



**COLORADO**  
Department of Education

Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
February 28, 2014

BE IT REMEMBERED THAT on February 28, 2014,  
the above-entitled special meeting was conducted at the  
Colorado Department of Education, before the following  
Board Members:

Paul Lundeen (R), Chairman  
Marcia Neal (R), Vice Chairman  
Elaine Gantz Berman (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Debora Scheffel (R)  
Angelika Schroeder (D)



1 UNIDENTIFIED VOICE: Today is Friday,  
2 February 28<sup>th</sup>, 2014. This is the State Board of Education  
3 Special Board Meeting - Legislative updates.

4 CHAIRMAN LUNDEEN: Call roll, let's  
5 proceed.

6 MS. MARKEL: Elaine Gantz Berman?

7 MS. BERMAN: Here.

8 MS. MARKEL: Jane Goff?

9 MS. GOFF: Here.

10 MS. MARKEL: Paul Lundeen?

11 CHAIRMAN LUNDEEN: I'm here.

12 MS. MARKEL: Pam Mazanec?

13 MS. MAZANEC: Here.

14 MS. MARKEL: Marcia Neal?

15 MS. NEAL: In beautiful, downtown  
16 Ridgeway.

17 MS. MARKEL: Dr. Scheffel?

18 MS. SCHEFFEL: Here.

19 MS. MARKEL: Dr. Schroeder?

20 MS. SCHROEDER: Here.

21 CHAIRMAN LUNDEEN: Excellent. Just so I  
22 have a sense who is in (indiscernible)? Are we pretty  
23 much -- is this a virtual meeting?

24 UNIDENTIFIED VOICE: Elaine, Jane are in  
25 the room. Also present is Dan Domagala (ph), Jill Holly



1 (ph), of course Jennifer Mello, and Janelle Admin (ph)  
2 and Bizy and I.

3 CHAIRMAN LUNDEEN: Excellent. So everyone  
4 else is connected telephonically? Is the commissioner  
5 with us?

6 UNIDENTIFIED VOICE: He's in Ridgeway.

7 UNIDENTIFIED VOICE: He stepped out of the  
8 room for a minute, but we should keep going and he'll be  
9 right back in.

10 CHAIRMAN LUNDEEN: Okay, sounds great.  
11 Okay, so I would defer to the legislative liaisons and I  
12 presume we want to just start with Jennifer presenting?

13 UNIDENTIFIED VOICE: Sounds good.

14 CHAIRMAN LUNDEEN: Okay.

15 MS. MELLO: Okay, sorry, I was playing  
16 with my microphone. Can you guys hear me?

17 CHAIRMAN LUNDEEN: Yep.

18 MS. MELLO: Okay, so we're going to start  
19 with House Bill 12.68, the Non-Probationary Teacher, No  
20 Indefinite Unpaid Leave; which is a mouthful of a title.  
21 This is essentially the bill that deals with mutual  
22 consent under the provisions of Senate Bill 191. Your  
23 legislative contacts asked me to bring it -- just make  
24 sure you know about it. I'm happy to talk about it if  
25 you have any questions.



1                   CHAIRMAN LUNDEEN: I think that at this  
2 point, I would say the mutual consent provisions of SB  
3 191 is being challenged in the masters case in Denver  
4 District Court. All Members of the Board are named as  
5 defendants in that suit in their official capacities.  
6 The Board is not counted on pending legislation by  
7 extensions. This includes HB 12.68. Therefore the Board  
8 takes no position on HB 12.68. And I think with that, we  
9 can move on to the next item.

10                   MS. MELLO: Okay, great. Our next item is  
11 House Bill 12.92. This is the long awaited for big bill.  
12 Remember, I kept telling you it was coming. I kept  
13 saying, "Oh, it's next week; oh, it's next week." Well,  
14 it's here. It was introduced late in the day on Tuesday.  
15 It was not available to anybody to read until later in  
16 the day on Wednesday, and it will be in committee on  
17 Monday. So that's how things happen at the capital  
18 sometimes.

19                   This is a 113 page bill. There's a lot in  
20 it. Myself, your executive team staff have been looking  
21 at it as carefully as we can. But I think it's fair to  
22 say that I don't know that any of us feel that we're  
23 experts on it yet, and know every single little detail  
24 and every little nuance. And it's -- that's just a  
25 timing issue. So I will run through kind of some of the



1 main provisions within the bill, and then we can have  
2 whatever questions or discussion you'd like to have.

3 From a funding perspective, the bill puts  
4 \$100 million back into the negative factor. That is  
5 ongoing money. It also puts another ongoing \$20 million  
6 into the READ Act, and it also puts \$35 million into  
7 English language learner funding. Again, those are all  
8 dollars that will repeat going forward. On a one-time  
9 basis, it creates an implementation fund of \$40 million.  
10 The goal behind this is that districts can use these  
11 dollars to -- however they need to be in supporting the  
12 different reforms that have been enacted in the very  
13 midst of implementing -- be it 163 or 191 or any of those  
14 different pieces.

15 There's also \$15 million in funding for  
16 financial transparency and ADM funding. In Capital  
17 Construction there's \$40 million coming out of the Prop  
18 AA, also known as the Marijuana Ballot Measure, to  
19 provide kindergarten facility funding, technology funding  
20 and to supplement charter facilities funding. And then  
21 on top of that, there's \$13 million for charter facility  
22 funding. So those are kind of the dollar amounts in the  
23 bill.

