



COLORADO
Department of Education

Colorado State Board of Education

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

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

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



1 MADAM CHAIR: The meeting will come back to
2 order. Staff, please call the roll.
3 MS. MARKEL: Steve Durham.
4 MR. DURHAM: Here.
5 MS. MARKEL: Val Flores. Dr. Flores.
6 DR. FLORES: I'm here.
7 MS. MARKEL: Jane Goff. Pam Mazanec.
8 MADAM CHAIR: Jane -- where is Jane.
9 MS. MAZANEC: Here.
10 MADAM CHAIR: Jane.
11 UNIDENTIFIED VOICE: Jane.
12 MADAM CHAIR: We're waiting for you.
13 MS. MARKEL: Jane Goff.
14 MS. GOFF: Here.
15 MS. MARKEL: Pam Mazanec.
16 MS. MAZANEC: Here.
17 MS. MARKEL: Marsha Neal.
18 MADAM CHAIR: Here.
19 MS. MARKEL: Dr. Scheffel.
20 MS. SCHEFFEL: Here.
21 MS. MARKEL: Dr. Schroeder.
22 MS. SCHROEDER: Here.
23 MADAM CHAIR: Please stand for the Pledge of
24 Allegiance. Dr. Owen, would you like to lead us in the
25 Pledge today?



1 ALL: I pledge allegiance to the Flag of the
2 United States of America and to the Republic for which it
3 stands. One Nation under God, indivisible, with liberty
4 and justice for all.

5 MADAM CHAIR: Is there a motion to approve
6 the agenda?

7 DR. FLORES: I make a motion to approve the
8 agenda.

9 UNIDENTIFIED VOICE: Second.

10 MADAM CHAIR: Any discussion?

11 MR. DURHAM: I have a -- I talked to, I
12 think to staff about an item that -- Colorado Revised
13 Statute 22-7-106, or -1006, which states that on or
14 before January 1st, 2014, and on or before each January
15 1st thereafter, if a Colorado governing board -- if
16 Colorado is a governing board member of the consortium of
17 states, the State Board is, and I quote here, "strongly
18 encouraged to conduct a fiscal and student achievement
19 benefit analysis of Colorado remaining a governing board
20 member of the consortium."

21 And so it would appear to me that that
22 something that we ought to do at some point. So I'd just
23 like to have it added someplace on the agenda, for either
24 today or tomorrow, to discuss the obligations we have
25 under that statute.



1 MADAM CHAIR: You just want a short
2 discussion of when we will take it up?

3 MR. DURHAM: Right, and is there specific --
4 you know, do we have specific ideas and proposals and
5 that kind of thing.

6 MADAM CHAIR: So you move to place that --

7 MR. DURHAM: -- on the agenda, and I don't
8 care where, wherever the Chair would like to enter it.

9 MADAM CHAIR: That's a proper motion. Is
10 there a second? Deb. Any discussion?

11 Staff, call the roll.

12 MS. MARKEL: Steve Durham.

13 MR. DURHAM: Aye.

14 MS. MARKEL: Dr. Flores.

15 DR. FLORES: Aye.

16 MS. MARKEL: Jane Goff.

17 MS. GOFF: Aye.

18 MS. MARKEL: Pam Mazanec.

19 MS. MAZANEC: Aye.

20 MS. MARKEL: Marsha Neal.

21 MADAM CHAIR: Aye.

22 MS. MARKEL: Dr. Scheffel.

23 MS. SCHEFFEL: Aye.

24 MS. MARKEL: Dr. Schroeder.

25 MS. SCHROEDER: Aye.



1 MADAM CHAIR: And, Commissioner Hammond, we
2 might be able to sneak that in today, if we can.

3 MR. DURHAM: Wherever it works.

4 MADAM CHAIR: Okay. Do I have a motion to
5 approve the agenda as amended? Deb, so moved.

6 MS. SCHROEDER: I'll second.

7 MADAM CHAIR: Angelika seconds.

8 We have a full meeting agenda today and
9 tomorrow and I direct staff to place the additional items
10 on the agenda for the end of the day, today or tomorrow.
11 I would also encourage my fellow Board members that if
12 you have items that you would like added to the agenda
13 that you submit those items to the Commissioner and to me
14 in advance of the Board meeting, so that we can have a
15 productive meeting and an informed Board meeting
16 discussion.

17 Moving on to the consent agenda, do I have a
18 motion to place items on the consent agenda?

19 MS. SCHROEDER: Marcia, so moved. I'll read
20 it.

21 Consent agenda. Item 8.03, approve the
22 appointment of Dan Wright, Jennifer Wilger, Ray
23 Merenstein, Dana Lange, Kristin Kurlander, and Bruce
24 Ediger to the Colorado Special Education Advisory
25 Committee, as set forth in the published agenda; 8.04,



