



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
January 8, 2015, Part 1

BE IT REMEMBERED THAT on January 8, 2015,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

Marcia Neal (R), Chairman
Angelika Schroeder (D), Vice Chairman
Steve Durham (R)
Valentina (Val) Flores (D)
Jane Goff (D)
Pam Mazanec (R)
Debora Scheffel (R)



1 MADAM CHAIR: State Board will come back to
2 order. Staff please call the roll.

3 MS. MARKEL: Val Flores.
4 Steve Durham.

5 MR. DURHAM: Here.

6 MS. MARKEL: Jane Goff.

7 MS. GOFF: Here.

8 MS. MARKEL: Pam Mazanec.

9 MS. MAZANEC: Here.

10 MS. MARKEL: Marcia Neal.

11 MADAM CHAIR: Here.

12 MS. MARKEL: Debora Scheffel.

13 MS. SCHEFFEL: Here.

14 MS. MARKEL: Angelika Schroeder.

15 MS. SCHROEDER: Here.

16 MADAM CHAIR: All right. The session begins
17 this morning with the Commissioner's report.
18 Commissioner.

19 MR. HAMMOND: Thank you, Madam Chair.

20 We have two items really report to your
21 regular legislative update and an (indiscernible). Your
22 legislative liaison to come forward, and Madam Chair you
23 also talked about it, it might be a good opportunity to
24 discuss the Board legislative liaison appointments doing
25 that time. I'll leave that up to you.



1 And the second item, as we've had the
2 December revenue forecast, and the impacts on what -- on
3 districts, and the state about that Leanne is going to
4 talk and go over that with you later, before we get into
5 priority of report ceremonies. So with that, Jennifer.

6 MS. MELLO: Mr. Commissioner, Madam Chair --

7 MADAM CHAIR: Jennifer.

8 MS. MELLO: -- Madam Vice Chair, thank you.

9 Well, the session started yesterday, as we
10 all know.

11 MADAM CHAIR: How many bills do we have?

12 MS. MELLO: We have a large number of bills
13 actually already, and I am working my way through them.
14 I'll talk to you in detail about that in just a second.

15 Just in terms of characterizing kind of the
16 opening day speeches. Obviously, we have divided
17 control: Republican Senate and a Democratic House.
18 There was a lot of talk about, you know, needing to work
19 across the aisle, and being bipartisan. There were also,
20 I -- I would, you know, characterize them as kind of some
21 salvos thrown across the -- the bow that -- of priorities
22 for each party, so it's going to be -- it's going to be
23 an interesting session.

24 I think that one thing I want to be clear
25 about giving you a heads up on is, I think we're going to



1 see a number of very what I call big bills this year. So
2 bills that will in one fell swoop eliminate PARCC, Common
3 Core, 191, and Grad Guidelines. I don't know for a fact
4 that that particular bill is coming, but I think --

5 MADAM CHAIR: Sorry, excuse me. What did
6 you -- that last thing you said?

7 MS. MELLO: Graduation Guidelines.

8 MADAM CHAIR: Oh, I'm sorry.

9 MS. MELLO: You know, there will be a bunch
10 of big bills to get rid of a bunch of things that the
11 legislature has adopted in the past, and that the
12 Department has been working very diligently on
13 implementing. So -- and I think that those bills will
14 get greater consideration, and will farther through the
15 process than we had seen that type of legislation do
16 before. I don't know that it will all pass. I don't
17 think it will all pass. I think parts of it will pass,
18 and that will really, to me, be one of the big narratives
19 around K-12 in the legislative session is, of all of
20 those different kind of push backs against the existing
21 policy, which ones actually get changed at the end of the
22 day, and which ones don't.

23 Obviously, the other big conversation will
24 continue to be around school finance, and I'm -- I'm
25 thrilled that Leanne is going to give you a more detailed



1 update on that, because she's so -- so great at it, such
2 an expert. Right now, again, it's a lot of kind of
3 everyone putting their position out there; everyone
4 saying what they want. It will get very real once we get
5 that March revenue forecast, so that's the trigger for
6 the process to really get going, in terms of the budget
7 in the long bill. So lots of talk, and -- and -- and
8 when I say lots of talk, I don't mean that in a kind of
9 hot air, or insignificant way; real talk, real
10 conversations will be happening for the next couple of
11 months. It will all start to get on paper, and we'll
12 have real decisions coming in that late March, April time
13 frame.

14 Let me pause there, and just see if you have
15 any questions about the two kind of big picture
16 narratives coming.

17 MADAM CHAIR: None.

18 MS. MELLO: Seeing none.

19 MADAM CHAIR: Don't believe so.

20 MS. MELLO: So I thought I would just give
21 you a quick flavor of some of the bills that have already
22 been introduced that relate to K-12 education. And a few
23 of these we've discussed before because they came out of
24 Interim Committees, so there's a bill to do scholarships
25 for early childhood educators to help support them as



1 they continue their education.

2 Funding for full-day kindergarten, which was
3 another topic that was discussed extensively in the
4 Interim Early Childhood Committee. Now, that is not an
5 Interim Committee bill, but that bill by Representative
6 Jim Wilson got introduced yesterday.

7 Legislation to increase the number of
8 Colorado preschool -- preschool program slots was
9 introduced yesterday. That did come out of the Interim
10 Committee.

11 There's a really long bill here that I'm
12 going to skip, because it's not very interesting.

13 Representative Ransom, who is a newly
14 elected member from Douglas County, has introduced a bill
15 to change the age of compulsory education to seven years
16 of age; currently it's six years of age.

17 MADAM CHAIR: That's interesting.

18 MS. MELLO: Representative John Becker, who
19 was in the legislature previously, served on the Joint
20 Budget Committee, is now back in the legislature, and
21 Senator Jerry Sonnenberg have introduced legislation to
22 require that any general fund surpluses be transferred to
23 education, either through the State Education fund, or to
24 the higher ed, so it's not just K-12, so that's going to
25 move forward.



1 Senator Michael Merrifield, who served in
2 the House for eight years, has been out of office for
3 four years, and is now been reelected back into the
4 Senate, introduced a bill yesterday to eliminate the
5 requirement from 191 that, at least 50 percent of a
6 teacher or principal's performance evaluation be
7 determined by the academic growth of the teacher,
8 students, or the students, and the principal's schools.
9 So this is essentially taking the standardized test
10 component out of the 191 evaluations.

11 MADAM CHAIR: Excuse me, Jennifer. Repeat
12 that. What is bill about? What -- to take just the
13 teacher -- to take the 50 percent off of the teacher
14 evaluation?

15 MS. MELLO: So there's a -- Jill was just
16 clarifying for me that -- that 50 -- right now the way
17 the law stands is that 50 percent of the --

18 MADAM CHAIR: Yeah.

19 MS. MELLO: -- teacher or principal's --

20 MADAM CHAIR: Yeah.

21 MS. MELLO: -- evaluation is determined by
22 academic growth of the teacher, students, or students,
23 and the principal's school. Some of that is measured by
24 our standardized testing. There are other measures that
25 are included in that. The bill would eliminate that



1 requirement that 50 percent of the evaluation be based on
2 that student academic growth.

3 MADAM CHAIR: Okay. And did it -- did he
4 mention any particular amount that would be based on it?

5 MS. MELLO: It would just would -- no.

6 MADAM CHAIR: Just in general.

7 MS. MELLO: No, it just eliminates the
8 requirement, so presumably then it leaves it up to local
9 school districts.

10 MADAM CHAIR: Interesting bill, because
11 I -- I tend to agree with them on it. I think that 50
12 percent has been pretty unreasonable for a lot of
13 reasons, but anyway, early on.

14 Wait. You didn't. Pam.

15 MS. MAZANEC: He wants to eliminate it.
16 Does he want to replace that 50 percent with what?
17 No -- what I'm asking I guess, in particular, is it his
18 contention that student achievement should have nothing
19 to do with teacher's --

20 UNIDENTIFIED VOICE: Yes.

21 MS. MELLO: (Indiscernible) Board Member
22 Mazanec. So I need to confess to you that I -- this bill
23 came across my desk at 10:00 last night, and I have not
24 read the entire bill. So I don't believe he is replacing
25 it with anything. Jill sounds like she might have



1 some --

2 MADAM CHAIR: Ms. Hawley is nodding her
3 head.

4 MS. MELLO: Yes, I will let her weigh in.

5 MS. HAWLEY: Madam Chair.

6 MADAM CHAIR: Yes.

7 MS. HAWLEY: Yes, we did -- we -- we did
8 receive the bill for purposes of examination earlier, so
9 he -- it -- it essentially just eliminates the 50 percent
10 requirement. It does not replace it with anything else,
11 so by de facto, it would just mean that the evaluation is
12 based on professional practices on observations, and
13 the -- the professional practice, not on student growth.

14 MADAM CHAIR: Anyone else? I'm not
15 surprised, because I know there's been so much discussion
16 about that. It'll be interesting to see how it
17 progresses.

18 MS. MELLO: Yes, I agree.

19 MADAM CHAIR: Go ahead.

20 MS. MELLO: And then the last one I'll
21 mention the bill has been introduced is tax credits for
22 non-public education, which is another way of saying tax
23 credits for private school tuition.

24 So the other -- so I just -- if you don't
25 mind, I -- I wanted to give you a highlight of a few



1 other things that may be coming down the pike.

2 MADAM CHAIR: I did have a question, before
3 you did that.

4 MS. MELLO: Yes.

5 MADAM CHAIR: Several bills about early
6 childhood, and preschool, and so -- so forth, is
7 that -- are -- in the past that's been pretty much the
8 governor's position? You know, he's always in favor of
9 early childhood and preschool. I was just wondering if
10 these bills seem to come from that source, of if they're
11 coming from the regular legislature process?

12 MS. MELLO: Madam Chair, I -- I am unaware
13 if whether the governor and his office have weighed in on
14 these particular proposals.

15 MADAM CHAIR: Okay.

16 MS. MELLO: All of the ones I mentioned came
17 out of the Interim Committee on Early Childhood
18 Education, so I think I -- I feel confident saying are
19 very grounded in the legislature coming from there.

20 MADAM CHAIR: Okay. Thank you. I -- I just
21 was curious about that.

22 MS. MELLO: Of course.

23 UNIDENTIFIED VOICE: Yeah.

24 MADAM CHAIR: Go ahead.

25 MS. MELLO: So I think we'll see a couple of



1 specific proposals, the goal being to help small rural
2 schools, or small rural school districts, who many feel
3 have struggled, in particular within the current climate,
4 in terms of resources, and requirements. Representative
5 Bob Rankin is talking about a legislation that would kind
6 of test the concept of encouraging small school districts
7 to consolidate their back office functions to get some
8 economies of scale. So I think we'll see that
9 legislation.

10 I think we may also see legislation around
11 particularly for rural school districts around the cost
12 of testing, and testing technology; helping them be -- be
13 more prepared -- money to help them be more prepared for
14 that.

15 Obviously, the 1202 Commission is -- will be
16 an influential report. They are -- that report, I
17 believe, at the moment is tentatively scheduled to be
18 produced at a legislature on January 28th. That could
19 change. I don't think it'll change dramatically, but
20 that's the current plan. The Commission is
21 meeting -- has a couple of more meetings still to go
22 through.

23 At their last meeting in December, they did
24 reach some consensus around -- so this is not a formal
25 recommendation from them yet, but they, as a body,



1 reached the consensus that they wrote a piece of paper,
2 around going to federal minimum testing, and moving
3 testing out of 12th grade entirely.

