involve policy  
21 decisions.

22                   The best example I can give you is the --  
23 under ESSA in the accountability system, there has to be  
24 another indicator that's related to school quality or  
25 students success, so I think that's one of the areas



1 they're thinking about writing legislation. If I knew what  
2 it was gonna look like, I would tell you. I don't but I --  
3 I wouldn't be surprised to see -- this particular committee  
4 doesn't have authority to introduce bills as a committee.  
5 I wouldn't be surprised to see some of the members of the  
6 committee introduced legislation to direct what the other  
7 indicator should be. Any? Please.

8 MS. SCHROEDER: But there will be  
9 recommendations from this book. There's a spoke committee  
10 on this, et cetera. So there will be the -- the  
11 information will be coming from two different directions.  
12 It sounds to me like, the legislators may think that they  
13 want to choose a particular one and then we have the other  
14 process. So it's pretty important that we keep  
15 communicating back and forth about this one.

16 MS. MILLER: Absolutely Dr. Schroeder. I  
17 mean -- and I think we've tried to do that. I think we've  
18 tried to keep the members of that committee informed of the  
19 work of the -- the department and have been the spokes, you  
20 know, that Representative Peterson and Representative  
21 Wilson will serve on that committee. And I think part of  
22 that was to help improve that flow of information. They  
23 next meet on January 3rd.

24 Would you like me to talk about legislative  
25 priorities document or any other legislation, or just give



1 you a general overview of what I think might be coming at  
2 us, Mr. Chair?

3 CHAIRMAN DURHAM: Why don't you start with a  
4 general overview for what you --

5 MS. MILLER: Sure.

6 CHAIRMAN DURHAM: I've heard might -- might  
7 be introduced.

8 MS. MILLER: You know, school finance,  
9 always a big conversation, will continue to be a big  
10 conversation. As you're aware the governor's budget does  
11 propose an increase for K12 but not so much that it keeps  
12 pace with inflation and enrollment, and in the opinion of  
13 school districts. So that will be a big conversation. I  
14 do think we will see some attempts to rollback or even  
15 completely eliminate the Educator Effectiveness Legislation  
16 affectionately known as Senate Bill 191 or not  
17 affectionately known, I suppose it depends on your  
18 perspective. But I think we could see a bill to completely  
19 get rid of it. I think we could see legislation to not  
20 completely get rid of it but to significantly, alter that.

21 I believe the Charter School Equity bill  
22 will be back. I don't know that will be in the exact same  
23 format it was last year. You may remember that was a  
24 pretty significant conversation at the Capitol last year.  
25 It didn't -- it wasn't resolved, and so I think we will



1 continue to have that conversation. I don't -- I've not  
2 heard of anything specific but I think it is possible that  
3 you could see legislation to extend the turnaround clock,  
4 right? So it's essentially already six years. I think you  
5 could see legislators bringing proposals to --

6 MS. FLORES: Wow. I thought would be the  
7 other --

8 MS. SCHROEDER: Yeah, I would too.

9 MS. FLORES: I mean that -- what I hear is  
10 the other -- that that's too long for children.

11 MS. MILLER: I think that's possible as  
12 well.

13 MS. FLORES: Okay.

14 MS. MILLER: Right. I think you know the --  
15 the beauty of democracy, right? Is that you have people  
16 who represent all different viewpoints. And so there's --  
17 I think two viewpoints on that and I think we can see  
18 legislation from both sides. I do -- I'm fairly confident  
19 we will see some legislation around discipline in early  
20 childhood settings. This is kind of pre-K through third  
21 grade. There's been a number of concerns raised about that  
22 -- that could get into a data collection issue because I  
23 think -- thinks many stakeholders -- there's a group of  
24 parents who feel very strongly that not all children are  
25 treated fairly in that process, and they are interested in



1 having better data about that. And so I think they -- they  
2 may come forward with legislation to improve, enhance  
3 somehow the data collection of the department does in that  
4 area, or they may just simply go the route of, you know,  
5 banning certain practices in -- in school districts. I  
6 don't think they've landed on their approach yet, but I  
7 think we will see something in that area.