1 approve the appointment of Sarah McCarthy Belleau to the
2 Special Education Fiscal Advisory Committee; item 12.03,
3 regarding disciplinary proceedings concerning an
4 application, Charge No. 2012EC270, direct Department
5 staff to issue a notice of denial and appeal rights to
6 the applicant, pursuant to Section 24-4-104 C.R.S.; item
7 12.04, regarding disciplinary proceedings concerning a
8 license, Charger No. 2013EC2962, direct Department staff
9 and the State Attorney General's Office to prepare the
10 documents necessary to request a formal hearing for the
11 revocation of the license holder's professional teacher
12 license, pursuant to Section 24-4-104 C.R.S.; 12.05,
13 regarding disciplinary proceedings concerning a license,
14 Charge No. 2014EC285, direct Department staff and the
15 State Attorney General's Office to prepare the documents
16 necessary to request a formal hearing for the revocation
17 of the license holder's professional teacher license,
18 pursuant to 24-4-104 C.R.S.; 12.06, regarding
19 disciplinary proceedings concerning an application,
20 Charge No. 2014EC1092, direct Department staff to issue a
21 notice of denial and appeal rights to the applicant,
22 pursuant to 24-4-104 C.R.S.; 12.07, approve two initial
23 emergency authorizations, as set forth in the published
24 agenda; 13.02, approve School District 27J's request for
25 waiver from state statutes on behalf of Landmark Academy



1 at Reunion; 13.03, approve Steamboat Springs School
2 District Re-2's request for waiver from the state
3 statutes on behalf of North Routt Community Charter
4 School; 13.04, approve the expenditure of up to \$82,000
5 from the Mary Jones Trust Fund for the Talking Book
6 Library; 18.01, certify payments to school districts for
7 the Public School Finance Act of 1994, as amended, state
8 share of total program in the monthly amount of
9 \$328,515,517.54 for March 2015 through May 2015.

10 That is the end of the consent agenda.

11 MADAM CHAIR: Do I have a motion to accept
12 the consent agenda?

13 UNIDENTIFIED VOICE: So moved.

14 MADAM CHAIR: Are there any problems? If
15 not, the motion stands approved.

16 Ms. Markel, do you want to give us a report
17 on your office?

18 MS. MARKEL: Good morning, Madam Chair,
19 members of the Board, Mr. Commissioner.

20 Just briefly, in your folders you have an
21 updated event calendar, your updated expense reports, and
22 then, in Section 7.01, you have a summary of the bills
23 that Jennifer Mallo will be presenting today. We do have
24 copies of those bills if anyone would like paper copies.
25 They are otherwise posted on BoardDocs. In 8.01, we have



1 a copy of the February 4th, 2015, formal opinion of the
2 Attorney General and a copy of all waivers received to
3 date from school districts. In 8.02, you have a copy of
4 the Exceptional Children's Educational Act rules. There
5 is a clean copy with all changes incorporated along with
6 a redlined copy that indicates changes that have been
7 made in those rules.

8 In 8.03, you have copies of the application
9 materials that were submitted in support of the
10 appointments to the Colorado Special Education Advisory
11 Committee. In 8.04, you have a copy of the application
12 materials submitted in support of the appointment to the
13 Colorado Special Education Fiscal Advisory Committee. In
14 Section 12 you have a number of confidential items. In
15 13.01, you have graduation guideline PowerPoint, proposed
16 Colorado menu of college- and career-ready
17 demonstrations.

18 In 13.01 through 13.03, you have a copy of
19 all of the materials that were submitted by School
20 District 27J and Steamboat Springs School District in
21 support of their request for waivers for the charter
22 schools. In 13.04, you have the supporting materials
23 regarding Mary Jones Trust request. In 14.01, you have a
24 copy of a PowerPoint which is Chinese endorsement, along
25 with the multistate standard-setting technical report.



1 In 15.01, you have the READ Act rulemaking
2 PowerPoint, a copy of the READ Act rules, both redlined
3 and a clean copy, a chart outlining written comments and
4 staff responses that were received as of yesterday.
5 There were two additional comments that came in today and
6 I have forwarded those to you. If you'd like paper
7 copies of those we can get them to you, but they've been
8 posted on BoardDocs. You also have a crosswalk between
9 statute and rule, as well as the August 12, 2014, formal
10 opinion of the Attorney General.

11 In 16.01, you have a copy of the Parent
12 Information Letter, a Dear Principal letter, and examples
13 of notices that are sent to parents. In 17.01, you have
14 copies of the CMS high school science and social studies
15 performance level descriptors. In 19.01, you have a copy
16 of a PowerPoint regarding Colorado school district and
17 district accountability system.

18 For Thursday, we will be hearing from four
19 schools, and you have their presentation materials. It's
20 Aurora Public Schools, Greeley, Pueblo City Schools, and
21 Denver Public Schools.

22 And that's the end of my report, unless
23 there are questions.

24 MADAM CHAIR: Thank you. Any questions?

25 The next item on the agenda is the



1 Commissioner's Report, and the first report is the School
2 Finance Update.

3 Commissioner?

4 MR. HAMMOND: Thank you. I'd like to call
5 Ms. Leanne Emm, and what we'd like to do is just give a
6 brief update on the March revenue forecast -- some of you
7 have already reviewed that -- and then also
8 (indiscernible) school financing.

9 MADAM CHAIR: Ms. Emm.

10 MS. EMM: Good morning, Madam Chair, members
11 of the Board.

12 The March revenue forecasts are prepared by
13 both the Legislative Council staff and also the OSPB, the
14 Office of State Planning and Budgeting. These forecasts
15 assist the legislature in setting the budget for the
16 following year and estimating how much money they have to
17 spend on various pieces of legislation. The forecasts
18 have not changed significantly from December. However,
19 there are a few highlights that I'd like to point out,
20 that they indicated and spoke about in their presentation
21 to the Joint Budget Committee.