4 There was a very, I think, vibrant
5 conversation about social studies, because, of course, as
6 we know, social studies --

7 MADAM CHAIR: Yes.

8 MS. MELLO: -- is not part of the federal
9 minimums. And I think that that is -- you know, they're
10 not -- I don't know where they're going to land on that
11 yet. It could very well be federal minimums, just plain,
12 old federal minimums, or it could federal minimums, plus
13 social studies. I don't think they've developed
14 consensus around the social studies part of it quite yet.

15 So that would be my preview, and -- and some
16 highlights, things to think about. It's a strange time
17 at the legislature I feel like, because it's very -- lots
18 of things out there; ideas that we don't really know
19 what's going to happen, but I see may have a question
20 over here.

21 MADAM CHAIR: Okay.

22 MR. DURHAM: Thank you, Madam Chair.

23 The -- the -- the timing did you say was the
24 28th of January for the release of that report?

25 MS. MELLO: Madam Chair, Board Member



1 Durham.

2 MADAM CHAIR: Yes.

3 MS. MELLO: That is the -- that has not been
4 an officially published time. I happen to know that's
5 the time they're working on having that presented to the
6 committee, but it's not a -- a done deal at this point.

7 MR. DURHAM: In your judgment, have
8 you -- or let me rephrase that -- have you picked up a
9 commentary about the members of the Commission -- the
10 1202 Commission that many of them have irreconcilable
11 conflicts, and couldn't produce a non-biased result? Has
12 anybody made that comment to you over there in your
13 following of -- of this issue?

14 MS. MELLO: Madam Chair, Board Member
15 Durham.

16 MADAM CHAIR: Ms. Mello.

17 MS. MELLO: No, actually. That is not
18 something that -- that I've heard a lot about. What I
19 tend to hear more of is, there's a -- I think a
20 collective willingness, on the part of most legislators,
21 not all, to wait and see what they recommend, before
22 really getting into the conversation about assessments.
23 Not to say that that won't be coming, and may not be. I
24 just haven't personally heard that.

25 MADAM CHAIR: And as I recall, you sent me



1 the legislation the other day, because I needed to
2 refresh my memory, they are -- the -- the bill calls for
3 them to report by the end of January, right?

4 MS. MELLO: Madam Chair, yes. That's
5 correct.

6 MADAM CHAIR: Okay.

7 Any other questions? Yes, MR. Durham.

8 MR. DURHAM: So -- so it's in theory, at
9 least, the -- waiting for that report is, at this point,
10 that's an excuse not to take any early actions. They do
11 expect most of these bills to be -- that will deal with
12 those issues to be delayed until after the report to get
13 late bill status. Were they introduced with late bill
14 status; do you know?

15 MS. MELLO: Madam Chair, Board Member
16 Durham, I think two things will happen. I think yes,
17 some will have late bill status. I think other bills
18 that get introduced before then they may simply wait to
19 discuss those in committee until after they've seen the
20 1202 recommendations.

21 MR. DURHAM: So the first -- the first
22 deadline for these early introduced bills to be out of
23 committee is what, about February 5th, give or that, is
24 that roughly --

25 MADAM CHAIR: Yes.



1 MS. MELLO: Madam Chair, Board Member
2 Durham, yes, that is -- yes.

3 MR. DURHAM: Okay. Thank you.

4 MADAM CHAIR: Any other questions? Jane.

5 MS. GOFF: Thank you, Madam Chair.

6 I think related to that, would be the
7 question, are they still in agreement that they will
8 allow minority reports? There's -- at the beginning of
9 this there was a -- there will be a report, and -- are
10 they still together on the permissibility of minority
11 reports? Does that --

12 MS. MELLO: Madam Chair, Board Member Goff,
13 yes.

14 MS. GOFF: Okay.

15 MS. MELLO: Yes. The legislation actually
16 specifically allows for minority reports, so that is --

17 MS. GOFF: Right.

18 MS. MELLO: -- an option that's available to
19 the task force if it -- they choose to use it.

20 MS. GOFF: And assuming -- am I right in
21 assuming that the -- the -- if there is a -- a minority
22 report, it's -- it's due at the same time? That both of
23 them should be ready to present at the same time?

24 MS. MELLO: Madam Chair, Board Member Goff,
25 yes.



1 MS. GOFF: Okay.

2 MS. MELLO: I think that's a fair
3 assumption.

4 MS. GOFF: Okay. Thank you.

5 MADAM CHAIR: Anyone else?

6 I -- I just sort of a statement about
7 the -- the social studies, as most of you know, I have an
8 informal connection with the Social Studies Committee,
9 having been a social studies teacher. So I've been
10 following them, and I find it very interesting. They met
11 with Owen Hill a couple of weeks ago, and he had a -- it
12 was very interesting because he basically said, it
13 probably will not in PARCC, because you know, we don't
14 have time, but schools should be teaching social studies
15 anyway, and so I think maybe that's a message we could
16 send informally, you know, that how important social
17 studies is, and the fact that because it was eliminated
18 from the -- the CCAP and TCAP test, then many schools,
19 and many teachers began to say it was not important. And
20 so we need to return that to importance, and I
21 don't -- that's just -- I just throw this out. It's for
22 future discussion, because we don't know where they're
23 going to be, but I -- I -- I -- they have worked so hard,
24 and they have been such an effective committee. I've
25 been really impressed with the work they do.



1 And they didn't disagree with him -- they
2 didn't disagree with him at all. You know, it was
3 just -- we need to focus on it, and -- and seeing the
4 unintended consequences that have come out of this whole
5 bill thing and testing thing, I -- I tend to agree with
6 them, but I just wanted to make that comment.

7 MS. FLORES: May I just --

8 MADAM CHAIR: Yes.

9 MS. FLORES: -- add that I don't think that
10 all during this time that --

11 MADAM CHAIR: Pardon?

12 MS. FLORES: -- (indiscernible) --

13 MADAM CHAIR: Speak up.

14 MS. FLORES: -- I think that during this
15 time that social studies has not been part of the testing
16 that it has not been taught.

17 MADAM CHAIR: That's right.

18 MS. FLORES: And I think it's not teachers.
19 I think it's administrators who say there's no time for
20 social studies, and that's a -- that's really sad, you
21 know, because it's --

22 MADAM CHAIR: Could be.

23 MS. FLORES: -- so -- social studies and
24 history is so important to -- to democracy in -- in our
25 country in America.



1 MADAM CHAIR: I'm with you, Val. But I
2 didn't want any particular -- just wanted to make that
3 statement, and I -- I -- I appreciate the work that
4 they're doing, and I know Rob Clinton has been here, and
5 spoken to us a couple of times about this work, so I just
6 wanted to add that.

7 Did you want us to move ahead?

8 All right. We -- we had later in the agenda
9 we had plans to appoint the two legislative liaisons, but
10 I was saying to Mr. Hammond that I thought it would be a
11 good time to do it now when you're here, because this is
12 who the legislative liaisons will be.

13 This is a very interesting process for the
14 new Board Members. It entails meeting with Ms. Neal once
15 a week, but usually by phone, though, you can -- many of
16 them are here in -- in the -- the building, and
17 you -- and staff, Mr. Hammond, and Jill, and various
18 people.

19 What?

20 UNIDENTIFIED VOICE: Sorry (indiscernible).

21 UNIDENTIFIED VOICE: I was just seeing if
22 she had anymore to report.

23 MADAM CHAIR: Oh, I'm sorry. Did I jump
24 ahead of you?

25 MS. MELLO: Oh, no, no, no. I didn't know.



1 UNIDENTIFIED VOICE: No, I just wanted to
2 make sure she was done.

3 MS. MELLO: No, no. I'm done.

4 MADAM CHAIR: Oh.

5 UNIDENTIFIED VOICE: Thank you.

6 MADAM CHAIR: And then --

7 UNIDENTIFIED VOICE: Sorry.

8 MADAM CHAIR: -- reporting back to the
9 Board, and -- and the Board has a -- an -- a extra
10 meeting during the legislative session. It's usually a
11 telephone meeting, strictly for the purpose of -- of
12 hearing from the legislative liaisons.

13 So I've doing it for the last two years, and
14 found it very interesting. You can kind keep up with
15 what's going on across the street, and Jennifer does a
16 great job with that.

17 Jane Goff has expressed an interest in being
18 the Democratic representative and Mr. Durham has
19 expressed an interest in being the Republican
20 representative. And if there are no objections, I would
21 like to, at this time, appoint those two people to be our
22 legislative liaisons.

23 We don't need a vote on that, do we?

24 MS. MARKEL: No, Madam Chair.

25 MADAM CHAIR: No. Okay.



1 So MR. Durham, and MRS. Goff, consider
2 yourself appointed. Thank you.

3 MS. FLORES: Does that exclude other people
4 from -- from helping in the area?

5 MADAM CHAIR: Well, when we -- we -- we
6 have -- the total Board will have a meeting every two
7 weeks to hear -- to get the update.

8 MR. DURHAM: Right.

9 MADAM CHAIR: So you get the update, and you
10 certainly, you know, could make all your comments, and
11 whatever, but these two people kind of interact with her,
12 and -- and it's a chance to do exactly what she's done
13 now to keep us updated about the bills that are coming,
14 and what's happening to them, and -- and all of -- a lot
15 of the sort of background information. So no, there's no
16 really place to help them, but you will have plenty of
17 time yourself.

18 MS. FLORES: Could I attend meetings to hear
19 it firsthand, because I'd like to --

20 MADAM CHAIR: Yeah. Oh, yeah.

21 MS. FLORES: -- I'd like to that. It's
22 secondhand, not --

23 MADAM CHAIR: Well, as long as -- and -- and
24 I -- you know, I'm new at this -- as long as you -- as
25 you -- you're just a guest, and you're listening,



1 because --

2 MS. FLORES: Sure.

3 MADAM CHAIR: -- these are the two people we
4 appoint to, you know, to really --

5 MS. FLORES: Sure.

6 MADAM CHAIR: -- kind of dig into, and
7 that --

8 MS. FLORES: I understand.

9 MADAM CHAIR: -- sort of thing, so --

10 MR. HAMMOND: Madam Chair, what we'll -- if
11 we have a free (indiscernible), we'll post that meeting,
12 but what we'll do is, typically -- and it may vary a
13 little bit at first -- we'll be setting up a regular
14 scheduled meeting every week that we sit down half an
15 hour, or an hour -- probably an hour, where Jennifer
16 gives us a report. We all kind of listen, including
17 staff, and you all, on how you feel about the bill, and
18 then that recommended position would come back to you to
19 a form of take position at some point.

20 MADAM CHAIR: And yeah, at some point, I
21 would mention that frequently you don't take a position
22 first time you hear it, because as we all know, it can go
23 through so many changes by the time you get it, so
24 usually we wouldn't take a position, unless you knew that
25 it was coming up really quickly. And then toward the end



1 of the session, we had some we didn't get to take a
2 position on because they didn't give us time, as you
3 recall, so it's -- it's a little while to -- to take a
4 position.