8                   And then yesterday at the JBC briefing for  
9 the Higher Education Department, Amanda Bickel who happens  
10 -- who is their -- their equivalent of Craig Harper for  
11 Higher Ed, recommended that the -- that the Joint Budget  
12 Committee carry legislation to basically say that any  
13 concurrent -- you only get to be in concurrent enrollment  
14 if your courses are GT Pathways or a CTE course. And --  
15 and the reason she's making this recommendation and --

16                   MS. SCHROEDER: What's GT?

17                   MS. MILLER: Well I was -- no, it's not a  
18 gifted and talented. I know, that's what's confusing.  
19 Guaranteed Transfer. What a lovely audience we have. Let  
20 me -- let me explain a little bit more, and I think I can  
21 help clarify this up. What the concern is, is that  
22 students take concurrent enrollment classes, and then they  
23 go to college, and they don't actually get credit for them  
24 because they don't transfer, right?



1 MS. FLORES: At the discretion of the  
2 college.

3 MS. MILLER: Well, colleges do have  
4 discretion over which courses they will accept. I think  
5 there is a set of courses -- these GT courses that are all  
6 colleges will accept as transfer. And so I think Ms.  
7 Bickel's thought is that if you -- if the goal of the  
8 concurrent enrollment program is to get students some  
9 college courses while they're in high school which is  
10 certainly one of the goals, you might want to make sure  
11 that those credits are transferable. And that you could do  
12 that by ensuring that they are GT Pathway, but I don't want  
13 to ignore the fact that there are also CTE related courses,  
14 and she's not suggesting that you don't do those. That's  
15 just a slightly different mechanism for ensuring that you  
16 could still do concurrent enrollment for CTE type classes  
17 that are leading to some sort of certificate. It was a  
18 very brief discussion -- the JBC that kind of, ran out of  
19 time by the time they got to that yesterday. So I don't  
20 have a sense of how interested in that suggestion the  
21 legislators are but -- but she put it on the table. So  
22 that's some idea of what we might be looking at.

23 CHAIRMAN DURHAM: Dr. Schroeder?

24 MS. SCHROEDER: Are we confident that every  
25 higher ed institution is going to accept some courses? I



1 would think that given that we have three -- I think three  
2 different tiers of higher ed that there might be courses  
3 that would be acceptable at one level but not in another.  
4 I mean, I don't think some of that conversation may need to  
5 clarify whether their -- whether the coursework by  
6 definition by CCH rules requires that such and such course  
7 be -- can be given transfer credit at every institution.

8 MS. MILLER: I would agree that I think that  
9 the clarity around that point is important in the  
10 conversation. I think again the concept is that there is  
11 some previous agreement that -- probably other people could  
12 explain to you better than I could. That -- that these  
13 courses -- there's already a body of courses that already  
14 have to be accepted by all institutions in the state of  
15 Colorado and they tend to be, you know, it's like English  
16 101, or I mean, it's not Advanced Microbiology physics type  
17 stuff. It is you know, more -- more of that core  
18 coursework that you think of. And -- and again, I think  
19 from Ms. Bickel's perspective and many would see it  
20 similarly, those are the ones that make sense to do in a  
21 concurrent enrollment setting, right? It's the initial  
22 college classes that she would want high school juniors or  
23 seniors, taking and getting credit for, and then they can  
24 ensure transferability. So okay.



