



Colorado State Board of Education

**TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO**

April 13, 2017 Meeting Transcript - PART 2

BE IT REMEMBERED THAT on April 13, 2017, the
above -- entitled meeting was conducted at the Colorado
Department of Education, before the following Board Members:

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



1 MADAM CHAIR: Colorado State Board of
2 Education will now conduct a public rule making hearing for
3 the repeal of the rules for the administration of the
4 Teacher Development Grant Program, 1CCR301-48. The state --
5 the State Board voted to approve the notice of rulemaking at
6 its February 8th, 2017 board meeting.

7 A hearing to promulgate these rules was made
8 known through the publication of a public notice on March
9 10, 2017 through the Colorado Register and by State Board
10 notice on April 5th, 2017. State Board is authorized to
11 promulgate these rules pursuant to 22-2-107(1)(c) CRS.
12 Commissioner? Do we want an overview again?

13 UNIDENTIFIED VOICE: No.

14 UNIDENTIFIED VOICE: This is just -- Leanne
15 Emm?

16 MS. EMM: Thank you. Leanne Emm, Deputy
17 Commissioner, School Finance and Operations. These rules are
18 just slightly different in that we have not received funding
19 for this grant program for a number of years and so,
20 therefore, we felt that if we are not receiving funding and
21 it's unlikely to receive funding in the future, we should go
22 ahead and repeal these.

23 However, if the legislature were ever to come
24 back and reinstate the funding and give us funding, we would
25 want to come back and revise the rules to amend them and



1 make them more -- more appropriate for the program.

2 MADAM CHAIR: Great. Thank you. It does not
3 appear that we have anyone to testify for this hearing, so
4 we will conclude the rule-making hearing for the repeal of
5 the rules for the administration of the Teacher Development
6 Grant Program, 1CCR301-48. Is there any further discussion
7 from colleagues? In that case, may I have a motion, please?

8 UNIDENTIFIED VOICE: I move to repeal the
9 rules for the administration of the Teacher Development
10 Grant Program, 1CCR301-48. Let me repeat. Sorry. I move to
11 repeal the rules for the administration of the Teacher
12 Development Grant Program, 1CCR301-48.

13 MADAM CHAIR: It's a proper motion. Do I have
14 a second?

15 UNIDENTIFIED VOICE: I second.

16 MADAM CHAIR: Any objections to that motion?
17 The motion passes. Thank you very much. The next item on the
18 agenda is a discussion and the consideration of the Every
19 Student Succeeds Act, State Plan. Commissioner, is staff
20 prepared to provide an interview. No, I think it's an
21 overview. You wrote interview.

22 MS. LARK: It's sort of like an interview
23 with Mr. Chapman.

24 MADAM CHAIR: Mr. Chapman, we'd like to
25 interview you or you're going to interview us. I'm not sure.



1 MR. CHAPMAN: I'm ready.

2 UNIDENTIFIED VOICE: Right.

3 MS. LARK: Yes. Thank you, Madam Chair,
4 members of the Board. This is a meeting long. We've been
5 bringing this to you for, I think, eight or nine months now.

6 MR. CHAPMAN: No, it's - fifth. Excuse me.
7 Ms. Lark, I think it's -- this is the 15th month.

8 MS. LARK: Oh, wow. Yes, okay, but who's
9 counting, right? So, apparently, Mr. Chapman has a
10 countdown. So, anyway, we are presenting to you the final
11 draft for your review and consideration today, and Mr.
12 Chapman will go through some of the overview and basics.

13 MR. CHAPMAN: Okay. Thank you, Commissioner.
14 So, we're getting a --

15 UNIDENTIFIED VOICE: Yup, just --

16 MR. CHAPMAN: Okay. While we wait, I just
17 wanted to make sure everybody had copies of materials that
18 we sent over, the PowerPoint. We have sent two versions of
19 the State Plan over. One is a red line version, and one is
20 the clean copy that we hope to submit to the US Department
21 of Education. Copy of a one-page document that goes through
22 all the changes that have been made to the plan since
23 February 10, since it was posted for public comment, based
24 on the public comments we received and changes to the USTE
25 template and then a copy of the Hub report, their final



1 report and, okay, here we go. I'm noticing that my tie
2 matches the new CDE templates so I'm all ready to go here.

3 UNIDENTIFIED VOICE: Nice tie.

4 MR. CHAPMAN: The purpose of today is to,
5 first, to provide you with a copy of the Hub Committee's
6 final report to the State Board. To review changes that have
7 been made to the plan since it was posted for public comment
8 on February 10th, those changes were made based on the
9 public comments that we received and then, also, based on
10 changes that were required given the new template that was
11 released by the US Department of Education.

12 And then, also, changes that were made to the
13 State Plan based on Board directive and then to simply ask
14 for permission to submit the plan to the US Department of
15 Education. First, the Hub Report. What's included in this
16 report, really, is a -- it provides a summary of the
17 recommendations that were made by the Hub Committee to the
18 State Board.

19 It includes a description of our process of
20 State Plan Development including stakeholder consultation,
21 and it walks you through the -- the committee's membership
22 and meeting dates. And then it does provide recommendations
23 that were made by the Hub Committee to you, that we
24 presented to you at the March meeting. Any questions on the
25 Hub Committee report? Okay. If not, then we'll move on. So,



1 as most of you know, we did post the- the plan for public
2 comment on February 10th that was taken down on March 13th,
3 and then we posted a Spanish version of the plan that was
4 taken down on March 27th.

5 We received approximately 500 comments in
6 response to that offer for public comment, and we received
7 around 21 letters. I think we're still getting some letters
8 so it might be more than 21 at this point. All of the
9 comments that we've received, we've created a really nice
10 page, and all the comments that we've received, the letters
11 that we've received are posted on that web page and that
12 we've included the link in your PowerPoint.

13 In general, the -- the comments can be
14 grouped based on content and there were comments related to
15 the needs of students. So, with regard to gifted, students
16 with disabilities, English learners, there were calls for
17 greater inclusiveness and greater transparency in
18 communication related to the plan. There are parts of the
19 plan where that needed additional clarification, so some of
20 the comments were related to the fact that they were
21 confused by certain sections of the plan.

22 There were some comments that we received for
23 things that we really do need to continue to consider moving
24 forward even after we've submitted our plan. There were some
25 issues that were raised that relate to the plan but we're



1 not really required. We're not really required to include
2 that information in our plan.

3 And then there were comments that are related
4 to ESSA but, really, our best to address outside of the- the
5 State Plan approval process with the US Department of
6 Education and I'll talk a little bit more about each of
7 those now. First, were the comments related to the needs of
8 students.

9 We heard from a lot of folks particularly,
10 the gifted community, the English learner community and the
11 students with disabilities community and what they're asking
12 for was more additional information in the plan with regard
13 to what this, what is the ESSA mean for our students. The
14 students -- these particular groups of students.

15 So in response, we really did go in and- and
16 I think strengthened the plan to reflect the needs of all
17 students and to make clear that- that ESSA is intended to
18 help all students reach their full potential and to describe
19 some of the supports that we will provide as a State
20 department to school districts, so that they can better
21 address the needs of those students.

22 We also received comments with regard to the
23 greater inclusiveness in consultation and transparency in
24 communication. Some of the comments questioned the
25 authenticity of our consultation efforts particularly, with



1 regard to parents and practicing teachers and asked that we
2 dig a little bit more deeply in convening -- composing some
3 of our advisory groups, so that we actually have people who
4 are currently practicing, teachers or parents and not just
5 necessarily a member of an organization.

6 So, I -- I understand there are those
7 concerns and I think that we will be responsive to those
8 concerns moving forward. In fact, pretty quickly we'll be
9 revisiting the composition of some of our committees and
10 trying to strengthen it along those lines. There are others
11 who are critical of our efforts to communicate the State and
12 Federal requirements with regard to all of this assessment,
13 accountability, standards and so forth, in a way that is
14 meaningful and easily understood by the general public.

15 That too. Point well taken. We did make an
16 effort to try to describe things in a way that is more
17 easily understood, but more importantly we're in the process
18 of developing our Colorado version of the ESSA plan that
19 will include simpler language and really provide greater
20 context, Colorado context.

21 So, here is the ESSA requirement. Here's what
22 we have in place in Colorado and here's what will happen
23 moving forward. Hope to be able to release that in the next
24 week or so. So, we do take those comments seriously and are
25 trying to be responsive. There are some parts of the plan



1 that are pretty technical and public commenters asked for
2 greater clarification.

3 There are a lot of those with regard to the
4 accountability sections given that that's a pretty
5 complicated, complex issues with regard to accountability.
6 And so, we went back in and we attempted to add clarity
7 where in those places where it was pointed out to us that
8 there was greater clarity needed. There are some things
9 that- that have come up, some topics that were raised asking
10 us to not stop. To keep engaging with stakeholders moving
11 forward.

12 So, while we got a lot of positive comments
13 actually, quite a few positive comments with regard to the
14 selection of our other indicator, reduction in the rate of
15 chronic absenteeism. Folks like that, but they also asked
16 that we continue to consider other indicators moving forward
17 and that's what we had indicated in our plan that this is a
18 short-term selection, but that we will continue to consider
19 other possibilities with regard to that other indicator, or
20 in another case with regard to the exit criteria for English
21 students. How they exit.

22 The criteria for exiting of the English
23 Language Development Program. Those are two things that
24 we've identified in our plan that there's a need to continue
25 working with our stakeholders moving forward. And so that's



1 what we'll do. Comments related to some of the issues that
2 were raised by stakeholders, but they're not requirements of
3 the plan. So, what we are doing in our plan as we were
4 responding to the questions that we received from the US
5 Department of Education.

6 In some cases, they didn't ask us about
7 certain aspects of the ESSA. However, our stakeholders are
8 aware that those are things that will affect them in their
9 day to day lives moving forward with regard to --
10 particularly with regard to reporting requirements, or how
11 to access the funds through the consolidated application.

12 So, while we weren't asked specifically about
13 those items in the plan, we certainly understand that there
14 is a need to continue to work with our stakeholders through
15 implementation in those areas particularly, those areas that
16 really do take a lot of time at the local level, and
17 reporting as one of them. We did receive some suggestions
18 and it seems like a lot of those were with regard to the
19 other indicator, suggestions, recommendations from public
20 commenters about things that we should consider.

21 For that other indicator, in many cases they
22 didn't really meet the criteria that ESSA lays out criteria
23 for those other indicators. And so they were something that
24 while they might be a good idea, they don't meet ESSA
25 requirements and so therefore, we can't -- did not include



1 them in the plan. And then finally we received quite a few
2 comments for things that do pertain to our State plan
3 and are- are certainly appropriate to ESSA, but those- for
4 discussions that really should emanate from the State board,
5 the Governor's office or the State legislature. Things that
6 pertain to State law and feeling that those comments or
7 those issues should really be addressed, they should emanate
8 from the State Board or the State legislature.

9 It's not sort of outside of our purview in
10 the State plan development to -- we don't have the authority
11 in other words to make those kinds of decisions. So, those
12 were -- the public comments in the red line version of- of
13 the plan that we sent over.

14 The -- all of the things that we changed
15 based on public comments or to add- add clarity, those are
16 all in the red. We're trying to come up with the best ways
17 to help you digest all the changes that have been made to
18 the plan from -- I guess I'm not -- sorry. I can walk and
19 chew gum at the same time. But- so, those are all in red.

20 So, we sent you one copy of the plan that
21 includes color coding. Changes that were made in response to
22 public comments are in red and then changes that were made
23 in response to the revised USDE State plan template are in
24 blue. And now, cover some of those changes that were
25 required based on the release of the new USDE template. So,



1 as you know, we developed our plan based on a prior template
2 that was released by the US Department of Education, under
3 the former administration. We asked that they do not change
4 that or at least give us the opportunity to- to keep our
5 plan in that -- in that same format. On March 13th, the US
6 Department of Education released the new revised USDE
7 template.

8 They did give States the option to- to keep
9 the plan that they have developed based on the old template,
10 but to include a guide or a crosswalk to where the
11 requirements of the new template can be found. The change --
12 the fundamental change from the old template to the new
13 template is that, whereas the old template was really
14 organized by concept supporting teachers, supporting
15 students, accountability, the new template is primarily
16 organized by title programs. So, there is a section for
17 title one, a section for title two, a section for title
18 three. We plan to- well, what we've done in the version of
19 the plan that we sent over to you is we created that
20 crosswalk.

21 And so there's several pages at the beginning
22 of the plan that reference the one section and crosswalk it
23 to the section where that -- the response to the new
24 template could be found in our plan. So, that was quite-
25 quite a bit of work and sort of crazy-making work. There are



1 some things that have been eliminated. Some requirements
2 that have been eliminated under the new USDE template. Some
3 of them required descriptions of our grants management
4 system were removed, student level equity data, teacher
5 equity data, they deleted that table. We didn't have that
6 data yet anyway.

7 Most of the assurances that were included in
8 the original template have gone away. There are a couple of
9 new assurances that we'll talk about in a second. They
10 eliminated the requirement that we include, our stakeholder
11 consultation section, which we would like to retain and
12 submit as part of our plan. I think it really provides
13 context for the rest of the plan and it really is sort of
14 the cornerstone of our -- how we're approaching the ESSA.
15 So, we did -- we are opting to include that section in the
16 plan that we submit.

17 And then interestingly, with regard to
18 standards, we've- it's been included several different ways
19 now and there are three different versions of the template
20 that we've received. Most recently, they just sort of list -
21 - they don't sort of they list the requirement in the
22 template that States have standards but they don't ask us to
23 assure that we have them or they don't ask us to describe
24 them, it's just a statement. It doesn't require any kind of
25 a response. So, what we've done in our plan is to move the



1 standard section and include it as an appendix. There are
2 some new requirements.

3 So, it's not necessarily. So that new
4 template requires less information of States, in fact, I
5 think overall it might require a little bit more information
6 from States. There are some new requirements related to
7 titles two, three and four and homeless. And then they also
8 are requiring us to include a General Education Provisions
9 Act statement.

10 So, with regard to title two and I'm
11 guessing. With regard to Title two, it's really asking us,
12 so we had included this information in our earlier version,
13 based on the old template, to describe how we will use funds
14 to- or describe our supports for teachers. The new, the real
15 new part of it is they're- are asking for a brief
16 description of Colorado's licensure certification system.
17 With regard to title three, they're asking how the state
18 will support school districts and meeting goals for English
19 learners.

20 Title four, they're asking how we will award
21 sub grants, title four sub grants to school districts, under
22 that new program. For homeless, support for school personnel
23 and understanding the needs of homeless students and then
24 the general, the GEPA, the General Education Provisions Act
25 requires pretty much all recipients of grants to describe



1 how, in this case, how the state will identify and remove
2 barriers to the program benefit, for individual groups of
3 kids.

4 So English learners, minority kids and so
5 forth. So we added all that information into the revised
6 version of the plan. The only other changes to the plan,
7 from what was posted in February are the -- are two changes
8 we've made based on Board directive, from the March state
9 Board meeting, and those were to add a statement regarding
10 the inability of CDE to ensure to the U.S. Department of
11 Education 95 percent participation in state assessments, and
12 then the revision to the out of field definition, moving the
13 number of hours required from 24 to 36. So just quickly, to
14 summarize what's different from the plan that we reviewed on
15 February 10th, there have been some changes made based on
16 public comment, some changes made based on new USDE template
17 to which we must respond and a couple of changes made based
18 on board directive.

19 If this one pager does create a guide for
20 specifically page numbers -- there was an attempt to really
21 get right down to the page with regard to where changes have
22 been made from the version that was -- bless you -- the
23 version that was posted on February 10th to the version that
24 you've received, I believe it was last week. So that would
25 be your guide to what's different. So based on that, I'm



1 wondering if you might have any questions about specific
2 changes or any con- conversation or discussion that you
3 would like to have about the- the new plan, and we're here
4 today to request permission to submit it to the U.S.
5 Department of Ed.

6 UNIDENTIFIED VOICE: Do you want a motion
7 first, Brooks? You're on motion for us this afternoon.

8 UNIDENTIFIED VOICE: Well, sure.

9 UNIDENTIFIED VOICE: 7.01.

10 UNIDENTIFIED VOICE: I move to grant
11 permission to CDE staff to submit the Every Student Succeeds
12 Act state plan to the United States Department of Education,
13 for consideration.

14 UNIDENTIFIED VOICE: Second? Thank you.
15 Discussion.

16 UNIDENTIFIED VOICE: I have a question.

17 UNIDENTIFIED VOICE: Yes.

18 UNIDENTIFIED VOICE: What was our deadline?

19 MR. CHAPMAN: The -- we've got new
20 information a couple of weeks ago. Up until two or three
21 weeks ago, we were under the impression that we needed to
22 actually submit the plan to the U.S. Department of Education
23 by April 3rd, to reserve our place in that earlier window.
24 Then, like a couple of weeks ago, they said, "No, no need to
25 send it in prior", because we were telling them that we're



1 going to be submitting it and then we're going to be
2 presenting it to our Board, about 10 days later, and then we
3 would get back to them with whether or not they can consider
4 it.

5 They said no need to send it in twice, just
6 send it in after the -- the state Board has heard it. So we
7 only have to -- we need to -- after this we'll need to
8 secure the signatures and- and get it into them no later
9 than May 3rd.

10 UNIDENTIFIED VOICE: That seems very
11 reasonable, doesn't it?

12 MR. CHAPMAN: It does.

13 UNIDENTIFIED VOICE: And that includes the
14 governor?

15 MR. CHAPMAN: Correct. We will need the
16 signature of the governor as part of that.

17 UNIDENTIFIED VOICE: Also by May third.

18 MR. CHAPMAN: Yes, so --

19 UNIDENTIFIED VOICE: And we've secured the
20 space.

21 MR. CHAPMAN: Yes. They know that we are an
22 early submitter and are waiting for the plan, when it's
23 ready.

24 UNIDENTIFIED VOICE: Okay. Any other
25 questions or comments? Should we call the role? Are we



1 ready? Discussion?

2 UNIDENTIFIED VOICE: Steve, do you have a
3 discussion.

4 UNIDENTIFIED VOICE: Please we are -- we are
5 looking forward --

6 UNIDENTIFIED VOICE: I have a couple of
7 comments, and I did have a number of things that I outlined.
8 I actually did count them like 15 things that I thought at
9 some point we ought to raise. But I think rather I'd just
10 like to have my comments be a little bit more generic,
11 although there are one or two of these that I probably still
12 want to raise. And that is that the last two years plus, on
13 the Board, has unfortunately reinforced a couple of things
14 that I think is a problem throughout government in general,
15 and that is -- and I think specifically with education, if
16 there's a more highly bureaucratized system, I'd hate to see
17 it.