5 MS. FLORES: May I say something? Taking
6 position, and being in the forefront of helping
7 legislators to understand, because too often I find that
8 they really don't understand the issues that are -- will
9 be -- well, will help kids, or -- maybe not help kids, so
10 they -- they're under the gun of having three -- three
11 legislative -- what do you call those --

12 UNIDENTIFIED VOICE: Committees.

13 MS. FLORES: -- bill -- bill -- bills and
14 such. They have three bills that they have to put
15 through, and so they're under the gun to do that. And
16 education, of course, is an area that everybody wants
17 to -- to help in, because it's so -- it's a popular area.
18 And I think we need to take more of a charge in helping
19 legislators understand what kids really need, and what
20 teachers, and -- and people who are in the schools really
21 need. And -- and I take that position that we are a
22 Board, an entity that is, of course, part of -- of
23 policy, and policy also entails letting them know
24 what -- what we need, and what needs to take place out in
25 the schools. And so I think that's a -- a different



1 role, but I don't think the constitution says that we
2 can't take that role. (Indiscernible) --

3 MADAM CHAIR: I would just answer that
4 we -- all of us on the Board individually lobby
5 legislators --

6 MS. FLORES: Right.

7 MADAM CHAIR: -- all the time. We may
8 have -- you -- you need to realize that we may have some
9 different ideas about what we should do about education,
10 so we can't always say you should do --

11 MS. FLORES: Right.

12 MADAM CHAIR: -- this, because someone else
13 on the Board may think something different, and
14 frequently do. So this is -- they will mostly come to us
15 and say we -- we think you should support this, or we
16 think you should oppose this, or if they don't agree,
17 then we don't take a position at all.

18 MS. FLORES: But if we really think
19 that -- we think that, for instance, I think we're not
20 doing enough in helping second-language learners in this
21 state. I really --

22 MADAM CHAIR: Well, we don't really have
23 time to get -- you know --

24 MS. FLORES: Well, no, I'm just --

25 MADAM CHAIR: -- to get into all that right



1 now --

2 MS. FLORES: -- giving you a -- an issue

3 that's --

4 MADAM CHAIR: -- but you --

5 MS. FLORES: -- very --

6 MADAM CHAIR: -- you individually --

7 MS. FLORES: -- (indiscernible) --

8 MADAM CHAIR: -- can do that.

9 MS. FLORES: -- and important --

10 MADAM CHAIR: This is the -- this the --

11 MS. FLORES: -- for our state --

12 MADAM CHAIR: -- this the system --

13 MS. FLORES: -- for our --

14 MADAM CHAIR: -- that we have set up, and

15 we're not changing it, unless the Board decides they want

16 to change it. Okay.

17 MS. FLORES: Right, but the constitution

18 doesn't say -- it's --

19 MS. MARKEL: Madam Chair.

20 MADAM CHAIR: Yes, ma'am.

21 MS. FLORES: May I ask a -- a question of --

22 MS. MARKEL: Just a point of clarification.

23 MADAM CHAIR: Yes.

24 MS. MARKEL: What -- the -- when the Board

25 speaks is that one voice, so when the Board takes a



1 position, is the Board speaking? The -- the -- the point
2 that Madam Chair was making is that individual Board
3 Members have a right to express their opinions, but they
4 cannot speak it on behalf of the Board, unless the Board
5 has taken that position.

6 MADAM CHAIR: Thank you, Ms. Markel.

7 (Indiscernible) --

8 MS. FLORES: So that means that we're mum.
9 We can't speak at all if we find --

10 MS. MARKEL: (Indiscernible) Board Members
11 can speak, as to their personal opinions, but they cannot
12 represent themselves as speaking on behalf of the Board,
13 unless the Board has taken that position.

14 MS. FLORES: I could take that. Yes.

15 UNIDENTIFIED VOICE: Yeah.

16 MS. FLORES: I can understand that.

17 MADAM CHAIR: Thank you. That -- that
18 explains it much better.

19 Ms. Goff.

20 MS. GOFF: Thank you.

21 Gosh, I'm going to -- I'm going to go to a
22 couple of roots here. I think it -- one reminder is that
23 when we set our legislative priorities for the coming up
24 session, a lot of our decisions making filter is based on
25 that, so as bills -- bills come in. Jennifer, with -- in



1 conference with the two Board liaisons, the Commissioner,
2 and any other -- and often other staff members that would
3 be impacted through -- through the work of such bills,
4 should it come to fruition, that's what we'd talk about
5 in our monthly meetings.

6 At that point, the two -- the Board liaisons
7 then, depending on whether or not --

8 MADAM CHAIR: Situations.

9 MS. GOFF: -- it looked like we'd want to
10 move ahead with further discussion, for the sake of
11 taking a position or not, then within our -- our party
12 mates -- those of us -- of our party, on the Board, we
13 are really the link to them, our own party members on the
14 Board. We talk about it. Kind of explain, if I can
15 write on this. Sort of give the -- give the outline of
16 what's being proposed. Talk about the fine points.
17 We -- we do a good job, I think, we always have, about
18 tying that back to our priorities --

19 MADAM CHAIR: Right.

20 MS. GOFF: -- and is this something that we
21 want to spend our thinking time on, because it does
22 match, and is it -- is it within our purview. That's one
23 big question.

24 The other -- then the next step from that
25 is -- is we confer among our party colleagues, and then



1 that's when we come -- that -- at that point, soon
2 thereafter, it would be before the Board, whether or not
3 you're -- you're liaisons are recommending that we have
4 discussion, and take a position on -- on a particular
5 bill.

6 And then from there, whatever that decision
7 may be, whether it's to support, oppose, no position,
8 which means, we're --

9 MADAM CHAIR: Monitor.

10 MS. GOFF: -- or monitor, which is
11 frequently the case with us. It goes -- the bill goes
12 through the process across the street, and then we see
13 what happens. But there is always -- everybody always
14 has input into the discussion. It's not a -- it's not --

15 MADAM CHAIR: Good point.

16 MS. GOFF: -- any -- it doesn't preclude
17 anybody from talking, whether it's within the
18 conversation with you and another Board Member, or you
19 and another -- and a legislature -- legislator, but most
20 particularly, and important because we do have to speak
21 with one voice on positions that we take, as -- as a
22 Board, it -- it has to happen among the Board. And
23 that's what happens at our Board meeting -- legislative
24 time each month, and at our regular legislative update
25 meetings, which are held usually two weeks after the



1 Board meeting.

2 Does that help?

3 MS. FLORES: Yes, I -- I understand --

4 MADAM CHAIR: And I --

5 MS. FLORES: -- the process -- but the
6 process that you've taken -- but couldn't that process be
7 somewhat amended if a person really doesn't want to be
8 just a factotum, you know, on the Board, and --

9 MADAM CHAIR: If the Board decides that, or
10 retreat that we would like to change the process, we can
11 do that, but at this point, we can't change the process
12 today.

13 MS. FLORES: Okay.

14 MADAM CHAIR: I really appreciate what Ms.
15 Markel said, and we tend to forget that. You may -- I
16 mean, if we take a position that's -- that's supporting
17 something that you disagree with --

18 MS. FLORES: No, no. I'm -- I'm not even at
19 the point of supporting. I just want to hear it
20 firsthand.

21 MADAM CHAIR: No, I'm sorry, at this point,
22 I think we need to move on. There's not --

23 MS. FLORES: Okay.

24 MADAM CHAIR: -- much point in discussing it
25 much further.



1 MS. FLORES: I do have a point though.

2 MADAM CHAIR: Are you looking forward to
3 this?

4 UNIDENTIFIED VOICE: Marcia.

5 MADAM CHAIR: Yes, ma'am. Quickly, please.

6 UNIDENTIFIED VOICE: Maybe -- maybe it
7 would be -- have -- I -- I assume -- I don't know -- if
8 both of you have had a chance to read over, and reflect
9 on our --

10 MADAM CHAIR: On the priorities --

11 UNIDENTIFIED VOICE: On both our operating
12 procedures, and our legislative operating procedures.
13 They're pretty specific, about what that is -- the -- in
14 those documents are where we are at this point in our
15 approval process of our own procedures. So just an
16 invitation --

17 MR. DURHAM: They have all the operating
18 procedures.

19 MS. FLORES: Well, I really wanted to talk
20 about the issues.

21 UNIDENTIFIED VOICE: We do have legislative
22 procedures.

23 MS. MARKEL: We can provide those for you,
24 in case you (indiscernible) those (indiscernible).

25 MR. DURHAM: Yeah.



1 UNIDENTIFIED VOICE: They are on the
2 website.

3 MADAM CHAIR: Okay. In order to get --

4 MR. DURHAM: That'll help.

5 MADAM CHAIR: -- do we have anything else
6 about any particular legislation, or anything?

7 In order to get --

8 MS. MILL: Madam Chair.

9 MADAM CHAIR: -- to the school finance
10 update.

11 Thank you, Ms. Mill. Thank you.

12 MS. MILL: Thank you. Can I just real
13 quickly say we do produce a weekly written report that
14 gets districted to everybody, so you will get --

15 MADAM CHAIR: Yes.

16 MS. MILL: -- that.

17 UNIDENTIFIED VOICE: That's true.

18 MADAM CHAIR: Yes.

19 MS. FLORES: Okay. Thank you.

20 MADAM CHAIR: Good. Thank you. I had
21 forgotten.

22 MR. DURHAM: Thank you.

23 MS. FLORES: Does she work for the -- for
24 the Commission?

25 MADAM CHAIR: She works for us.



1 MS. FLORES: Okay. Full time?

2 MADAM CHAIR: No.

3 MR. DURHAM: Part time. Contract.

4 MADAM CHAIR: Contract.

5 MS. FLORES: I see.

6 MR. DURHAM: Madam Chair, I have an
7 informational question.

8 MADAM CHAIR: Yes, sir.

9 MR. DURHAM: This is part of the
10 Commissioner's report. Is it appropriate to raise some
11 issues relative to school finance now, or would it be
12 more appropriate to put those off until future
13 (indiscernible)?

14 MADAM CHAIR: I would say we need to
15 listen --

16 UNIDENTIFIED VOICE: Now.

17 MADAM CHAIR: -- to the report, and then if
18 you have some questions --

19 MR. DURHAM: Well, the -- the issues I want
20 to raise, are tangentially related to -- to
21 (indiscernible) --

22 MADAM CHAIR: Do you have any objection to
23 listening to her report?

24 MR. DURHAM: No, no. I prefer to do that
25 first.



1 MADAM CHAIR: Okay.

2 MR. DURHAM: I just -- I didn't want to --

3 UNIDENTIFIED VOICE: Excuse me. Just I
4 don't seem to have my -- my folder.

5 MADAM CHAIR: You're what?

6 MR. DURHAM: I didn't take it.

7 MADAM CHAIR: We didn't steal it.

8 MS. FLORES: And I don't seem to have
9 that --

10 UNIDENTIFIED VOICE: I may have taken it
11 upstairs. I thought you were (indiscernible) --

12 MADAM CHAIR: The item on the agenda is the
13 school finance update. Commissioner.

14 MR. HAMMOND: Yes. As I stated earlier, I'm
15 going to go ahead and turn this over to Leanne Emm.

16 MS. EMM: Thank you.

17 MADAM CHAIR: Thank you.

18 MR. HAMMOND: And then we can ask any other
19 questions after that, if you'd like.

20 MS. EMM: Good morning, Madam Chair, Board
21 Members. There is no handout in your packets, so
22 that's -- I'm not going to be speaking from a handout;
23 however, Bizy did bring out the -- the easel over here in
24 case anyone has any questions, I'm happy to note, help,
25 draw some illustrations. I always find that I learn good



1 by pictures, and I like to help explain things with
2 pictures, if -- if things want to go through there.

3 So I wanted to update you where we're at in
4 the school finance conversation. And first of all, total
5 program is the entire pie for districts that is set by
6 the School Finance Act. That is determined each year,
7 and back in May the legislature set the budget for the
8 School Finance Act total program funding for this year,
9 and that was at \$5.9 billion -- billion. Then in that
10 \$5.9 billion you have local share, which is property tax
11 and specific ownership, and then you have the state
12 share, which is the remainder of the pie, after you take
13 out property tax and specific ownership tax.