22 The Colorado economy obviously is expanding
23 at a faster pace than the U.S. economy. There are gains
24 in jobs and consumer demand, credit conditions, and real
25 estate, which is improving the health of households and



1 businesses. The northern Front Range and the metro areas
2 are the areas that are seeing the most growth, where the
3 other areas in the state are not seeing as significant
4 growth as those.

5 With this expansion, the oil and gas has
6 contributed to the state outpacing the rest of the
7 nation. However, there is uncertainty with the decline
8 in the oil and gas prices, but the extent is unclear what
9 that will mean to the state, and the economists were very
10 -- somewhat coy with that, with, on the one hand, this
11 could happen, and on the other hand, this could happen.
12 So they are not reading the tea leaves with as much
13 clarity as they would like. But they did indicate that
14 since we're a production state that the decline will
15 affect us but it won't be as significant as, say, a Texas
16 or an Oklahoma, with those declines. But they did say
17 that, on the other hand, they feel that Colorado's
18 economy is diverse and has enough underlying strength in
19 order to absorb the effects of the downturn in oil and
20 gas.

21 So the Legislative Council forecast was used
22 by the Joint Budget Committee to also send the Long Bill
23 budget. For 2014-15, the Long Bill narrative indicated
24 that there will be \$38 million in excess of the statutory
25 reserve requirement this year of the 6.5 percent. So



1 that's in current law, that 6.5 percent reserve, and that
2 \$38 million would be in excess of that.

3 So then it is also expected, in '14-'15,
4 that the Referendum C TABOR cap will be exceeded by
5 almost \$70 million, and this would be set aside, in '14-
6 '15, as a liability in '15-'16, that would have to be
7 dealt with at that point in time.

8 Then, on top of that, the Marijuana Cash
9 Funds from Proposition AA has also brought in more money
10 than what was expected in the Blue Book, when the law was
11 originally passed, and that's estimated to be about \$58
12 million. So there is also that excess that needs to be
13 dealt with, out of the general fund, in '15-'16, and
14 somehow dealt with as refunds or they need to deal with
15 how they're going to be handling the TABOR refunds.

16 MADAM CHAIR: Ms. Emm?

17 MS. EMM: Yes.

18 MADAM CHAIR: So that has not been decided,
19 at this point, what the marijuana excess, whether it will
20 be part of TABOR or not? They haven't figured that out
21 yet, right?

22 MS. EMM: Thank you, Madam Chair. In the
23 Long Bill, what they've done is they have done transfers
24 from cash funds into the general fund, and then set aside
25 that \$58 million in the general fund to say it will



1 somehow be expended, but they haven't decided how it
2 would be expended or anything like that. Would become a
3 refund on tax returns when we're filing this year's tax
4 returns next year, or how will that be determined?

5 MADAM CHAIR: Undecided. Thank you.

6 MS. EMM: I might mention that Ms. Mello
7 might have some insight into what's being discussed over
8 there on that, but I'm not sure. I haven't heard
9 anything at this point. Thank you.

10 To look at '15-'16 and '16-'17, they're also
11 estimating that, in '15-'16, that the TABOR cap will be
12 exceeded by \$117 million, and then in the next year, \$435
13 million. So the economy is growing such that even if we
14 get all of this additional revenue in we're still capped
15 by TABOR, and so there will have to be some discussions
16 on how that is dealt with.

17 Moving on to school finance, all we have at
18 this point is what's in the Long Bill. School Finance
19 Act has not been introduced. I do not know what they're
20 discussing. I had seen an earlier draft, but that's
21 somewhat gone by the wayside, so we're still waiting on a
22 School Finance Act to determine how much funding will
23 actually be available to schools.

24 In the Long Bill, what has been placed in
25 there is money to cover growth and inflation and keep the



1 negative factor constant, the negative factor amount
2 constant, at this year's amount of \$880 million. There
3 is also, in the Long Bill, a placeholder for \$25 million,
4 but that \$25 million has not been placed into a bill or
5 anything so we're unclear if that will be available to
6 districts or not. But right now, in the Long Bill,
7 they've got growth and inflation, so the total program
8 for districts would go up by \$281 million. The state
9 share of that \$281 million is \$138 million, and then the
10 rest of that is picked up by local share -- property
11 taxes and specific ownership. And what that also does is
12 it increases the statewide average per-pupil funding.
13 This year is \$7,025, and increases that statewide average
14 by \$240 up to \$7,265.

15 So the School Finance Act will come through.
16 It will either subtract, keep the same, or add to the
17 amount that's in the Long Bill. And everybody has been
18 emailing, asking if we know what's going on, and we don't
19 yet. And maybe Ms. Mello might have an idea of when
20 School Finance would be introduced too. We're all
21 anxious to get that out there.

22 Just one other point. If the \$25 million
23 were just looked at on a straight-up, per-pupil basis,
24 that's about \$29 per student. So just, you know, not
25 running it through the formula. Just taking it and



1 dividing it by the estimated number of funded pupils in
2 the next year.

3 But with that I would entertain any
4 questions that you might have.

5 MADAM CHAIR: Angelika.

6 MS. SCHROEDER: Thank you. Here are some
7 things I don't understand about what's going on in the
8 legislature. There are bills that have a fiscal note.
9 Are they included in the discussions of the Long Bill,
10 and is there a slot there to assume that they will be
11 funded, or won't be funded, or will the Long Bill
12 determine that they can't be funded because that decision
13 (indiscernible). I'm trying to understand how it works
14 over there, this time of year.