24 In terms of the policy issues, it touches  
25 on -- of course funding is a policy issue, but it does



1 require the transition to an average daily membership  
2 count in our state, instead of the way we do it right  
3 now. It has a whole bunch of requirements around  
4 financial transparency, that require school districts to  
5 report school (indiscernible). And ensures -- it  
6 requires the Department and the State Board to kind of  
7 collect a lot of that information and to publish it in a  
8 way that is easily accessible and understandable for the  
9 public.

10                   The English language learner part of the  
11 bill makes updates to the existing statute. Our  
12 statutory language around English language learners was  
13 written sometime in the 1980s and things have changed  
14 quite a bit on that topic since then. It is similar to  
15 some legislation that was put forward last year by  
16 Representative John Buckner and Representative Clarice  
17 Navarro in the House, but it's not the same. It is very  
18 similar, if not exactly the same, and I haven't had a  
19 chance to confirm that, to a bill that Representative  
20 Navarro has introduced this year in the House around  
21 English language learners.

22                   And the main distinction is, the current  
23 version of both Navarro's bill and what's in this Student  
24 Success Act, has a lot more kind of reporting and  
25 accountability provisions for districts than some of the



1 other versions of English language learner bills we've  
2 seen in the past.

3 MS. NEAL: Jennifer?

4 MS. MELLO: Yes.

5 MS. NEAL: Are you finished?

6 MS. MELLO: I am.

7 MS. NEAL: Being here (indiscernible) to  
8 comment, and if you can't answer them now, that's fine.  
9 These are the types of questions (indiscernible), I'm  
10 assuming that we probably wouldn't take a position  
11 because there's so many unknowns out there. But some of  
12 the questions -- and these are very real concerns -- the  
13 \$100 million is a negative factor. They want to know how  
14 that is going to be dispersed? Will there be strings  
15 attached to it? They want to know more detail on how  
16 that would be. And I'm curious, the \$49 million as  
17 needed, does that mean they would definitely send them a  
18 certain amount of money and they could use it as needed?  
19 I hope.

20 And there is, I gather, concerns about the  
21 \$40 million for pre-K because the (indiscernible) isn't  
22 like that, as you guess. That's not a concern  
23 (indiscernible). And there's a lot of talk here, and I  
24 certainly agree, we're talking to rural districts about  
25 the amount of accountability compliance that they have to



1 do, and how expensive it is for them or how impossible it  
2 is for them to do that and then say, do the work for 191.  
3 And I proposed that myself.

4           It seems like we are requiring more and  
5 more compliance; filling out forms. And so I know that  
6 there at the end you said that they were required to  
7 collect and disperse and report on this -- on the funds,  
8 so I -- I'm -- again, I'm quite sure they would not be  
9 happy with that. (indiscernible) but those are the  
10 comments I would make, and as I said, I would guess that  
11 we not take a position or take (indiscernible) position.  
12 It was just way too much out there for us to take a  
13 position in it now. Thanks, Jennifer.

14           Anything you can get me, or give me, you  
15 don't have to do it right now, but if you could get me  
16 any of that information later -- or if you've got it now,  
17 that would be fine.

18           MS. MELLO: Sure. I mean, I can answer  
19 your first question. The \$100 million that goes into the  
20 negative factor, just gets distributed through the  
21 existing school finance formula. So there are no new  
22 strings, I guess, attached to that money. I mean, it's  
23 subject -- it would basically come out as an increase in  
24 PPOR. It would be how that would get translated into the  
25 formula.





1 MS. NEAL: Okay.

2 MS. SCHROEDER: This is Angelika; are you  
3 sure about that since the negative factor wasn't -- was  
4 generated not from the PPOR, but from the categorical?  
5 Do we know that for sure?

6 MS. MELLO: This is Jennifer. That's  
7 actually a good point. I think the -- so perhaps strike  
8 my comment about PPR. I mean, I think the intention of  
9 those dollars is that they -- there's no new strings to  
10 it. It's basically just \$100 million in new money for  
11 districts.

12 MS. SCHROEDER: Right, but Marcia's  
13 questions, I think it's a good one, because it doesn't  
14 relate to the categoricals which would be distributed  
15 based on identifying students with certain  
16 characteristics? Or would it be the overall distribution  
17 such as PPOR, which is just based on the number of  
18 students in the district, not the number of students that  
19 are second language learners or (indiscernible) or  
20 whatever all those other categories were.  
21 (Indiscernible).

22 MS. EMM: This is Leanne.

23 UNIDENTIFIED VOICE: Thank you.

24 MS. NEAL: Thank you, Leanne.

25 MS. EMM: Yeah, this is Leanne and the way



1 the bill is written is that the buy down of the negative  
2 factor is exactly what Jennifer said, it would flow  
3 through the School Finance Act formula, just as it says  
4 now, and instead of being a billion dollars, it would be  
5 900 million. So therefore, per people funding across all  
6 districts should in theory increase.

7 MS. SCHROEDER: Okay, and it would be  
8 based on the number of students?

9 MS. EMM: Yeah, number of students in the  
10 rate (indiscernible) --

11 MS. SCHROEDER: In the (indiscernible),  
12 okay.

13 MS. NEAL: Do we have a rough estimate of  
14 what percentage that would reduce the negative factor by?

15 MS. EMM: Well, 100 million would be about  
16 10 percent on the negative factor, but I'm not exactly --  
17 you know, I don't know what the number would go down to.  
18 Right now it's 15.4 percent and it would take it to  
19 something less than that. But I'm not exactly sure what  
20 that percentage is.

21 MS. NEAL: That's fine. And I know it  
22 varies, so I was just curious. Thank you, Leanne.

23 MS. SCHROEDER: This is Angelika again, I  
24 agree with Marcia that we should either not make a  
25 position or monitor. I think that it's a lot to chew on.