14 So then each December what happens is we
15 receive the actual counts for students and the actual
16 property taxes and assessed values, which then changes
17 that original budget amount that was adopted back in May
18 of last year. So where we're at right now in the process
19 is that we are currently developing that supplemental
20 budget request for 2014-15.

21 Now, one of the interesting things about
22 this year is that the actual student count came in
23 slightly lower than the estimates that were produced by
24 legislative council last year, which causes the total
25 program pie to slightly decrease by about \$10.8 million.



1 In addition to that, the local share is higher than what
2 was originally estimated, therefore, the state share can
3 actually come down, in all essence saving the state a
4 little bit of money, since the local share went up.

5 So what the Office of State Planning and
6 Budgeting has said is, we want to keep the total program
7 pie exactly the same as it was in the original
8 appropriation, so even though there -- it could go down
9 slightly due to the lower kid counts, they said, we're
10 going to keep that pie the same, but then since the local
11 share went up a little bit, there's a slight savings to
12 the state of about \$3 million. So that's where we're at
13 on 2014-15.

14 UNIDENTIFIED VOICE: May I ask what the
15 student count is?

16 UNIDENTIFIED VOICE: Yep.

17 MADAM CHAIR: Yes.

18 UNIDENTIFIED VOICE: Yeah, may I ask what
19 the student count is? What is it?

20 MS. EMM: Yes. Thank you.

21 Madam Chair, the actual student count this
22 year for funded students is 844,973.

23 UNIDENTIFIED VOICE: Thank you.

24 MS. EMM: And the estimate was about 163
25 students more than that.



1 MS. FLORES: 163.

2 MS. EMM: Yes.

3 MS. FLORES: Okay.

4 MS. EMM: So that is -- that's

5 (indiscernible) --

6 MR. DURHAM: Getting really close.

7 MS. EMM: -- estimate. That -- that was
8 very tight.

9 So that's where we're at on 2014-15,
10 so -- so we'll wait and see what happens with the
11 legislature.

12 UNIDENTIFIED VOICE: So if they keep the pie
13 the same, and the divisor is 100 and something less, does
14 that mean the districts are going to get a little bit
15 more money? I -- I didn't quite understand what you
16 meant when you said we're going to keep the full --

17 UNIDENTIFIED VOICE: Right. I didn't
18 either.

19 UNIDENTIFIED VOICE: -- the
20 same -- does -- does it call for a reallocation?

21 MADAM CHAIR: Yes.

22 MS. EMM: Madam Chair, thank you.

23 Due to the changes in student counts, by
24 district, because there's estimates prepared each year by
25 districts, so that we can fund them from January through



1 December. Those changes in kid count from the original
2 estimates would absolutely change the funding by
3 district.

4 When you compare the statewide average from
5 what was budgeted to what would be proposed
6 under -- under keeping the pie the same, the statewide
7 average goes up a \$1.35.

8 UNIDENTIFIED VOICE: Biggie. Thank you.

9 MADAM CHAIR: All right.

10 (Indiscernible) --

11 MS. EMM: So in total not much change,
12 but -- but different districts could see variations
13 mainly due to the changes in the student counts from what
14 was estimated.

15 MADAM CHAIR: Yeah. Ms. Emm, I was
16 wondering for the new members, that if they understand
17 that all of the districts have different shares according
18 to the -- to the -- the tax in their own district. Some
19 of our districts get none, or almost no state funds,
20 because they're very wealthy districts; where others get,
21 as -- most of it from there. So I just think it's
22 important. You can probably explain it better than I do.

23 MS. EMM: Thank you, Madam Chair. That was
24 a excellent -- that was an excellent explanation. That
25 some of our higher --



1 MADAM CHAIR: I'll take it. Okay.

2 MS. EMM: -- some of our higher districts
3 and Weld County is a very -- very good illustration that
4 the taxes up there, due to oil, and gas, and minerals,
5 and things like that are creating large shares of the
6 property tax, and specific ownership tax, therefore,
7 there's not much state share that is needed to fund their
8 total pie; whereas, maybe a district down in the San Luis
9 Valley has very low assessed values; therefore they would
10 get a larger share of state money, and a lower total
11 local share.

12 MADAM CHAIR: Thank you.

13 Yes, Val.

14 MS. FLORES: Madam Chair.

15 Leanne, do you think we could get copies of
16 those reports?

17 MADAM CHAIR: What reports?

18 MS. FLORES: What she's -- she got a report
19 from the legislature. You're reading from a report. You
20 wrote a report.

21 MS. EMM: Thank you, Madam Chair.

22 These are -- these are just my speaking
23 points, but -- but I'm happy to provide you with my
24 talking points.

25 UNIDENTIFIED VOICE: I -- I would actually



1 second that. It would be great to get an email where you
2 explain that, just like you did.

3 MS. FLORES: So we can remember it.

4 UNIDENTIFIED VOICE: So I can read it over,
5 and over, and over again until I get it.

6 MS. EMM: Okay.

7 MADAM CHAIR: It takes --

8 MS. EMM: Thank you. And I will definitely
9 provide the fact sheets that we've done.

10 MADAM CHAIR: Right.

11 MS. EMM: They were very simple two-pager
12 fact sheets.

13 MS. FLORES: Right. That -- they would help.

14 MS. EMM: That's very helpful.

15 MADAM CHAIR: Thank you.

16 Go ahead.

17 UNIDENTIFIED VOICE: Include an example.

18 UNIDENTIFIED VOICE: Yes.

19 MR. DURHAM: Okay.

20 MS. FLORES: And -- and also, the
21 legislative report, because I know I --

22 MADAM CHAIR: Val --

23 MS. FLORES: Yes, ma'am. Excuse me, Madam
24 Chair.

25 MADAM CHAIR: -- I'm sorry. I got to insist



1 on that.

2 MS. FLORES: Excuse me. Yes.

3 MADAM CHAIR: Question, Val?

4 MS. FLORES: Yes. I would also like the
5 legislature report in written form. I intend to --

6 MADAM CHAIR: Well, that's what she
7 said -- she said she'd send it to all of us.

8 MS. FLORES: Oh, I didn't hear her.

9 MADAM CHAIR: Yeah.

10 Thank you. Go ahead.

11 UNIDENTIFIED VOICE: Thank you.

12 MS. FLORES: Not Leanne, but the legislative
13 liaison. A report that she was -- that she had written
14 up.

15 MS. EMM: Madam Chair, yes. I think you are
16 referring to the bill sheet that Jennifer Mello prepares
17 and keeps that updated, so I believe that's on the list
18 for --

19 MADAM CHAIR: Yes, okay.

20 MS. EMM: -- you to receive.

21 Yes. Okay. Thank you.

22 So any other questions about 2014-15,
23 because now I'll move in 15-16?

24 MADAM CHAIR: Okay. We've just got to go
25 on.



1 MS. EMM: Okay. So back in November the
2 governor had proposed a budget request that incorporated
3 the estimates of the student counts, and estimates for
4 property taxes, and local share. And what this proposal
5 had done is fund growth in inflation, because base per
6 pupil funding has to inflate by inflation each
7 year -- that's required under Amendment 23, and then the
8 growth in students. So the governor proposed a budget
9 that did that: funded growth in inflation and bought
10 down the negative factor by \$200 million.

11 And the way the governor has been talking
12 about that \$200 million is a one-time buydown that would
13 take that -- that negative factor down and then they
14 would have to deal with do they bring that back the next
15 year, or how -- how does that work. So that's -- that's
16 what's been discussed about 15-16.

17 Now, since we have the actual numbers for
18 student counts, and property taxes from 14-15, they go in
19 and revise the 15-16 estimates. So the 15-16 original
20 governor's budget request will be revised slightly to
21 bring in those -- those actual numbers. And so far what
22 they are talking about is keeping the statewide average
23 that was in the original request the same, so that -- so
24 that there's a little bit of fluctuation in where the
25 funding would come from with property tax versus the



1 state share, and -- but overall, they would propose to
2 keep that original statewide average per pupil funding
3 the same, which actually when you add in the \$200 million
4 buydown of the negative factor, it actually increases the
5 statewide average by about \$475 per pupil, which is
6 pretty significant.

7 MADAM CHAIR: Excuse me. What was -- and
8 just curious -- what was the negative buydown last year?
9 How much was that?

10 MS. EMM: It went from a little over a
11 billion dollars to just under 900 million. So it was
12 about 100 --

13 MADAM CHAIR: So this is not a great amount:
14 the 200 million, right?

15 MS. EMM: Madam Chair, the 200 million would
16 take it from about 880 million this year to 680 million
17 next year --

18 MADAM CHAIR: Okay.

19 MS. EMM: -- rough. I could give you the
20 exact number --

21 MADAM CHAIR: No, that's fine.

22 MS. EMM: -- if you wanted it.

23 MADAM CHAIR: I -- I just remembered that
24 discussion from last year.

25 MS. EMM: Sure.



1 And then the question would be if the
2 negative factor this year is \$680 million, how do they
3 deal with it, and fund that continual buydown in the
4 following years.

5 MADAM CHAIR: I remember this. Yeah.

6 MS. EMM: So that's --

7 MADAM CHAIR: Do you have a question?

8 MR. DURHAM: Thank you, Madam Chair.

9 As I recall in some of the conversations
10 I've had, the -- the -- the -- if -- if they allocate
11 that 200 million this year to the buydown, they can't
12 sustain that effort in the next year, at least, based on
13 their long range budget project projections; is that
14 true?

15 MADAM CHAIR: Yes.

16 MS. EMM: Thank you, Madam Chair.

17 MADAM CHAIR: Go ahead.

18 MS. EMM: That's -- that is what they're
19 estimates are showing at this point in time. Both OSPB
20 and the legislative council -- or the Joint Budget
21 Committee estimates for ongoing sustainability of that
22 200 million would be difficult to sustain under the
23 current assumptions that they're operating under.

24 MR. DURHAM: So it would be -- it's clearly
25 one-time money presuming the budget projections all hold?



1 MADAM CHAIR: Yeah.

2 MS. EMM: Thank you, Madam Chair.

3 That is how it's being characterized. Yes.

4 MR. DURHAM: Thank you.

5 MADAM CHAIR: And I remember that was the
6 discussion last year too that if you do the buydown, you
7 need to do it all -- all the time, and doing a one-time
8 buydown is almost, like, somebody giving you a raise and
9 then taking it back next year, so anyway. Just a
10 comment.

11 Go ahead.

12 MS. EMM: Thank you.

13 The other thing -- let's see -- so from here
14 what will be happening is a few different things: we'll
15 have the supplemental budget appropriation that will go
16 forward for 14-15 for consideration; we will have the
17 budget amendment for 15-16, which incorporates revised
18 estimates, based on the actuals; and then we will have
19 figure setting done by the Joint Budget Committee, and
20 they will set the long bill, which will set the -- set
21 the starting point for total program; and then the School
22 Finance Act bills, and any others come in and adjust that
23 long bill number.

24 So there's a lot of -- a lot of moving parts
25 between here and May the -- and a lot of discussion that



1 will happen. And as Jennifer had pointed out earlier,
2 that March forecast is going to really determine a lot of
3 the numbers -- the final numbers that will be used to set
4 the budgets.

5 MADAM CHAIR: As it's stated in -- are they
6 looking at an increase, depending on
7 that -- those -- that March figure? Are they -- is -- is
8 this budget represent an increase in funding?