18 I mean, if you can imagine spending 18
19 months, and I would hate to guess how many hundreds of
20 thousands or millions of dollars have been spent on
21 producing a plan that may or may not improve the instruction
22 of a single student, and then to make that matter worse, all
23 the 179 school districts are now going to have to submit
24 things in response to this plan that will divert their time,
25 attention and resources from instruction to planning. And I



1 think it's important and I think the public does not
2 appreciate the fact that- and the federal government will
3 freely admit that everything we do here is not designed or
4 intended nor does it in any way benefit average, ordinary
5 students. That all of the requirements that are met under
6 the provision of federal acts are Civil Rights Acts.

7 So unless you are poor or a minority or in
8 another identity politics group, there's nothing in this
9 plan that will benefit you, there's nothing in this plan
10 that's designed to help you, there's nothing in this plan
11 designed to improve the education of your children. And I
12 think it's completely lost on people that the only authority
13 that the federal government has over education is through
14 the -- through the civil rights provisions. And so, while I
15 understand -- I understand the rationale, I don't -- I think
16 we do have to recognize that we have spent an enormous
17 amount of resources here and that the school districts will
18 spend an enormous amount of resources in compliance, and the
19 benefits are not broadly spread throughout or available to
20 all of the students that are attending public schools. And I
21 think that's --

22 UNIDENTIFIED VOICE: May I --

23 UNIDENTIFIED VOICE: -- you certainly can
24 when I'm done Dr. Flores. So I think that's -- I think
25 that's a problem worth recognizing. Or maybe not a problem,



1 just a fact that's worth recognizing, that what we're doing
2 here and the amount of resources we're spending and what
3 kind of result we can generally speaking expect to get from
4 it. And I think if you look at the history, since 1965, with
5 federal intervention and going back to 2001 with federal
6 intervention which is clearly reflected in this plan that
7 test scores across the United States and measures of
8 achievement across United States have not improved.

9 That, I think is -- I have often -- I keep
10 waiting for someone to provide the evidence that somehow all
11 this effort has provided a significant breakthrough and
12 we're just on the verge of being better to competitors with
13 other countries, and that evidence simply is not available,
14 and in fact the evidence actually shows the contrary, that
15 we have lost significant ground internationally, in school
16 performance, since 1965. I'm not going to claim that there's
17 a cause and effect of federal intervention but it's simply -
18 - it's simply a fact.

19 So now -- so we've spent a lot of time and a
20 lot of effort, and I think it's important to recognize that
21 I do not believe, and I suspect there are many others who do
22 not believe that the efforts we have that have been expended
23 here will in any way lead to an improvement in public
24 education. And that's unfortunate, because what we ought to
25 be focused on are things that might improve public education



1 and might lead to a result, a very positive long term
2 result.

3 So if I could briefly describe going through
4 the specifics of the plan, a couple of things that I think
5 we missed some opportunities. One is the optional 3 percent
6 hold back of title one funds. Those funds could be spent for
7 individual assistance, direct student aid, family funding
8 and tutoring for at risk students. The 7 percent- the 7
9 percent hold back that are of titled one funds. Some of that
10 money could have been spent to promote high performing
11 network- school networks, and we elected not to do that. I
12 think the thing that has bothered me as much as anything are
13 the -- in -- the in and out of network -- the out of
14 network- out of field, I'm sorry, definitions.

15 Now, the reality is, and I ask this question,
16 I don't know how many different ways that what's the effect
17 of changing the definition of out of field? And I kept
18 getting the answer, "It's a reporting requirement only."
19 Finally, I have been told by outside groups that if -- if it
20 is discovered, that you have a disproportional number of
21 out-of-field teachers teaching in an area- in a district,
22 and they have a -- a result that is somewhat substandard,
23 they are going to be required to file a ref -- a plan to
24 rectify that deficiency. So, it is not, and I have to say
25 I'm somewhat resentful of the fact that as many times I



1 asked that question, I did not get that very direct answer,
2 which should have been simple enough to provide.

3 Now, Dr. Schroeder told me that she believes
4 that that was mentioned at some of the meetings, and I only
5 can presume that she's siding with my wife that I just don't
6 listen. So that could be but --

7 UNIDENTIFIED VOICE: Somebody got up and left
8 a number of times.

9 UNIDENTIFIED VOICE: Yes, so then I was
10 required elsewhere. So, at any rate, I think that it would
11 have been all fairness we should have looked at that
12 particular issue a little more carefully. And I think I
13 would like to revisit that particular issue because I think
14 one of those two things ought to change, either we had to go
15 back to the old definition, or we had to eliminate the
16 remedy.

17 The other issues I will provide in writing to
18 staff that I would like to have the opportunity to revisit
19 as we- as we get past our rather significant workload. But I
20 do not believe that we took full advantage of the
21 flexibility that ESSA did allow us to get out from under
22 some of the federal requirements, and I think that's
23 unfortunate because I think we should have taken advantage
24 of every one of those opportunities, and I do think we
25 missed some of those opportunities. So, I think it's -- and



1 when I provide the in-writing, it will reference the old
2 document, not the new document in terms of page number. So,
3 I appreciate the opportunity to be able to comment on
4 exactly what we're doing here, and for whom we're doing it,
5 and to express my views on what is likely to be accomplished
6 by what we've done.

7 UNIDENTIFIED VOICE: Board Member Flores?

8 MS. FLORES: I would just like to respond in
9 a way, and to respond basically to the Hub Committee, and
10 the conversations that were heard at the Hub Committee. I
11 attended all of them, but two, and I had emergencies from
12 which I could not be there. And I felt most of the time, I
13 think, I thought that where are they talking about kids that
14 are poor, kids that are really in need.

15 Most of the discussion was trying to get out
16 of -- again, this is how I felt, talking about all the other
17 kids. I guess, maybe upper middle class kids, are a lot of
18 people are concerned about, and they are special, gifted
19 kids, but I just didn't feel that that discussion from the
20 groups that were there, and maybe because we didn't have
21 teachers. We didn't have parents. One administrator, I
22 think, and there were all these lobbyist, which I call
23 lobbyist. What would you call them? They were special
24 interest people, but their interests were their interests.
25 Their interests were not really poor kids. They were not



1 really kids who were disabled.

2 And so I -- in fact, there were a couple of
3 times that I felt I had to insert myself into the
4 discussion. I was told many times not to, but I went down
5 there and I felt I have to say a couple of things, because
6 these things were not being discussed. And so, it was, in a
7 way, very anxious-producing for me when I thought that
8 here's these moneys that should be going for a special
9 category of kids.

10 And these people were not talking about
11 where, I mean, really seriously being creative about how we
12 could solve these problems. And so, it was a very
13 exasperating experience for me listening to the conversation
14 of these Hub Committees.

15 So, if they had talked about it, I wish they
16 had Steve, because I know you think that indeed, the -- this
17 was for -- should be for everybody else, but you did
18 specifically to help these kids who are not doing well in
19 Colorado. And maybe one of the things that where this money
20 could have been better spent is a scope and sequence for
21 teachers- to make it easier for teachers at a -- each grade
22 level to know what the content is at every grade level, what
23 skills should be learned at every grade level.

24 And I know that the state can't do that.
25 Somebody has to do that because I do not think we're really



1 talking about getting kids out of that- out of that gap, and
2 we're going to have to talk about the reality of content,
3 and we're going to be able to have to talk about what grade
4 level, and I'm sorry.

5 When we talk about -- well, there are at this
6 level, it's not even- parents don't even understand what an
7 A, B, C, and D really is. And so, we need to have a
8 conversation about where our kids are, and I don't care.
9 Seriously, at this point, I think if we have -- what is that
10 curriculum that you left?

11 UNIDENTIFIED VOICE: Core Knowledge.

12 MS. FLORES: Core Knowledge. I mean, I know
13 Core Knowledge. You know Core Knowledge could be -- we could
14 put in some of these cultural aspects about Sikhs and- and
15 about the Ute Indians. I think we need to have that
16 information somehow in there. And I think we could plug it
17 into Core Knowledge, and maybe some districts have an-
18 another idea.

19 Maybe Harcourt Brace, and Jovanovich, and all
20 those book companies, but we need to get to the substance of
21 a scope and sequence in this state to think really about
22 kids need to learn something, and it has to be spelled out.
23 And I'm sorry, but those standards have, you know, what they
24 need to learn but not in a way that's -- that parents can
25 look at it and help kids.



1 It's not in a way that some teachers can have
2 access to exactly what they need to be teaching in that
3 grade level every day, every day of the week to the end of
4 the- the school year. And I think if we did that, we will
5 just helped education a whole lot. I'm sorry if I vented,
6 but that's what I think. Thank you.

7 UNIDENTIFIED VOICE: Thank you.

8 UNIDENTIFIED VOICE: That wasn't the question
9 so there's no- do you have a response?

10 UNIDENTIFIED VOICE: No. I'm just thanking
11 her for her comments.

12 MS. GOFF: I have a question.

13 UNIDENTIFIED VOICE: Board Member Goff.

14 MS. GOFF: Thank you. I do have a question. I
15 think it's pretty short. Where are we in here? I'm either
16 not seeing if there's a strike through, or if there's none,
17 if there's still. I believe it's in red in the plan. The
18 referring to the 26 versus 36 credit hours for the out of
19 field. Where, as we make a motion here, what are we moving?

20 UNIDENTIFIED VOICE: Yeah, do we need to
21 include that or is that.

22 MS. GOFF: Specifically in that regard.

23 UNIDENTIFIED VOICE: Yeah.

24 MS. GOFF: Thirty-six.

25 UNIDENTIFIED VOICE: Thirty-six is in there.



1 UNIDENTIFIED VOICE: It's in there.

2 UNIDENTIFIED VOICE: It says 36.

3 UNIDENTIFIED VOICE: It's in.

4 MR. CHAPMAN: So, currently is, so last month
5 it was changed from 24,

6 UNIDENTIFIED VOICE: Yes.

7 MR. CHAPMAN: To 36 and that's what's
8 reflected in the appointment.

9 MS. GOFF: I'm just, I'm just having trouble,
10 maybe it's last.

11 MR. CHAPMAN: Since --

12 MS. GOFF: I don't know but --

13 MR. CHAPMAN: Page 25.

14 MS. GOFF: Thank you. I guess on that
15 particular point, I've been clear on where we were, what we
16 talked about, how we got to that point. I've also been, I've
17 heard, I mean picked up some comments about why, what is the
18 point or why do we go to 36 credit hours required which is
19 really pretty much equal to a bachelor's degree?

20 I'm not going to, I'm not asking the question
21 to be answered. I'm just saying, this this is a kind of
22 thinking that's been flying around out there. When still,
23 there are four criteria that satisfy. You're not considered
24 out-of-field if you meet one of four things, which seems
25 after having lived the life and gone through that several



1 times, it seems I'm feeling like maybe what we're doing is
2 we're running the risk of lowering the standard to the point
3 of not doing ourselves any good. Even though, the whole
4 country is in the middle of a teaching shortage crisis and
5 we want people to be qualified which I believe, Steve, is
6 the essence of what I hear you saying. We have, we've got us
7 to have a beginning.

8 We have to have a source point for creating
9 excellence. And whether that means, well, spotlighting,
10 solving the equity issues which is extremely important. I
11 also believe that is the essence, that was the essence of no
12 child left behind. It is the essence of this law. It's how
13 do we address the equity issues. It's, I'm going to get
14 there in my own acceptance of what that means. I'm not sure
15 it's going to be a while yet.

16 I do think when we get into really developing
17 our Colorado plan, that will be our chance to pinpoint,
18 highlight, refine and it's called to action that we have, we
19 have some heavy conversations still to come. And I believe
20 that we're fine with this plan. It's just to me, it just
21 goes all back to the quality of educators. And it doesn't
22 necessarily mean they've got this many hours, or that many,
23 or this few, or that few, that they can prove they can
24 perform by a demonstration or test, that's not important to
25 me. I just believe that's where the essence of our



1 conversation is, in order to get all of these other things
2 going. There are kids on the bubble that have every right to
3 see themselves and so that their parents as having been
4 overlooked slightly. And how do we move everybody? I'm
5 appreciative of the gifted and talented community, getting
6 their points of view included a little bit more visibly in
7 this. So, I'm just, I like the idea of 36 hours but I don't
8 know that it's really solving.

9 UNIDENTIFIED VOICE: But it would be a
10 degree.

11 MS. GOFF: Well, I know, but we already have
12 BA. We have degree listed as one of the criteria to be not
13 out-of-field. But why do we need both? But on the other
14 hand, I don't want to lower the standard either. I think
15 we're --

16 UNIDENTIFIED VOICE: What?

17 MS. GOFF: -- we're risking lowering the
18 teaching standards.

19 UNIDENTIFIED VOICE: I don't think that's
20 suggestive.

21 MS. GOFF: Yeah.

22 UNIDENTIFIED VOICE: Are there comments for
23 us?

24 UNIDENTIFIED VOICE: Do you understand what
25 am saying?



1 MS. GOFF: Do we really call the -- call the
2 vote?

3 UNIDENTIFIED VOICE: Yeah.

4 UNIDENTIFIED VOICE: Would you please call
5 the vote.

6 MS. CORDIAL: I'd just like to make sure
7 board member Flores, you seconded the vote, is that correct?

8 MS. FLORES: Yes.

9 MS. CORDIAL: Okay. Just making sure, thank
10 you. Okay, Board member Durham.

11 MR. DURHAM: I think, I'm just one minute to
12 explain my vote. I will vote yes because I think the sooner
13 we can move on from this and the Board can focus on
14 activities that I would characterize as a rising tide, could
15 lift all votes. And we are attempting to increase quality of
16 education for all Colorado students, better off we will be.
17 So, I'm glad this is off our plate. I hope the federal
18 government will stop mandating these kinds of exercises. So,
19 I vote yes.

20 MS. CORDIAL: Board Member Flores?

21 MS. FLORES: Yes.

22 MS. CORDIAL: Board Member Goff?

23 MS. GOFF: Yes.

24 MS. CORDIAL: Board Member Mazanec?

25 MS. MAZANEC: Yes.



1 MS. CORDIAL: Board member McClellan?

2 MS. MCCLELLAN: Yes.

3 MS. CORDIAL: Board Member Rankin?

4 MS. RANKIN: Yes.

5 MS. CORDIAL: Board Member Schroeder?

6 MS. SCHROEDER: Yes.

7 MS. CORDIAL: Thank you.

8 UNIDENTIFIED VOICE: It's bizarre. We are a
9 full hour ahead.

10 MS. GOFF: Madam Chair, I just want to thank
11 Mr. Chapman and his entire team and the entire team of CDE
12 and all of you all. I do agree with Mr. Durham. It does take
13 thousands and thousands of hours to put this together. And I
14 do just want to say thank you to my team.

15 MR. DURHAM: Thank you too guys.

16 MS. FLORES: Someone to buy you a drink.

17 MR. DURHAM: You've had this for a lot.

18 MS. GOFF: It could have had a lot of pain
19 and I think good share of the audience were also part of all
20 this work so --

21 MR. DURHAM: Yeah.

22 MS. GOFF: -- thanks to all of you.

23 UNIDENTIFIED VOICE: Thank you, Ms. Gem.

24 UNIDENTIFIED VOICE: I know.

25 UNIDENTIFIED VOICE: No, we're not behind.



1 MS. GOFF: We cannot get the 8.0 because it
2 is a timed, am I to correct?

3 UNIDENTIFIED VOICE: That's correct. Yes.

4 UNIDENTIFIED VOICE: Some got a nine.

5 MS. GOFF: Do we have Adams 12 here?

6 UNIDENTIFIED VOICE: I don't believe so. I
7 can --

8 UNIDENTIFIED VOICE: Call every --

9 UNIDENTIFIED VOICE: I don't understand we're
10 seeing with the administration.

11 UNIDENTIFIED VOICE: We're having, Tim.

12 MADAM CHAIR: Adams 12 or Bennett.

13 MS. CORDIAL: Yeah, there'll be District
14 folks the -- for Adams 12 and Bennett, they'll be District
15 folks here.

16 MS. GOFF: Right, and they're not here?

17 MS. CORDIAL: So, no they're not here yet.

18 MR. DURHAM: What about Tim?

19 UNIDENTIFIED VOICE: Yeah.

20 MS. CORDIAL: 10.01 and 10.02? Sorry.

21 MS. RANKIN: That's --

22 MS. GOFF: Do you want to do -- okay. Let me
23 see if I can get Joyce.

24 MS. CORDIAL: Please, Board member McClellan.

25 MS. MCCLELLAN: I did.



1 MS. CORDIAL: Oh, you did yours.

2 MS. MCCLELLAN: Yeah.

3 MADAM CHAIR: We're so anxious to do this
4 today. Board member Rankin, let's have your board reports
5 please.

6 MS. RANKIN: On March 16th, Anne Dodd from
7 Moffat County brought fifth graders over to the Capitol for
8 Liberty Day. The students lead the pledge and sat on the
9 chamber floor with Rep. Rankin and the Senate, with Senator
10 Baumgardner. Now, it's difficult to tell fifth graders
11 they're going to sit on the floor of the chambers. They
12 think that's a punishment, sitting on the floor, when
13 everyone else is in a chair but it worked.

14 MADAM CHAIR: Really?

15 MS. RANKIN: Actually, there's benches, but
16 we do have to explain that to them. Just like when they have
17 recess here, they think that's fun. I attended a NSBA
18 conference in Washington DC with my esteemed colleagues.

19 We had the opportunity to meet with our
20 congressmen including Cory Gardner, Ken Buck, and Scott
21 Tipton. Colorado Mountain College, its 50-year anniversary
22 was celebrated at the governor's mansion on March 23rd, and
23 we attended along with the president, Colorado Mountain
24 College President, Carrie Hauser. Next weekend, I plan to
25 attend the West Slopes Superintendent Conference in Grand



1 Junction. And I just wanted to commend our chair-chairman
2 Dr. Schroeder, for the report at the committee she made to
3 support us in the Vision Bill 17-1287 last week and I
4 thought she represented this very well.

5 UNIDENTIFIED VOICE: Other Board members.
6 Board member Goff?

7 MS. GOFF: Oh very briefly. I wish I had my
8 calendar in front of me. I don't. I've been keeping up with
9 Adams County in general, some of the Youth Initiative
10 activities that they do. I sit on the leadership community,
11 Community Leadership Council for the Youth Initiative in
12 Adams County.