15 MS. EMM: Thank you, Dr. Schroeder. Madam
16 Chair?

17 MADAM CHAIR: Yes.

18 MS. EMM: What happens in the Long Bill, and
19 it's actually pretty interesting, in the Long Bill, any
20 bills that have passed they put placeholders into the
21 Long Bill and they incorporate that into their estimates
22 and all of that, and it's included in the Long Bill
23 narrative. But then if they have inklings of other
24 placeholders that they would like to put in there, they
25 also incorporate those in, and then once the Long Bill is



1 finalized they can see how much money is left over and
2 then, as other bills are passed, they can start
3 subtracting and adding to that. And the Finance
4 Committees and the Appropriation Committees need to pay
5 attention as they're working through all the fiscal notes
6 on those bills.

7 MS. SCHROEDER: So the bills are going to
8 Appropriations and they're kind of sitting there as
9 everything is shaking out. Is that an appropriate
10 description?

11 MS. EMM: Madam Chair, I believe so. I'm
12 not positive. But in the Long Bill there are certain --
13 they will do the chart, and I'm happy to send you the
14 link too, because it is kind of interesting to see --

15 MS. SCHROEDER: Okay.

16 MS. EMM: -- that they've got the Long Bill
17 and then they start adding in all of these other bills
18 that take money away, to get to a bottom line, and then
19 that's kind of how much is left over to start saying can
20 we slot things in and stay within our revenue forecast.

21 MS. SCHROEDER: Thank you.

22 DR. FLORES: Madam Chair.

23 MADAM CHAIR: Yes.

24 DR. FLORES: It sounds to me as if education
25 is afterthought. If they're funding everything else and



1 then that's left behind.

2 MADAM CHAIR: Pull your mic closer.

3 DR. FLORES: It seems to me as if education
4 is an afterthought. Whatever is left behind, then that's
5 the money that we'll deal with, but we'll fund everything
6 else but education until the leftovers.

7 MS. EMM: Thank you, Madam Chair. I think
8 it becomes a matter of priorities and how they're going
9 to make the decisions on the various laws that they want
10 to pass, and look at how much money is available to fund
11 those priorities. I can't speak to what they would
12 consider, are highways more important than schools, or,
13 you know, how they make the decisions on how to fund
14 those priorities.

15 MADAM CHAIR: Any other questions?

16 Just a P.S. Has the latest land trust money
17 come through from the State Land Board?

18 MS. EMM: Thank you. I am not positive at
19 this point. I'll look into that and make a --

20 MADAM CHAIR: You know, I'm always looking
21 at that.

22 MS. EMM: Absolutely. Thank you.

23 MADAM CHAIR: Okay. Anybody else?

24 Thank you, Miss Emm.

25 MS. EMM: Thank you.



1 MADAM CHAIR: Commissioner.

2 MR. HAMMOND: Our next item would be our
3 legislative update. Our liaison, Ms. Jennifer Mello.
4 You have more than the last time.

5 (Pause)

6 MS. MELLO: Madam Chair.

7 MADAM CHAIR: Yes.

8 MS. MELLO: Shall I proceed?

9 So as often happens at this time in the
10 legislature, you know, we have a regular process where we
11 have our legislative contact meetings on Wednesday, and
12 last Wednesday morning there were no new bills, and so we
13 decided not to have a meeting. And then, late Wednesday
14 afternoon, there are a whole bunch of new bills
15 introduced. And so it just put us in a little bit of an
16 awkward position with timing. So I figured I would spend
17 my time with you today just going over some of the new
18 bills that have come out in the last week. Again, your
19 Leg. contacts have not had a chance to talk about these
20 bills because just timing-wise we haven't had a meeting
21 since they were introduced.

22 Before I do that I'll just update you really
23 quickly on the bills that you've taken a position on.
24 House Bill 1125, Revising Colorado Education
25 Accountability measures, this is one of those big,



1 kitchen-sink bills, right, dealing with standards and
2 testing and all of that. It was introduced relatively
3 early in the session. It has yet to be heard by the
4 House Education Committee. My guess is it will be heard
5 sometime in the next four weeks, since, constitutionally,
6 it has to be heard sometime in the next four weeks. And
7 I'll talk more about this in a minute, but I think this
8 particular bill will probably not pass. There are other
9 bills moving forward on this topic that contain some of
10 the components of 1125, that have a better chance of
11 passing.

12 House Bill 1201, the grants for BOCES and
13 Centralized Operating Services has passed out of the
14 House Education Committee. It is one of the bills piling
15 up in Appropriations, if you will, awaiting an
16 Appropriations hearing. This is a \$10 million bill. The
17 sponsor has decided to change the allocation of funding
18 and have it be \$5 million in year one and \$5 million in
19 year two. This is money specifically, and the bill comes
20 out of the state education fund, not the general fund, so
21 it doesn't fit into that category of kind of truing up in
22 the Long Bill, that Leanne Emm just described to you.

23 Senate Bill 216, School District Exclusive
24 Chartering Authority, this bill passed out of the Senate
25 yesterday so it's going to work its way through the House



1 next.