9 MS. EMM: Thank you, Madam Chair. Under the
10 current scenario that the governor has put forward, the
11 statewide average would increase by about \$475 per pupil,
12 but again --

13 MADAM CHAIR: But it depended upon --

14 MS. EMM: -- part of that --

15 MADAM CHAIR: -- March, right.

16 MS. EMM: -- two things, yes. That will
17 depend on March. And then part of that \$475 increase is
18 due to that one-time buydown of the negative --

19 MADAM CHAIR: Yeah.

20 MS. EMM: -- factor. So districts will have
21 to probably be very cognizant of how they are talking
22 about budgeting and increasing spending next year.

23 MADAM CHAIR: Okay. Thank you.

24 MS. EMM: Uh-huh.

25 Any other questions?



1 MADAM CHAIR: Didn't you have a general
2 question?

3 I think you're finished now with
4 the -- basically --

5 MS. EMM: Yes, thank you.

6 MADAM CHAIR: Yeah, so if you have a
7 general --

8 UNIDENTIFIED VOICE: No, I have -- I have a
9 question about this.

10 MADAM CHAIR: She's got a question about
11 this.

12 UNIDENTIFIED VOICE: Just about this real
13 fast, please. What sort of guidance do we give to
14 district. I'm reflecting back on St. Vrain, which got
15 itself into a muddle because they spent one-time money on
16 ongoing expenditures, and the Board wasn't cognizant that
17 that was going on, but that was not a time when they
18 actually received one-time money. They were using their
19 reserves. What sort of things will we be doing to ensure
20 that this kind of error won't occur again in some
21 district?

22 I know you watch the -- I know you -- you
23 watch the health of districts, but you don't want to find
24 out afterwards, I guess is my point.

25 MADAM CHAIR: Yes.



1 MS. EMM: Thank you, Madam Chair.

2 I think that is a very, very good question,
3 as to how we get the word out very succinctly that if
4 there is one-time money coming down the pike this year
5 that you have to be very cognizant of how it's going to
6 be spent. And one of the things that we talked with the
7 Joint Budget Committee about is that it may be wise, or
8 something to consider that you -- you actually -- if
9 you're going to do that on a one-time basis, it comes as
10 a distribution to them separate from their actual state
11 equalization money that's -- that's every month. And
12 that, I think, could do two things: first of all, it
13 could be distributed early in the year so that they would
14 have it and they could do some of those one-time
15 purchases, and things like that; second, if they're
16 receiving a lump of money from the state that's very
17 clearly stated this is one-time money, I think it helps
18 with that -- with that communication.

19 And we will obviously be talking about that
20 in any kind of forums that we're in, sending out emails,
21 and things like that also to help ensure that it's not
22 a -- it's not full-proof guarantee that -- that something
23 might -- that something might not be communicated
24 as -- as it should be to a particular district, but we'll
25 try and minimize that in any way that we can, and of



1 course we would help -- hopefully rely on the help from
2 CASE, and CASB, and -- and organizations to help get the
3 word out also.

4 UNIDENTIFIED VOICE: All right. Thank you.

5 MADAM CHAIR: Thank you.

6 MR. Durham.

7 MR. DURHAM: Thank you, Madam Chair.

8 This is a question relating to whether or
9 not there's a possibility of saving any money, relative
10 to testing in the current year. It's -- it's my
11 understanding -- and I'd appreciate if someone's comments
12 on this -- it's my understanding that there are two tests
13 to be taken by a large number of Colorado students: one
14 in eighth -- one in March or -- and April -- or one in
15 April and May. And one is a final test and the other
16 is -- I'm not quite sure I understand exactly what it is,
17 but there is a test before that, and a lot of the -- I
18 understand we pay about \$30 million a test. So what is
19 the -- what is the legal requirement for that first test,
20 since it's not part of the assessment regime?

21 MADAM CHAIR: Commissioner.

22 MR. HAMMOND: It is, but I'll let Jill
23 Hawley go ahead and explain it.

24 MADAM CHAIR: Yeah. Jill.

25 MS. HAWLEY: Madam Chair.



1 Thank you for your question. So the way
2 that the statewide summit of tests works for English
3 language arts and math is they are administered in two
4 sessions, so it's the same test, but it's administered at
5 two different times. So there's a performance-based
6 assessment, that's the one that you're referring to that
7 occurs earlier in the year.

8 MR. DURHAM: (Indiscernible). You're saying
9 that the same students will take the same test on two
10 occasions -- exactly the same test; is that what you're
11 telling me?

12 MS. HAWLEY: Madam Chair.

13 MADAM CHAIR: Jill, go ahead.

14 MS. HAWLEY: No, sir. It is a performance-
15 based assessment, which is allowing the kids to show and
16 demonstrate their learning. It's a lengthier, multipart
17 type of question that requires hand scoring. The kids
18 take that earlier around March time frame. Then they
19 take the end-of-year component of the test, which is more
20 machine scorable components. And that -- the way the
21 test was designed was to accommodate the demand for the
22 opportunity for kids to demonstrate their learning.

23 So they're given that opportunity to do that
24 component of the test, which is a different, you know,
25 questions, more in depth questions for the kids. Then



1 they do the end-of-year. Those two scores are combined
2 to give them the composite score for -- for their
3 assessment.

4 MR. DURHAM: So can you tell me where in the
5 law it's required that two tests be done? And whether or
6 not in the law a simple final test could be done to
7 comply with the federal obligations we face under -- with
8 PARCC testing and with -- and with the federal
9 accountability requirements.

10 MR. HAMMOND: Madam Chair.

11 MADAM CHAIR: Commissioner.

12 MR. HAMMOND: MR. Durham, I -- I doubt very
13 seriously that's in law. It is in law that we will
14 provide a test. The way the PARCC --

15 MR. DURHAM: A test.

16 MR. HAMMOND: A test. The way the PARCC
17 was -- test was developed -- and we've reported it back
18 to this Board continuously, is that it is in two parts.
19 Part of that is based upon also the fact of trying to
20 have the test results earlier, because the part that's
21 the hardest to score takes the longest to get back the
22 results. That's why they broke it into two parts. That
23 was the design of the PARCC test.

24 MS. FLORES: So is it two tests?

25 MADAM CHAIR: Oh, wait a minute.



1 MS. FLORES: Excuse me, Madam Chair.

2 MADAM CHAIR: Hold up. Let's let them
3 finish this, and then you can take yours up next.

4 MR. DURHAM: So there's no legal
5 requirement. It's just that somehow we walked ourselves
6 into, via contract, or some other mechanism, a two-part
7 test, which we're really not obligated to have. And a
8 lot of the complaints that, at least, I hear from the
9 districts, and the charter schools is that this double
10 testing regime creates lots of problems for them. And so
11 is there a reason why this Board could not direct the
12 Commissioner to grant waivers to that first test in any
13 district that wanted to waive out of it could do so?

14 MR. HAMMOND: Madam Chair.

15 MADAM CHAIR: Yes, Commissioner.

16 MR. HAMMOND: In my opinion, no. We would
17 certainly have to ask Tony, our legal attorney, about
18 that. But it -- it is viewed as one test. It's broken
19 up into two --

20 MADAM CHAIR: Can I interrupt, because
21 that -- that was my -- Jill is talking about two tests,
22 but it's -- it's --

23 MR. HAMMOND: It's the same test.

24 MADAM CHAIR: -- one test that's broken down
25 in two parts?



1 MS. HAWLEY: Madam Chair, that's --

2 MADAM CHAIR: Okay. So it is --

3 MS. HAWLEY: -- correct.

4 MADAM CHAIR: -- in two parts.

5 MS. HAWLEY: It's one test --

6 MS. FLORES: That was my question.

7 MS. HAWLEY: -- with two components.

8 MADAM CHAIR: Okay.

9 MS. HAWLEY: And one of the components is

10 taken earlier in the year, and the rest of the components

11 are taken at the end of the year.

12 MADAM CHAIR: Okay. So just broken it down.

13 MS. HAWLEY: So it's one test. It is

14 designed as one test. To not take a component of it

15 invalidates the results of that test.

16 MADAM CHAIR: Okay. Go ahead, I'm sorry.

17 MR. HAMMOND: Madam Chair. I would suspect,

18 you know, I mean, A, you've entered in a contract. This

19 is something that's been ongoing since the development of

20 PARCC that we've talked about, so this is no surprise.

21 We do hear actually people who do like the performance

22 test, and I understand there's some that don't, and it's

23 more work, but we're going right into the administration

24 of that test now. And I do not see a way to get out of

25 that without a violation of the contract.



1 MS. FLORES: I would like to ask a question,
2 Madam Chair --

3 MADAM CHAIR: Yes, ma'am.

4 MS. FLORES: -- about the test. When you
5 say "performance" do you mean that they write essays
6 maybe for the English test, and they ask questions about
7 grammar, and such that can be multiple choice, and such
8 on the second part? Do they mean that in the math part
9 that the children have to show -- the students have to
10 show how they arrived at a certain answer, and so they
11 have to show the work for that? Is that the first part
12 when you say "performance" and the other -- I -- I'm sure
13 the other is performance too, but it's just a different
14 way, Jill.

15 MS. HAWLEY: Madam Chair.

16 MADAM CHAIR: Ms. Hawley, yes.

17 MS. HAWLEY: Yes. So the performance
18 tasks -- and I've -- I've asked our assessment expert is
19 here, so she'll be able to give more --

20 MS. FLORES: She came.

21 MS. HAWLEY: -- in depth in the actual
22 questions, but the performance tasks are designed for
23 kids to be able to show their work, so there is writing
24 involved --

25 MS. FLORES: Right.



1 MS. HAWLEY: -- and so that requires then
2 lengthier scoring time.

3 MS. FLORES: Sure.

4 MS. HAWLEY: And it allows kids to
5 demonstrate what they know, so the multipart problems
6 with math would allow kids to show their work.

7 MS. FLORES: Okay. Thank you.

8 MR. DURHAM: Madam Chair.

9 MADAM CHAIR: Yes, sir. I'm sorry.

10 MR. DURHAM: So -- so the difference, Jill,
11 if I could, the difference you're telling me in these two
12 tests is: one allows them to show their work; the other
13 one just requires them to get the answer. Do they test
14 the same subject areas? Do they both test math? Yes or
15 no?

16 MADAM CHAIR: Yes, go ahead.

17 MS. ZURKOWSKI: Madam Chair.

18 MADAM CHAIR: Introduce yourself, please

19 MS. ZURKOWSKI: I'm Joyce Zurkowski. I'm
20 executive director of assessment.

21 MADAM CHAIR: Okay.

22 MS. ZURKOWSKI: So there are not two tests.
23 There are two components to the test. There is a single
24 blueprint that covers both components of that test. So
25 you have a set of skills and concepts that are reflected



1 in the standards: some of those require open-ended
2 responses, so as Jill mentioned, the writing pieces;
3 others don't necessarily require open-ended responses,
4 those can go in the end-of-the-year component. Single
5 test, one blueprint.

6 MR. DURHAM: Madam Chair.

7 It wouldn't be difficult for people of some
8 expertise to argue, in fact, that simply taking the
9 second half of the test would provide a year-end progress
10 report for the student that should comply with federal
11 law, true or false?

12 MS. ZURKOWSKI: Madam Chair.

13 MADAM CHAIR: Yeah. Go. Yes.

14 MS. ZURKOWSKI: For the English language
15 arts assessment to cover the standards we need to have
16 that writing component, which is only in that first part
17 of the test.

18 MR. DURHAM: What about the math component?

19 MS. ZURKOWSKI: Madam Chair.

20 MADAM CHAIR: Go ahead.

21 MS. ZURKOWSKI: So for the math component
22 again, when we're looking at the blueprint, which is what
23 covers the standards, if you eliminate the PBA, you are
24 eliminating part of that blueprint. You wouldn't be
25 covering the standards.