13 As we go down the road and we get into our
14 conversations about chronic absenteeism and efforts around
15 that, Adams County has been working on that for quite a
16 while now. There is a day in September that's dedicated to
17 chronic abs -- everybody in school I can't remember the
18 title of the day. But it is to encourage attendance, and to
19 get some updates on that, we will be able to get an update
20 on that before too long.

21 Some of the other districts as you know
22 Jefferson County is in process of naming, interviewing
23 naming, choosing finalists for Superintendent. That's an
24 ongoing, I have nothing definitive to tell you at all about
25 that right now. That will be occurring soon. And the -- just



1 the student achievement, student accomplishments and
2 successes all over CD seven are piling up. The number of
3 scholarships that has been awarded, for very high dollar
4 amounts is growing. The number of National Merit Scholars,
5 better selections and so forth is always exciting and in
6 general that's the kind of story that I'm hoping our
7 districts continue to publicize and make known.

8 And I am happy to report those whenever they
9 arise. The legislature activity right now I'm trying to keep
10 up, just like all of you are. At the federal level there
11 have been some notices put out recently that I think
12 everyone here I'm sure is aware of. But some of the updates
13 daily tweaks to our happenings with the federal budget are
14 kind of interesting.

15 I don't think there's anything dramatically
16 new that we haven't talked about or foreseen some of it. But
17 as soon as that is known I'm sure we'll have good word about
18 it. It- well good access to word about it. I'm not sure what
19 the news will be. There has been a little bit of an uptick
20 in the hiring in the U.S. Department of Ed as well. A man,
21 Mr. Botel, he is not an unfamiliar name, was just recently
22 named as the Deputy Secretary. And I think we'll be hearing
23 more B-O-T-E-L.

24 Our contacts in NSBA have mentioned his name.
25 He has been around for a while, and is a familiar face in



1 the Department of Ed. So, we'll see when and when and if we
2 get to meet some of the individuals in the U.S. Department
3 of Ed. So, that's it.

4 UNIDENTIFIED VOICE: Thank you. Board member
5 Mazanec, did you have a report?

6 MS. MAZANEC: No, I don't.

7 UNIDENTIFIED VOICE: Board Member Flores?

8 UNIDENTIFIED VOICE: Thank you. I attended
9 the Dyslexia reading conference which was here in- in Denver
10 and I was just very heartened to read the latest
11 developments in the area. I also am a member of the NSBA
12 Public Education Policy group, and we meet monthly over the
13 phone.

14 And so this is about six people from across
15 the country including Guam. And so we're talking about
16 public education, but it seems like most of the- the states
17 that have a representative are really very much into public
18 education. So, they've got the right people in the group.
19 And then we met several of us Steve and Jane and I met with
20 the International TESOL and TEFOL teachers from around the
21 co -- well around the world. They were from India, from
22 Japan, from Thailand, from.

23 UNIDENTIFIED VOICE: Tanzania.

24 UNIDENTIFIED VOICE: Tanzania. And it was a
25 really good group. They had just attended the TESOL,



1 Teachers of English to Speakers of Other Languages
2 Conference, and they were just really great people to- to
3 talk with. Also I testified on the Reading Act Bill. I've
4 also been attending the, tending the Denver public schools
5 parent council, apparently there's some parents there that
6 are concerned about some of the issues that you know we hear
7 about sometimes here.

8 And also I will be attending the American
9 Educational Research Association conference in San Antonio
10 in a couple of weeks. And it is meeting dovetailing with the
11 American Measurement Council. So, I hope to attend some of
12 those meetings especially as they concern the testing that
13 other states are using, other than Park. Thank you.

14 UNIDENTIFIED VOICE: Thank you. Board member
15 Durham.

16 MR. DURHAM: I have nothing to report ma'am.

17 UNIDENTIFIED VOICE: Okay. Well except that
18 you and I and board member Rankin and Board member Goff all
19 went to the Legislative Conference. And we, the additional
20 legislators in the NSBA conference and the additional
21 legislators were Senator Bennett and House Member Polis and
22 we had staff from everyone else from all of our other
23 contingencies. So they were available -- we were available
24 to answer questions etc. Introduce Katy to the senators. And
25 it was a good conference.



1 UNIDENTIFIED VOICE: And Senator Gardner was
2 there.

3 UNIDENTIFIED VOICE: Senator Gardner, yeah.
4 In my community there is an awful lot of interest at the
5 moment in getting more information about dyslexia since you
6 mentioned it. And I'm hoping that when we have some time
7 that we would maybe have a discussion about what if anything
8 can we do at the state Board level, to help the school
9 districts help parents feel like they have all the
10 information they need. Because apparently it's very, it's a
11 -- it's a very important topic.

12 UNIDENTIFIED VOICE: May I just add that
13 there was that person who came from the University of
14 Houston, who was very knowledgeable and there were several
15 people from around the state at various universities who
16 were in the area of dyslexia. So --

17 UNIDENTIFIED VOICE: And we had some comments
18 last night from parents from some different districts which
19 is why I think we think that because that through the READ
20 Act we've sort of, we've addressed this but I'm not sure we
21 really have. And there seem to be significant differences
22 between districts as to what's available for parents.

23 UNIDENTIFIED VOICE: That we have those
24 sources at universities here in Colorado that are expert in
25 the area, and then they were very happy that we had this



1 person from the University of Houston who really has
2 workshops and has a center that helps people, helps parents
3 get their kids who are not dyslexic anymore. It has to do
4 with the sound letter recognition believe it or not.

5 UNIDENTIFIED VOICE: Right, right.

6 UNIDENTIFIED VOICE: And getting early at it.

7 UNIDENTIFIED VOICE: My point I think it's
8 more about what is the role at the state level for us to be
9 supporting districts to be helping parents. How does it
10 relate to what's already been legislated through the Read
11 Act, and what else can we offer parents, so that their kids
12 get their resources as early, as young I should say as
13 possible. I think we can try to, yeah. I think we can go to
14 item 10.0, 10.01 Consideration of Contingency reserve
15 request from six districts. Commissioner, staff prepared to
16 provide an overview.

17 UNIDENTIFIED VOICE: Yes. Thank you. I'll
18 turn this over to Leanne and Deputy Commissioner for school
19 of finance and operations, or the other way around,
20 whatever.

21 MS. EMM: Thank you. This request before you
22 is a result of legislation that was passed last year that
23 allowed districts to seek relief from the contingency
24 reserve fund if their funding were to go down as a result of
25 the negative factor being applied to them as a result of



1 assessed valuation declines. These four -- these six
2 districts, we talked about in February, and we talked very
3 briefly about them. And we said that we would like to come
4 back in April once we knew the final numbers from the
5 supplemental appropriation for total program this year, and
6 knew what would be happening within the supplemental
7 appropriation into the contingency reserve fund. The amount
8 of money that is being requested by these districts is
9 \$1.169 million.

10 As you remember last year in July, we allowed
11 a contingency reserve grant to the South Routt school
12 district because of their -- their --

13 UNIDENTIFIED VOICE: Mine.

14 MS. EMM: -- their mine, that their Peabody
15 mine did not pay their taxes. So, they were in -- going to
16 be severely restricted in the amount of funds that they had
17 available to them. So, you all awarded that fund- those
18 funds to them in July. Subsequently, South Routt Peabody
19 mine paid their taxes from last year. Those monies came
20 through the district.

21 And so, we have \$736,000 available in the
22 fund to make a payment towards these six districts. We would
23 then need to wait for the remainder of South Routt in order
24 to fund the full \$1.169 million. And we are expecting
25 Peabody mine to make that payment to the county on May 1st.



1 And then the county would then pay the district in June. The
2 district would then send us the check and we could make the
3 districts whole up to the \$1.169 million if you all were to
4 approve this. So, it's -- it -- it meets the criteria in
5 statute for you all to grant these contingency reserve
6 requests, and that would spend all of the money in this
7 year's appropriation.

8 MADAM CHAIR: Any chance we'll get any of it
9 back like we did this time?

10 MS. EMM: Thank you, Madam Chair. This would
11 be a grant that is not being expected to be paid back.
12 However, the six districts, none of these six districts
13 could apply for this grant again. It's a one-time deal. So,
14 if they -- let's say they're assessed value went up, and
15 they were fully funded again, and then it went down again so
16 they're in this -- in a --

17 MADAM CHAIR: Roller coaster?

18 MS. EMM: Yeah, roller coaster cycle, they
19 can only apply for it one time, and they don't have to pay
20 it back.

21 MADAM CHAIR: Ever?

22 MS. EMM: No. It's -- it creates a ramp for
23 them to be able to plan for the decline in revenues due to
24 the negative factor kicking in as a result their assessed
25 value going down significantly.



1 MADAM CHAIR: It's like a cushion against the
2 shock of this year.

3 UNIDENTIFIED VOICE: Right.

4 MS. EMM: Yes.

5 UNIDENTIFIED VOICE: Going forward, they're
6 going to have to figure out how to make their funding work.

7 MS. EMM: Yes.

8 MADAM CHAIR: So they don't get a cushion
9 again if they get in the same --

10 UNIDENTIFIED VOICE: This is their only
11 cushion.

12 UNIDENTIFIED VOICE: It's the only.

13 MS. EMM: And a couple of them I asked you.
14 Are you sure you want to do it this year? And they thought,
15 well, a bird in the hand is better than two in the bush.

16 MADAM CHAIR: Yeah, well.

17 MR. DURHAM: Particularly when you're dealing
18 with the legislature.

19 MADAM CHAIR: You're the authority.

20 MR. DURHAM: I said particularly when you're
21 dealing with the legislature. Yeah, I think the reason that
22 we're not going to get in this back is on like the Routt
23 County example. There was an expectation of payment of- from
24 a bankruptcy court. Here, there's simply no revenue source
25 to restore the fund.



1 UNIDENTIFIED VOICE: Board member Rankin?

2 MS. RANKIN: Thank you. I -- I have a
3 question. I -- is this 1.169 all that we have this year?

4 MS. EMM: Thank you, Madam Chair. There's a
5 slight amount left. There's like, I want to say there's
6 maybe like 15,000 left.

7 MS. RANKIN: Okay.

8 MS. EMM: Above and beyond this that would
9 potentially be available this year. And I'm hoping that
10 somebody is listening to me online to verify that number.

11 MS. RANKIN: 15,000 is peanuts so we're not
12 going to worry about that.

13 MS. EMM: Right.

14 MS. RANKIN: But my next question is, so if
15 we pay all of this out, when would we pay all this out?

16 MS. EMM: Thank you, Madam Chair. We would be
17 able to, if you all approved the -- this -- these grant
18 requests, we would be able to pay out the 736,000 now, and
19 then once we received the property tax payment via the mine
20 to the county to the district, then we could send out the
21 remainder, and the remainder is on the back side of the
22 memo. And I apologize. We gave you an updated copy, you
23 know, that corrected one is posted on Board docs, but this
24 table down below would illustrate what that second payment
25 would be once we've received that.



1 MS. RANKIN: So, the second payment is going
2 to be 432,000 for 98, is that correct?

3 MS. EMM: That's correct.

4 MS. RANKIN: And then how much does Routt owe
5 us?

6 MS. EMM: Routt owes us a little over
7 500,000.

8 MS. RANKIN: So, we're just going to have a
9 little bit lower.

10 MS. EMM: We've got a little bit of.

11 MS. RANKIN: Okay, yeah.

12 MADAM CHAIR: And do we get another chunk
13 next year?

14 MS. EMM: Thank you, Madam Chair. Yes. We've
15 verified that the appropriation for next year as outlined in
16 the long bill currently is a million dollars. So, we would
17 start the year again with another million dollars.

18 MADAM CHAIR: Do we get a million this year
19 when South Routt had the money from last year?

20 MS. EMM: Thank you, Madam Chair. What
21 occurred is we had the appropriation of a million dollars.
22 But then in July, you all sent it out to South Routt.

23 MADAM CHAIR: I'm sorry, this year.

24 MS. EMM: So, it was all in this fiscal year.

25 MADAM CHAIR: It was all this year.



1 MS. EMM: Yeah. And so, we were not able to
2 send out any of the money until we received it back. And
3 then the legislature actually appropriated an additional
4 \$169,186.

5 MADAM CHAIR: Historically, how often have we
6 been doing this?

7 MS. EMM: Thank you, Madam Chair. This is --
8 to do the contingency reserve is very- has been historically
9 very rare. The last time that we had sent anything out was
10 to Honi school district --

11 MADAM CHAIR: Okay.

12 MS. EMM: -- little Honi, and that was back
13 in I believe it was either 2011 or 2012.

14 UNIDENTIFIED VOICE: Yeah, it was a long time
15 ago.

16 MS. EMM: It was a long time ago. I do
17 remember.

18 UNIDENTIFIED VOICE: What about when we had
19 all the rains, I mean, the- the flooding?

20 MS. EMM: Thank you. Excellent. Yes. And we
21 also did a -- some -- the legislature appropriated some
22 funding into the contingency reserve, and we were able to
23 help districts that had either lost students, and also help
24 them with some of their transportation costs and things like
25 that. So yes, you are absolutely correct. Thank you.



1 MADAM CHAIR: Board member Goff?

2 MS. GOFF: Meaker and Dabek was that -- was
3 that flood connect -- no?

4 UNIDENTIFIED VOICE: That was property value.

5 UNIDENTIFIED VOICE: Property, right.

6 MS. EMM: Thank you. You all have a better
7 memory than I do.

8 UNIDENTIFIED VOICE: I don't. Believe me.
9 Sometimes --

10 MS. EMM: Thank you so much. Meaker and
11 Dabek, I believe were the same year as the floods.

12 UNIDENTIFIED VOICE: Okay.

13 MS. EMM: And it was this -- it was a similar
14 issue to this in that their assessed value had declined so
15 greatly that we call it falling off the cliff, and they
16 would have had to absorb the full negative factor in one
17 year. And after that occurred, that is when this was
18 starting to bubble that there was a problem. And then last
19 year, we had the districts that had declined to pay the
20 state back for the categorical buyout situation. And so,
21 that's when this legislation was really crafted and
22 developed.

23 MADAM CHAIR: Can I -- can I -- So, the
24 payback from Routt, south, sorry. The 432, that's my
25 starting point. I'm not sure that's the amount we're talking



1 about here. But that ha -- do they ha -- does that have to
2 come before the end of this fiscal year or does it -- I
3 mean, can the contingency fund get -- do we have to get that
4 back in here for the end of this year or can it carry
5 through? So, if it comes after July one, then we're still
6 able to disperse it.

7 MS. EMM: Thank you, Madam Chair.

8 MADAM CHAIR: Based on this year.

9 MS. EMM: The way I understand, Peabody has
10 every intention of paying back the -- or paying this year's
11 taxes. And they would be due May 1st. The county would then
12 disperse those funds to the school district by June 10th,
13 and then the district would then pay us prior to June 30. We
14 are hopeful this all occurs this year.

15 MADAM CHAIR: So, we need to take a little
16 trip there, huh?

17 MS. EMM: I -- I don't mind going up there at
18 all.

19 UNIDENTIFIED VOICE: Park at the --

20 MR. DURHAM: Sacrifice for the good of the
21 cause.

22 UNIDENTIFIED VOICE: My family live there,
23 I'll go with them.

24 MS. EMM: That's right. That's right. So,
25 we're expecting this to be able to occur in this year. If



1 for some reason it did not, then, I would work with our
2 joint budget committee staff and our controller and the --
3 the people that I would need to in order to see how we could
4 -- how we could get that going. There's other ways too.
5 There's the accounting ways of accruing the -- accruing the
6 funds and -- and doing all of the accounts receivable and
7 payable type things, too.

8 UNIDENTIFIED VOICE: Okay, thank you.

9 MADAM CHAIR: Board member Mazanec.

10 MS. MAZANEC: Is it okay if I just move?

11 MADAM CHAIR: Move.

12 UNIDENTIFIED VOICE: Go on.

13 MS. MAZANEC: Thank you. Motion one, it's
14 the only one, right?

15 MADAM CHAIR: Yep. Unless you have a new
16 one.

17 MS. MAZANEC: I move to approve the pay --
18 approve the payment of the contingency reserve funds in the
19 amount of 1,169,186 to clear Creek, Genoa, Hugo, Wiggins,
20 Kingsburg, Platte Valley and Prairie school districts. Since
21 the total current balance of the contingency reserve fund is
22 not sufficient to fully fund the districts' request at this
23 time, the board approves the first payment of \$736,688, and
24 the second payment of \$432,498 to be paid after the
25 department receives the repayment of contingency reserve



1 funds from South Routt School District at the end of the
2 fiscal year. In the event the repayment from South Routt is
3 less than the remaining balance, the secondary payment to
4 the six districts may be adjusted proportionally.

5 MR. DURHAM: Second.

6 MADAM CHAIR: Thank you. Any objection? That
7 motion passes. Ms. Emm, please don't go away.

8 UNIDENTIFIED VOICE: No. We want to ask for
9 the \$15,000.

10 UNIDENTIFIED VOICE: No, no, no, no, no, no,
11 no.

12 UNIDENTIFIED VOICE: We'd like to have a
13 party for the CDE, you know, after this.

14 UNIDENTIFIED VOICE: Talk to Katie.

15 MADAM CHAIR: If you'll pay some attention to
16 the next item, you'll know that there is no money. Pardon?
17 Okay. Item 10.02; consideration of contingency reserve
18 request from East Grand School District in Grant County.
19 Commissioner?

20 MS. RANKIN: Yes, Thank you. I will just turn
21 it back over to Leanne Emm.

22 MS. EMM: Thank you. This is another
23 contingency reserve request from East Grand school district.
24 And they have had a situation over the years where the YMCA
25 camp up in East Grand has been -- has been going through the



1 court system in order to determine if their property up
2 there should be exempt. The courts have recently ruled that
3 -- that in fact, the YMCA camp should be exempt from
4 property taxes. And so, over -- over the years, the YMCA has
5 not been making their property tax payments because they
6 were confident that they would win.

7 MADAM CHAIR: Prevail.

8 MS. EMM: There were a couple of years that
9 the YMCA had made those payments. But- but since 2004, I
10 believe, they have not been making those payments. On them -
11 - so East Grand has submitted a request for the repayment of
12 the property taxes that the YMCA has not paid over the last
13 15 years. They are requesting \$820,562 from the contingency
14 reserve fund. If -- if the Board decides to approve the --
15 this request, we would have to go over to the legislature
16 and seek a supplemental appropriation in order to approve
17 this request because we just spent the money out of the
18 contingency reserve for this year.