1 MS. SCHROEDER: I might be -- I might be  
2 wrong, but I thought that colleges have the choice whether  
3 they accept, for example, AP or IB credit. That they have  
4 different -- good. That's --

5 MS. MILLER: Good, I agree.

6 MS. SCHROEDER: So I can get my feet out of  
7 my mouth.

8 CHAIRMAN DURHAM: Found a friend here.

9 MS. SCHROEDER: Thank you.

10 MS. RUTHVEN: Mr. Chair.

11 CHAIRMAN DURHAM: Yes.

12 MS. RUTHVEN: Thank you. Misti Ruthven,  
13 Executive Director of Innovation and Pathways. So the  
14 guaranteed to transfer are -- GT Pathways is what it's  
15 called, is essentially a set of 1500 college other courses  
16 that are mostly, in that Gen Ed core and they are  
17 guaranteed to transfer for something, they are not always  
18 equivalencies, if that makes sense. So -- so this is where  
19 it gets a little tricky with the details.

20 MS. SCHROEDER: What would something be?

21 MS. RUTHVEN: And so it may be an elective,  
22 or maybe another type of -- so for example, it's possible  
23 that some degrees, and it depends often times on the degree  
24 the student is seeking. They might require more than one  
25 English course, so it might be a partial English credit



1 that they're applied, for their guaranteed transfer course.  
2 And so that is all outlined by the Colorado Commission on  
3 Higher Education and their transfer policies and the  
4 institutions individual transfer policies.

5                   So again, they are guaranteed to transfer  
6 for something and the majority of time -- the credit is not  
7 necessarily lost. Now, the APs or the Advanced Placement  
8 is a little bit different in that the Commission on Higher  
9 Education last fall passed a policy where for, I believe,  
10 its seven core AP courses that if a student receives a  
11 three or higher on the exam then the institution of higher  
12 education must take it for credit for something.

13                   MS. SCHROEDER: In Colorado?

14                   MS. RUTHVEN: In Colorado. Correct. For  
15 the public institutions of higher education.

16                   CHAIRMAN DURHAM: Yes, Ms. Rankin?

17                   MS. RANKIN: How does this fit into what we  
18 voted on, I believe last year, that the parents had to be  
19 told if the coursework -- the students are taking transfers  
20 to whatever college we're talking about, so we had to vote  
21 on that. How does that fit into this formula?

22                   MS. RUTHVEN: Mr. Chair?

23                   CHAIRMAN DURHAM: Yes, go ahead.

24                   MS. RUTHVEN: So thank you, Ms. Rankin. And  
25 I believe you're referring to House bill 1144.



1 MS. RANKIN: Thank you.

2 MS. RUTHVEN: You wish -- yeah.

3 MS. RANKIN: Yes, I am.

4 MS. RUTHVEN: So the -- the piece of that is  
5 school districts and schools -- high schools basically,  
6 must tell parents and students, the transferability of  
7 courses that are available to them, as well as the  
8 different options for earning college-level credit while  
9 they're still in high school. And so certainly, the  
10 concurrent on the advisory board, we've been working with  
11 districts on sample messaging things like that but it's  
12 really between a conversation between the school, the  
13 district, and the parents and the student.

14 MS. SCHROEDER: So this is all lumped  
15 together, everything we're talking about here?

16 MS. RUTHVEN: Exactly.

17 MS. SCHROEDER: But the parents are very  
18 clear on what we're talking about here?

19 MS. RUTHVEN: I think that's the attempt of  
20 1144. I'm not sure that if you asked every parent they  
21 wouldn't be able to agitate that.

22 MS. RANKIN: Intent or attempt?

23 MS. RUTHVEN: Well, I would also note that  
24 that's recently passed legislation, so it may take a little  
25 time to work its way through the system.



1                   CHAIRMAN DURHAM: The universities will  
2 frustrate the intent to given enough time, so needn't  
3 worry. Further questions? Yes.

4                   MS. SCHROEDER: Is -- is this draft of  
5 legislative priorities is -- have we gotten to this? And  
6 do we have time or do we -- are we are vote on this  
7 someday? Or how does that fit into all this?