1 MR. DURHAM: Thank you, Madam Chairman.

2 I'm not sure I'm getting the answer that I'm
3 looking for. You would get a result by taking one test
4 that would allow a progress report to be made on the
5 student, presuming there's something in a previous year
6 to compare it to.

7 MS. ZURKOWSKI: Madam Chair.

8 Again, there are not two tests. There's a
9 single test, with two components. So as you are looking
10 at that single component of the test, it does not cover
11 the standards, so what you would get is partial
12 information, not reflective of the entirety of the
13 standards.

14 MADAM CHAIR: Thank you.

15 MR. DURHAM: Madam Chairman, now I'll have a
16 motion to make when this discussion is over, so --

17 MADAM CHAIR: Oh, you're through. Okay.

18 MR. DURHAM: At the end.

19 MADAM CHAIR: MS. Scheffel.

20 MS. SCHEFFEL: I -- I think if we look at
21 the blueprint, and I've seen versions of the performance
22 version and the end-of-year assessment. I'm not sure
23 that it's really true that -- that all of the standards
24 aren't covered. I mean, I -- I see what you're saying
25 because of the nature of the response, but that has to do



1 with task analysis of how a person responds, whether it's
2 receptive, and you've got all the answers, and multiple
3 choice you're finding an answer, versus generating an
4 answer, where it's open-ended and the kids are writing
5 something, or they're drawing something in the case or
6 whatever.

7 So I guess I would take issue with the
8 standards aren't covered is the nature of the response
9 that differs from the performance-based version and the
10 end-of-year assessment, so I would think it -- it could
11 be a time when we could look at the contract, and figure
12 out if we could provide some relief by not asking folks
13 to take that performance-based portion.

14 MADAM CHAIR: Thank you.

15 All right. Do you have a comment?

16 MS. ZURKOWSKI: Madam Chair, again, when
17 we're looking at the writing standards, especially, they
18 are not reflected in the end-of-the-year component.
19 Those writing standards are reflected in that first
20 component referred to as PBA.

21 MADAM CHAIR: Angelika.

22 MS. SCHROEDER: This is some -- is this
23 something we should be discussing next Monday with the
24 PARCC representative? I mean, I -- I value your
25 questions, Steve, but I'm wondering if that individual



1 could be helpful in just kind of going through and giving
2 us some examples maybe.

3 MADAM CHAIR: Yes.

4 MS. FLORES: Don't you think that --

5 MS. ZURKOWSKI: Madam Chair.

6 MS. SCHROEDER: Just a minute.

7 MADAM CHAIR: Yes.

8 MS. ZURKOWSKI: I think one of the things
9 that we can provide to the Board, whether that be at that
10 meeting, at a different meeting, is a listing of the
11 standards that are covered in both the PBA and the EOY,
12 so we can see where they're being covered. And when we
13 talk about coverage, I just also want to mention that
14 what we have to do in order to adequately assess the
15 standards is do what we call is breath, which is cover
16 the standards, but there's also that depth, so we start
17 to look at depth of knowledge issues. And through the
18 performance-based assessment we do get some more of that
19 depth of knowledge. I -- I'm not sure if -- in terms of
20 who is all coming to that meeting on Monday, but that is
21 definitely something we can provide.

22 In addition, I think it is fair to say that
23 we all want to be looking at that blueprint to see if
24 there is room to reduce that blueprint. Even if we are
25 able to reduce that blueprint in the future, the entire



1 elimination of that PBA, if we would do that, would
2 eliminate writing from our system.

3 MADAM CHAIR: Since -- since MS. Scheffel
4 was in this conversation, we'll go with you first, and
5 then we'll get to --

6 MS. FLORES: Well, you've excluded me.

7 MS. SCHEFFEL: Thank you. Can you speak to
8 the fit -- I mean, the feds don't require depth of
9 knowledge? I mean, that's the blueprint -- the blueprint
10 is based on that, in the case of PARCC?

11 MS. ZURKOWSKI: Madam Chair.

12 MADAM CHAIR: Yes.

13 MS. ZURKOWSKI: The feds actually do require
14 depth of knowledge. So what we need to do
15 historically -- again, historically with the feds, is
16 provide an alignment study that also has to show that
17 there is consistency between performance expectations and
18 the standards, and the performance expectations on the
19 assessment.

20 MADAM CHAIR: Yes.

21 MS. SCHEFFEL: May I follow up?

22 When you say the feds require depth of
23 knowledge, what they require is an assessment. They
24 don't specify that in your assessment you must follow
25 depth of knowledge, except for the fact that the



1 consortia that we're funded through federal dollars PARCC
2 and Smarter Balance, use that as the -- the -- the base,
3 as opposed to Bloom's taxonomy, or Krathwohl's update of
4 it, right?

5 UNIDENTIFIED VOICE: Right.

6 MS. ZURKOWSKI: Madam Chair.

7 MADAM CHAIR: Yes.

8 MS. ZURKOWSKI: Even prior to the
9 development of the multistate consortia, when states went
10 through their peer review -- and Colorado went through a
11 peer review with CSAB -- as part of that peer-review
12 process, the assessments have to look at whether or not
13 they are matching, in terms of expectation and
14 performance with the standards. So the way most states
15 have done that is they have gone through what we refer to
16 as a content alignment review, and looking at depth of
17 knowledge, level of complexity is definitely part of that
18 experience.

19 MS. SCHEFFEL: Yep. May I follow up?

20 MADAM CHAIR: Yes, quickly, please.

21 MS. SCHEFFEL: My only point is that the
22 feds don't delineate in the law you must use depth of
23 knowledge as the basis for the assessment approach.
24 I -- I've never seen that language in the law.

25 MS. ZURKOWSKI: Madam Chair.



1 MADAM CHAIR: Yes.

2 MS. ZURKOWSKI: The other thing that I can
3 share with the Board is I can send you the peer-review
4 guidance. It's the current peer-review guidance. It may
5 also go through some changes and shifts in the future.
6 And within that peer-review guidance you'll see some of
7 the expectations, and the requirements for what the state
8 assessment system needs to meet.

9 MS. SCHEFFEL: (Indiscernible) guidance with
10 the law. I mean, I understand that. I've read that
11 document, but --

12 MADAM CHAIR: Yes.

13 MS. SCHEFFEL: All right. Go ahead.

14 MADAM CHAIR: Okay. MS. Flores.

15 MS. FLORES: And -- and the other
16 question -- the -- the question I want to ask is, how
17 much time will students be taken out from their learning
18 experience to take a test for -- for --

19 MADAM CHAIR: Yes.

20 MS. FLORES: -- for the -- for the March
21 test?

22 MS. ZURKOWSKI: Madam Chair.

23 MADAM CHAIR: Yes.

24 MS. ZURKOWSKI: We have developed a table
25 that I can literally send to you, as soon as I leave



1 (indiscernible).

2 MS. FLORES: Well, how many hours?

3 MS. ZURKOWSKI: And that -- so we are
4 talking across the two components -- so for the test
5 approximately ten hours.

6 MS. FLORES: Okay.

7 MADAM CHAIR: Ten hours.

8 MS. FLORES: And so if you add maybe four
9 times that -- four times ten, and I think that's the time
10 they'll be taken out for teachers to -- to prep,
11 that -- that does take place, and administrators do, do
12 that. So we're talking about 40 hours, and possibly
13 more.

14 MADAM CHAIR: Yeah.

15 MS. FLORES: I'm just wondering, you know,
16 why -- this is why parents are all upset. Parents,
17 teachers, and administrators are all upset about the
18 test. I don't understand why we had to do it in
19 two -- in two parts.

20 The other part I want to ask is how many
21 districts came to you and asked you for a dispensation to
22 do it on paper and pencil, as opposed to doing it on the
23 computer -- taking the test?

24 MR. HAMMOND: We have those numbers. In
25 fact, we budgeted 50 percent. We could put all the math



1 on paper and pencil to help, and all the third grade with
2 paper and pencil to help. And right now how many have
3 taken advantage of that?

4 MS. ZURKOWSKI: Madam Chair.

5 MADAM CHAIR: Yes.

6 MS. ZURKOWSKI: So depending on the grade
7 level, right now we have between 10 and 15 percent of the
8 students in Colorado who will be taking the math
9 assessments on paper. So it'll be a budgeted --

10 MS. FLORES: What about --

11 MS. ZURKOWSKI: -- so about 100 percent
12 of -- I'm sorry -- that we would have been able to have
13 100 percent of the students take the math on paper.
14 Again, between 10 and 15 percent have opted --

15 MS. FLORES: Okay.

16 MS. ZURKOWSKI: -- into doing that.

17 MS. FLORES: It -- it's --

18 UNIDENTIFIED VOICE: Could I make a -- can
19 I --

20 MS. FLORES: No, may I -- may I please
21 finish?

22 MADAM CHAIR: Yes, please. Go ahead.

23 MS. FLORES: It's important. I know that
24 Denver, for instance, has not been teaching keyboarding
25 to students.



1 UNIDENTIFIED VOICE: Wow.

2 MS. FLORES: So I don't know what kind of
3 information, if any, would be -- would be helpful if they
4 take it. Did Denver ask for dispensations? I know for a
5 fact that they do not -- did they ask for a dispensation
6 for third grade or eighth grade, because they haven't
7 been teaching keyboarding?

8 MR. HAMMOND: Since you brought this
9 question up, I don't have the preparation to tell you
10 that. So I would have to go back and get you the answer
11 and provide it to you.

12 MS. FLORES: Okay. Because I --

13 MR. HAMMOND: Secondly, I have to remind the
14 Board that there is a 1202 Committee studying this whole
15 thing in great depth, looking at all the legal
16 requirements --

17 MS. FLORES: Well --

18 MR. HAMMOND: -- how we got ourselves into
19 this, and then what thoughtful recommendations they can
20 make to get us out of this.

21 MS. FLORES: -- I think one of the --

22 MADAM CHAIR: And I would --

23 MS. FLORES: -- one of the --

24 MADAM CHAIR: -- I would take a chair
25 prerogative, please --



1 MS. FLORES: -- issues that -- the reason
2 that I'm asking these questions --

3 MADAM CHAIR: No. Well, let me speak,
4 please.

5 MS. FLORES: Okay.

6 MADAM CHAIR: I've been very -- I'm let
7 everybody speak. I -- I --

8 MS. FLORES: You haven't let me speak.

9 MADAM CHAIR: -- particularly --

10 MS. FLORES: You haven't let me speak,
11 because I have a point to make.

12 MADAM CHAIR: Well, I have a point too, and
13 if it --

14 MS. FLORES: Thank you.

15 MADAM CHAIR: -- and when I make the point,
16 if you still continue to want to make your point --

17 MS. FLORES: I'm -- I'm sorry.

18 MADAM CHAIR: -- you may. Most people in
19 this room know that we -- a piece of legislation was
20 passed that required us to join PARCC. Now, I don't like
21 that. I would get out of PARCC if I could. Many of us
22 don't. I have -- I -- I -- I handed out a paper -- I
23 wrote a paper -- a resolution in May of last year that
24 said I think we should get out of PARCC, but we don't
25 have that ability with the legislation that's there. If



1 we did the things that people want to do, we would be in
2 trouble with the legislation.