2 Senate Bill 223, Removing Penalty when
3 Parent Opt's Out of Test, also came out of the Senate
4 yesterday and is on its way to the House. And I
5 apologize. We missed one bill in terms of when we put
6 this agenda together. The data privacy bill that you all
7 have taken a support position on has also passed the
8 Senate. It's scheduled for a House Education Committee
9 hearing next week.

10 So that's just where all of those are in the
11 process.

12 DR. FLORES: May I ask about -- Madam Chair,
13 may I ask about Senate Bill 216? Could you give a little
14 bit more description about that?

15 MS. MELLO: Madam Chair, Dr. Flores, that is
16 the bill that essentially allows the Charter School
17 Institute -- well, let me rephrase. There is essentially
18 a presumption that a school district has exclusive
19 chartering authority unless certain factors apply. This
20 bill kind of expands the ways in which school districts
21 can lose their exclusive chartering authority, which is
22 another way of saying expands the ways in which the
23 Charter School Institute can authorize a charter school
24 within a school district.

25 The primary way -- and again, there are a



1 couple of components to the bill, but I think the one
2 that's generated the most discussion is for schools that
3 have been low performing, so either in Turnaround or
4 Priority Improvement status for three consecutive years -
5 - or, excuse me, for districts that have been in that
6 category. Those districts automatically lose their
7 exclusive chartering authority at that point.

8 DR. FLORES: And by losing it that means
9 that any charter can come in and take over those schools?

10 MS. MELLO: Madam Chair, Dr. Flores, it
11 means that the Colorado Charter School Institute could
12 authorize a charter school to go into that district. It
13 doesn't necessarily replace an existing district-run
14 school. But yes, the CSI could say yes. I mean, I -- my
15 -- it's -- I don't think it would be hundreds of new
16 charter schools in any one district, but depending on the
17 district and the circumstances, yes, CSI could allow
18 charter schools to come in.

19 DR. FLORES: And we wouldn't go in before
20 that and help them, meaning the Department could not go
21 in and help them, or should be able to help them before
22 that even happens. In other words, there's three years
23 in which those schools should be helped by the Department
24 and by us here. And so we shouldn't wait. I think we
25 shouldn't wait until the third year when that becomes



1 possible. I know that there are carrots and sticks, but
2 it should be about carrots, because we can't just allow
3 kids to, you know, to just fall on the wayside for three
4 long years. We should be there immediately.

5 UNIDENTIFIED VOICE: Madam Chair.

6 MADAM CHAIR: Oh, yes. Go ahead, Dr. Owen.

7 MR. OWEN: I have a quick response if it's
8 possible, for Dr. Flores. So, Dr. Flores, in response to
9 the three years, the Department absolutely has
10 availability and support in place for school districts in
11 those first three years. So it's not that they're
12 waiting for year three to help support any of these
13 Priority Improvement or Turnaround schools. Some
14 districts want that support and they take advantage of
15 opportunities that we have, like the Turnaround Network,
16 and some districts don't want that support. So it's
17 really a local decision to embrace opportunities that the
18 Department has, but we absolutely have supports in place
19 for districts that are entering year one through year
20 five on the clock.

21 DR. FLORES: And I think that's what I'd
22 like to understand, Dr. Owen, and would like to meet with
23 you on that issue.

24 MR. OWEN: Sure.

25 MADAM CHAIR: Perhaps you can do that.



1 Jane.

2 MS. GOFF: Yeah. This was part of our
3 discussion at a ledge (ph) contact meeting a while back.
4 I think it's also very important to remember that the
5 beginning of a charter conversation within a district,
6 regardless of if it's under this type of bill setup or
7 under what has been current practice and law, around the
8 Institute establishing charters in any district, you
9 know, within a district's geographical boundaries.

10 The establishment of a charter school
11 anywhere is still a local decision. There is a local
12 process that has to be followed. It's not that CSI just
13 comes in and says, "we're putting up a school here."
14 Everybody has to go through the community input, the
15 hearings, the application process, meets the criteria,
16 show fiscal responsibility, and so forth. And then
17 combined with the work that has been going on in these
18 lower-achieving districts so far, it's a combination
19 process. The proponents look at it as an opportunity to
20 expand conversation and promote collaboration around best
21 practices.

22 So, you know, as far as our work, we're
23 going to hear another great layer and chapter of our
24 second round with what we've been doing, and how the
25 Department has been guiding and literally assisting in so



1 many ways, these districts that are having trouble. So
2 the combination of the two is what the proponents wish to
3 promote, and that's -- just open it up. Let's have more
4 conversation. It's still a district decision.

5 MADAM CHAIR: Dr. Hammond has something to
6 add.

7 MR. HAMMOND: Yeah. Madam Chair and members
8 of the Board, just -- it may be helpful, this afternoon
9 we have an item in 19.01, I believe. In preparation for
10 the four districts that you're meeting with tomorrow,
11 we're going to discuss some of those issues. And also
12 Mr. Durham had asked a question that he wanted us to
13 consider, that we talked earlier. We're trying to
14 incorporate that as part of the discussion, and also, if
15 you find that's not appropriate, we'll (indiscernible)
16 later. I just wanted to make you aware of that.

17 MADAM CHAIR: Thank you. And I think it's
18 important to remember we're just hearing a report. It's
19 not a time to have a big discussion. We depend our
20 legislative liaisons to do that at a later date.