8                   CHAIRMAN DURHAM: I -- I don't -- as we've  
9 looked at -- and I've received individual comments from  
10 members of the Board in terms of the stated legislative,  
11 that two-page document, I think legislative priorities. I  
12 think the general conclusion once that's probably a little  
13 out of date, it's a little too generic, and there didn't  
14 seem to be any enthusiasm to readopt that and to press  
15 forward with and circulate that to the members of the  
16 General Assembly because of its the generic nature of the  
17 document. So at least if I have interpreted individual  
18 members comments correctly, is that we should -- at least  
19 in the short run as we approach this legislative session  
20 focus on specific legislative objectives.

21                   For example, we do have the a waiver  
22 question that I think -- I think Dr. Schroeder is gonna  
23 discuss a little bit. And how do we approach that and then  
24 are there other proactive pieces of legislation that we  
25 think should be initiated. It doesn't preclude a member



1 and or the staff rewriting that general generic approach,  
2 but at least that's my opinion, and we'd be well served by  
3 dealing in specifics rather than generalities.

4 MS. SCHROEDER: I would -- I would concur  
5 with that, but if there's any opportunity to sit down with  
6 the staff when this is being rewritten that I would be  
7 interested in doing that.

8 MS. RANKIN: So --

9 CHAIRMAN DURHAM: Probably does need to be  
10 redone at some point in time and --

11 MS. SCHROEDER: And I was under the  
12 impression that we were going to meet at the beginning of  
13 January to do just that, but we had a meeting set.

14 MS. RANKIN: Separate meeting?

15 CHAIRMAN DURHAM: Is there a legislative  
16 committee meetings saved as -- no. I think, no.

17 MS. SCHROEDER: I don't have my calendar  
18 with me but there we haven't not set on that it.

19 CHAIRMAN DURHAM: Yes, Ms. Goff?

20 MS. GOFF: Thank you. Typically, this board  
21 discussion about legislative priorities typically begins in  
22 October or thereabouts so that if -- if we're going to  
23 develop a document such as the one we have and have time to  
24 discuss and finalize and adopt that's -- that's typically  
25 done and I think logically should be before the start of



1 the session. So my understanding of today was that we  
2 would be discussing the legislative priorities as they are  
3 and injecting conversations about the nature of it -- the  
4 content, and then we would have -- hopefully, we'd have our  
5 document ready before the session starts in January.  
6 That's typically how we have conducted it. I am not -- I'm  
7 not married to either approach. I do agree that a little  
8 focus would be in order because we do have a pretty good  
9 idea about some of the specific areas that we're going to  
10 be looking at.

11 We also have -- somewhat of a luxury, and a  
12 few hints floating around -- around what the legislature  
13 might have an interest in pursuing in relation to ESSA. We  
14 have hints, we don't know much for sure, but it could be a  
15 guideline and where we want to put some specificity. That  
16 -- that's the way we've done it. Normally, by December we  
17 are on a pretty -- we're on our way to having this piece of  
18 paper ready to send out and it's shared with not only  
19 legislators but some of our other partner organizations who  
20 also take interest in legislation.

21 So that's -- I think that's something we  
22 need to decide. As far as rewriting the document even in a  
23 draft form, I would -- I would advocate for the fact that  
24 we all need to be involved in that conversation. So doing  
25 it at a board meeting is probably the best scenario.



1                   CHAIRMAN DURHAM: I think it's a -- the  
2 problem is that it's a long process then crowded agendas  
3 and you probably end up, I think better serve with a group  
4 putting a draft together for consideration rather than  
5 trying to cobble -- as a group trying to cobble graft  
6 together. I think the other -- the other problem is well,  
7 I'm sure we all believe that legislature is just waiting  
8 with bated breath for us to provide them with this  
9 information.

10                   I suspect -- I suspect Ms. Miller would tell  
11 you that they get hundreds of these every year and the  
12 amount of attention paid to any one of them is minimal.  
13 And it's just a fact of life in the way that they allocate  
14 their time. Not being critical, it's just one of those  
15 realities. And so I think one of things we should do is  
16 maybe least take five minutes to decide if we want to at  
17 least try and proceed generically on the waiver question  
18 that's the one issue we discussed on several occasions.  
19 And we want to see if we could come up and perhaps have Ms.  
20 Miller get us a sponsor who might draft certain three or  
21 four provisions, so we could at least look at a bill and  
22 see if we'd be interested in supporting. Dr. Flores?