19 The \$820,000 does represent just to the
20 property taxes that are attributable to total program
21 funding, which is all you would be available to. That's all
22 that you would be able to reimburse them for. Each year, I
23 just want to kind of point out a couple of things, that it
24 has -- the \$820,000 represents about a 0.83 percent of
25 property tax for the district over the 15-year time span.



1 And that the district does have at least a 98.9, almost over
2 99 percent collection rate of their property taxes.

3 In addition, the county treasurer -- the
4 county assessor has indicated that the \$820,000 will be
5 included in their certificate of assessed value so that the
6 district could levy an abatement mill on the taxpayers and
7 recoup those funds. What an abatement mill is when a
8 taxpayer does not pay their taxes within a given year then
9 the -- and it's found that they should not have been paid.

10 So, I'm going to go back to when I was in the
11 school district and I'll give you the example. Coors filed a
12 claim with the Jefferson County and said "Our taxes -- we
13 have been paying too many taxes. We should not be assessed
14 at this value." And so the county agreed with them. They
15 paid the Coors back about two million dollars then that was
16 included on the district's certificate evaluation and the
17 district was actually able to levy a tax and recoup those
18 funds from the taxpayers so that they remained whole. That
19 is -- so that is what could have --

20 UNIDENTIFIED VOICE: Of course we didn't have
21 to pay it but the tax payers did?

22 MS. EMM: The taxpayers did. And that's how
23 abatements work. It is that if -- if taxes are found to be,
24 you know, shorted or that you are refunded or in the case of
25 YMCA, they should not have been taxed in the first place,



1 taxing entities have the ability to obtain those monies back
2 on -- and it's on the back of the other taxpayers within the
3 district.

4 UNIDENTIFIED VOICE: So why didn't Coors pay?

5 MS. EMM: Well, that's an aside. We won't --
6 we won't be going there.

7 UNIDENTIFIED VOICE: For some reason like
8 YMCA, they were wrongly being charged, or they were paying
9 more than they should have been.

10 MS. EMM: So, it was found that the YMCA
11 property should be tax exempt, and therefore, they should
12 not pay the property taxes. Now, what YMCA has -- YMCA has
13 not been paying the taxes --

14 UNIDENTIFIED VOICE: But they haven't --

15 MS. EMM: -- except for a couple of years in
16 the end when they were first starting to fight the issue.
17 Now, for the district, they have a very, very valid point
18 that if the YMCA property had not been on the original tax
19 rolls, that the way the formula -- the School Finance Act
20 formula works is that they would have received those state
21 funds for all of these years.

22 Okay. So, what they are seeking is basically
23 a repayment of those state funds that they were shorted over
24 the last 15 years. So, that is a very valid argument to the
25 district. One of the standards in the statutes that you all



1 must take into consideration is the percentage of that value
2 of their- of their total program. So, for instance, when the
3 contingency reserve that you just had approved, it was
4 funding these districts about -- let's see here.

5 MADAM CHAIR: 7 percent.

6 MS. EMM: Seven to 13 percent of their total
7 program. The total program percentage of -- and this is on
8 page 2 of your memo, ranges from 0.58 percent up to about
9 0.81 percent. So, those property taxes that they were out
10 represents a small amount of their total program for each
11 year. However, when, you know, if you applied it towards --
12 to this year's total program, it is like they had pointed
13 out 9.2 percent of their total program.

14 If you measured it in 16,17 only. So, you
15 also had received a, another memo from Frank Reeves dated
16 Tuesday, April 11th. And Frank -- Mr. Reeves, the
17 superintendent from East Grand, is here if you would like to
18 hear from him. And with that, I would take any, any
19 questions that you might have.

20 MADAM CHAIR: Well, let's go back to what is
21 the percentage for re -- you identified the percentages for
22 those six districts. How about for East Grand, for the
23 annual amount.

24 MS. EMM: So, for East Grand, that is on page
25 two of your memo regarding this and there's a chart that



1 illustrates each fiscal year and then the YMCA property tax
2 that would be attributable to their total program. So, for
3 instance, in the fiscal year 2002-2003, it was \$60,602,
4 which at their total program at that point in time was 7.4
5 million. So that represented 0.81 percent of total program.

6 MADAM CHAIR: So, it's dramatically smaller?

7 MS. EMM: It's -- it's much smaller than the
8 contingency reserves that we just looked at.

9 MADAM CHAIR: For those six districts?

10 MS. EMM: Right.

11 MADAM CHAIR: Less than 1 percent each year?

12 MS. EMM: Yes.

13 UNIDENTIFIED VOICE: What I'm not clear about
14 on this is that we could -- could grant this payment but,
15 and it represents what the state would have given them, but
16 they can also recoup it from their taxpayers and would they
17 -- but they would not be paying us back. So, the question is
18 do they have the opportunity then to be recouped twice, once
19 from us and once from the taxpayers? Is that possible?

20 MS. EMM: Thank you. That is the way I
21 understand that they could do this if they wanted to. If I
22 was there, that's what I would do. I would -- I would -- I
23 would think about -- I would at least think about that
24 strategy. There's other -- there are other things and Franky
25 -- I'm sorry. Mr. Reeves also outlined those in his memo



1 also, that they are going to be attempting to seek a mail at
2 the override at some point in the future, and this may be
3 one way that they could potentially say, we don't want to,
4 you know, we will not abate these funds. However, maybe in
5 the future, you would remember that and pass a mail at the
6 override. So, there are things that they need to think
7 about. And in addition, that the district has foregone other
8 property taxes as a result of this also.

9 MADAM CHAIR: But there's the other political
10 piece which is that were we to agree to this, we don't
11 actually have the money. And it's -- I don't want to guess
12 how little a chance we would have. Well, Mrs. Reagan can
13 help us figure out what are the chances of that. It's a moot
14 point really.

15 MS. EMM: Thank you. Yes. And that is
16 absolutely one of the things that we would have to consider
17 is if you granted the -- this year, we would still have a
18 little bit of time to go seek a supplemental appropriation
19 out of this year's budget.

20 Another thing that you could potentially
21 think about would be if you wanted to grant the 820,000, it
22 could come out of next year's appropriation, and then that
23 would leave \$180,000 remaining in the fund to potentially
24 deal with any other situations next year. And then we would
25 go in to request a supplemental appropriation to refill the



1 bucket. So yes, those are all considerations for you.

2 UNIDENTIFIED VOICE: I'm not sure. Can I
3 clarify something because then I got confused.

4 UNIDENTIFIED VOICE: I'm confused, too.

5 UNIDENTIFIED VOICE: Normally, I don't ask
6 the questions, but I'm going to what Board member Mazanec
7 said about, were you suggesting like that they could recoup
8 from the taxpayers and recoup from us?

9 MS. EMM: Yes.

10 UNIDENTIFIED VOICE: And you said yes.

11 UNIDENTIFIED VOICE: Yes.

12 UNIDENTIFIED VOICE: Okay. But on top of that
13 or as a follow up to that, is this memo from Superintendent
14 Reeves? Is he saying that if we provide these funds, then he
15 will ask his taxpayers for it?

16 MS. EMM: That is what I am understanding,
17 yes.

18 MADAM CHAIR: Board -- board member
19 McClellan. Thank you so much.

20 MS. MCCLELLAN: Forgive me if I'm being just
21 a little bit slow here. This is a really complicated one,
22 and I'm just trying to make sure that I understand it fully
23 and completely. How is it that had the error to tax YMCA not
24 been made, and had they never been on the tax rolls? How
25 would that then translate to the district having, oh, how



1 would that then translate to the district having been
2 granted these, been eligible to get these funds from the
3 state? I -- that was the part that confused me, and then I
4 have a separate question and I'll go ahead and throw it out
5 there.

6 Then separate -- separate question is going
7 to be whether the department has contemplated any kind of
8 compromise because I'm worried about how this might put our
9 back to the wall financially, and how this might impact our
10 ability to meet obligations including those that may not be
11 foreseen at this moment, two other districts as they may
12 come up. So that was just a worry I wanted to express before
13 it's too late. But if you can help me understand how.

14 MADAM CHAIR: And another question. This
15 might just, well, one a time. Yeah, ho -- just hold on.
16 Write it down, right?

17 MS. EMM: Okay. Thank you. So, this goes to
18 the School Finance Act and how the total program formula
19 works. So, the first thing is you determine what the total
20 program for a district should be based on base funding, the
21 characteristics of the district, all of those factors to
22 determine their total program funding. Then, the first thing
23 that is looked at is how much local share is going to be
24 applied towards that total program. The local share is
25 determined by your assessed value, and the mail levies that



1 are tied to that assessed value. So, in the case of the --
2 in the case of East grant's assessed value, it had been
3 reported higher because YMCA was included in it. So
4 therefore, their local share --

5 UNIDENTIFIED VOICE: Even though there is
6 something.

7 MS. EMM: Even though they're not paying. And
8 that's been -- that has been the question from us. Every
9 year is, is YMCA included in the assessed value? Because if
10 it is, then they -- then the property tax is assumed to be
11 100 percent collected. And if the YMCA would not have been
12 on the rolls, then their assessed value would have been
13 lower, and therefore, their property tax would have been
14 lower so the state share could have been higher. So, that's
15 what they are -- what -- that's what the argument is here.

16 UNIDENTIFIED VOICE: That is very helpful and
17 that half day I spent with our finance personnel is all
18 coming back to me. And I think I walked away from that
19 feeling glad that we had really smart people working on that
20 because it's devilishly complex. So, I appreciate that. I
21 guess my follow up question then would be, has our personnel
22 really audited these numbers from the memo to make sure that
23 that kind of aligns with their understanding and then how
24 does that relate to the question of the interpretation with
25 respect to, if YMCA had not been paying, does that -- do we



1 still count it the same way? In other words, are there- is
2 there another interpretation here that we should consider.

3 MS. EMM: Thank you. Madam Chair, we do agree
4 with the -- we do agree with the -- with the numbers.

5 MS. FLORES: Board member for us. Well, my
6 question is, if -- if -- if the city van or the district is
7 able to have a mail on this, will they then return if they
8 are successful in getting that mail from the public, will
9 they be able to repay that monies back to the state?

10 MS. EMM: Thank you. Madam Chair, I think
11 that's a great question for Superintendent Reeves. And I
12 know he is here.

13 MADAM CHAIR: Yes. Can't let you out there,
14 come on.

15 UNIDENTIFIED VOICE: If you need anything.

16 MADAM CHAIR: Director Flores, can you repeat
17 that question?

18 MS. FLORES: Well the question is, that if
19 you are able then to retrieve the monies from the local
20 public in your district, will you then be able to return
21 that monies to, in other words, they'll pay for it, will
22 give you the monies but then if we give you -- if we give
23 you the monies, I should probably say that, then you can
24 return that monies back to us once you've re-gotten it from
25 the -- from the mail?



1 UNIDENTIFIED VOICE: Yeah, I think I
2 understand that and yes, we could go that avenue. That's not
3 really our request or ask. It's our belief that this is
4 money that the state, for lack of better term, owes to us
5 over all of these years- that our hands are really tied. We
6 couldn't collect taxes nor can we take them off of our tax
7 rolls to become whole that way.

8 UNIDENTIFIED VOICE: Because of the courts?

9 UNIDENTIFIED VOICE: Because the court did
10 not rule on this until January of 2017. So yeah, it's set
11 for -- it didn't set but it was in courts -- the whole court
12 system through appeals and everything for 15 years.

13 UNIDENTIFIED VOICE: All right. And is your
14 district in a hard place right now as far as monies?

15 UNIDENTIFIED VOICE: We -- we've been very
16 fortunate to build up some reserves. But as I think
17 probably, every district in the state will tell you, "We
18 don't have enough money, no."

19 MS. EMM: Nobody does.

20 MS. FLORES: Would you be able to pay part of
21 it back -- some of it back? Is that -- is my question. If --
22 if--

23 UNIDENTIFIED VOICE: Right. I -- I think and
24 -- and this is confusing and it's part of why we brought
25 this forward in this manner is to -- to gain some clarity.



1 There are some other issues with it that I've discussed with
2 me and that don't come in front of you that may still come
3 in front of another entity of the state such is interest
4 paid and things like that, that we are out. So I think we're
5 looking for an answer in that direction and then we will go
6 from there. I really don't have a clear answer to that.

7 UNIDENTIFIED VOICE: I'm very sorry.

8 MADAM CHAIR: Board member Mazanec?

9 MS. MAZANEC: 800,000 represents the total
10 over the 15 years, it's not per year. And so for instance
11 what 2004 this started and it would have represented what
12 amount of money --

13 UNIDENTIFIED VOICE: Right.

14 MS. MAZANEC: -- in the ballpark.

15 UNIDENTIFIED VOICE: In -- in 2002 and 2000-
16 they, you know, got tax years. 2002-2003 and about half of
17 2004, Snow Mountain Ranch, YMCA, did pay their taxes. During
18 that time they were -- they had applied for tax exempt
19 status and it was being heard. In the middle of 2004, I
20 believe is probably -- the property tax administration
21 determined that yes you- you are tax exempt and you should
22 be repaid for all of those taxes.

23 That's when the counties and -- and I -- I
24 need to tell you that, Larimer County and Estes Park is also
25 going through this process, just separately. That's when the



1 counties made the lawsuit to say, "No, they shouldn't be tax
2 exempt". So -- and that's how it all started. So from 2002
3 through the middle of 2004, they paid taxes. That's a
4 portion of that that we have already paid back in the month
5 of February. Our county took our property taxes and paid
6 them back, that piece, and then from 2004 on is they run the
7 tax royalty -- we're part of the assessed valuation however
8 never paid their taxes.

9 MADAM CHAIR: Board Member Goff, did you have
10 any other?

11 MS. GOFF: Yes, thank you. I -- can you
12 briefly tell how interest pays -- plays, I should say, plays
13 into this because is the interest accrued for whatever
14 period of time or the whole time. Is that included in the
15 total that you're requesting whether it be from your
16 community or from the contingency?

17 MS. EMM: Thank you. No, this does not
18 include the interest payments. So in addition to the 820,000
19 that they have not received from the state, the district has
20 also had to pay back interest owed to this, so it's been
21 withheld from the property taxes at the district.

22 But that is not something that they can seek
23 reimbursement from the contingency reserve. So what we have
24 talked about is the other taxing entities within the county.
25 Fire, County, Library who -- whomever is a taxing entity up



1 there, is going to be working with the division of property
2 taxation in order to see if there's any way that they can
3 recoup that interest through a special mill or something
4 like that. And what we have talked about is that, if in fact
5 the division of property taxation says, "Yes, you have the
6 authority to do this special mill on your tax payers in
7 order to recoup the interest".

8 I don't know if that's going to recur or not.
9 But if they have the ability to do that in those entities
10 then it would seem to follow that the school district would
11 also be able to do that. But we're -- we don't know how that
12 is going to shake out at this point.

13 UNIDENTIFIED VOICE: Right. Very, very well
14 explained.

15 MADAM CHAIR: Board Member Rankin, do you
16 have motion?

17 MS. RANKIN: I move to deny the payment of
18 the contingency reserve funds in the amount of \$820,562 to
19 East Grand School District.

20 MADAM CHAIR: Do you have a second? Is there
21 a second?

22 UNIDENTIFIED VOICE: Second.

23 MADAM CHAIR: Thank you. Any more comments?

24 UNIDENTIFIED VOICE: Sorry, it's hard.

25 MADAM CHAIR: It's very hard. Would you



1 call the roll, please?

2 MS. CORDIAL: Board Member Durham?

3 MR. DURHAM: Yes.

4 MS. CORDIAL: Board Member Flores?

5 MS. FLORES: Yes.

6 MS. CORDIAL: Board Member Goff?

7 MS. GOFF: Yes.

8 MS. CORDIAL: Board Member Mazanec?

9 MS. MAZANEC: Yes.

10 MS. CORDIAL: Board Member McClellan?

11 MS. MCCLELLAN: No.

12 MS. CORDIAL: Board Member Rankin?

13 MS. RANKIN: Yes.

14 MS. CORDIAL: Board member Schroeder?

15 MS. SCHROEDER: Yes, sadly.

16 UNIDENTIFIED VOICE: Oh, sorry.

17 UNIDENTIFIED VOICE: I'm sorry.

18 MADAM CHAIR: Thanks for coming. Sorry we

19 don't have the bucks.

20 UNIDENTIFIED VOICE: Good luck.

21 UNIDENTIFIED VOICE: Thank you.

22 (Indiscernible)?

23 MADAM CHAIR: Yes, yes, we do. Yes, we do.

24 All right. I don't know where we are on the order but here's

25 where I'm going since it's still not 2:45. 11.01 legal



1 authority for feel testing for park.

2 UNIDENTIFIED VOICE: Does the hearing start
3 at 2:45?

4 UNIDENTIFIED VOICE: Yes.

5 MADAM CHAIR: Yes.

6 UNIDENTIFIED VOICE: So you want to cover
7 this in 10 minutes?

8 MADAM CHAIR: It doesn't matter. We can be
9 late, we just can't be early.

10 UNIDENTIFIED VOICE: It's okay. That's all.

11 UNIDENTIFIED VOICE: Okay. Promise?

12 UNIDENTIFIED VOICE: Not sure.

13 UNIDENTIFIED VOICE: You can -- you can talk
14 about this for as long as you wish --

15 UNIDENTIFIED VOICE: Board Member Mazanec?

16 MADAM CHAIR: Okay. Commissioner?

17 UNIDENTIFIED VOICE: We got the a --

18 MADAM CHAIR: Oh you --

19 UNIDENTIFIED VOICE: I'm sorry, Madam Chair.
20 I'm sorry.

21 MADAM CHAIR: Next item is a request from a
22 Board Member for further explanation on the legal authority
23 for "feels" testing for park. Commissioner, we are going to
24 talk about your spelling, maybe.

25 UNIDENTIFIED VOICE: My spelling?



1 MADAM CHAIR: No.

2 UNIDENTIFIED VOICE: Oh.

3 UNIDENTIFIED VOICE: I do have terrible
4 spelling but I did not write that. So -- you could tell, I
5 was defensive, I was like, "What?"

6 MADAM CHAIR: Board Member -- it's all right.

7 UNIDENTIFIED VOICE: I would never criticize
8 anybody's spelling. Never ever.

9 UNIDENTIFIED VOICE: Thank you.

10 MADAM CHAIR: It's just the word -- It's an
11 emotional word -- it was an emotional -- instead of field,
12 it was feels.

13 UNIDENTIFIED VOICE: Feels good.

14 MADAM CHAIR: Yeah, exactly.

15 UNIDENTIFIED VOICE: That's soft.

16 UNIDENTIFIED VOICE: So Madam Chair, we have
17 Joyce Surkowski here and we have written up -- Joyce has
18 written up to set information on memo for you. But we're
19 happy to answer any further questions. And I don't know if
20 Joyce had any intro remarks or anything.