1                   CHAIRMAN LUNDEEN: Yeah, so let's get a  
2 motion to monitor on the table and then we can discuss a  
3 little bit further. Would somebody like to make that  
4 motion?

5                   UNIDENTIFIED VOICE: Marcia?

6                   MS. NEAL: I so move --

7                   (Indiscernible - many speaking at once)

8                   CHAIRMAN LUNDEEN: Okay, and Angelika  
9 seconds. So all in favor of monitoring, or taking a  
10 monitor -- an active monitor position on this, say "aye".  
11 Does anyone object, might be easier, given our connection  
12 here. Okay, no objections. So that motion carries. We  
13 will monitor this. Now, to discuss further, it is -- I  
14 think, Angelika, you said it very well, this is a lot to  
15 chew on. We've had just a couple of days to chew on it.  
16 Do people have other questions they'd like to key up so  
17 that we can be informed in our digestion of this  
18 particular bill?

19                  MS. SCHROEDER: Yeah, this is Angelika  
20 again, I -- I actually need to look at it some more. I'm  
21 missing the big picture, and I don't really understand,  
22 for example, the amount that's allocated for implementing  
23 the changes that we've -- that the legislature has made  
24 over the last few years.

25                  CHAIRMAN LUNDEEN: Okay.



1 MS. SCHROEDER: I think the devil might be  
2 in the details on some of this stuff.

3 CHAIRMAN LUNDEEN: Okay, programming note:  
4 The -- Carey and Elizabeth sent out to us a link that has  
5 the summaries included, so you can go to (indiscernible)  
6 sent a summary on this. It is four pages long. So it's  
7 an enormous.

8 UNIDENTIFIED VOICE: I will download that  
9 right now. (indiscernible)

10 CHAIRMAN LUNDEEN: Absolutely. The bills  
11 themselves are available as always on Board.docs, go to  
12 today's agenda and they are in PDF form there. So the  
13 (indiscernible) is one where you may want to take your  
14 time with it, because it's substantial, and those would  
15 be resources available to you (indiscernible). Other  
16 questions on this? Or shall we move ahead?

17 MS. SCHROEDER: This is Angelika again,  
18 let me just say one more thing: I don't do Windows and I  
19 don't read bills. I just can't do it. If I  
20 (indiscernible) to the extent that Jennifer can come up  
21 with some notes on this one that go a little bit into how  
22 the money is going to be allocated and granted, that  
23 would be really helpful to me. I don't know if that's  
24 possible. I'm also looking at the state bill info thing,  
25 and even that's a lot to try to outline.



1 MS. MELLO: Dr. Schroeder, I have sent --  
2 and Bizzy, you can confirm that this got put on  
3 Board.docs, but there is a summary of the bill that is  
4 not the bill summary that is on your chart. It starts --  
5 it's a piece of paper, the top of it says "The Student  
6 Success Act, Reps (indiscernible) and Senator Johnston",  
7 it's actually the document I'm working off of right now.  
8 It's about five or six pages. And I think that's a  
9 really great place to start. I know that the Department  
10 staff, as they've been working through the fiscal note,  
11 has also been kind of looking carefully at the different  
12 portions of the bill. And so we will continue to  
13 distribute more information as we get it and as you have  
14 a chance to process that, happy to respond to questions.

15 UNIDENTIFIED VOICE: That will be helpful,  
16 thank you.

17 UNIDENTIFIED VOICE: That document is on  
18 Board.docs?

19 CHAIRMAN LUNDEEN: This is the one that  
20 starts with the table at the top, "Student Success Act,  
21 Reps [unintelligible]" and rolls down into kind of an  
22 outline format?

23 MS. MELLO: Yes.

24 CHAIRMAN LUNDEEN: Okay. And I have  
25 looked at it from Board.docs so I will get into that a



1 little bit myself. Other questions on this? Or shall we  
2 move?

3 UNIDENTIFIED VOICE: Paul, we have a  
4 couple questions here in the room.

5 CHAIRMAN LUNDEEN: Please.

6 MS. BERMAN: So Jennifer, I know there's  
7 been a lot of heavy lobbying by superintendents regarding  
8 the negative factor, can you just kind of -- and there's  
9 already been some movement from 80 million to 100  
10 million. Can you just kind of give us whatever  
11 background is going on right now and where you kind of  
12 see this going, or perhaps could be going and where the  
13 compromise is. I know this is all speculation, but just  
14 -- I know there's very heavy lobbying on this one.

15 UNIDENTIFIED VOICE: Elaine -- excuse me,  
16 are you referring to an excess? More money above 12.92?

17 MS. BERMAN: Just (indiscernible) Student  
18 Success Act --

19 UNIDENTIFIED VOICE: Yeah, you want to  
20 increase -- (indiscernible).

21 (Indiscernible - talking over each other)

22 MS. BERMAN: My understanding is that  
23 pretty much 100 percent of the superintendents in the  
24 state are pushing that all -- all the money go into the  
25 negative factor. Reducing the negative factor. And I



1 know there's already been some compromises made that some  
2 of the money that was made from the (indiscernible) fund  
3 has gone back into reducing the negative factor. So that  
4 was my question. I mean, we keep reading letters and  
5 articles pertaining to this, so I just wanted to get a  
6 sense from Jennifer where we are on that. Does that make  
7 sense, Marcia?

8 MS. NEAL: Yeah. You're basically saying  
9 (indiscernible) of money, there is pressure on them to  
10 put it all into the negative factor, I guess.