23                   MS. FLORES: Well, one of the things that I  
24 think and I -- I don't think anybody would disagree, is  
25 that we have a big gap and it's an equity issue with kids



1 who are not performing well. And we need to -- I think we  
2 need to focus on strategies that will try to close that  
3 gap. Such things as early childhood education which has  
4 been shown in other states such as Georgia and Oklahoma to  
5 really have done some good.

6 Other strategies such as small classes,  
7 smaller classes for poor kids, minority kids or these kids  
8 and the gap, I think have shown to, you know, to have some  
9 to be efficacious for kids to do better. So I just can't  
10 say enough that we need to look at that gap, we need to be  
11 really look at that first because it is growing. It is not  
12 getting smaller, and we need to look at strategies that are  
13 going to help this large number of kids, second language  
14 learners, minority kids, poor kids, of all colors. And we  
15 just need to -- to get -- we'll get serious about doing  
16 something about that because it's just going on and on and  
17 -- and that should be a priority I think for all of us.

18 CHAIRMAN DURHAM: Yes, Ms. Goff?

19 MS. GOFF: I don't disagree.

20 CHAIRMAN DURHAM: Okay. All right.

21 MS. GOFF: I appreciated this document that  
22 we had in our materials. It was sort of a refresher of the  
23 waiver points and a little reminder about some conversation  
24 we started last year. I think this would be a great place  
25 to start -- to have this figured out, especially since we



1 have strong hints that someone will be interested in  
2 sponsorship for further refinement with us. And another  
3 related point -- but I know that one of the advantages,  
4 it's on my part from the legislative priorities is that  
5 we've been able to use them throughout the session to sort  
6 of monitor and match when we have our discussions about  
7 position or not on bills.

8                   We have that to guide us, so if it fits into  
9 one of our priorities, it sets us up for the conversation.  
10 And so any great change would be something I would think  
11 about, but I do agree with the waiver part. And as far as  
12 holding -- waiting with bated breath for -- how many times  
13 have we said, we wish they would wait with bated breath  
14 before they send all these things over to us, but different  
15 story. So whatever -- whatever the board likes to do with  
16 specificity or not, I'm fine with. We just need to get it  
17 done.

18                   CHAIRMAN DURHAM: Dr. Schroeder, do you  
19 wanna --

20                   MS. SCHROEDER: Talk fast is what you're  
21 saying to me.

22                   CHAIRMAN DURHAM: No, no. We're -- we're  
23 behind schedule and that I expect we'd be that way a lot  
24 today, so I'm not overly concerned.



1 MS. SCHROEDER: So I'm just trying to listen  
2 to my colleagues. It seems to me there is a belief that  
3 this document that we've had year after year can be helpful  
4 when we are speaking across the street. But I also  
5 completely agree with Steve that for us to work on this  
6 together, all seven, as a starting point, is a killer. And  
7 I do appreciate the fact that a few people volunteered to  
8 start with it. And I would say -- my recommendation would  
9 be to go forth, look at it, work on it, tweak it, bring it  
10 back to us not necessarily at a board meeting, but maybe in  
11 advance of a board meeting so that we can provide our  
12 committee our input. Steve, it's up to you but --

13 CHAIRMAN DURHAM: Yeah. I think trying to  
14 rework this document would take us the rest of the day, and  
15 we obviously do have other issues. I think we do have a  
16 question that we could get to resolving which is -- if you  
17 want to take a few minutes, do we want to pursue  
18 legislation relative to waivers? Is there a consensus to  
19 try and do that? Yes, Dr. Flores?