21 DR. FLORES: I'm sorry.

22 MADAM CHAIR: Is that okay?

23 MS. MELLO: Sure. I'm happy to keep moving.

24 UNIDENTIFIED VOICE: Madam Chair, is your
25 mic on?



1 MADAM CHAIR: Pardon?

2 UNIDENTIFIED VOICE: Is your mic on?

3 MADAM CHAIR: Is my mic on? I don't know.
4 Bizy, is my mic on?

5 MS. BURDSALL: Yes, yours is on.

6 UNIDENTIFIED VOICE: Then you need to speak
7 up.

8 MADAM CHAIR: If they can't hear me then
9 just -- all right. Go ahead, please.

10 MS. MELLO: All right. So I'm going to
11 quickly run through these bills that have just been
12 introduced, just so you're aware of them. We will put
13 these on the agenda for the next Leg. contact meeting to
14 talk about position, if any. Of course, it's always at
15 your -- you guys are the deciders. I've decided that's a
16 word we're going to use now in our vocabulary. So if you
17 want to take any action that's your call.

18 But House Bill 1321, the Rural Flexibility,
19 by Reps. Petterson and Wilson, this essentially replaces
20 two bills that were introduced earlier in the session
21 around rural flexibility. It allocates \$10 million for
22 small rural school districts for the 2015-16 budget year,
23 and then exempts small rural school districts, which are
24 defined as less than 1,000 students, and they have to be
25 rural. There is a way of figuring that out, from several



1 of the requirements around planning and improving parent
2 engagement.

3 I think it's important to state, for the
4 record -- and I sat through the hearing on this one --
5 it's not that small rural school districts are saying "we
6 don't want to engage parents." So I don't want anyone to
7 think about it that way. It's more the formality of the
8 kind of legal processes we put in place seems a bit, from
9 their perspective, out of step with their reality they
10 deal with on a daily basis in small communities. So
11 they're just looking for some relief from the formal
12 requirements around that, but not that they don't want to
13 engage parents in the process.

14 It also allows small rural school districts
15 to report expenditures only at the district level. This
16 was related to that financial transparency legislation
17 that was passed last year, that's been challenging for a
18 lot of small rural school districts to comply with, and
19 this gives them some relief on that. So that's the
20 essence of that bill.

21 I'm just going to keep moving through these
22 and assume that you all will stop me if you have
23 questions.

24 House Bill 1322, Study of Local Education
25 Data Requirements. This, again, comes out of this whole



1 conversation around small rural districts and rural
2 flexibility, and they've decided to kind of separate
3 these topics out into different bills, because this issue
4 around data requirements really is not just a rural
5 issue, right. So we have a lot of school districts --
6 rural, urban, suburban -- that think we collect a lot of
7 data, and they wonder if we're collecting -- if
8 everything we collect is what we need.

9 And, you know, I know that the Department,
10 just having worked on the data privacy legislation last
11 year, you know, we only collect what we're told to do by
12 state and federal law, but this is a chance to really
13 look at the law and say, okay, yeah, ten years ago we
14 decided we needed that piece of data. Do we still need
15 it? Is it valuable?

16 It requires us to contract out for the
17 study, which I think is actually probably helpful in a
18 couple of different ways, and then also requires us to
19 work with the EDAC, and particularly the rural
20 representatives of the EDAC, in how we craft kind of the
21 RFP and all of that, for the study.

22 House Bill 1323, Changes to Assessments in
23 Public Schools, by Representatives Buckner and Wilson.
24 This is kind of the House version of Senate Bill 215,
25 which I know is like total techno-speak and probably



1 doesn't mean anything to anybody. This is the House
2 version of the 1202 Consensus Bill. It was heard in
3 committee on Monday -- I lose track of my days this time
4 of year -- and was laid over. So they took all the
5 testimony but they didn't take action on the bill.
6 There's a lot of debate around -- right now the bill, as
7 written, removes the requirement for ninth-grade testing.
8 There are a lot of folks who would like that requirement
9 put back in. It remains to be seen if that will happen.

10 House Bill 1324, Implementing Student
11 Learning Objectives Processes, by Representatives Young
12 and Danielson and Senator Scott and Kerr. The bill
13 creates a student learning objective process consortium.
14 So I'm not an educator, as you all know, but my
15 understanding of SLOs -- I'm probably going to mess this
16 up and Jill will have to save me -- it is a way that
17 educators, or teachers in the classroom, you know, really
18 at that very, very grassroots level, can make sure that
19 their kids are learning what they're trying to teach
20 them. I mean, in its simplest form, that's kind of what
21 it is. And it's a way of helping teachers make sure that
22 they are getting through to their students, right, that
23 they're communicating the material in a way that's
24 working for their students.

25 Again, did I totally screw that up or is



1 that basic enough? Okay.

2 Some of our districts that had -- and there
3 was some great testimony at the hearing from Poudre
4 Valley. They have had really good success in implanting
5 these SLOs. They've found them to be a very effective
6 way of helping their teachers help their students. It
7 relates back, to some extent, to the 191 conversation,
8 because you can use these SLOs, which are kind of an
9 objective way of saying "here's what we're trying to
10 teach; did we do it?" to evaluate. Now that's all at a
11 district level, right, so none of that is required in
12 state law. But districts, in some cases, have found it a
13 very helpful tool in the educator evaluation framework.