11 MS. BERMAN: That's my understanding. Is  
12 that correct in terms of the lobbying --

13 MS. NEAL: I don't know, but --

14 MS. BERMAN: Yeah, I'm asking Jennifer on  
15 that.

16 MS. MELLO: So, you know, there was some  
17 initial -- there are some draft versions of this  
18 circulated and some draft summaries of the draft bill  
19 circulated, and earlier on in the process there was only  
20 80 million into ongoing reduction of the negative factor.  
21 There was some money -- one time additional money for  
22 reduction of the negative factor. So clearly there were  
23 a lot of negotiations going on before the bill ever got  
24 introduced.

25 Most of the school district kind of folks



1 that I talk to at the capital are opposing the bill at  
2 this time. Some of them soften that to say: We oppose  
3 it with -- and are asking for amendments. Or we oppose  
4 it and we're still trying to work it better. I believe  
5 CEA just is flat out opposing the bill right now. So  
6 what they're going to do on Monday is take all the  
7 testimony and then she -- what was announced this morning  
8 is they are not actually going to vote on it on Monday.

9 Now that could change; I think this was a  
10 very fluid situation. But absolutely, there is a ton of  
11 lobbying going on around this and I think that, you know,  
12 many of the folks in the reform community feel very  
13 strongly that the dollars -- some of these new dollars  
14 need to be tied to implementation of the reforms in one  
15 way, shape or form. I think they feel pretty strongly  
16 about ADM. Some of those changes. Yes, I'm sure the  
17 district -- I mean the districts would prefer that we  
18 give them a billion dollars with no strings. But that  
19 has essentially been their position coming into the  
20 session. I'm not sure how realistic that -- that is.  
21 And so I think there is a ton of conversations and  
22 negotiations going on right now.

23 MS. BERMAN: So my question either for  
24 Robin or --

25 MS. NEAL: Elaine?





1 MS. BERMAN: Yeah?

2 MS. NEAL: It's really -- I don't mean to  
3 be rude, but it's really important that we don't drag  
4 this out, because we've got to get back to the meeting.  
5 So could we talk about the -- since we've already taken a  
6 position to monitor, can we continue this conversation  
7 maybe at our next legislative meeting?

8 MS. BERMAN: Sure, I will just put the  
9 question out on the table --

10 MS. NEAL: Oh, go ahead, if you want --

11 MS. BERMAN: And then we don't have to  
12 discuss it. I was going to ask the staff, and  
13 particularly Jill, what the implications are for the  
14 Department on reducing the implementation fund, and what  
15 -- you know, how that will affect us in terms of  
16 implementing the teacher effectiveness, bill, and  
17 everything that's going on around that. And a number of  
18 very, very important initiatives we're working on. So  
19 that was going to be my question, Marcia.

20 MS. NEAL: And it's okay if  
21 (indiscernible), it's a good question; it's very  
22 important. But I'm just saying, we've got a meeting in  
23 there with (indiscernible).

24 MS. BERMAN: Sure, no problem.

25 MS. NEAL: I don't want to be here for a



1 whole hour.

2 CHAIRMAN LUNDEEN: Okay, question for the  
3 record. I think it's a good question. Let's seek  
4 feedback on that, and let's move on -- with all of  
5 (indiscernible) this is obviously a big bill and it needs  
6 big attention, let's do something.

7 MS. MELLO: Okay, so the next bill on the  
8 agenda is House Bill 14.12.94. The Student Data  
9 Collection Privacy Production. This bill was just  
10 introduced yesterday; our timing here was not great in  
11 terms of we've got a bunch of big stuff in the last 24  
12 hours, and no one has really had a chance to process it  
13 before we come before you guys today. But we're doing  
14 our best.

15 This is bill in the House by  
16 Representatives Murray and Court, in the Senate by  
17 Senator Steadman and John. That means it's bipartisan,  
18 is the reason why that's important. The bill requires  
19 the State Board of Ed, you all, to publish an inventory  
20 and dictionary or index of the individual student level  
21 data that is currently in the student data system, that  
22 is required to be reported by state and federal education  
23 mandates and any student data proposed for inclusion in  
24 the student data system.

25 Additionally, you all are -- and this is a



1 very high level summary, but you are directed to develop  
2 policies to comply with federal privacy law. It very  
3 specifically states that the Department must not provide  
4 individual student data to other organizations or  
5 agencies out the -- outside the state, except under  
6 certain circumstances.

7                   And Dan is here, and we can talk a little  
8 bit more about what that means. We have to only use  
9 aggregate data on public reports. We must develop a  
10 detailed data security plan. And the bill did not  
11 require school districts to do anything. But it requires  
12 us to develop a data security template and to provide  
13 guidance to school districts around these issues. And  
14 the bill is pretty specific about where we're to provide  
15 guidance.

16                   So that's the -- probably the 5000 level  
17 view. I'm going to turn it over to Dan for many the 2500  
18 foot view and --

19                   MR. DOMAGALA: Great, thanks  
20 (indiscernible). Good afternoon everybody, this is Dan  
21 Domagala. The bill, as Jennifer outlined on 12.94,  
22 really outlined some specific action steps for the  
23 Department of Educational (indiscernible) regarding  
24 student data practices (indiscernible).

25                   The good news is, most of these actions



1 the Department has either already completed, or we are in  
2 the process of doing so. A couple of (indiscernible) in  
3 particular, we reviewed at the (indiscernible) study  
4 session on the same topic a couple weeks ago. So when it  
5 comes to providing a data security template for local  
6 education agencies, developing detailed security plan,  
7 developing policies to make sure we're complying with,  
8 and adhering to the rules of FERPA and other state laws.  
9 Those are already -- again, all of these are in place or  
10 (indiscernible) or things that we have nearly completed.