3 I'm -- I'm very happy to wait on the 1202
4 Committee. I'm hoping they come up with some -- some
5 good ideas, and that the legislation will follow it
6 through. I am not a supporter of PARCC, but is the law,
7 and we have no ability to -- well, I don't think we have
8 any ability to break the law. So I wanted to make that
9 point. We're just not doing this because we didn't study
10 it beforehand. We're doing it because we we're required
11 to do it by law.

12 Okay. Val.

13 MS. FLORES: Well, the point I'm trying to
14 make is I don't think that because many of our school
15 districts, especially your rural school districts, and
16 large urban -- large urban district, like Denver, who has
17 not really been up to snuff on --

18 MADAM CHAIR: No, I'm agreeing with you,
19 Val. I'm not --

20 MS. FLORES: -- that I don't know you're
21 going to get any valid information from --

22 MADAM CHAIR: Would you just break the law?

23 MS. FLORES: Oh, I'm not saying to break the
24 law. I think --

25 MADAM CHAIR: Okay. Let's --



1 MS. FLORES: -- there may be --

2 MADAM CHAIR: -- I'm -- I'm sorry. I -- I
3 should not have gotten into this. I apologize --

4 MS. FLORES: Well, I --

5 MADAM CHAIR: -- to you Val.

6 MS. FLORES: -- think --

7 MR. DURHAM: Well, let me -- let me -- let
8 me frame the issue a couple of ways: one, is first of
9 all, there are certainly different views of the 1202
10 Committee. Most of the people that I've talked to
11 describe it in -- with a very pejorative of term that
12 ends in -- in an appropriate word. And I don't know
13 whether it's that, or whether it isn't that, but I
14 suspect that the result is going to be tainted by
15 the -- by the conflicts, or perceived conflicts of
16 interest of those serving on it.

17 So secondly, I do believe that the law does
18 allow us to require only half the test, if that's what we
19 want to do. And I haven't heard anything that would
20 indicate that to the contrary.

21 I also believe in local control, so the
22 motion I'm going to make is to instruct the Commissioner
23 to grant waivers to local school boards, and local school
24 districts to the first part or component of the test, if
25 they are requested. So it is a local control -- it is a



1 local control motion. And it provides a legal out from a
2 lot of this testing, and at least, from what I can
3 determine, it is that first test that most people find
4 the most objectionable because it is the show your work.
5 It's not really what the right answer is; it's -- you
6 know, you're sort of doing, kind of, the right thing.

7 So I'm going to make that motion to instruct
8 the Commissioner to do that, and --

9 MADAM CHAIR: So this motion is that you
10 make a motion to instruct the Commissioner to grant
11 waivers --

12 MR. DURHAM: Waivers if requested by local
13 school boards.

14 MADAM CHAIR: -- if requested by local
15 boards.

16 Is there a second to that?

17 Val.

18 MS. SCHEFFEL: I second it.

19 MADAM CHAIR: Yes. Oh, and we're going to
20 hear from our esteemed attorney.

21 MR. HAMMOND: Tony is going to chime in.

22 MR. DYLAN: Unfortunately, we have -- we have
23 looked at this before. The -- the testing required
24 is -- is in the statute -- oh, sorry -- the statute is
25 22-7-409. The authority of the State Board to grant



1 waivers is also statutory. It's -- it's not inherent in
2 the Board. It's been granted by the legislature, and the
3 legislature said that "The State Board shall not waive
4 requirements contained in article 11 of this title or
5 sections 22-7-409."

6 MADAM CHAIR: Who --

7 MR. DYL: That's been the problem with
8 looking at this, in terms of a waiver thing is that, in
9 fact, they have taken the whole assessment regime and
10 said this is part of the law that you do not have the
11 authority to waive.

12 MADAM CHAIR: Okay. But who said -- was
13 that part of the legislation that said you don't have the
14 authority?

15 MR. DYL: Yeah, that's -- that's in the
16 waiver statute is 22-2-117.

17 MADAM CHAIR: Okay.

18 MR. DYL: And the language I quoted from is
19 from Section 1.5.

20 MADAM CHAIR: Okay. Thank you, Mr. Dyl.

21 Anybody have any questions --

22 MR. DYL: Okay.

23 MADAM CHAIR: -- for Mr. Dyl?

24 Yes.

25 MR. DURHAM: Yeah. Well, I'm not sure it's



1 a question, but just proceeding along. First of all, I
2 don't think that's the applicable portion of the statute,
3 number 1.

4 Secondly, because the PARCC testing is -- is
5 really covered, from what I can tell in 22-7-106(1.5),
6 and there's no prohibition against the granting of
7 waivers or other things from -- by this Board.
8 And -- and I think I would simply say that yeah,
9 this -- this Board did a lot of things in the past not
10 fully understanding, I think, the public outrage --

11 UNIDENTIFIED VOICE: Yeah.

12 MR. DURHAM: -- at what has gone on, and
13 therefore, we have a chance to correct it. I think we
14 should correct it, and I renew my motion for the adoption
15 of --

16 MADAM CHAIR: And it was seconded my MS.
17 Scheffel.

18 MS. MARKEL: Madam Chair, just as a
19 (indiscernible) move to amend the agenda --

20 UNIDENTIFIED VOICE: Yes.

21 MS. MARKEL: -- (indiscernible) action item
22 this was not on (indiscernible) --

23 MADAM CHAIR: Okay.

24 MS. MARKEL: -- with all due respect to
25 Board Member Durham, I think we need to --



1 MR. DYL: If -- if I may ask for a
2 clarification. Were you saying 22-7-106?

3 MR. DURHAM: It's 22-7-106(1.5).

4 MR. DYL: Okay.

5 MR. DURHAM: Colorado shall participate as a
6 governing board member and so on and so forth, and is
7 strongly encouraged to conduct a system of assessments.

8 MR. DYL: Okay. I'm -- perhaps
9 we're -- because 22-7-101 through 107 had been repealed.
10 The -- the -- the current testing regime is contained in
11 22-7-409. The requirement that those be done through
12 PARCC is in, I believe, it's 22-7-1006, but that's not
13 actually the part that -- that mandates the test.

14 MR. DURHAM: Madam Chair.

15 Reasonable people may disagree as to what
16 the law is, if -- if there is a majority for this -- and
17 I don't know whether there is or not -- and I don't think
18 we need to amend the agenda, by the way, because
19 we're -- we're in a -- in a budget issue, but I'm happy
20 to go back and do that motion first, if appropriate;
21 although, the chair did allow the motion to be made, so I
22 think -- so I think --

23 MADAM CHAIR: This is my --

24 MR. DURHAM: -- it stands --

25 MADAM CHAIR: -- second day on the job.



1 MR. DURHAM: -- so I think it stands.

2 MS. MARKEL: I'm not challenging that MR.
3 Durham.

4 MR. DURHAM: Yeah. I think it stands.

5 And if we're wrong, I presume the PARCC
6 people can sue us, and -- and the Attorney General can
7 elect not to defend us, if you don't agree.

8 MR. DYL: Well, that's one way to do it. I
9 mean --

10 MR. HAMMOND: It's a tough way.

11 MR. DYL: Yeah.

12 MR. DURHAM: It -- it's a way to find out.

13 MR. DYL: I -- I think you're --

14 MADAM CHAIR: All right.

15 MR. DYL: -- your ultimately --

16 MADAM CHAIR: Let's move along.

17 MR. DYL: -- I would --

18 MS. FLORES: May I --

19 MR. DYL: -- I would say that --

20 MS. FLORES: -- oh --

21 MR. DYL: -- you know, should this motion
22 pass, it would probably not be a legal force in effect,
23 because you're essentially saying we're allowing
24 something that the statute, in my opinion, very clearly
25 prohibits the State Board from doing.



1 MADAM CHAIR: Okay.

2 MR. HAMMOND: Madam Chair.

3 MADAM CHAIR: Thank you, Mr. Dyl.

4 Yes.

5 MR. HAMMOND: And Steve, you pass the
6 motion, and do all you need to do, okay, but I have to
7 rely upon the guidance of the Attorney General's Office,
8 and for my fiduciary responsibility (indiscernible). If
9 they tell me I can't do that, I won't do that, and you
10 just need to know that, and you can do what you need to
11 do, but I'm just telling you I will not do that, because
12 I can't be ordered to do something that's against the
13 law.

14 Now, if you have other legal guidance that
15 says you can do that, but your guidance comes from the
16 Attorney General's Office, not outside counsel.

17 MADAM CHAIR: Ms. Markel, so reminded us
18 that this was --

19 MS. FLORES: It's a lot of money -- it's a
20 lot of money that we're spending for not, that's not
21 going to get us anything.

22 MR. HAMMOND: It is the legislation.

23 MADAM CHAIR: Ms. Markel reminded us that
24 this was --

25 MS. FLORES: Well --



1 MADAM CHAIR: -- not an action --

2 MS. FLORES: -- don't --

3 MADAM CHAIR: -- item, but you're saying now
4 that we can go ahead with the -- the motion?

5 MS. MARKEL: My -- we're clarifying for the
6 purposes of the record, this was not an action item, and
7 so if you want to move -- make this an action item, my
8 suggestion would be to move to amend the agenda first.

9 MADAM CHAIR: To move to amend --

10 MS. MARKEL: The agenda --

11 MADAM CHAIR: -- the --

12 MS. MARKEL: -- to add this as an action
13 item.

14 MADAM CHAIR: Okay. Can I have a motion to
15 amend the agenda to allow an action item?

16 MR. DURHAM: Madam Chair, I'll withdraw the
17 previous motion, so we may consider a motion to amend the
18 agenda for this action item.

19 MS. SCHEFFEL: Second.

20 MADAM CHAIR: MS. Scheffel.

21 All right. We're now in an action item, and
22 so MR. Durham, if you'd like to renew your motion. I've
23 got it written down, if you --

24 MR. DURHAM: Oh, did that pass?

25 MS. FLORES: No, we haven't voted.



1 MADAM CHAIR: Oh --

2 UNIDENTIFIED VOICE: No, we haven't voted.

3 MR. DURHAM: We didn't vote.

4 MADAM CHAIR: -- I'm sorry. You got me
5 confused here.

6 Is there any objection to the motion?

7 Okay. The motion carries.

8 MR. DURHAM: Thank you, Madam Chair. I'll
9 renew my motion for the adoption of -- of the -- of the
10 motion I made, and I would -- would simply add one other
11 thing. I think --

12 MADAM CHAIR: Well, if you're going to add a
13 thing, you need -- you're --

14 MR. DURHAM: No, not to the motion, but
15 just --

16 MADAM CHAIR: Okay. Well, then let me read
17 the motion --

18 MR. DURHAM: Very good.

19 MADAM CHAIR: -- and second, and then if you
20 want to have a comment --

21 MR. DURHAM: Thank you.

22 MADAM CHAIR: -- you can do that.

23 The -- the motion was to instruct the
24 Commissioner to grant waivers if -- to school districts,
25 if requested, and it was seconded by Deb Scheffel.



1 Okay. Now your comment.

2 MR. DURHAM: Okay. My comment is that, you
3 know, should the Commissioner decide that he does not
4 want to, and is -- is persuaded that somehow this motion
5 is illegal, which I don't believe it is, but if he is
6 somehow persuaded, as to that and doesn't sign, then
7 someone who applies for a waiver, and is not granted a
8 waiver will have the opportunity to litigate the
9 question. So I don't think there's any harm from -- from
10 the motion.