14 What this bill does is it essentially
15 creates a \$1 million grant program. You guys would write
16 the rules for that. It's designed to kind of spread the
17 word, if you will, a little bit about SLOs and help
18 districts, give them some funding to do the professional
19 development around SLOs, but it's completely voluntary.
20 So there's no -- no district has to participate in this
21 that doesn't want to.

22 DR. FLORES: So provides the development --

23 MADAM CHAIR: Val.

24 DR. FLORES: Excuse me, Madam Chair. May I
25 ask a question?



1 MADAM CHAIR: Yes.

2 DR. FLORES: Does this mean providing
3 services to teachers? In other words, training? Is this
4 what it means? I mean --

5 MS. MELLO: Madam Chair, Dr. Flores, yes, I
6 think you could characterize it that way.

7 MS. SCHROEDER: Who decides the grant
8 process?

9 MS. MELLO: Madam Chair, Dr. Schroeder, the
10 State Board would adopt rules for the grant process.

11 MS. SCHROEDER: Would adopt rules, and we
12 would also -- our staff would go through the
13 applications?

14 MS. MELLO: Yes, ma'am.

15 MS. SCHROEDER: And the sum total is, if I
16 understand you correctly, to have some other data to be
17 used in the teacher evaluation, in addition to helping
18 kids, of course. But that the sum total of the effort is
19 to make sure that there are other, what is deemed to be
20 more relevant data than standardized testing, than our
21 statewide standardized testing. Am I close?

22 MS. MELLO: Madam Chair, Dr. Schroeder, I
23 think, again, having sat through the hearing and heard
24 the sponsors of the legislation describe their intent,
25 that is certainly one valued outcome, but I don't know



1 that it's the primary driver of the legislation. Does
2 that make sense? So, yes, a district that uses SLOs
3 creates for itself a tool that they can use in the
4 educator evaluation process, and that is one good,
5 beneficial outcome from the sponsor's perspective, of
6 this legislation. But it's not the -- I don't think
7 that's the main reason for doing it. I think the main
8 reason for doing it, based on what I heard, is it's a way
9 of really helping teachers very strategically think about
10 what am I teaching and is it working.

11 MS. SCHROEDER: And it goes to this
12 individualizing education for students, more so than -- I
13 mean, is that the fact that we're individualizing and
14 having teachers adapt IEPs, essentially, for students?

15 MS. MELLO: Madam Chair, Dr. Schroeder --

16 MS. SCHROEDER: I'm just trying to
17 understand --

18 MS. MELLO: Yeah, no.

19 MS. SCHROEDER: -- because I have not gotten
20 into this one.

21 MS. MELLO: It's a really interesting topic.
22 It's something that Representative Young has talked about
23 for a number of years, and I teased him the other day. I
24 was like, "I think I'm finally starting to understand
25 what you've been talking to me about for two years."



1 But I'm going to defer to Jill because she's
2 really more of the -- obviously more of an expert on
3 this.

4 MS. PITNER: Madam Chair.

5 MADAM CHAIR: Yes.

6 MS. PITNER: So, yes, student learning
7 objectives are a way for teachers, at the beginning of
8 the year, to look at what their goals are for moving
9 students from Point A to Point B by the end of the year.
10 And so they'll set goals, or targets, of I want to make
11 sure I get, you know, 80 percent of my kids to this
12 level, on this learning objective. And they'll have
13 local measures that they're using and often they're
14 collaborating with other teachers on what those shared
15 measures might be.

16 MS. SCHROEDER: Okay. So it's not about
17 individual students.

18 MS. PITNER: So it's usually --

19 MS. SCHROEDER: It's about a classroom --

20 MS. PITNER: -- about trying to move a
21 classroom.

22 MS. SCHROEDER: -- classroom objective.

23 MS. PITNER: Correct.

24 MS. SCHROEDER: Thank you.

25 MS. PITNER: And it will often, then, reveal



1 individual needs to help get kids to those areas, so it
2 will have that impact. But a big component of it is
3 helping teachers with writing quality student learning
4 objectives, digging into their own data and understanding
5 how to set meaningful targets, tracking how that's gone
6 in past years so they can be more accurate, collaborating
7 with their peers so the idea of this bill is to help
8 provide teachers with those skills, robust examples that
9 districts have used, and an opportunity -- it creates a
10 consortia of districts doing this work so they can learn
11 from each other since, in a lot of places, particularly
12 our rural areas, there are no other professionals to
13 collaborate with, so this gives them the opportunity to
14 do that.

15 MS. SCHROEDER: And is there any requirement
16 that the principal needs to approve these goals, or is
17 that part of the process every year, that a teacher would
18 set goals and then there's a discussion with the
19 principal or the evaluator that these are the appropriate
20 goals? Is that how this works?

21 MS. PITNER: Madam Chair.

22 MADAM CHAIR: Go ahead.

23 MS. PITNER: So districts will use different
24 processes, but there's typically either the principal, an
25 evaluator, a peer coach, literacy coach, or, you know,



1 whoever might be a leader that's supporting and helping
2 oversee and approve those learning targets.