21 UNIDENTIFIED VOICE: On the memo, you said
22 these groups are developed based on part of your social
23 studies achievement and demographic variables, and included
24 it as free and reduced lunch status, English learner status.
25 I take it you mean, the number of students- free and reduced



1 lunch etc.?

2 UNIDENTIFIED VOICE: It's not about this
3 lunch.

4 UNIDENTIFIED VOICE: Correct.

5 UNIDENTIFIED VOICE: It seems like this memo
6 finally gets down to the bottom, the very end of it. It
7 says, well, actually in the middle of the last page it says,
8 nationally recognized professional and technical testing
9 standards from organizations such as American Educational
10 Research Association, National Council on Measurement and
11 Education, etc. include the need to field test items prior
12 to using them operationally.

13 More specifically, items are expected to be
14 field tested. And then you get down here into a few laws,
15 and the, the last one that says that, Colorado signed the
16 original MOU that committed to our participation in field
17 testing. The governing state must participate in pilot and
18 field testing. And then you -- you have dot, dot, dot, 7A1B.
19 I didn't actually find that, can you read that to us?

20 UNIDENTIFIED VOICE: Madam Chair. So, that is
21 taken directly from the original MOU, and the dot, dot, dot,
22 goes on because there was a whole listing of things that the
23 state agreed to do when they signed onto the MOU. I can
24 happily send that to you again after this meeting. It moves
25 on from field testing into other types of obligations.



1 UNIDENTIFIED VOICE: But I'm just interested
2 in the field testing part right now.

3 UNIDENTIFIED VOICE: Which is why I cut it
4 off there.

5 UNIDENTIFIED VOICE: But, I don't see the
6 language. That's a -- is that --

7 UNIDENTIFIED VOICE: That language is --

8 UNIDENTIFIED VOICE: Is that the language --

9 UNIDENTIFIED VOICE: That is the extent of
10 the language. What you're seeing there in italics is
11 directly from the MOU.

12 UNIDENTIFIED VOICE: And does every MOU that
13 we've renewed that, haven't we? How many times?

14 UNIDENTIFIED VOICE: So, our relationship
15 with our -- other park states is governed by a variety of
16 agreements to be honest with you. So there is the MOU that
17 has been reviewed- renewed I believe two times, I would have
18 to verify that information, and it basically extends what
19 that original MOU was.

20 UNIDENTIFIED VOICE: But one of my -- the
21 final, that MOU, what I need to know is, how does that MOU
22 control local school districts?

23 UNIDENTIFIED VOICE: So Madam Chair. So, as
24 we're looking at, and when I connected with you prior to
25 this Board meeting, you had asked actually I think it was



1 three different questions, which is why you see that at the
2 beginning of the memo. The first question I think dealt with
3 how this field testing work, and how are schools selected,
4 and then yes, we got into the, the legal requirements.

5 So, frankly the park MOU is the least
6 important, frankly, of the requirements that we have to
7 engage in field testing. The most important, both state and
8 federal law. So we have state law that says that we will
9 comply with requirements of federal law with regard to
10 statewide standardized testing, then we have that we will
11 rely upon the assessments developed by the consortium of
12 states, then we have the Department of Education shall
13 release to the public only those state assessment results
14 that the department deems valid.

15 And that very first reference then pulls in
16 federal law, right? Because the state law says we'll comply
17 with federal law. So when we start looking at the federal
18 law, there is reference to the assessments shall be used for
19 purposes for which such assessments are valid and reliable,
20 consistent with relevant nationally recognized professional
21 and technical standards, and to be of adequate technical
22 quality for each purpose.

23 So, as we start to look at that, that's how
24 we get to looking at what the expectations are in terms of
25 what does it mean to be consistent with relevant nationally



1 recognized professional and technical testing standards, and
2 that's where I tried to explain field testing. It is part of
3 testing.

4 It is necessary in order to create a valid
5 and reliable test, required by federal law, required by
6 state law. The fact that we also have the MOU that says, "By
7 the way, we agree that we will also do this." was additional
8 information. Obviously, the federal law and the state law is
9 really what binds us to the practice.

10 UNIDENTIFIED VOICE: Forgive me but I'm still
11 not hearing any authority that requires local education
12 agencies to participate in field testing. I hear that the
13 state agreed to it, meaning the governor and the state
14 Board, but I'm not sure that they have legal authority over
15 all these, all these schools to require them to participate.

16 UNIDENTIFIED VOICE: State law requires us to
17 have a valid and reliable assessment. Federal law also
18 requires us to have a valid and reliable assessment. And in
19 order to create that valid and reliable assessment, we have
20 to engage in field testing. Otherwise, the assessment would
21 not be valid- sorry, valid and reliable.

22 UNIDENTIFIED VOICE: Yes, but I'm not sure
23 that that means that- that our schools are required to
24 participate. You could get voluntary participation perhaps,
25 right?



1 UNIDENTIFIED VOICE: So there are a couple of
2 different ways that field testing can occur. One is through
3 what we refer to as standalone field testing. And when we
4 first started to create our science and social studies
5 assessments, we relied upon that standalone field testing.
6 And at that point in time because schools and districts were
7 still having to also do CSAP and TCAP, we did put out an all
8 call and said, who wants to volunteer for this? Based on
9 that, we were able to come up with our representative sample
10 that was strong enough for us to be able to evaluate the
11 quality of the items.

12 Essentially, asking the question, are these
13 items functioning the way we would expect them to function,
14 right? Our kids are reading these items the way that adults
15 think the kids will read the items. And then we also looked
16 for issues of bias and sensitivity, and making sure that
17 there is no particular group that was advantaged or
18 disadvantaged based on evolving characteristics. So then --

19 UNIDENTIFIED VOICE: Excuse me. I said
20 understand what you're saying and you covered that very
21 well.

22 UNIDENTIFIED VOICE: Okay.

23 UNIDENTIFIED VOICE: In the memo, but I don't
24 think you're answering the question I'm asking. That is,
25 what authority requires local school districts to



1 participate? That's outside of the fact of which, which way
2 of doing this field testing is best, that's outside of
3 whether we've agreed that field testing is necessary for
4 making sure that assessments are reliable. All those
5 questions aside.

6 UNIDENTIFIED VOICE: So at this point --

7 UNIDENTIFIED VOICE: By what authority can --
8 can local schools or districts be required to participate?

9 UNIDENTIFIED VOICE: So that's when we get
10 also to the second type of field testing that we do, which
11 is an embedded field testing. So it is incorporated white --
12 right within the test. So, when we look at, again, both
13 state and federal law, we have state and federal law that
14 says that school districts must administer the test, and
15 those field test items are embedded within the rest of the
16 test.

17 UNIDENTIFIED VOICE: They must administer the
18 tests, and you think that -- are you trying to tell me that
19 by having to administer the test, they agree to field
20 testing as well? Tony, can you help?

21 UNIDENTIFIED VOICE: That's how it's done.

22 UNIDENTIFIED VOICE: Well, probably not that
23 much since I was blissfully unaware of it before it actually
24 came out today. The first question that came to my mind
25 listening to this was, you know, whether or not, you know,



1 field testing was forced on a district over their
2 objections. It sounds to me like that's not the case, that
3 there have been cases where this was done on a volunteer
4 basis. But once the tests were developed, it sounds like
5 what's happening is that the field question are embedded
6 within the body of the existing test, correct? And then
7 those are presumably separated out.

8 UNIDENTIFIED VOICE: So, Madam Chair --

9 UNIDENTIFIED VOICE: (Indiscernible) embedded
10 and so the schools that are participating in the field
11 testing, it takes them a little longer to do the testing,
12 and that's once every what? Three years or something, it's,
13 it's a group of schools are moving around.

14 All I am trying to get at, and it's not
15 because there is a huge amount of schools were complaining
16 about it, but I would like to know by what authori -- if a
17 school did not want to participate, how are they compelled
18 to do so? I'm trying to get the, the legal authority that
19 would compel a school to participate in field testing. And
20 I'm not sure I'm hearing that.

21 UNIDENTIFIED VOICE: Well it so -- it sounds
22 to me that when -- when you're doing the field testing in
23 this manner, in other words there are certain selected
24 number of questions embedded within the state assessment
25 that is required, that -- you know, that the state and



1 everybody else is relying on, on the mandatory nature of
2 state assessments at that point in time. In other words at
3 that point it becomes a package deal so to speak.

4 UNIDENTIFIED VOICE: Madam Chair --

5 UNIDENTIFIED VOICE: I mean it's a little bit
6 connected. It's, it's the mandatory nature of the state
7 testing and it's the mandatory nature of having a fair,
8 valid and reliable state test. So, those things coupled. I
9 mean, there's nothing that you're going to find in law that
10 says, "You must field test." But because of those two legal
11 requirements, and how testing is developed, it's a part of
12 the, the system.

13 UNIDENTIFIED VOICE: In, in most tests have
14 items in them that are being field tested in almost any
15 test. PSAT, SAT.

16 UNIDENTIFIED VOICE: And you know what? And
17 you know what? I'm not arguing about that. I'm not arguing
18 about the need for field testing. I'm not arguing that --
19 it's not about part in particular, either.

20 UNIDENTIFIED VOICE: It's all test.

21 UNIDENTIFIED VOICE: I'm just wondering if
22 the school doesn't want to do it. Do they really have to do
23 it?

24 UNIDENTIFIED VOICE: Most of the time, nope -
25 - people --



1 UNIDENTIFIED VOICE: We have done standalone
2 field testing right?

3 UNIDENTIFIED VOICE: Yeah, we does.

4 UNIDENTIFIED VOICE: Didn't we do it that way
5 with Science and Social Studies?

6 UNIDENTIFIED VOICE: Madam Chair, so the very
7 first -- when we first started to dev -- to develop the
8 science and social studies assessment for CMASS in 2013, we
9 did a standalone field test. Since then, we've been relying
10 upon an embedded field tests.

11 UNIDENTIFIED VOICE: Was that a random
12 selection of schools and grade? Well, it was only a certain
13 set of grades anyway. But, was that a random sampling of
14 schools?

15 UNIDENTIFIED VOICE: So, what we did with
16 that field test, is we actually put out an opt talk and
17 said, "Who would like to participate in this field test?" To
18 be honest with you, we were not sure what was going to
19 happen when we put out that call. We hoped that we would get
20 a sample from which we could draw a representative sample
21 and actually the responses we got were surprising, really
22 high. So, we were able to do that. We would not want to
23 continue with a kind of standalone field test approach now
24 because essentially what that would require is, for everyone
25 to do an operational test, separate from that. Then we would



1 have this, also this standalone field test.

2 And frankly, in most cases, what we can do is
3 interject some of those items into the operational field
4 test over here. And it takes far less time. It's far less of
5 a burden. It also from a technical point of view is much
6 stronger, which allows us to do other things with our
7 assessments in terms of establishing the validity and the
8 reliability in that very first year. What we needed from
9 that standalone field test was more narrow. And really was
10 looking at, are these fair items? And are they functioning
11 the way we would think that they would function? Since then,
12 we also need to have a lot more statistics behind our items
13 to ensure that from year to year, our tests are of equal
14 difficulty. So, it gets harder as we move forward.

15 UNIDENTIFIED VOICE: If I'm right, if I'm
16 correct, there was no field testing going on the same time
17 as the regular state assessments are going on. Correct?

18 UNIDENTIFIED VOICE: Actually there was.
19 Which is why we weren't sure what kind of response we would
20 get. The fact that we were moving from paper based testing
21 to online testing for the first time is why we had what we
22 heard reported was why the schools and districts were so
23 interested in participating because not only were they going
24 to have their students have an opportunity to be exposed to
25 content, but they were also going to be exposed to the test



1 engine. The schools and districts were going to be able to
2 engage in online testing in a very, well, no stakes
3 environment. And that's how we had such a high participation
4 rate.

5 UNIDENTIFIED VOICE: Was one, one or the
6 other in the fall though? Was the field test -- that's why I
7 couldn't remember how that lined up.

8 UNIDENTIFIED VOICE: Yeah. So, there were
9 actually multiple opportunities for that standalone field
10 test. We had one in the spring of 2013 for our elementary
11 and middle school students. We had a second field test in
12 the fall in September-October for our elementary and middle
13 school students. And then we had another field test for high
14 school in November of 2013. It's all a blur, it's coming
15 back.

16 UNIDENTIFIED VOICE: But currently, when its
17 embedded, and then particularly for, for some of these
18 schools, there are small rural, who don't have a lot of
19 computer capacity, it can be a burden. Takes longer. The
20 computer lab is not available to the students, and can be
21 taken a lot of time for them participating in the field
22 testing.

23 UNIDENTIFIED VOICE: Does it add questions to
24 the test?

25 UNIDENTIFIED VOICE: Yes.



1 UNIDENTIFIED VOICE: Yes.

2 UNIDENTIFIED VOICE: So, it's --

3 UNIDENTIFIED VOICE: These are essentially --

4 sorry -- these are essentially new items-

5 UNIDENTIFIED VOICE: That they're testing?

6 UNIDENTIFIED VOICE: That we're ensuring our

7 functioning the way we'd expect them to work.

8 UNIDENTIFIED VOICE: Thank you.

9 UNIDENTIFIED VOICE: Yeah, they're adding

10 into --.

11 MADAM CHAIR: Any more questions?

12 UNIDENTIFIED VOICE: I'd just say I'm still -

13 -.

14 UNIDENTIFIED VOICE: (Indiscernible)?

15 UNIDENTIFIED VOICE: Yes.

16 UNIDENTIFIED VOICE: Okay. Just making sure.

17 UNIDENTIFIED VOICE: I'm still not sure I

18 heard an answer, but --.

19 UNIDENTIFIED VOICE: (Indiscernible).

20 UNIDENTIFIED VOICE: No, I mean it --.

21 UNIDENTIFIED VOICE: (Indiscernible).

22 UNIDENTIFIED VOICE: Yeah, yeah. It just

23 seems like there's a big space between the MOU and a school.

24 UNIDENTIFIED VOICE: It is.

25 UNIDENTIFIED VOICE: Can we backtrack, please



1 (indiscernible).

2 UNIDENTIFIED VOICE: She's not here.

3 UNIDENTIFIED VOICE: Okay, good.

4 MADAM CHAIR: A hearing to promulgate these
5 rules was made known to the publication of public notice on
6 March 10th, 2017 to the Colorado register and by state Board
7 notice on April 5, 2017. State Board is authorized to
8 promulgate these rules pursuant to 22-2-107(1)(C) CRS.
9 Commissioner?

10 UNIDENTIFIED VOICE: Thank you, Madam Chair.
11 I'll turn this back over to Leanne Emm.

12 MS. EMM: Thank you. Staff is recommending
13 that this rule also be repealed since the grant ended in
14 2011 and then subsequently the legislature also repealed the
15 creation and duties of this particular grant program
16 advisory Board. So, even if the grant were ever to be funded
17 again, we would probably have to revise the rules, very
18 similar to the other one.

19 MADAM CHAIR: Thank you. Is there anyone here
20 to testify? Going, going, gone. Excellent. This concludes
21 the rulemaking hearing for the repeal of the rules for the
22 Administration of Science and Technology Education Center
23 Grant Program 1CCR30149. Is there further discussion from
24 colleagues? May I have a motion please.

25 UNIDENTIFIED VOICE: I move to repeal the



1 rules of the administration of the Science and Technology
2 Education Center Grant Program 1CCR301-49.

3 MS. FLORES: I second that.

4 MADAM CHAIR: Thank you. Any objections to
5 that? Ladies and gents, we're going to take a very short
6 break, please. I know there are some of you waiting to speak
7 to us, but we're on two hours. Thank you. 901, 902.

8 (Off record)

9 MADAM CHAIR: Folks, if we seem a little
10 silly, we really are at this stage. We've just had I think,
11 an excess of adrenaline, as well as commitment to a lot of
12 different items. So 9.01, folks. Next item on the agenda is
13 the consideration of Adams 12 five star schools innovation
14 application, on behalf of Fortland Elementary School.
15 Commissioner.

16 UNIDENTIFIED VOICE: Yes, Madam Chair. Thank
17 you. I believe at this time we're going to invite the
18 district back. Chris Godowski, Superintendent, Adams 12,
19 Five Star Schools. Hi, Superintendent, good afternoon. Nice
20 to see you. C. Miller, Principal, Barton Elementary School,
21 Tracy Staofer, Assistant Principal, and several other folks
22 and I don't know all of your names.

23 So, I apologize, but I believe we're going to
24 turn it over to the districts. We do have Kelly Rosensweig
25 on the phone with us. She's from the CDE staff. She's the



1 person that processes and works on innovation, applications,
2 or waivers. So, thank you. I'll turn it over to Mr.
3 Godowski, or Ms. Miller.

4 UNIDENTIFIED VOICE: Thank you so much for
5 having us here. Thanks for having us here this afternoon.
6 I'm sure it's been a very long day. I do want to take just a
7 couple of minutes and introduce the other folks, we have
8 with us today.

9 MADAM CHAIR: Please do.

10 MS. VIGIL: Hi, I'm Felicia Vigil, one of the
11 instructional coaches.

12 MS. WEST: I'm Shannon West, another
13 instructional coach at Thornton Elementary.

14 MS. LUCAS: I'm Amerisol Lucas. I'm a parent
15 at Thornton Elementary.

16 UNIDENTIFIED VOICE: Thank you. So, again, we
17 are -- we are so happy to presenting -- to be presenting the
18 culmination of 18 months of hard work and success that has
19 taken place at Thornton.

20 You may be asking why innovation? After an
21 initial recommendation for closure in 2015, followed by an
22 additional state panel review, we received the
23 recommendation for innovation in June of 2016. Thornton then
24 had outstanding growth on state assessments, that resulted
25 in a performance rating. This officially took us off the



1 accountability clock, and we absolutely celebrated our
2 successful rating.

3 But we know our work is not finished. We --
4 while we had strong growth, less than 25 percent of our
5 students currently meet grade level proficiency in math and
6 literacy. We must do better. That is why it is critical for
7 us to formally stamp the work that we have started at
8 Thornton through an innovation plan.

9 Our innovation plan will ensure that the
10 sustainability of the implemented initiatives, to continue
11 to increase our growth and achievement. We are happy to
12 report that our staff voted, and our plan was passed with
13 100 percent approval. The staff is committed and believes in
14 the work that we are doing.