20 MS. FLORES: Why would we want to give  
21 authority to a legislature when it falls on our hand and  
22 when I think we know more about education on waivers than  
23 does the legislature? And I think that districts are  
24 different, and even districts within our counties are  
25 different. And so I don't agree, I don't think we should



1 we should do that. I mean I -- I think we're going at it  
2 the right way. We have local control in -- in our state  
3 for school districts, and why should we want to give that  
4 away?

5 CHAIRMAN DURHAM: Dr. Schroeder?

6 MS. SCHROEDER: So the -- the intent in  
7 bringing this up is that when we, at this point, when we  
8 grant a waiver to a school district, they have a  
9 replacement plan that we approve, and they go forth, and we  
10 never hear from them again. And we don't know -- we don't  
11 know whether what they hoped the replacement plan would  
12 accomplish did so. So the only intent in this is to have a  
13 district come back and explain this is what we asked for,  
14 this is what we were doing. We believe that the work that  
15 we are doing and the way we're doing it meets the intent of  
16 the legislature. At this point --

17 MS. FLORES: Meets the intent of what  
18 they're trying to do, not the legislature, of what they're  
19 trying to do with their kids in that district.

20 MS. SCHROEDER: Well, they're not bobble  
21 heads across the street. When they make a law, they have a  
22 thought of what they want to accomplish for Colorado's kids  
23 and Colorado's teachers.

24 MS. FLORES: I'm sure they do. I think they  
25 have --



1 MS. SCHROEDER: And so I'm only talking  
2 about the intent of what they --

3 MS. FLORES: But I think that we have been  
4 telling districts when they come before us that they have  
5 three years, four years, and then, either they come back to  
6 us in written form and how -- they're going to be there.  
7 We always know. We always have the data on whether they're  
8 doing there or not.

9 MS. SCHROEDER: May I just correct that?  
10 Sometimes we have had districts that we have asked, "Will  
11 you come back and share with us what happens?" And then  
12 yes, they will. But there is nothing in the law unless we  
13 address this in some way that requires any district to come  
14 back. My -- my example is that we granted a waiver for a  
15 district that was accredited with distinction when it was  
16 granted. In any district that's accredit with  
17 distinctions, it's my personal inclination to say, "If  
18 you've got a good replacement plan and it makes sense, go  
19 forth." But the status of that particular district has  
20 dramatically changed. I just think it's helpful for them  
21 to come back and say, whatever change has caused their  
22 performance to drop significantly has nothing to do with  
23 that waiver or has everything to do with that waiver.  
24 That's all. It's just a review.



1 MS. FLORES: It's just a review. Within out  
2 rules and not have to send it across to them, that's core  
3 issue --

4 MS. SCHROEDER: I don't know that. That's a  
5 good question. That's a good question. But my  
6 understanding -- my understanding it's not in our rules.  
7 We have asked some districts to do so but I don't think  
8 it's in our rules, and I don't know that we have the  
9 authority to put it into our rules without legislation and  
10 that's where this comes from.

11 CHAIRMAN DURHAM: Yes, Dr. Schroeder?

12 MS. SCHROEDER: So that might be a good  
13 question, can it be put in our rules? Because then we have  
14 control over what -- what it says. We have greater  
15 control.

16 UNIDENTIFIED VOICE: Right.

17 MS. RUTHVEN: Mr. Chair, to the extent that  
18 I've done a little research on this point and I'm not an  
19 attorney, I don't believe that the Board would have a  
20 statutory authority to do that by rule. Now, you could run  
21 legislation, I mean, the legislature could take many forms.  
22 One form of it could be to say that the state board shall  
23 establish by rule the timeframe under which waivers are  
24 reviewed, so then you avoid the legislature dictating that  
25 timeframe. But my non-lawyer policy brain that's been



1 involved in a lot of these conversations says you would  
2 need some legislative authority to do that.