11 So the good news is this is a  
12 (indiscernible) of what the Department is already doing.

13 MS. BERMAN: So this is Elaine, I do have  
14 a question. So if we -- if there are local districts  
15 that are required to do it off a template and to develop  
16 policies around this -- is that correct?

17 MR. DOMAGALA: Not quite. The bill calls  
18 for the -- for the Department of Education to provide a  
19 template that districts can use as guidance going  
20 forward.

21 MS. BERMAN: So how does this move us  
22 forward in debate, when it was very clear during the  
23 presentation of you and other staff, that as you just  
24 said, we are doing most of this already. The issue is  
25 the local school districts aren't necessarily doing this.



1 So if there's no mandate or requirement that local  
2 districts are doing, then how does this move us forward?

3 MR. DOMAGALA: So the way we developed it,  
4 it does not move us forward necessarily at the local  
5 levels. This is all state level actions to help provide  
6 guidance to the locals. But as Jennifer mentioned, this  
7 does not mandate any specific actions onto local  
8 education.

9 MS. BERMAN: So we provide guidance, and  
10 they don't adhere to the guidance, and then where are we  
11 on data privacy?

12 MS. MELLO: Well, this is Jennifer, I  
13 think that -- in talking with Representative Murray about  
14 her intentions around the bill, I mean, I think part of  
15 why she doesn't have requirements on school districts is  
16 because she's trying to respect local control. She is  
17 very thoughtful about this issue. Very concerned about  
18 the issue. I think -- she's had conversations that I've  
19 been in the room for with school districts and school  
20 district representatives, where she's -- I think she  
21 tries to make it really clear like, we're trying to make  
22 this as easy as possible for you.

23 And we -- there's an expectation -- I  
24 mean, I think school districts are starting to realize  
25 it's in their own best interest too. I mean, you know,



1 they're getting the same pressure that you all are  
2 getting. And so, you know, it's the balancing act. She  
3 choose to strike with her legislation, which is, we are  
4 not going to require it, but we're going to make it as  
5 easy as possible. And I think there's a strong dose of  
6 encouragement that comes along with it. But -- but  
7 you're right. There are no guarantees. The school  
8 districts don't have to do anything as a result of this  
9 legislation.

10 MS. SCHROEDER: This is Angelika. I think  
11 you've sort of laid out my concern. If we listen to  
12 Marcia and the concerns that she hears from small  
13 districts and I have a little bit as well about more  
14 mandates, more mandates, more reporting, et cetera. It  
15 would seem -- although I think Elaine is right. The crux  
16 of the problem seems to be at the local level. It might  
17 be appropriate for us to support this bill, and then at  
18 some point a few years down the line, check either with  
19 CASB or with the districts and find out what sort of  
20 positions the school boards have taken. I think that's  
21 probably the only way to do this without having a whole  
22 lot of pushback yet again from our local districts.

23 UNIDENTIFIED VOICE: I'm not following:  
24 What kind of push back do you think we would be getting  
25 from local districts by providing a template?



1 MS. SCHROEDER: Oh, I'm not talking about  
2 template, I'm -- providing a template is exactly what I  
3 think we should be doing. But mandating that districts  
4 adopt certain positions, which is what --

5 UNIDENTIFIED VOICE: So you -- you think  
6 that state --

7 MS. SCHROEDER: -- talking about actually  
8 mandating that the districts implement the kind of  
9 privacy concerns that we've been hearing about. I think  
10 we get the pushback yet again from the district saying,  
11 here you go again and (indiscernible) local controls. I  
12 mean, I sort of get -- I get Representative Murray's  
13 position on this.

14 (Indiscernible - many speaking at once)

15 MS. MAZANEC: Yeah, my feeling off the top  
16 of my head is that Representative Murray is correct. I  
17 think that it's proper for the CDE and the State Board of  
18 Education to encourage this kind of activity and give out  
19 -- give the districts a template. But I -- I think that  
20 it is up to the local school districts, local school  
21 boards to provide that. And if they decide not to, then  
22 the proper pressure should be put on them by their --  
23 their parents and taxpayers in their -- in their  
24 districts. I don't think it should be mandated by this  
25 day --



1 MS. SCHROEDER: I agree with you, Pam.

2 MS. MAZANEC: Okay, good. I'm sorry I  
3 dropped off for a few minutes and had to call back in, so  
4 I might have missed something critical.

5 MS. SCHROEDER: Well, Elaine was  
6 suggesting that the bill go further and (indiscernible)  
7 to implement some of the protections, and I'm not sure  
8 that --

9 MS. MAZANEC: Okay, then I disagree with  
10 Elaine then, and not you, Angelika.

11 UNIDENTIFIED VOICE: And I don't think --  
12 I don't think we have to talk about that -- that was for  
13 today, and I -- I agree with Angelika's suggestion that  
14 we support this bill, because I think the state was  
15 playing a leadership role on the whole data privacy. My  
16 questions, which I'll spend some time on in the next  
17 couple of weeks, is our -- our concern should be less  
18 about another mandate and more about protecting the  
19 privacy of our students.

20 And I -- I just want to make sure that  
21 this bill is strong enough that if a local school  
22 district, for whatever reason, does not take the template  
23 seriously, and there are no sanctions -- and I'm not  
24 suggesting there should be sanctions -- then the data of  
25 those children in that school district will not be





1 protected, and I think that's our number one goal. But I  
2 do think we should support this bill, and I will be  
3 looking personally into this whole issue of the local  
4 school district. I would be interested in talking in  
5 case in CASB and if Jane (indiscernible) is here today --  
6 because I think we all have the same goal, which is  
7 protecting -- protecting student data privacy.