11 MADAM CHAIR: Any other comments before we
12 vote?

13 MS. Scheffel -- or (indiscernible) --

14 UNIDENTIFIED VOICE: (Indiscernible) see how
15 you can do that can he -- somebody does that.

16 MR. DURHAM: Uh-huh.

17 UNIDENTIFIED VOICE: Yeah.

18 UNIDENTIFIED VOICE: We have not had any
19 kind of a conversation right now about why we are
20 assessing why we have standards, why we have the process
21 in Colorado, which is that if we start eliminating
22 assessments, then we don't know whether our children are
23 being educated, and whether we go back to only educating
24 our most affluent kids, and leaving the others without
25 any kind of -- without us even knowing it. There's a



1 reason for no child left behind. It has many problems,
2 but it demonstrates a moral obligation that many of us
3 believe in. And by changing a test going back to a test
4 that doesn't measure what kids learned, what kids are
5 able to do, whether they've met Colorado standards, we're
6 relinquishing our duty that we have in this state.

7 MS. FLORES: Madam Chair.

8 MADAM CHAIR: Yes, ma'am.

9 MS. FLORES: I think that what we're doing
10 right now I'm -- I'm not saying that we shouldn't have
11 high standards, and we shouldn't test high standards, but
12 I think at the present time, we have students that are
13 not ready to take these tests that have not had -- that
14 have not had the training. Teachers have not been
15 trained.

16 It takes about five years to put something
17 like this in place. And some districts have gone on and
18 started doing this, but many districts -- and especially
19 one school district that I know about, which is my -- my
20 district Denver -- has not been training kids to do
21 keyboarding. So -- and they have not asked for a
22 dispensation to take a paper and pencil test. And I know
23 that many small school districts -- because
24 I -- I -- I've heard them -- I've -- I've heard parents
25 they have emailed me. They have written in -- in many



1 ways that their kids are not ready. We have had high
2 school kids that have been speaking up to the public and
3 there have been reports about it in newspapers and such
4 that we all know about.

5 So what I'm saying is for this year those
6 tests are -- you are not going to get -- we are not going
7 to get worthy information, and so what I'm saying is,
8 it's going to be a waste of money to give those tests
9 this year. And I -- I hate wasting money. And when we
10 don't have the monies to do things, like, maybe even
11 buying the -- the tools that the kids need, such as
12 computers, and such, to take teacher training to be able
13 to teach the math that they need, because we know that
14 right now that's not -- that's not the case, so I am
15 opposed to wasting money this year.

16 MADAM CHAIR: Any other comments?

17 MS. FLORES: I can't say it any louder than
18 that. And --

19 MADAM CHAIR: Any other comments?

20 Jane?

21 MS. GOFF: Thank you.

22 Val, I totally appreciate that sentiment. I
23 think everybody is always concerned about are we spending
24 money smartly, and are we spending what we have smartly,
25 are we -- and what's the purpose of why we spend our



1 money. I know that this Board has a long history of a
2 lot of those conversations.

3 We also have going on a six-year history
4 now -- actually, we passed the -- the six-year mark of
5 talking about this improvement agenda. I find it a
6 little bit disconcerting hyphenated to -- to hear a comment
7 made that this -- whatever decisions, or whatever actions
8 we -- this Board has taken around assessments, and the
9 related standards, and so I kind of think it was
10 generalized as a -- it -- it felt -- I was perceived it
11 as an -- as a not thought about, regardless of whether it
12 was ill thought out, ill considered, unwise. I assure
13 you all that is not the case.

14 As far as making this kind of a motion and
15 taking an amendment at this point, I'm -- I'm having a
16 hard time wrapping my head around the fact how
17 this -- how this conversation about the nature of
18 assessments fits in with our budget update, but I
19 can -- I can go with that.

20 The -- it's -- it's -- talking about assessments is a
21 different thing than talking about the cost of the
22 assessment. We are -- we're -- we're to -- talking in
23 two ball parks here.

24 As far as our operating procedures are
25 concerned, we have -- we're verging very closely on



1 violating some of our own procedures; and that is:
2 public notice, a proper way to go about changing agendas,
3 and approving that change, and then adding on in the
4 middle of a meeting new agenda items.

5 Lastly, I would say too that -- not so much
6 here, Colorado is -- we should be proud of it -- unique
7 in a lot of things. There have been instances in -- in
8 other states of -- where questions of separation of
9 powers have come up. State Boards -- between State
10 boards, legislatures, executive offices, and so forth,
11 where the question comes up about where exactly are the
12 boundaries, and the flexibilities for each branch. I
13 think before we venture into this recommendation that our
14 Commissioner grant waivers, it puts all of us in a
15 precarious position about whether we are honoring the
16 duties that we are stipulated to perform in statute, and
17 in the constitution.

18 So I -- I'm just -- I think you can figure
19 out no matter what kind of an amendment, or a motion, or
20 such is presented today, I will not support that,
21 until -- and I won't even want to really discuss it too
22 much again -- until we have the task force
23 report -- plural if necessary -- and we hear what the
24 recommendations are that they finally come up with to
25 present to legislatures for legislative action, which, in



1 my view, is within the purview of the legislature at this
2 point.

3 MADAM CHAIR: Thank you, Jane.

4 MS. GOFF: You're welcome.

5 MADAM CHAIR: I would have a comment then if
6 no one else has. Mr. Angle (ph) back there is fond of
7 putting me in the middle of the -- the road, and as usual
8 that's where I am. I am opposed to PARCC.
9 I -- I've -- I've issued a statement. I want to get out
10 of PARCC. I -- I hope that the Commission has some
11 ideas, but Jane is right when she says we are not
12 following procedures here today. We are out of -- out of
13 order. If we pass this amendment -- or pass this motion,
14 it will cause chaos in the State, and in the school
15 districts -- the very school districts you're talking
16 about wanting to save money and protect these school
17 districts.

18 I am the only member of this Board that has
19 ever been in a classroom.

20 UNIDENTIFIED VOICE: Excuse me.

21 MR. DURHAM: No.

22 UNIDENTIFIED VOICE: No.

23 UNIDENTIFIED VOICE: No.

24 MS. FLORES: No.

25 MR. DURHAM: No.



1 MADAM CHAIR: Oh, I'm sorry. Okay. I used
2 to be.

3 UNIDENTIFIED VOICE: Most of us have.

4 MADAM CHAIR: And it -- well, it doesn't
5 really matter, because my main concern always is the
6 schools -- the schools that we represent, and this will
7 cause chaos in the State. I am -- and -- and
8 you're -- you're talking about losing your leadership
9 you're -- you're -- all of these things you're talking
10 about, and you're willing to throw them out on this very
11 first meeting -- motion we're going to make headlines.
12 Boy, we're going to have big headlines.

13 I'm sorry. This is a terrible motion, and
14 we need to defeat it. And then we need to work to get
15 this state out of PARCC, but this is not the way to do
16 it. And I too will vote no.

17 MR. Durham.

18 MR. DURHAM: Thank you, Madam Chairman.

19 I -- I'm concerned about the children of the
20 state --

21 MADAM CHAIR: Me too.

22 MR. DURHAM: -- and I think they have to
23 take top priority. I don't believe this will create
24 chaos, because -- because local control in, and of
25 itself, does not engender chaos. It creates an



1 opportunity for each district to assess its needs, its
2 burdens, its opportunities, and react accordingly, and to
3 make the request.

4 If the Commissioner elects not to grant
5 this, based on this motion, that's up to him, but -- but
6 I do think that a much deeper legal analysis is required,
7 and -- and I fully intend to meet with the Attorney
8 General to discuss this matter. So I think we should
9 approve this motion, and -- and move forward, and let the
10 public know that -- and let really everyone involved in
11 this -- because I think the problem is, we started
12 somehow with a good idea a few years ago, and somehow it
13 all managed to get out of hand, and now it's gotten way
14 out of hand. And I think it's time for some solid public
15 statements, and actions recognizing that this Board has
16 constitutional authority and responsibilities that we
17 can, and should exercise; and this is one I believe we
18 can legitimately exercise. And I renew my motion.

19 MS. SCHEFFEL: Madam Chair.

20 MADAM CHAIR: We're way -- running way late,
21 and I guess we better get this -- go -- but go Deb.

22 MS. SCHEFFEL: I'll be brief.

23 I also think it's good timing, because last
24 year was a pilot year. This year is a full
25 implementation year, so I think it's good timing for us



1 to think about the burden on the students, and how we
2 might address it, given the two parts of the PARCC.

3 MADAM CHAIR: I -- I totally agree with you,
4 but I just didn't -- don't think this is the way to
5 handle it, and I think you'll be -- we'll -- we will rue
6 the day if we pass this motion.

7 MR. DURHAM: Madam Chair, can I request --

8 MADAM CHAIR: Yes.

9 MR. DURHAM: -- roll call vote.

10 MADAM CHAIR: No, that's -- I think we're
11 almost there.

12 Mr. Commissioner.

13 MR. HAMMOND: No, I understand clearly where
14 you're coming from, but it's just -- I think I've been
15 very clear that if you pass this motion, that I will not
16 implement it until I get guidance from the Attorney
17 General's Office, and as part of my constitutional and
18 fiduciary responsibilities, so I have an obligation to do
19 that.

20 Also, I caution you because this
21 has -- should it happen -- I mean, should that -- this
22 really happen, it could have widespread implications on
23 schools in a different way, from our accountability
24 system, and everything else that we have to look at and
25 change, from the federal dollars we receive, whether we



1 like that or not. We could end up with a test that's not
2 valid. I mean, when we bring it up at a meeting like
3 this, there's all kinds of issues that could happen, but,
4 you know, I mean, you're adults. You can figure that
5 out, but I'm just -- and there's also a lot of
6 misstatements made on costs here today, because it was
7 clearly said with everybody not prepared, but, you know,
8 I just -- as part of my responsibility as Commissioner, I
9 have to tell you that.

10 MADAM CHAIR: And I -- I have to apologize,
11 because my first full meeting I've obviously let it get
12 out of control. I don't know what I should have done
13 to -- to keep it in control, to be ordered, and measured,
14 and -- and think about things deeply, instead of just
15 acting on -- you know, just reacting.

16 I -- I take that responsibility on myself.
17 I'm sorry for this. This whole issue coming up like
18 this, but I think it's probably time to call the motion,
19 and make the vote.

20 MS. MARKEL: Steven Durham.

21 MR. DURHAM: Aye.

22 MS. MARKEL: Val Flores.

23 MS. FLORES: Aye.

24 MS. MARKEL: Jane Goff.

25 MS. GOFF: No.



1 MS. MARKEL: Pam Mazanec.

2 MS. MAZANEC: Aye.

3 MS. MARKEL: Marcia Neal.

4 MADAM CHAIR: No.

5 MS. MARKEL: Debora Scheffel.

6 MS. SCHEFFEL: Yes.

7 MS. MARKEL: Angelika Schroeder.

8 MS. SCHROEDER: No.

9 MS. MARKEL: (Indiscernible).

10 MADAM CHAIR: Shall we move on with the

11 agenda?

12 Thank you.

13 MR. HAMMOND: I'll be talking with you

14 further.

15 MADAM CHAIR: Thank you for your -- thank

16 you for your report. We appreciate that. Thank you.

17 We now move on to happier news with the

18 recognition of Colorado's outstanding educators.

19 MS. MARKEL: (Indiscernible).

20 MADAM CHAIR: Oh, wait. We went right by

21 the public comment. Is there anyone --

22 MS. MARKEL: There's no one signed up.

23 MADAM CHAIR: There's nobody out there. Oh,

24 thank you. That would have (indiscernible) --

25 MS. FLORES: They're coming in.



1 UNIDENTIFIED VOICE: No one signed up.
2 UNIDENTIFIED VOICE: Can we --
3 MADAM CHAIR: Shall we take a quick break?
4 (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.

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/s/ Kimberly C. McCright

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