3                   CHAIRMAN DURHAM: I think it would exceed  
4 our -- the rulemaking authority is limited to what the  
5 legislature grants, so I don't think they granted us those  
6 kinds of limitations. So I think the waiver -- there are  
7 really two issues that pop out with waivers. There may be  
8 others, but one is: Should there be an expiration of a  
9 waiver whether imposed by rule or by statute? And I think,  
10 two, perhaps equally important, that the innovation waivers  
11 are granted with the standard that we have to find that  
12 it's likely to result in a decrease in academic  
13 performance. I think it would be much better if the  
14 legislature would consider changing that to a positive  
15 statement that we would need to find there are some  
16 potential benefit because this is no standard at all.

17                   UNIDENTIFIED VOICE: It's a low bar.

18                   CHAIRMAN DURHAM: It's virtually no bar at  
19 all. And I think when you put these two things together  
20 then where you have no expiration, and you have essentially  
21 no standard, it is a recipe to simply shirk any  
22 responsibility that we may or may not have, or should have  
23 or should not have to deal in these issues. So if -- if we  
24 were to explore legislation: A. Does the Board wish to do  
25 that? B. Do you want to have those two issues considered,



1 that is an exploration perhaps where we could set up a  
2 rule? And then, do we wish to change the positive or the  
3 negative to a positive finding that there's been a positive  
4 benefits to it? There are a lot of other issues relative  
5 to waivers, but I think if we solve those two problems  
6 would make a significant difference.

7 UNIDENTIFIED VOICE: I see some heads  
8 bobbing.

9 CHAIRMAN DURHAM: Is there a consensus to  
10 ask Ms. Miller to pursue those two items in a piece of  
11 legislation relative to waivers so we could find a sponsor  
12 and kind of a narrowly tailored piece of legislation on  
13 those two issues. Ms. Mazanec?

14 MS. MAZANEC: Here's one of my concerns  
15 though, is that if we say that it's likely to create a  
16 benefit, that is fine with me. But if we have them come  
17 back for renewal after three years or five years, then how  
18 do we? I would hate for us to be locked in to a bar while  
19 you haven't improved or you haven't improved enough, or I'm  
20 not sure I want that to be real hard line. I want there to  
21 be may be some flexibility around that.

22 CHAIRMAN DURHAM: Dr. Schroeder and then Dr.  
23 Flores.

24 MS. SCHROEDER: So one of the pieces of the  
25 innovation law, not the waivers but the innovation law, is



1 that the school of innovation comes back to its school  
2 district to have a review. And there in that situation,  
3 there is actually an evaluation, and that's up to the  
4 district. What Steve's talking about is that when we grant  
5 the innovation, that there ought to be some expectation  
6 that this is good for kids, not that will hurt. Then they  
7 go back to the district, which is not the way the waivers  
8 that we grant work. I would agree it's a little confusing  
9 because of two pretty distinct processes and expectations.

10 CHAIRMAN DURHAM: Dr. Flores?

11 MS. FLORES: One of the things we look at is  
12 instruments. We look at instruments whether the  
13 instruments that are being used by the state to measure  
14 kids who are in early childhood are they better than what  
15 the district has? Now, are you going to show that one  
16 instrument is better? Maybe the instrument they have is  
17 better for the limited number of kids and what we have is  
18 for a system. We have evaluations, and we have instruments  
19 really that are made for large, huge systems like a DPS but  
20 not for a small little district that has 16 kids, and their  
21 instruments and their assessments, I think many times from  
22 what I see, is better than what the state proposes.

23 UNIDENTIFIED VOICE: Sure. Then we grant  
24 the waivers.



1 MS. FLORES: And we grant the waivers.  
2 That's what I'm talking about. And so we -- we can just  
3 change it. Why go to the legislature on this when we can  
4 change our rule right here?

5 MS. MAZANEC: We just heard, Val, that we  
6 can't. Legally, we are very limited in the rules that we  
7 can set. I believe that's really all we're asking for  
8 here, is the opportunity to set some rules, some guardrails  
9 around waivers to ensure that kids continue to thrive. Not  
10 to make dramatic changes, but somebody else can correct me.