15 UNIDENTIFIED VOICE: We've spent the last 18
16 months developing our innovation plan. As a staff, we impact
17 feedback from the state review panel report to prioritize
18 the recommendations. Those recommendations were based on
19 Board research based conditions, to improve school
20 performance and student achievement.

21 These conditions include: Academic Systems,
22 Culture Performance, Talent Management, and Budget on
23 Operations. We then formed an innovation committee of
24 teachers, parents and DTEA members, that continue to narrow
25 the focus for our work. We work in conjunction with an



1 outside consultant, as well as our CDE turnaround network
2 partners, to develop what is currently our final innovation
3 plan. We have continued to share information, solicit input,
4 and gather feedback on the plan from staff, parents,
5 district officials, DTEA, and our CDE partners.

6 We have a small but mighty parent group at
7 Thornton Elementary, and they are -- they were instrumental
8 in the development of this plan. Parents participated in
9 informational sessions throughout the process. After
10 implementation of extended day this year, we surveyed our
11 parents, and 91 percent of parents stated that the start
12 time has positively impacted their students learning, and 95
13 percent of parents indicated that their students have
14 benefited from the increased focus on literacy this year.

15 Our parent group will be shifting their focus
16 to include an academic outreach component, to engage other
17 parents. We know that when parents are actively involved in
18 their child's education, academic achievement and growth
19 increase. Two examples include: Recruiting parents to help
20 with enrichment, and developing small group parent to parent
21 outreach with an academic focus. In addition, we will
22 continue to work with our human resources department, to
23 develop partnerships with area universities and businesses.

24 UNIDENTIFIED VOICE: After completing our
25 innovation plan, we had our staff vote on it, and a 100



1 percent of our staff voted in approval of our plan, as well
2 as a 100 percent of our administration and support from
3 parents. In addition, our staff voted on the waivers, and
4 percent of our staff voted in favor of the waivers.

5 Our District Board of Education also
6 unanimously voted in favor of our innovation plan at their
7 March meeting. We are extremely excited about the work that
8 we are doing and we -- please join us in supporting our
9 innovation plan.

10 UNIDENTIFIED VOICE: Thank you. Board member
11 questions? Board member Flores?

12 UNIDENTIFIED VOICE: Thank you. I'd like to
13 know what the employment license required exception is? Will
14 you be downgrading the license or what? It's 22, 63, 2, 0,
15 1, employment license required.

16 UNIDENTIFIED VOICE: Waivers for Richmond.
17 So, that's for our enrichment. We expanded our day, 45
18 minutes each day, and then an additional 30 minutes on
19 Wednesdays, and so we want to be able to waive the license
20 requirement, for any parents or community volunteers that
21 would help support us in our enrichment program for our
22 students.

23 UNIDENTIFIED VOICE: I see. So, maybe you'll
24 have a volunteer or --

25 UNIDENTIFIED VOICE: Yeah.



1 UNIDENTIFIED VOICE: I see. So --

2 UNIDENTIFIED VOICE: In our regular classroom

3 teachers but still.

4 UNIDENTIFIED VOICE: -- right. So, they

5 wouldn't have to have a degree or-

6 UNIDENTIFIED VOICE: Correct.

7 UNIDENTIFIED VOICE: Right. But you'd go --

8 you still go through the -- having them --

9 UNIDENTIFIED VOICE: Volunteering?

10 Absolutely.

11 UNIDENTIFIED VOICE: -- fingerprinted and all

12 that.

13 UNIDENTIFIED VOICE: Absolutely.

14 UNIDENTIFIED VOICE: Thank you.

15 UNIDENTIFIED VOICE: Board Member Mazanec.

16 MS. MAZANEC: Forgive me. Would you repeat

17 what you said when you were presenting about your

18 accreditation.

19 UNIDENTIFIED VOICE: So, this- this past

20 fall, we moved from priority improvement, to performance, to

21 a performance rating.

22 MS. MAZANEC: Based on?

23 UNIDENTIFIED VOICE: Our state assessment.

24 MS. MAZANEC: But I mean based on, also you

25 had started this -- this



1 UNIDENTIFIED VOICE: So, we had yeah, we had
2 already previously started our work on innovation, because
3 we had had a State- panel review that gave us feedback. And
4 so, initially we had been recommended for closure, because
5 of our performance, and so we immediately took that feedback
6 and began working to change the practices at Thornton, and
7 then had another re -- another follow up State panel review,
8 in which they then recommended us for innovation versus
9 closure.

10 So, we continued the work that we had already
11 started. And then we -- when the assessment results came
12 out, and then we --

13 MS. MAZANEC: So paid off?

14 UNIDENTIFIED VOICE: Yes it did.

15 MS. MAZANEC: All right. Thank you.

16 UNIDENTIFIED VOICE: But we know that we
17 still have more to do, that's why we really want to
18 formalize it.

19 UNIDENTIFIED VOICE: Board Member McClellan.

20 UNIDENTIFIED VOICE: Just wanted to commend
21 you not only on your tremendous success so far in the
22 progress that you're making, but also in the buy in that
23 you've achieved, and having a parent here today, two
24 included, you've really hit all voices, so I think that's
25 really positive.



1 I did want to touch on what -- what kind of
2 innovations do you think were the most effective in helping
3 you to break through and have this success, and do you feel
4 like this waiver is critical to those necessary innovations?

5 UNIDENTIFIED VOICE: Well, I think there was
6 many things that we did. I think, narrowing our focus for
7 literacy, and formal it -- you know having a formal
8 articulated instructional model, with really specific
9 resources that supported all of our teachers, and then we
10 participated in observation feedback and data cycles
11 repeatedly, and I think having that side to side feedback
12 for teachers, where they were immediately able to change
13 their practice within the next week was critical.

14 And we did a lot of work around school, and
15 culture climate with our students, and feeling safety --
16 feeling safe, and then just a lot of structures and routines
17 within the classroom and within the school.

18 UNIDENTIFIED VOICE: Board member Goff?

19 MADAM CHAIR: Thank you for being here. A-
20 are you- what- have you had some interaction with middle
21 school? How is the -- is there some expansion of the
22 discussion, or are they talking with you or are they --

23 UNIDENTIFIED VOICE: So, we're fortunate
24 because our middle school is right next door, and so we do
25 have conversations, and we participated through the



1 turnaround network. We participated in the relay graduate
2 school, which many of our initiatives were implemented from
3 that, and the Middle School Administrative team is also
4 going through that right now, so there's a lot of
5 correlation in that one

6 UNIDENTIFIED VOICE: I was just there at the
7 middle school at the (indiscernible) improvement to until
8 last year, and then moved up to performance as well. So,
9 throughout this feeder system, we see a lot of poor
10 progress. And at the same time we're glad, that the staff at
11 these schools, is not satisfied with the status quo, and
12 feels like there's a lot of work yet to be done.

13 UNIDENTIFIED VOICE: It's really valuable
14 thing to show, the whole community how that constant
15 intertwining efforts and thinking is helpful.

16 UNIDENTIFIED VOICE: I appreciate.

17 UNIDENTIFIED VOICE: Congratulations by the
18 way.

19 UNIDENTIFIED VOICE: Thank you.

20 UNIDENTIFIED VOICE: Yeah, ditto. I mean,
21 after -- we're on the fourth iteration of the turnaround
22 programs, and we're looking forward to next year having
23 none, right.

24 MADAM CHAIR: You guys are an example. We'll
25 set the bar. Board member Flores.



1 MS. FLORES: So, how was -- how did you get
2 connected with the turnaround network. Did you ask to be
3 part of it? And what happened there?

4 UNIDENTIFIED VOICE: We had a school already
5 in turnaround that were focused (indiscernible). That was
6 the very first year Turnaround Network started and then
7 there was an opportunity for expansion. So, we applied to --
8 through the grant program, and that's how we added in four
9 schools, and actually Thornton was one of them. This is
10 their third year.

11 UNIDENTIFIED VOICE: Second year.

12 UNIDENTIFIED VOICE: Second year. We have
13 one more year, next year, to continue to do their work, so
14 that we can sustain (indiscernible).

15 MADAM CHAIR: Congratulations.

16 UNIDENTIFIED VOICE: Thank you to CDE for
17 incredible work, and the support they gave to this schools.
18 It is -- it is a game changer.

19 MADAM CHAIR: So ,if you have feedback, not
20 necessarily to us, but to staff, on what worked, what
21 didn't, maybe we could all be thinking about doing better.
22 That will also be helpful. I think the staff feels -- our
23 staff feels very strongly, that this has been a successful
24 effort. You're a fine example. There are some others. We've
25 gone down from 204 schools in 2010 down to 12. By the time



1 we get to year five, and I believe 24 districts down to
2 five. So, that's why I'm hoping next to zero. Obviously,
3 this is about the kids, and I think that what I'm hearing is
4 it's not just about getting off the clock, but then ramping
5 it up in order to really make a big difference for Colorado
6 kids. Thank you very much. Any more comments? Do I have a
7 motion?

8 UNIDENTIFIED VOICE: I'll make a motion.

9 MADAM CHAIR: Please.

10 UNIDENTIFIED VOICE: I move to approve Adams
11 12 five star schools as a district of innovation, pursuant
12 to Section 22-32.5-107(3)(a) CRS on behalf of Thornton
13 Elementary school.

14 MADAM CHAIR: That's a proper motion. Who
15 will second, please?

16 UNIDENTIFIED VOICE: Second.

17 MADAM CHAIR: Jane.

18 UNIDENTIFIED VOICE: Yes.

19 MADAM CHAIR: Oh, you have a comment?

20 UNIDENTIFIED VOICE: I want to second.

21 MADAM CHAIR: It's your district?

22 UNIDENTIFIED VOICE: Got it.

23 MADAM CHAIR: I guess we should call the
24 roll.

25 MS. CORDIAL: Okay.



1 MADAM CHAIR: Please.

2 MS. CORDIAL: Board member Durham, is not
3 present.

4 MADAM CHAIR: He's excused.

5 MS. CORDIAL: He's Excused. Board member
6 Flores.

7 MS. FLORES: Yes.

8 MS. CORDIAL: Board member Goff.

9 MS. GOFF: Yes.

10 MS. CORDIAL: Board member Mazanec.

11 MS. MAZANEC: Yes.

12 MS. CORDIAL: Board member McClellan

13 MS. MCCLELLAN: Yes.

14 MS. CORDIAL: Board Member Rankin?

15 MS. RANKIN: Yes.

16 MS. CORDIAL: Board Member Schroeder?

17 MADAM CHAIR: Yes. Thank you. Good luck.

18 UNIDENTIFIED VOICE: Thank you so much, we
19 appreciate it.

20 MADAM CHAIR: So, item 9.02.

21 UNIDENTIFIED VOICE: Bye to you, thank you.

22 MADAM CHAIR: Thank you.

23 UNIDENTIFIED VOICE: Yes.

24 MADAM CHAIR: So, the next item on our agenda
25 is consideration of Bennett's school district's request for



1 a waiver from CRS 22-7-101(4)(2)(a) school readiness
2 assessment. Commissioner?

3 UNIDENTIFIED VOICE: Thank you, Madam
4 Chairman, we have Sharon Herbert here, Principal of Bennett
5 Elementary, Robin Parte from the superintendent in Bennett's
6 school district, and Katrina Hudson, kindergarten teacher at
7 Bennett Elementary School. So, I think at this point I'll
8 turn it over to the superintendent.

9 UNIDENTIFIED VOICE: And I will turn it over
10 to Sharon who will share with us her comments.

11 MS. HERBERT: Thank you board members for
12 having us here today, I appreciate the opportunity to speak
13 with all of you. As a small school district with limited
14 resources, we're respectfully requesting this waiver from
15 Colorado 22-7-104(2)(a) the kindergarten school readiness
16 program.

17 We have been using teaching strategies form
18 since 2013, and have struggled completing the evaluations of
19 our students. The evaluation takes place three times a year,
20 contains 38 objectives, with 66 sub objectives total of 107
21 objectives. This equates to about 15 hours per student per
22 checkpoint. This data which includes pictures, and videos is
23 as proof has to be uploaded. Then our teachers are have been
24 taking professional leave days to input that data and test
25 the students.



1 TSG when we were in the training, they
2 suggested, that we use our parents to input the data, while
3 our district is small we don't have parents to do that. So,
4 it's up to the teachers to get that done, and then that
5 takes away their teaching time. It also takes away valuable
6 time from their families, and our teachers all of them have
7 very small kids at home.

8 We have created our own standards space
9 report card for kindergartners, which aligns with our first
10 to fifth grade report cards. This report card allows us to
11 monitor progress, and show progression of students growth,
12 and when we run the reports and TSG that doesn't show up,
13 and those report cards are different than what we have.

14 We did have social emotional development for
15 kindergartners on our report cards. And I think you guys all
16 got copies of those. This notebook is the data collected on
17 one kindergarten class for one checkpoint. So, there's a lot
18 of paperwork a lot of tests that's involved with this. And
19 what we're asking is that, you let our teachers teach the
20 kids.

21 I think that it gives our students a chance
22 to make more growth both academically, socially and
23 emotionally. So, also in Bennett, we have multiple
24 generations of our families, that we have taught, and are
25 teaching. And so, we know a lot about our students before



1 they even come in to our school.

2 So, I'd like to thank you for your time
3 today. And will be happy answer any questions.

4 MADAM CHAIR: Board member Mazanec?

5 MS. MAZANEC: Well, I would just like to say
6 that outside of I'm -- I'm very in favor of flexibility
7 particularly for small and rural districts. But, I would
8 like to say that I'm very impressed by your kindergarten
9 readiness system. It looks very complete. I think it could
10 be a model for other small and rural districts, so --

11 UNIDENTIFIED VOICE: Thank you.

12 MS. MAZANEC: -- I am in favor of
13 flexibility. I think you have covered everything you need to
14 in your -- in your assessment and I will be a yes vote.

15 UNIDENTIFIED VOICE: Thank you very much.

16 MADAM CHAIR: I guess I'm going to say the
17 opposite. I appreciate what you're saying about TS GOLD. But
18 we have approved a number of other kindergarten readiness
19 programs. We're about to look at some more.

20 And I'm really frustrated because despite the
21 fact that you may or may not have a great system, it is not
22 research-based and known to be reliable. And I -- I want to
23 have a district come forward and tell me they've tried each
24 one of them. We've been trying to come up with one that is
25 not as difficult as TS GOLD, 'cause you're not going to be



1 sending the data back, that was intended by the legislature.
2 There isn't anything in your plan that talks about your
3 interaction with families as a result of the work that you
4 do.

5 So, this doesn't meet what were the
6 legislative requirements and yet the other plans that we've
7 been adopting in fact do. And so, basically what this board
8 has been doing is systematically killing what was intended
9 by the legislature as a kindergarten readiness program. So,
10 that's not you personally, but I'm very frustrated because
11 we really don't have any more of the program that the
12 legislature intended. We were not going to have the
13 information about kindergarten readiness, that gives us the
14 opportunity to see whether we are doing things that pre --
15 such as preschool that will prepare kids to be kindergarten
16 raised.

17 So it's -- it's a frustration on my part on
18 the big picture of what's going on in Colorado. Which is
19 that you guys are just coming and saying TS GOLD is too
20 much. I think we've all heard that and we know it. But I
21 don't hear districts saying we've tried some of the other
22 ones that are dramatically less work, but that still meet
23 the expectations that were set forth by the legislature. And
24 this causes me a problem.

25 UNIDENTIFIED VOICE: You haven't been -- you



1 haven't been in favor of any of these waivers, have you?

2 UNIDENTIFIED VOICE: I -- yes, actually.

3 UNIDENTIFIED VOICE: Any of the kindergarten
4 waivers?

5 MADAM CHAIR: Pardon?

6 UNIDENTIFIED VOICE: Any of the kindergarten
7 waivers? Kindergarten readiness waivers.

8 MADAM CHAIR: I wa -- was -- I wa -- was --
9 It's always about TS GOLD, is it because I don't know why
10 we're applying-

11 UNIDENTIFIED VOICE: You haven't -- you
12 haven't voted in favor of any of them.

13 MADAM CHAIR: I don't remember. Board Member
14 McClellan.

15 MS. MCCLELLAN: I hadn't raised my hand but I
16 can give a comment.

17 MADAM CHAIR: Oh, I'm sorry.

18 MS. MCCLELLAN: No yeah, but that's quite all
19 right. I'm happy to chime in. I am concerned that this --
20 that this doesn't meet the requirements per staff review. So
21 I'm going to echo that same concern. I -- I think it's
22 important for us to have the results-based, science-based
23 assessment. We need to know what's happening and where they
24 are. We need that snapshot. So, I'm going to echo the
25 comments of our chairwoman.



1 MADAM CHAIR: Board member Rankin?

2 MS. RANKIN: How many students are we talking
3 about here?

4 UNIDENTIFIED VOICE: Sixty in kindergarten.

5 MS. RANKIN: Say it again, I'm sorry.

6 UNIDENTIFIED VOICE: Sixty.

7 MS. RANKIN: Six zero? And is it a K6 school?

8 UNIDENTIFIED VOICE: K5.

9 MS. RANKIN: K5 school.

10 UNIDENTIFIED VOICE: Yeah. We're on a four
11 day workweek. Four-day school week. So, students are in
12 eight hours a day. So, when the teachers have to take that
13 much time off, it's -- it's a week and a half that the
14 teachers are not teaching their kids, based on all the
15 testing and then the data entry.

16 MS. MAZANEC: So, have you tried TS GOLD?

17 UNIDENTIFIED VOICE: Yeah. We've done TS GOLD
18 for three years.

19 MS. RANKIN: So, have you tried TS GOLD,
20 right?

21 UNIDENTIFIED VOICE: No. We -- we purchased
22 the program through our bosses. And so they are -- they have
23 purchased it for us. And as at East-Central bosses, we are
24 all using TS GOLD.

25 UNIDENTIFIED VOICE: And that is exactly what



1 our preschool uses as well.

2 MS. RANKIN: So, the preschool uses it. So,
3 when they come to kindergarten, you want them to use your
4 program, is that correct? Am I reading this properly?

5 UNIDENTIFIED VOICE: They already have the
6 data.

7 UNIDENTIFIED VOICE: They -- they are using
8 it.

9 MS. RANKIN: You're using TS GOLD?

10 UNIDENTIFIED VOICE: We are.

11 MS. MAZANEC: Are -- are you bringing the
12 data up from preschool?

13 MS. RANKIN: That's my question.

14 UNIDENTIFIED VOICE: Yes. Yes.

15 MS. MAZANEC: All your kids. Do all you kids--

16 UNIDENTIFIED VOICE: Are the ones that -- are
17 the ones that have gone to the T-schools. Yes.

18 MS. MAZANEC: Which is roughly what
19 percentage?

20 UNIDENTIFIED VOICE: About half.

21 MS. MAZANEC: Half? So, you've got about half
22 the kids that -- that will not do TS GOLD once you get this
23 waiver.