8 CHAIRMAN LUNDEEN: So what I would --

9 MS. NEAL: Hello?

10 CHAIRMAN LUNDEEN: -- let me move ahead  
11 here. What I would request that -- I've got the gavel  
12 here and I'm using it. I would request a motion to  
13 support, with the acknowledgement and caveat that --

14 MS. NEAL: (Indiscernible) answer my  
15 question first.

16 CHAIRMAN LUNDEEN: Pam --

17 MS. NEAL: My question to Jennifer was --  
18 when does this come before the committee?

19 MS. MELLO: It hasn't been scheduled for a  
20 hearing yet.

21 MS. NEAL: (Indiscernible)

22 MS. MELLO: It -- it hasn't been scheduled  
23 for a hearing yet.

24 MS. NEAL: Okay, so we could monitor it if  
25 we chose to? I'm not saying we should, but I'm saying



1 that would be adopted soon. I would kind of like to get  
2 a little more feedback from rural districts about how  
3 they're feeling about that. And I could do that  
4 (indiscernible). But I -- I leave it up to you guys.

5 CHAIRMAN LUNDEEN: Fair enough. So here's  
6 where I was going. I was seeking a motion to support,  
7 given the fact that this is an issue that we have shared  
8 concerned, we have raised issues. I do have concerns,  
9 and the caveats are one: Is it in fact strong enough?  
10 And two: It's brand new. We've had less than 24 hours  
11 to really get into this particular piece. We need to  
12 understand it more. But given the direction we've been  
13 trying to lead on this particular effort, I would  
14 encourage a support motion. So that's what I would be  
15 seeking, if someone would like to offer it.

16 (Indiscernible - many talking at once)

17 UNIDENTIFIED VOICE: I move --

18 MS. SCHROEDER: This is Angelika, I will  
19 make a motion to support this. I want to get out of  
20 here; come on guys.

21 CHAIRMAN LUNDEEN: Okay, so Angelika  
22 moves, and did I hear a second?

23 UNIDENTIFIED VOICE: Both Angelika and I  
24 moved to support it.

25 CHAIRMAN LUNDEEN: Okay. So is there any



1 -- is there any objection to that? Hearing no  
2 objections, we will support this bill and obviously we  
3 need more conversation. And Marcia -- yes, please --  
4 gather as much information as you can today and in the  
5 future, because this is going to create friction, is what  
6 I think, potentially, between the conflicting interest of  
7 student privacy and yet one more state's driven mandate  
8 being pushed toward the district. So we need to be  
9 sensitive to that.

10 Next agenda item, please.

11 MS. MELLO: The agenda item is House bill  
12 12.02, Local Accountability Requirements for School  
13 Districts. This is a bill we talked about two weeks ago  
14 and you all had taken a monitor position on it. This is  
15 in the capital referred to as the Douglas County Bill, if  
16 that's an easier way of telling everyone what we're  
17 talking about. As introduced, the bill would have made  
18 quite -- allowed for quite significant changes and  
19 allowed for waivers for districts around a lot of the  
20 assessments, addressed the issue of parents opting their  
21 children out. The bill came out of the House Education  
22 Committee on Wednesday in a drastically different form.  
23 So the original bill is -- is gone.

24 I will warn you that the bill summaries  
25 never change. So you can't rely on the bill summary for



1 this bill anymore. The official ones that they put out  
2 from the legislature. Because that's just -- I don't  
3 really know why, but they don't update the summaries when  
4 the bills change.

5 What the bill does now is create a task  
6 force --

7 MS. NEAL: Jennifer?

8 MS. MELLO: Yes?

9 MS. NEAL: Jennifer, I'm sorry to  
10 interrupt. Are we talking about 12.02?

11 MS. MELLO: Yes.

12 MS. NEAL: Okay, thank you.

13 MS. MELLO: What the bill does now is  
14 create a task force to look at all of these very  
15 important issues around statewide assessments, local  
16 assessments, how those two things interact. The cost of  
17 assessments and standards. I mean, it does a variety --  
18 the task force is (indiscernible) a variety of different  
19 things. It does acknowledge the study that the  
20 Department is undertaking. And I think the expectation,  
21 the way that it's set up, is that the information  
22 gathered through that study will feed into the task  
23 force. It also does require some additional data  
24 gathering that we -- we don't have right now, that are  
25 not part of the WestEd Study. The sponsor of the bill,



1 Ray Scott and the lobbyists for it, understand -- we've  
2 been very clear with them if -- okay, if you want this,  
3 that's okay, just know that's something we don't have  
4 right now, we'll have to go get it. And doing so will  
5 produce a fiscal note. So we've had, I think, very open  
6 communications about the implications of that.

7 The specific areas where we are going to  
8 have to do some work will be around a cost of  
9 implementing standards at the local level, and -- oh my  
10 God, it just completely went out of head. Thank God,  
11 Jill is sitting next to me. What -- help me.

12 MS. PITNER: (Indiscernible)

13 MS. MELLO: Thank you, Jill. Sorry, guys,  
14 I -- wow. So it is -- here, Jill, why don't you just say  
15 it, so I'm not repeating what you said.

16 MS. PITNER: So there would just be some  
17 cost, because the bill requests an analysis of cost for  
18 implementing local assessments, as well as state  
19 assessments. A little more analysis into the use of  
20 local assessments and what are being used, and then to  
21 run some accountability scenarios based on if districts  
22 were given flexibility to opt out of certain assessments,  
23 what are the implications on the accountability framework  
24 and growth model? So it just requires some additional  
25 cost studies and feasibility analysis.



1 MS. MELLO: I wish -- I wish I could carry  
2 Jill with me all the time, she would help me out whenever  
3 I start to say the wrong thing.