11 UNIDENTIFIED VOICE: More rules. More rules  
12 and --

13 CHAIRMAN DURHAM: Any further discussion on  
14 --

15 MS. RUTHVEN: Mr. Chair, I just would note  
16 that if you all decide that you want me to proceed, you  
17 know, it's there -- you still have -- there will be  
18 additional discussion by you all. It's not as if I'm just  
19 going to go off and do what I want, not come back and talk  
20 to you about it, so obviously, that's your decision. But I  
21 think there will be more opportunities to talk about the  
22 specifics of what it looks like and make sure that all the  
23 points that you're raising are being addressed.

24 CHAIRMAN DURHAM: All right, on these two  
25 limited points on this one issue, is there a general



1 consensus to ask for -- ask Jennifer to try and find a  
2 sponsor, and let's say, limited around these two very  
3 narrow issues? And there'll be a chance obviously, to  
4 correct too. The board meets on a regular basis to review  
5 the product and see if we're happy with it.

6 MS. FLORES: And somebody who believes in  
7 small data.

8 CHAIRMAN DURHAM: Yeah. Okay.

9 MS. RUTHVEN: Duly noted. I will also make  
10 sure to look for bipartisan support because I would imagine  
11 that would be important to you.

12 UNIDENTIFIED VOICE: Yeah. That would  
13 matter.

14 CHAIRMAN DURHAM: Ms. Goff?

15 MS. GOFF: Just a possibility that the  
16 legislators that were in discussion with this last year  
17 would be -- this is not the same but interested in talking  
18 on this topic as well?

19 MS. RUTHVEN: Mr. Chair and Board Member  
20 Goff, you know, last year, you all had asked me to explore  
21 this very briefly. We didn't reach the point of  
22 introducing legislation. What I did is I went to the Chair  
23 of the House committee and the Chair of the Senate  
24 Committee who, by definition in that scenario and in the  
25 current scenario, are bipartisan. My general thought would



1 be to start there again, although I'm happy to -- if you  
2 have other preferences, I'm happy to hear them.

3 CHAIRMAN DURHAM: All right, further  
4 discussion? All right, I think there is a consensus to at  
5 least proceed on those very narrow bases, so all right. We  
6 are now, I think, ready for item nine, which is an  
7 executive session. Ms. Cordial?

8 MS. CORDIAL: An executive session has been  
9 noticed for today's state Board meeting in conformance with  
10 24-6-402(3)(a) CRS to receive legal advice on specific  
11 legal questions pursuant to 24-6-402(3)(a)(II) CRS matters  
12 required to be kept confidential by Federal Law or rules or  
13 State statutes pursuant to 24-6-402(3)(a)(III) CRS.

14 CHAIRMAN DURHAM: Okay. Is there a motion  
15 for an executive session?

16 UNIDENTIFIED VOICE: So moved.

17 CHAIRMAN DURHAM: It has been moved. Is  
18 there a second? A second?

19 MS. GOFF: Second.

20 CHAIRMAN DURHAM: Second, Ms. Goff. It's  
21 been moved and seconded that the Board recuse itself into  
22 executive session. Is there any objection today? That  
23 motion requires three-fifths vote. Yes?

24 UNIDENTIFIED VOICE: (Inaudible).



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1                                   CHAIRMAN DURHAM: Public comment will be  
2 next when we come out of executive session. We're a little  
3 behind schedule. Yeah, we're a little behind schedule, but  
4 we'll get it done, okay? Which means we'll probably be a  
5 little behind schedule for the hearing actually. Yeah.  
6 Why don't we take a couple of minutes while we clear the  
7 room and get set up for the --

8                                   UNIDENTIFIED VOICE: How are you?

9                                   UNIDENTIFIED VOICE: Good. How are you?

10                                  UNIDENTIFIED VOICE: Good.

11                                  (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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