24 UNIDENTIFIED VOICE: Well, it would be for
25 all of our kindergarten students.



1 MS. RANKIN: All the kindergarten-.

2 UNIDENTIFIED VOICE: Right.

3 MS. MAZANEC: So, the TS GOLD is just
4 preschool.

5 MADAM CHAIR: My point is, I think Ms.
6 Mazanec you are -- you are incorrect. There have been cases
7 where I have voted in favor of this when, the ma -- large
8 majority of the preschool kids were assessed on TS GOLD and
9 that information came forward. Seemed to me to be a very
10 different thing than when they are not assessed at all on a
11 research-based reliable.

12 MS. MAZANEC: But half of them are, that's
13 not enough?

14 UNIDENTIFIED VOICE: And when you're --
15 you're talking half, Sharon, you know, without preschool we
16 have three and four-year-olds in our preschool. When our
17 preschool students leave preschool, they come to Bennett
18 Elementary. That's, you know, we get the majority of the
19 preschool students almost all of them. The other group that
20 we get are students that, we have a lot of parents that work
21 in the metro area and those students that attend preschools
22 in the metro area and they come into our kindergarten as
23 well.

24 MS. RANKIN: May I?

25 MADAM CHAIR: Board member -- Oh, I'm sorry,



1 you're still going? I did interrupt you, my apologies.

2 MS. RANKIN: How many kindergarten classes
3 are we talking about here.

4 UNIDENTIFIED VOICE: We have three this year
5 and possibly four next year.

6 MS. RANKIN: So you have 20 kids in class.
7 Correct?

8 UNIDENTIFIED VOICE: We try to keep them
9 small.

10 MS. MAZANEC: That's pretty big.

11 MS. RANKIN: And then I have one que --
12 question for CDE. And -- and that is -- is the test that
13 they use aligned with the test that they don't use. And are
14 we -- this or do we ju -- just -- is this the question that
15 I have to answer myself which is, yes.

16 MS. MAZANEC: Board member Rankin I'm not
17 sure I understand your question. Could you --

18 MS. RANKIN: Well, it -- it -- It -- it --
19 the whole test, it has RCDE, who looked at it and they see
20 it's comparable enough that we can accept it if they want to
21 use that.

22 MS. MAZANEC: I think we've looked at it and
23 I can ask Dr. Colman to come up and she will have the
24 details on that. You know, we've from -- from our review we
25 couldn't determine from what they gave us whether it was



1 research-based and those pieces that are in the law. That's
2 -- so that's what we've, you know, put here as that we
3 couldn't tell.

4 MS. RANKIN: Okay. Okay.

5 MS. MAZANEC: Could I ask the same question
6 of the teachers? And the principal, could I ask that same
7 question before Dr. Colman comes up whether they -- they
8 did an observation of both and found it to be the same? The
9 same content and --

10 UNIDENTIFIED VOICE: Observation of both.

11 MS. MAZANEC: -- of well, when you did a
12 comparison of TS GOLD and the -- what you presented to us
13 here. And did you find it to be the same -- the same kind of
14 content that is being asked?

15 UNIDENTIFIED VOICE: Yes.

16 MS. MAZANEC: I found it to be, sort of, the
17 same, you know, which is what -- is -- it's the content that
18 kindergarten teachers need. I taught kindergarten. And so, I
19 would say, yes that's the content that needs to be kind of
20 learning the skills they need to have.

21 UNIDENTIFIED VOICE: Re -- remind us what the
22 -- the data that the -- that kindergarten -- that schools
23 are supposed to be providing the state based -- you know,
24 the kindergarten readiness. So, Social Emotional Readiness
25 so that -- so that --.



1 UNIDENTIFIED VOICE: They have that in here.

2 UNIDENTIFIED VOICE: They have all that in
3 there.

4 UNIDENTIFIED VOICE: We're part of -- the
5 Connect for Success Grant and we also had the Early Literacy
6 Grant for the last four years. And in the -- in the Connect
7 for Success Grant we're -- we've added an advocacy block,
8 for a day and that's to teach social and emotional skills to
9 all of our students. So --

10 MS. MAZANEC: And you are tracking data.

11 UNIDENTIFIED VOICE: Yes, we are.

12 MS. MAZANEC: And you are assessing regularly
13 during the year.

14 UNIDENTIFIED VOICE: Uh-huh.

15 MADAM CHAIR: So, if the state paid for one
16 of these assessments that is approved by the Board that is
17 significantly shorter, would you consider it? I mean, I'm
18 finding that we are going to have 178 different kindergarten
19 readiness programs based on what's happening, right? Month
20 after month, districts come forward to get a waiver. They're
21 all different. The reporting is not coming back to the
22 state. That was part of the intent of the Act. We've
23 approved all sorts of different ones because there was such
24 a push back to TS GOLD. So, if you didn't have to pay for a
25 different one would you con -- that's shorter would you



1 consider it one that is approved by us?

2 UNIDENTIFIED VOICE: Well, I feel that we are
3 meeting all the expectations and the amount of time. The
4 Kindergartners are five and six and to have all this data
5 collected on them --

6 UNIDENTIFIED VOICE: I'm not sure you heard
7 what I said.

8 UNIDENTIFIED VOICE: Are we going to do it?

9 UNIDENTIFIED VOICE: It is -- it is correct
10 that the TS GOLD is a very time-consuming, intensive, highly
11 respected, but definitely time cons -- very time consuming
12 program. There are others, including the TS GOLD Light, that
13 we've adopted, that aligns with what the legislature
14 requested and is not as intensive. What I thought I heard
15 you say is that because TS GOLD is the only thing that's
16 been paid for by your bosses, you don't want to buy another
17 one.

18 UNIDENTIFIED VOICE: No.

19 MS. MAZANEC: She's also saying that -- she's
20 also saying that it's time-consuming. They don't have the --
21 the people to enter --

22 MADAM CHAIR: To do T -- to do TS GOLD.

23 MS. MAZANEC: Yes.

24 UNIDENTIFIED VOICE: And I don't know enough
25 about the other ones too.



1 MADAM CHAIR: Right. And that's my
2 frustration. I hope you understand that we've been approving
3 others that seemed to be more -- based more on the requests
4 from districts to not have such time intensive programs. And
5 you all don't want to buy them because you've already got
6 something else for the preschool.

7 MS. MAZANEC: It's not buying, it's the time.

8 MADAM CHAIR: The others are shorter.
9 Significantly shorter, at least that's the intent. So, it's
10 a frustration 'cause we're not honoring at all what the
11 legislature we wanted. We're not getting the information
12 'cause you're not offering to share, the kind of information
13 that's been requested by them, for us to gather.

14 MS. MAZANEC: Is it true?

15 UNIDENTIFIED VOICE: How -- how would we --
16 how would you want us to share the information? Because we -
17 - we are gathering the data and we can definitely share it.

18 UNIDENTIFIED VOICE: I think that's what I
19 would have wanted from staff to tell us. I mean, I think
20 what we got in this report was just that they're not doing
21 it. And, there's also requirement that certain data be
22 shared with parents, I believe.

23 UNIDENTIFIED VOICE: Yes, the data is shared
24 with the parents.

25 UNIDENTIFIED VOICE: Okay, that's not in here



1 but-

2 UNIDENTIFIED VOICE: Oh, it's not.

3 UNIDENTIFIED VOICE: -I believe you. No, it's
4 not in here at all.

5 UNIDENTIFIED VOICE: Yes it is- It is shared
6 at least twice a year at conferences, but sometimes more
7 with- with different families, depending on the need.

8 UNIDENTIFIED VOICE: I think we really need
9 to have a conversation about this. We either tell the
10 legislature, "Let's just forget the darn thing" or we go
11 back and do something differently. As we- as I said, we're
12 not gathering data, we can do no comparisons over time, to
13 see what's working.

14 UNIDENTIFIED VOICE: May I answer your other
15 question?

16 UNIDENTIFIED VOICE: Sure, please.

17 UNIDENTIFIED VOICE: My concern would be the
18 burden that it places on our kindergarten teachers, as well
19 as taking them out of the classroom, which is not what's
20 best for kids. So, if you could show me an assessment that
21 would do that, I would be all for that.

22 UNIDENTIFIED VOICE: Right. And that's what
23 we need to do. That's absolutely what we need to do. We need
24 to look at these assessments and see if in fact they are
25 what you all need. Otherwise, there's no sense for us to be



1 approving them. So, we're going to have to figure out some
2 way to have that conversation with kindergarten teachers,
3 with folks, so that we accomplish that, so we don't burden
4 the kindergarten teachers, but that we also have the data
5 that we wanted and, and have a consistency on what is
6 kindergarten readiness, because every district is now
7 defining what kindergarten readiness is. I'm not saying
8 they're doing it wrong, but it's 178 different versions, and
9 with the legislature, I believe intended, was to have some
10 consistency, because in some cases it may not be very good.
11 Thank you.

12 UNIDENTIFIED VOICE: Any other comments?

13 UNIDENTIFIED VOICE: Comments. Do you have a
14 comment, Mr. Durham?

15 MR. DURHAM: No, I apologize. I missed an
16 awful lot of the discussion. I don't feel competent to
17 comment at this point.

18 UNIDENTIFIED VOICE: Board Member Mazanec?

19 MS. MAZANEC: I move to approve the waiver
20 request from Bennett School District 29 J, for CRS 22-7-
21 10412 A, school readiness assessments.

22 UNIDENTIFIED VOICE: Do I have a second?

23 UNIDENTIFIED VOICE: Second.

24 UNIDENTIFIED VOICE: Could you call the role,
25 please?



1 MR. DURHAM: I feel about as incompetent to
2 vote as I did to comment, but I'll vote aye.

3 UNIDENTIFIED VOICE: What did he say?

4 UNIDENTIFIED VOICE: Aye, oh sorry, I thought
5 you said five. Board member Flores.

6 MS. FLORES: Aye.

7 UNIDENTIFIED VOICE: Board Member Goff?

8 MS. GOFF: No.

9 UNIDENTIFIED VOICE: Board member Mazanec?

10 MS. MAZANEC: Yes.

11 UNIDENTIFIED VOICE: Board member McClellan?

12 MS. MCCLELLAN: No.

13 UNIDENTIFIED VOICE: Board Member Rankin?

14 MS. RANKIN: No.

15 UNIDENTIFIED VOICE: Board member Schroeder?

16 MS. SCHROEDER: No. That fails. We need to
17 get this on the agenda.

18 UNIDENTIFIED VOICE: Could we call on you
19 when we get this on the agenda to get some input from you
20 all? What works, what doesn't work? What would- what would
21 you consider? It would be very helpful for us because we're
22 just seeing this triple effect and it's come to my attention
23 that we've just pretty much gutted that legislation.

24 MS. MAZANEC: Maybe it's-.

25 UNIDENTIFIED VOICE: Thank you. I don't know



1 that. I don't know that.

2 UNIDENTIFIED VOICE: It's just kindergarten.

3 UNIDENTIFIED VOICE: Well, that's that was my
4 whole thing, all this data on the kindergarten, and it's
5 like eh, it's so much.

6 MADAM CHAIR: Well, I think.

7 UNIDENTIFIED VOICE: We just stress out.

8 MADAM CHAIR: I think that's right, and we
9 need to see if there are some measures that get at what we
10 need and stop at that.

11 MS. MAZANEC: And I thought, you know, what
12 they're asking, the information that they are getting from
13 students and tracking to get throughout the year. It's
14 completely adequate. Completely adequate whether -- whether
15 that is what the legislature wants or what the data need is,
16 that's what those students and families need to know and
17 that's what the teachers need to know.

18 UNIDENTIFIED VOICE: That's you assessment.

19 MS. MAZANEC: Yes.

20 UNIDENTIFIED VOICE: I don't consider myself
21 an expert enough except that it's not --

22 MS. MAZANEC: It just doesn't meet the data
23 needs --

24 UNIDENTIFIED VOICE: This here is more of a
25 conversation about --



1 MS. MAZANEC: And I'm sorry.

2 UNIDENTIFIED VOICE: No, it's okay.

3 UNIDENTIFIED VOICE: Thank you.

4 MADAM CHAIR: Any other comments, folks? We
5 have a meeting coming up April 24th.

6 UNIDENTIFIED VOICE: Yes and you'll have
7 Greeley and Pueblo's accountability clock hearing and then
8 Westminster's accreditation reading appeal. And we'll have
9 the materials, all the final materials for Westminster are
10 due on Monday. So, in addition to what we've provided to you
11 I think a few months ago, for Westminster, if there's any
12 other materials we'll get those to you as soon as possible.

13 MS. MAZANEC: We've been provided the
14 information on Westminster.

15 MADAM CHAIR: And you have the notebooks for
16 us for today?

17 UNIDENTIFIED VOICE: We have the notebooks
18 for you today for Greeley and Pueblo.

19 UNIDENTIFIED VOICE: So, please do not leave
20 without some more homework.

21 UNIDENTIFIED VOICE: There are three binders.

22 UNIDENTIFIED VOICE: What? Pardon?

23 UNIDENTIFIED VOICE: Well, there are three.

24 The one for each of Greeley's schools, so one for Prairie
25 Heights and one for Franklin. And then --



1 MS. MAZANEC: So three different binders.

2 UNIDENTIFIED VOICE: Yeah.

3 UNIDENTIFIED VOICE: And then there will be
4 another one for Westminster.

5 MADAM CHAIR: So, I -- do we know that
6 Westminster's going to put appeal the accreditation?

7 UNIDENTIFIED VOICE: They're --

8 UNIDENTIFIED VOICE: Oh, they're due Monday?

9 UNIDENTIFIED VOICE: They're due Monday.

10 UNIDENTIFIED VOICE: Oh. Okay.

11 MR. DURHAM: Elizabeth, I'm sorry. You said
12 that, we don't know actually if they're appealing they have
13 to make up their mind by Monday or we know that they are and
14 we expect all materials by Monday.

15 UNIDENTIFIED VOICE: It's more we expect that
16 they are. We -- I haven't heard anything in terms of them
17 withdrawing their appeal so I'm on the assumption that they
18 will proceed with that.

19 MR. DURHAM: And is this a rescheduled from
20 some places that had it --.

21 UNIDENTIFIED VOICE: Yes.

22 MR. DURHAM: -- and pushed it back?

23 UNIDENTIFIED VOICE: It was originally on the
24 February or March.

25 UNIDENTIFIED VOICE: What, Westminster?



1 UNIDENTIFIED VOICE: Yeah.

2 UNIDENTIFIED VOICE: Westminster was in
3 March.

4 UNIDENTIFIED VOICE: On March and then they
5 got pushed back and I believe I'll have to double check but
6 I believe we provided you all the materials that we had had
7 up at that point because it was withdrawn a few days before
8 our Board meeting and so we've now extended the deadline for
9 any final materials.

10 UNIDENTIFIED VOICE: So that's April 24th.
11 We're also meeting May 4th.

12 UNIDENTIFIED VOICE: That is correct. And May
13 4 --

14 UNIDENTIFIED VOICE: April 28. That's the
15 legislative --

16 UNIDENTIFIED VOICE: That's the legislative -
17 -

18 UNIDENTIFIED VOICE: Legislative meeting,
19 right? May 4th.

20 UNIDENTIFIED VOICE: May 4.

21 UNIDENTIFIED VOICE: For several more
22 districts?

23 UNIDENTIFIED VOICE: Yes.

24 UNIDENTIFIED VOICE: For schools.

25 UNIDENTIFIED VOICE: May 4th is --



1 UNIDENTIFIED VOICE: And our next regular
2 Board meeting is May 10th and 11th.

3 UNIDENTIFIED VOICE: May 10th and 11th.

4 MS. FLORES: I want to be excused for the
5 28th because I will be at the conference. I will not be
6 here.

7 UNIDENTIFIED VOICE: Okay.

8 MS. FLORES: Thank you.

9 MADAM CHAIR: Anything else, folks? Meeting
10 is adjourned.

11 MS. FLORES: Oh okay, thank you.

12 UNIDENTIFIED VOICE: It feels like some of
13 these accountability hearings like the information we're
14 getting from, I mean, the commissioner's recommendations,
15 the review panel information is the same, we're getting a
16 variety. I would just love it if we had a more --

17 MADAM CHAIR: There's a lot of redundancy.

18 UNIDENTIFIED VOICE: Before that you know the
19 actual information is fine but if like there was a template
20 that the district or the school were following to provide to
21 us, it would be nice.

22 UNIDENTIFIED VOICE: Yeah so I, oops -- we
23 thought that was a good idea and to be honest the hearings
24 that we already have the plans are already practically
25 written and then the districts have already put in their



1 time to write their plans and stuff but I think that's an
2 excellent suggestion for any districts that have to come
3 before us in the future. We could provide them a template. I
4 don't know if we can require them to use the template but it
5 might help them as well,.

6 UNIDENTIFIED VOICE: it would be just nice so
7 like for ease, you know, for ease of okay.

8 UNIDENTIFIED VOICE: Finding stuff.

9 UNIDENTIFIED VOICE: Yes, right. So we know -
10 - we want to know this, this, and this and then they
11 certainly can provide the deeper information in addition,
12 you know, that's always good but sometimes I -- some of
13 these you find yourself digging a long ways to find what you
14 are looking for.

15 UNIDENTIFIED VOICE: Agreed. Jane?

16 UNIDENTIFIED VOICE: Question for Mr.

17 (Indiscernible) the -- on the one hand it's- it's sad but
18 it's still pretty flexible. This whole calendar with
19 Westminster. I am challenged in nailing down, not so much
20 what we, what we know is the basics of ex party
21 communication topics, but as -- but this keeps going on and
22 coming back around again. Where- what's, what's the main
23 thing we need to keep in mind right now? I mean we've got-
24 we've either got something in the works, we have some
25 materials, we're going to get more-



1 UNIDENTIFIED VOICE: That's probably
2 [inaudible].

3 UNIDENTIFIED VOICE: -two potential dates.
4 It's just- I'm confused. I'm not confused, I'm frustrated
5 because there are some things that I would like to, outside
6 of this accountability situation and the other appeals
7 situation, I would like to be able to know with confidence
8 what I can talk about with them.

9 And right now I really don't -- I feel like
10 I'm floundering with what kinds of things can even be
11 approached and when -- and if I can even be in the district.
12 You know, what's appropriate? I'm just -- I just don't want
13 to put them especially or any of us in any situation, where
14 someone would question it or, you know, question the
15 integrity of the whole process.