4 UNIDENTIFIED VOICE: Yeah, I need to.

5 MS. MELLO: So that's the shape the bill's  
6 in now. It is out of the House Education Committee, it  
7 is awaiting a hearing in the House Appropriations  
8 Committee, it still has to go through the whole House --  
9 the House floor, and the entire Senate. So it's -- from  
10 the purpose of the life of a bill, we are very early in  
11 the process.

12 MS. NEAL: Thank you, Jennifer.  
13 (Indiscernible) that, I would surely suggest that we  
14 monitor the bill, because I know there are a lot of  
15 efforts to do the same sort of thing, and I want to make  
16 sure -- be sure that we give, you know, or forces sort of  
17 aligned and together. So I would -- it's way too early,  
18 I think, in the game, for us to support it.

19 MS. SCHROEDER: Well, this is Angelika, I  
20 think we said monitor last time, so we should probably  
21 decide to stick to it. I agree with you, Marcia.

22 MS. NEAL: Yeah, it's a new bill, yeah, I  
23 agree with you.

24 CHAIRMAN LUNDEEN: Glad to have your  
25 thoughts; I've got a couple thoughts that are --



1 MS. MAZANEC: I have one question, this is  
2 Pam; you said there are a lot of other efforts along  
3 these lines. I'm only aware of (indiscernible), is there  
4 -- are there more?

5 MS. NEAL: Well, there's a lot of talk.  
6 There aren't any organized at this point, but there is a  
7 lot of talk. I just would like to get a clearer idea of  
8 -- of you know, how we do (indiscernible) before we go  
9 around just supporting it.

10 MS. GOFF: This is Jane, Paul, thanks. I  
11 -- I'm going to be interested and I agree with a monitor  
12 position on this, but to me it's real interesting and I'm  
13 not -- I'm not a deep analyst. I don't have it  
14 (indiscernible) like several people do, so I'll be  
15 learning a lot. I find it interesting that  
16 (indiscernible) and I hope there is. But the way to  
17 actual measure how much time is spent, and just some  
18 definitions of words -- I think it's still in the clouds  
19 of a loosey-goosey about what (indiscernible) means. And  
20 you talk to various parts of the constituency and the  
21 stakeholders and (indiscernible) I think they all might  
22 have a different take. So that would be a learning  
23 point.

24 But I'm also -- the same goes for cost  
25 estimates, related to that. Because I think we done cost



1 estimates related to Senate Bill 212; it's not  
2 necessarily on this particular part of Senate Bill 212.  
3 So to find out if there is a way to actually put down in  
4 a dollar amount what it costs to do this, that's  
5 interesting.

6 But I do agree with the monitor position  
7 and I think -- I think it behooves us to have some time  
8 to talk to the CDE staff, and be involved in this as  
9 well. What that does to the capacity here moving forward  
10 in asking (indiscernible).

11 CHAIRMAN LUNDEEN: Okay, others who would  
12 like to speak? Again, I've got some thoughts on this,  
13 but I would allow others to speak first if they would  
14 like?

15 UNIDENTIFIED VOICE: We don't need a  
16 motion on the floor, right?

17 CHAIRMAN LUNDEEN: No, no, the way we are  
18 doing this, we don't have to now.

19 UNIDENTIFIED VOICE: Okay, go for it.

20 CHAIRMAN LUNDEEN: Well, then I'll just  
21 jump in. I think by -- I personally have moved from our  
22 last meeting to this meeting from a monitor to a  
23 supporting posture on this as amended. The bill refers  
24 to an assessment law that is very significant in our  
25 life. It was the point at which the legislature told us,





1 you know, here's your business, this is what you need to  
2 do. And that was 22.7.100.6. It was the law requiring  
3 us to join the consortium.

4 And in my opinion and I've stated this  
5 publicly before, in my opinion, we are not compliant with  
6 that law. That law says that a fiscal and student  
7 achievement benefit analysis of Colorado remaining a  
8 governing board member consortium is "strongly  
9 encouraged", is the language used. And -- and that --  
10 that analysis has not been done, and that's -- in some  
11 ways that's a piece of what this bill is trying to get  
12 to.

13 And so I would, you know, conceptually be  
14 supportive of that. In fact, I've tried to figure out  
15 exactly where in this bill -- and I think it falls in the  
16 first section -- if I could get into the drafting piece  
17 of this, but the student achievement benefit analysis  
18 piece I think is something that might fold into this bill  
19 as well. So that's my feedback.

20 Now, I'm not hostile to a monitor  
21 position, but I do want to let people know that I'm  
22 supportive of this, and I'm thinking we should in fact be  
23 kind of tuning up understanding it more clearly and  
24 moving in that direction. And I personally am maybe a  
25 little bit ahead of that conversation, but I would be



1 supportive of this bill as amended.

2 (Indiscernible - many speaking at once)

3 UNIDENTIFIED VOICE: I agree with Paul.

4 UNIDENTIFIED VOICE: Yeah, I would agree  
5 too.

6 MS. NEAL: Paul?

7 CHAIRMAN LUNDEEN: Okay, so -- being on  
8 the phone, I can't really tell, so I think Deb  
9 acknowledged and agreed, and then somebody else chimed  
10 in. Was that --

11 MS. MAZANEC: I'm sorry, Pam. I also  
12 agreed.

13 CHAIRMAN LUNDEEN: Okay.

14 MS. MAZANEC: I also agreed.

15 CHAIRMAN LUNDEEN: Okay, so -- at this  
16 point --

17 UNIDENTIFIED VOICE: (Indiscernible) may  
18 not be perfect, it may have kinks or (indiscernible), I  
19 certainly appreciate the effort to actually put cost  
20 benefit analysis to this.