16 UNIDENTIFIED VOICE: Initially, let me say
17 that driving through the district without more is absolutely
18 okay at this point. Until you hear otherwise from me or
19 Julie.

20 UNIDENTIFIED VOICE: Oh, I feel so much good.

21 MR. DURHAM: Keep your windows up.

22 UNIDENTIFIED VOICE: Yeah, the two the -- the
23 two -- the two areas where you should not engage in
24 discussions with the district would be over issues relating
25 to their appeal of their accreditation rating, for I believe



1 would be 2015/16. Right? Is this 16-17?

2 UNIDENTIFIED VOICE: Yes.

3 UNIDENTIFIED VOICE: And the second -- the
4 second would be over their accountability pathway here.

5 UNIDENTIFIED VOICE: Right.

6 UNIDENTIFIED VOICE: Unfortunately, between
7 the two of those, those probably encompass a fair number of
8 issues that they might want to talk about to you about.

9 UNIDENTIFIED VOICE: That's about 90 percent
10 of everything that goes on in any school district. It's the
11 basis of the work.

12 UNIDENTIFIED VOICE: Yeah.

13 UNIDENTIFIED VOICE: The other -- I want to,
14 can I make a comment? Just to comment?

15 MADAM CHAIR: Yes, and then I have something
16 else also.

17 UNIDENTIFIED VOICE: This is another thing
18 that I know is perfectly fine to do. It is, by the time we
19 reach this point in a, in accountability hearing week, just
20 taking a couple of examples. A lot of things are now public
21 information and have been for a few days. So, a person- any
22 member of the public can get online look at the agenda and
23 see some of the basic documents that we're also accessing.

24 I was -- I was, wasn't confused. It was just
25 interesting to observe, that there were two or three or four



1 separate news articles that were written and published this
2 week, that in some ways struck me as kind of precluding what
3 our decision was going to be. And I understand the tendency
4 to do that based on what was publicly available. And the
5 summary of the Department's work with these districts and
6 some other things that have happened.

7 I just found it -- I don't know I would not
8 blame any member of the public who would ask if they do and
9 they may not. But if they ever ask about, how did, you know,
10 it doesn't sound like why -- why did you guys spend all that
11 time on these hearings, when it looked like it was pretty
12 well determined what the answer and the decision from the
13 Board was going to be?

14 And I'd have a hard time answering that.
15 Except that, you know, here's the facts, this is public, you
16 can read any of this anytime but I'm- I'm just wondering
17 what, you know, I don't even know where to- where anyone
18 would take it from this point on. I don't- I don't quite
19 understand that.

20 UNIDENTIFIED VOICE: I agree with that too
21 and I-

22 UNIDENTIFIED VOICE: That's, that's my, this
23 week's thought perhaps.

24 UNIDENTIFIED VOICE: And also. Adding on to
25 that, I found it a little strange that staff were being



1 interviewed and speaking --

2 UNIDENTIFIED VOICE: Yeah.

3 UNIDENTIFIED VOICE: -- to the press before
4 our hearing. Does anybody else -- it sort of feels like
5 we're the last ones to know on everything.

6 MADAM CHAIR: Well, I think there's a problem
7 or a challenge with the press wanting to tee up what we're
8 going to talk about, so that they have the background and
9 understand what it is. Now, then it seems like they mistake
10 sometimes, that we've already made a decision. I think
11 that's the impression that we got from one of the radio
12 channels or whatever, that they actually say that the Board
13 has decided such and such or that the department has decided
14 such and such.

15 I don't think that was an intent on staff to
16 suggest that, but they are trying to tee up their background
17 in order to be able to report, so that they're cau --
18 they're all lined up. I'm talking about you Nick, so-

19 UNIDENTIFIED VOICE: He's not the only one.

20 MADAM CHAIR: He's not, by no means the only
21 one. I think it's the nature of the beast.

22 UNIDENTIFIED VOICE: That's what, oh I'm
23 sorry.

24 UNIDENTIFIED VOICE: I want to speak about
25 another issue.



1 MADAM CHAIR: Just a minute, Mr. Durham also
2 had something to say behind you.

3 MR. DURHAM: On this, on this issue I think -
4 - I think it -- it may be advisable to, and it's a decision
5 that Dr. Anthes has to make, but to direct her staff to
6 refer all press inquiries to Dana Smith and then for the
7 upper management to decide if any response to questions
8 about pending hearings is appropriate.

9 I tend to think it's probably not
10 appropriate, because it, depending on how it's filtered and
11 stuff, it- it may in some ways appear to bias a decision of
12 the Board. So, I think we're all better protected if there's
13 a procedure in place. Also, I think- I think while it may
14 appear that some of these things are pre-determined, I don't
15 know that they necessarily are.

16 MADAM CHAIR: Not for me.

17 MR. DURHAM: I am somewhat concerned that,
18 you know, that at least in a- a number of these hearings
19 thus far, we've had what I would characterize as an agreed
20 settlement. And it does -- it is hard to vote against an
21 agreed settlement because you're not -- we're not getting
22 what we're supposed to get out of a quasi-judicial
23 proceeding, which is an adversarial presentation by two
24 parties. We're not getting that because, I think at least
25 three of the four hearings we've had- we've not had- we've



1 not had disagreements. And so, it's not -- it lacks that one
2 element of being a quasi-judicial hearing in that there's
3 not been much adversarial and -- and it may -- and it's
4 certainly difficult for members of the Board to say that
5 everybody is wrong and we have a better idea. Now --

6 MADAM CHAIR: Well, we may get to --

7 MR. DURHAM: I might try that.

8 MADAM CHAIR: We may get to that though. I
9 mean I don't --

10 MR. DURHAM: I mean a day or two but --

11 MADAM CHAIR: I certainly --

12 MR. DURHAM: But it is --

13 MADAM CHAIR: -- reserve the right-

14 MR. DURHAM: -- it is. So- so I, I think
15 while it appears and I -- and I agree, I think Dr. Schroeder
16 is right, I think we may very well get to an opinion where
17 the agreed solution is not going to be supported by a
18 majority of the Board. That's entirely possible.

19 MADAM CHAIR: Right.

20 MR. DURHAM: So.

21 MADAM CHAIR: And that's it.

22 MR. DURHAM: Yes.

23 MADAM CHAIR: So, there's one thing that I
24 have failed to -- yes, ma'am. Please.

25 UNIDENTIFIED VOICE: Thank you. I think that



1 this is something for Tommie, for the staff and for CDE and
2 that is, there are a lot of districts who are not abiding by
3 the rules which this body kinda came to and which the
4 legislature has -- has a rule about.

5 And I think there is also, I think the
6 Department of Education has a rule about, and that is, that
7 some parents have a right to not be tested. And so, these
8 districts are running around trying to -- I know they have
9 the right to get as many kids as -- as, you know, they
10 should and in their rules. But when they do things such as,
11 you know, there's a child yesterday said got in trouble and
12 was going to be taken to jail for sending out, you know, he
13 has the right to express an opinion and that's and opinion.

14 And so, I think parents have the right to say
15 no, and districts cannot run rules around them, you know,
16 when they obviously say no or have a portal, such as Denver
17 that closes it, I don't know how many days before. And then
18 parents are all confused and so they- they call us and with-
19 with their problems. And I guess I'm- I'm speaking about my
20 district. I don't know, I think you have problems too in
21 your area, and Steve I think you had some issues in yours.

22 So, we -- we can't -- I mean there's --
23 there's rules and requirements that, that parents have the
24 right to do this. And so, I don't know. I mean, who -- who
25 tells a district you can't, you know, keep the kid from not



1 participating in sports or not being part of student council
2 or, you know, on and on, if you don't take the test.

3 MR. DURHAM: I do believe that that -- that
4 que -- that there's a legal question that is currently
5 undergoing an evaluation by my office.

6 MADAM CHAIR: Yes.

7 UNIDENTIFIED VOICE: Thank you.

8 MR. DURHAM: So, I do believe we're- we're on
9 top of that right now.

10 UNIDENTIFIED VOICE: Thanks

11 MADAM CHAIR: So, can I go back to our --

12 UNIDENTIFIED VOICE: Well, can I ask when you
13 will come to a decision on that?

14 MR. DURHAM: I- I do not know. I'm not the
15 attorney --

16 MADAM CHAIR: No, but I'm definitely in the
17 end.

18 MR. DURHAM: -- who is sort of writing in
19 point on that particular issue.

20 MADAM CHAIR: So, if I may, go back to the
21 discussion we were just having about these reviews that we
22 are doing. What I have failed to request, was input from you
23 all regarding monitoring. We're going to be having some
24 agreements with Aurora Central and- Oh God, what was the
25 other one? Hope. Sorry.



1 It's my impression that in both of these
2 cases, the schools are very open to monitoring. However, I
3 don't think they put it in their plans in the same way that
4 Cortez Montezuma did. And so I just want to make sure that
5 it's okay with you, for staff to make. Yes, but I'm asking
6 is shall we have --

7 UNIDENTIFIED VOICE: We going to do the next
8 meeting, right?

9 MADAM CHAIR: Shall we have staff make some
10 suggestions, in their -- in the process of discussing
11 working together on the plan that we're going to approve.
12 Have them work something out, and then if we feel -- in
13 other words, I'm trying to get input from you to make -- to
14 ensure that, you know, this had been one- one of the things
15 that we had considered. We talked about before, but I forgot
16 today to ask you all, what kind of monitoring you're
17 interested in Mr. Durham.

18 MR. DURHAM: Thank you, Madam Chair. I would
19 say the answer was, from my perspective so long that it's
20 not overly burdensome.

21 UNIDENTIFIED VOICE: Right.

22 MADAM CHAIR: Right.

23 MR. DURHAM: That it -- it doesn't take so
24 much time or detract from the actual implementation plan. I
25 -- I don't have a fact. It's probably a good idea. It might



1 be in everybody's interest, but I would hope we wouldn't be
2 too prescriptive and- and demand --

3 MADAM CHAIR: In the reporting.

4 MR. DURHAM: -- and demand too much.
5 Something that really takes more time than its work.

6 MADAM CHAIR: I think we can assume, that
7 they are monitoring themselves, because we're asking them to
8 accomplish a huge task and in the process of that monitoring
9 if they'll just share that information with staff.

10 MR. DURHAM: No.

11 MADAM CHAIR: On some kind of a regular basis
12 that, they come to agreement with it. Is that- is that fine
13 with everybody?

14 MR. DURHAM: And what are the basis they
15 produce it? I don't think we ought to ask them to produce
16 anything special for us, but-

17 MADAM CHAIR: Agreed.

18 MADAM CHAIR: Did he say -- did he say staff?

19 UNIDENTIFIED VOICE: I'm not even sure they
20 would need to come in. I mean --

21 MR. DURHAM: No. They don't even come in.

22 MADAM CHAIR: They just report to staff.

23 UNIDENTIFIED VOICE: Okay.

24 MADAM CHAIR: Ms. Goff.

25 MR. DURHAM: God knows we don't need any more



1 meetings.

2 MS. GOFF: I'm just going to say, we -- when
3 the first -- actually, the roots of this started, three or
4 four years ago when we invited these districts in, who were
5 at a certain point, and they were going to need to be
6 looking at the future. And we called them a conversation.
7 And there -- it was pretty formal.

8 It was a pretty full blown report and what,
9 two hours each or something like that and they did several
10 over the --- the course of the spring. I'm thinking even
11 most of these so far, there will be variations, but
12 everybody's got three or four main key areas they're focused
13 on. Let's take one, invite them to pick which one they'd
14 like to talk about when they come in, but I agree. I'm glad
15 to hear that.

16 UNIDENTIFIED VOICE: Yeah, I'm not actually
17 talking about --

18 MADAM CHAIR: I think it's going to satisfy
19 our own needs.

20 MS. GOFF: So, how formal we want it to be if
21 we have to talk about but I agree with the idea of it, even
22 though it may not be spelled out in their plan right now. I
23 think we are responsible for -- so now what?

24 MADAM CHAIR: So we should have it in the
25 plan if we want --



1 MS. GOFF: How do we know -- how do we know
2 what's going on?

3 MADAM CHAIR: Board member Rankin?

4 MS. RANKIN: I -- I agree. I agree with
5 everybody is saying but I don't want any extra work,
6 burdensome. No wait.

7 MADAM CHAIR: Oh.

8 MS. RANKIN: Not just to the district but to
9 CDE, .

10 MADAM CHAIR: Right.

11 MS. RANKIN: And between now and our next
12 meeting, I'm wondering if CDE might come up with just a
13 little template that's very easy and very simple to do but
14 within, like two years that goes out in the report comes
15 back, but that's all it is. It's not any --

16 MR. DURHAM: Two years.

17 MS. RANKIN: Well, I -- I made that up. It
18 could be whatever. It could be next week, every -- I --

19 MR. DURHAM: Don't make stuff up.

20 UNIDENTIFIED VOICE: But something that --
21 that the staff feels is something they can work with, and
22 the district or school can also work with.

23 UNIDENTIFIED VOICE: Permission. Thank you.
24 If you could just give me a couple days to chat with the
25 team about this, because yeah, because just to wrap my mind.



1 Team, I -- I do think there we have some elements in place
2 around districts, that are on the clock coming back to you.
3 And so, I just want to make sure, you know that. And we can
4 put these things in the written determination low, you know,
5 low burden low. To be honest, we have like three more
6 reports to do.

7 They appeal -- like -- so, just give us a few
8 extra days to think about if we need to do a template, but
9 we'll definitely, address the ways we can think about
10 progress monitoring, in a low burdensome way.

11 MADAM CHAIR: Soft touch.

12 UNIDENTIFIED VOICE: Thank you.

13 MADAM CHAIR: We got a first name basis since
14 I've already adjourned this meeting? I don't know.

15 UNIDENTIFIED VOICE: Do you want to tell us?

16 UNIDENTIFIED VOICE: I don't think there was
17 any vote on the job.

18 MR. DURHAM: Oh, well I --

19 MADAM CHAIR: Do we have to vote?

20 MR. DURHAM: Technically yes.

21 MADAM CHAIR: Thank you sir. Apparently I
22 don't get to --

23 UNIDENTIFIED VOICE: Madam Chair, I suspect
24 everyone may know by now, but- but for anyone who doesn't, I
25 will be retiring at the end of this fiscal year. The fact



1 that I think in terms of fiscal years, pretty much tells you
2 all the reasons why. That's probably a good idea at this
3 point. Thank you all.

4 MADAM CHAIR: You will be missed.

5 UNIDENTIFIED VOICE: Thank you very much.

6 UNIDENTIFIED VOICE: Not yet. I have another
7 question for him. Can we miss him a little later.

8 MADAM CHAIR: Steve. Mr. Durham.

9 MR. DURHAM: Thank you. I- I'm sorry I missed
10 most of the discussion on the field testing and I did- was-
11 was the attorney general's office asked to opine on the
12 conclusion that we can force districts, to comply with field
13 testing mandates.

14 MR. DURHAM: I do not know if we were
15 specifically asked to opine about that. I do know that- that
16 Julie was aware that the request was made and we had
17 discussed it in a fairly casual manner, but I wasn't I- I- I
18 frankly was not aware of the details really, before I got in
19 here and have heard them all.

20 UNIDENTIFIED VOICE: And you know what, I
21 would like to have that revisited again because it is sort
22 of surprising that the entire discussion was only with Joyce
23 Cerkowsky (ph) who was not an attorney. Right?

24 MR. DURHAM: Right.

25 MR. DURHAM: And I would like to --



1 MADAM CHAIR: I didn't get any answer, to be
2 honest.

3 MR. DURHAM: I think I would like to ask the
4 attorney general to perhaps opine on that, but more
5 importantly, I mean, this issue boiled up because we had a
6 school that believed the participation was unduly burdensome
7 and we ought to --

8 MADAM CHAIR: And they were excused.

9 MR. DURHAM: And they were excused, but
10 technically, if that was an arbitrary and capricious act to
11 perhaps excuse one and not another. And so I think --

12 MADAM CHAIR: Well --

13 MR. DURHAM: -- I really think we ought to
14 try and find a way to, to make this voluntary, the
15 participation voluntary among the districts, frankly. I'm --
16 I'm not comfortable with the- with mandating schools
17 participating.

18 MADAM CHAIR: I'm not sure we can. The reason
19 that they were the excused is because there was a screw up
20 on the part of the administration in the district, in the
21 notification for only two schools and they were excused from
22 participating from that. So, it's got a different set of
23 facts.

24 MR. DURHAM: Well, I think that the issue is
25 broader and it concerns me that, you know essentially we



1 have imposed on districts who are supposed to be protected
2 in some fashion, via an agreement through an interstate
3 compact. And I don't like how we get there. And even if
4 there's a conclusion that somehow we could mandate their
5 testing, I don't -- I don't like getting there.

6 If the Legislature wants to pass a law that
7 says, you'll do this. That's a district that's one thing. If
8 we want to get there by the surreptitious route, to me
9 that's another.

10 MADAM CHAIR: So I thought I heard Joyce say
11 that, it is Federal and State law. That it is not something
12 that's coming from us. But let's get that opinion.

13 MR. DURHAM: Well, I think -- I think it's--
14 I think it's an interpretation of State law. There's
15 certainly no State law that says, thou shalt to participate
16 in field testing. There is clearly no law there. So, the
17 question is, you know as a general rule that which is not
18 mandated, is specifically, you don't have to do. That as a
19 general.

20 MADAM CHAIR: Let's not go through the whole
21 thing again.

22 MR. DURHAM: But I mean, you know that's --
23 that's my year of law school and I'm sure (indiscernible)
24 will have another opinion. So, but yeah.

25 MADAM CHAIR: But he did go through all of



1 that.

2 MR. DURHAM: Sorry.

3 MADAM CHAIR: Is there a chance I could
4 adjourn this meeting?

5 UNIDENTIFIED VOICE: Yeah.

6 UNIDENTIFIED VOICE: Please.

7 MR. DURHAM: I'll second that motion.

8 MADAM CHAIR: You want to- you want to call
9 the roll, or are there any objections?

10 UNIDENTIFIED VOICE: No objections.

11 MADAM CHAIR: Thank you guys. Thank you so
12 much everybody, it's -- it's been a bunch.

13 MR. DURHAM: Do think what?

14 MADAM CHAIR: Don't go home without your
15 homework for the next meetings. Yeah.

16 (Meeting adjourned)

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C E R T I F I C A T E

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

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

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

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

Verbatim Reporting & Transcription, LLC
1322 Space Park Drive, Suite C165
Houston, Texas 77058
281.724.8600