21 CHAIRMAN LUNDEEN: Okay.

22 UNIDENTIFIED VOICE: Paul?

23 CHAIRMAN LUNDEEN: Yes?

24 UNIDENTIFIED VOICE: You know, again, I  
25 will repeat: One thing that bothers me about this bill



1 is that it's aimed at -- it's an anti-testing bill. And  
2 that's not what we've been talking about. We -- I -- I  
3 have -- you know, it's -- it basically says they're  
4 testing too much. And I don't know what "too much"  
5 means. If it were clearly directed at the area you're  
6 talking about, PARCC and -- you know, is it the right  
7 test. But it basically, the way the language reads, we  
8 want to get a committee together to talk about whether  
9 we're testing enough or too much, or whatever. That's my  
10 main concern. And the main reason why I would rather it  
11 be fleshed out a little bit before we took a position.  
12 Not that it -- not that it's a big deal.

13 CHAIRMAN LUNDEEN: Yeah, I think -- I  
14 think it is -- as amended, I think it could be  
15 characterized -- and I think it might have been  
16 originally characterized as an anti-testing bill. I  
17 don't know that that's a fair characterization of it now  
18 based on my reading of it. I mean, whether it's worth a  
19 longer conversation, which we may not have time for now,  
20 but you know, it's definitely -- establishes this broad  
21 task force five -- potentially five individuals, four  
22 from the legislature, one from the State Board, to  
23 establish a "let's study it and look into this a little  
24 bit more" task force. So again, it could be  
25 characterized "anti-testing" but I personally don't see



1 it that way.

2 MS. BERMAN: So Paul, this is Elaine, you  
3 know, the Board meets again in two weeks -- actually,  
4 less than two weeks.

5 CHAIRMAN LUNDEEN: Yeah, the 11<sup>th</sup> is our  
6 next meeting.

7 MS. BERMAN: So I think I would feel more  
8 comfortable with a monitor, give us a little bit more  
9 time to read the bill. It was just introduced I think,  
10 Wednesday of this week. It's just been the last couple  
11 of days.

12 MS. MELLO: Thursday.

13 MS. BERMAN: Thursday.

14 CHAIRMAN LUNDEEN: Thursday it came out  
15 in the House unanimously. So like I said, I'm not  
16 hostile to that, but I want people to know that I  
17 personally am moving towards supporting this on this  
18 bill.

19 UNIDENTIFIED VOICE: Well, I'll take --

20 CHAIRMAN LUNDEEN: Does anyone want to  
21 offer a motion, please?

22 UNIDENTIFIED VOICE: Yeah, I'll offer a  
23 motion to monitor and take care till our next board  
24 meeting.

25 UNIDENTIFIED VOICE: I'll second. I



1 didn't think we had to do that again, but --

2 CHAIRMAN LUNDEEN: Yeah, and so is there  
3 anyone who objects to the monitor position? Okay, no  
4 objection. We'll remain in a monitor position. And just  
5 thanks for -- yeah, when we're on the phone here,  
6 Angelika, it's just kind of nice to get everybody a  
7 chance to make sure their voice is being completely heard  
8 on that.

9 Okay, so monitor on that. Were there  
10 other issues on the agenda? I think not, but are there  
11 other issues we should be paying attention to?

12 UNIDENTIFIED VOICE: Yeah, the sun is  
13 shining and I want to go skiing.

14 MS. NEAL: (Indiscernible) and I haven't  
15 had our lunch yet, so --

16 UNIDENTIFIED VOICE: I haven't either,  
17 Marcia, and --

18 UNIDENTIFIED VOICE: Marcia's hungry. So  
19 does that tell you anything, Paul?

20 CHAIRMAN LUNDEEN: Lunch? What's lunch?  
21 Okay.

22 MS. MELLO: This is Jennifer, I promise --  
23 I promise I'm not trying to extend this. Can I just say  
24 -- given that we've just discussed all the really big  
25 issues, I'm not planning to send out an additional weekly



1 report which would say everything that you all just said.  
2 But I know everyone wants to get off the phone -- if you  
3 have questions about other bills, feel free to email or  
4 call me; I'm happy to respond.

5 UNIDENTIFIED VOICE: Thank you.

6 UNIDENTIFIED VOICE: Just really quickly  
7 before we get off. I think it would be terrific if Dan  
8 or someone can write a really comprehensive summary of  
9 the data privacy bill, just because we are already  
10 heading a lot of questions on it. I'm getting questions  
11 nationally on it. And just so we're thoroughly familiar  
12 with it. Is that appropriate for Dan to do, Robert?

13 MR. HAMMOND: You mean a summary of the  
14 bill that is proposed?

15 UNIDENTIFIED VOICE: Yes.

16 MR. HAMMOND: I mean, is introduced?

17 UNIDENTIFIED VOICE: Yes.

18 MR. HAMMOND: Yeah, we can try and work  
19 that out. I think, Dan, you're gone next week? Or are  
20 you here, I can't remember.

21 MR. DOMAGALA: I am out of the office, but  
22 I can work on that, Robert. I can put together something  
23 --

24 MR. HAMMOND: Okay, that would be great,  
25 thank you. It's just a matter of (indiscernible) okay?



1 UNIDENTIFIED VOICE: Thank you.

2 CHAIRMAN LUNDEEN: Excellent. Well with  
3 that, I will say, thank you all for convening from around  
4 the state. We'll stand in recess until the next  
5 appropriate time together. Thank you.

6 UNIDENTIFIED VOICE: Thank you, bye.

7 UNIDENTIFIED VOICE: Thank you, bye-bye.

8 (Meeting adjourned)

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C E R T I F I C A T E

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of April, 2019.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public

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