3 MS. SCHROEDER: Thank you very much.

4 MADAM CHAIR: Jane.

5 DR. FLORES: Madam Chair.

6 MADAM CHAIR: Oh, sorry.

7 MS. GOFF: Thank you. I -- it was an
8 interesting hearing and I've had an interest in what
9 appeared to be the initial phraseology that was used was
10 "formative assessment." In consideration -- this bill
11 has been in the works for a while, the idea -- in
12 consideration of how those educators, classroom teachers,
13 particularly, in the non-state-assessed content areas
14 could get their way in to contributing to the overall
15 effort. So the use of -- I could not help but think --
16 and, frankly, I was a little anxious, because there
17 wasn't any testimony from people that have been doing
18 this work, who understand the process, who have been
19 involved from day one in the training, in the
20 professional development that's been going on all over
21 the state, by experts, including classroom teachers and
22 folks at CDE.

23 The grant portion of the conversation was
24 interesting as well, because I think I'm right. I picked
25 up that this would be a voluntary application process,



1 and then there was conversation, a lot, about what if a
2 district, whether they apply or not, have not taken up
3 the opportunity to get some of this training that has
4 been made available and advertised statewide for, gosh,
5 Jill, I don't know, what, two years or more?

6 And so a lot of this has been going on.
7 There are SLO processes. Some districts do call them
8 learning goals. Some call them just objectives and so
9 forth. But it's all over the place. But we know that
10 there are district that have not taken up the opportunity
11 to find out what that is and how to implement them. So
12 that part of how to determine who gets grant money or
13 not, even though it's a voluntary, you know -- I just
14 think -- I love the idea. I'm a big fan of integrating
15 efforts whenever possible, but I don't think it was ready
16 for prime time.

17 MADAM CHAIR: So, Jane, you're saying you
18 think this bill was sort of aiming at drawing those
19 districts in that need this kind of work?

20 MS. GOFF: Well, partly. No, not the
21 overall goal. I think the overall goal is to help
22 educators find ways to help everybody be educated about
23 what assessment looks like, in all of its beautiful
24 forms, and that some of those efforts and those
25 measurements that are going on every day in classrooms --



1 as Dr. Val always like to point out, it's happening all
2 the time -- how do you make that a more meaningful part
3 of the overall status of achievement, and growth, because
4 there's always going to be a tricky part about how do you
5 work growth in, how do you maintain that, on just as an
6 important level as status.

7 DR. FLORES: May I?

8 MADAM CHAIR: Yes, quickly. Let's move
9 along.

10 DR. FLORES: Okay. I think there's been a
11 lot of research that shows that we policymakers can
12 really be helpful in engagement of policy, in which we
13 let school districts know that all the kids have to be
14 engaged, not just the football players and, you know, the
15 kids who play sports and the kids who are highly
16 motivated and are the leaders in the school as far as
17 academics are concerned.

18 But we should have an engagement policy for
19 all kids. There was a study done by a poll that showed
20 that of 600,000 kids, it showed that most kids in schools
21 were not engaged, you know, to really learn.

22 We also, I think, need to think about this
23 whole issue of training teachers, that it's not over.
24 Training is not over after they leave the university, and
25 school districts must get the funds, must get the



1 willingness to keep training teachers, because teachers
2 can learn, and they can learn best practices so that they
3 can engage their children. They found also that trained
4 teachers with more than five years' experience also are
5 responsible for less absenteeism. So, I mean, if kids
6 come to school and they're engaged, they are going to
7 find success. I really believe that. But they have to
8 be engaged.

9 We need to have highly trained coaches for
10 those teachers, and it's not just the beginning teachers.
11 It's continuing on. I remember that I needed so much
12 science at one point. I felt that there's so much
13 science that has come about that I needed to have that as
14 my repertoire. But as I looked around, I couldn't find
15 when to take the time. The school wasn't interested in
16 it, and, you know, sometimes teachers do know what they
17 need. And I think that to say that teachers stop
18 learning and that they plateau after three years or five
19 years is a big lie. Teachers keep learning.

20 MADAM CHAIR: Those are good thoughts, Val -
21 -

22 DR. FLORES: Thank you.

23 MADAM CHAIR: -- but we probably need to
24 move on now.

25 You must report to this Committee how much



1 discussion you got out of this bill.

2 MS. MELLO: I will.

3 MADAM CHAIR: You'd think they'd be
4 surprised.

5 MS. MELLO: So I will move -- I will try to
6 go into warp speed here.

7 House Bill 1326, Student Not Affected by
8 District Accreditation, this is a bill that basically
9 says that a Colorado university or college cannot take
10 into account -- so if a district loses accreditation
11 status because it's on the clock for five years, and
12 that's an action you all decide to take, basically
13 Colorado Higher Ed can't hold that against the student.

14 House Bill 1334, Legislative Oversight
15 Committee on School Finance, this is an attempt to kind
16 of look at all of our -- we haven't had a new school
17 finance bill in 20 years in this state. Supposedly,
18 experts say a school finance act should last for about
19 ten years, so we're pretty overdue. This is, I think, an
20 attempt to lay some groundwork to create a new school
21 finance act, and also take a broad look at some issues,
22 like mill levy overrides, equity in the system, Amendment
23 23, you know, all those big financing issues.

24 Senate Bill 233, Revising Colorado Education
25 Accountability Measures, this will be up in committee



1 tomorrow. This is another -- I'm sorry.

2 MADAM CHAIR: Yes (indiscernible).

3 MS. MELLO: I was going too fast.

4 MS. SCHROEDER: Warp speed is fine. Warp
5 speed is fine. But the Oversight Committee -- just tell
6 us what kind of committee. I mean, is this a legislative
7 committee? Is this a broad-based community, staffing?

8 MS. MELLO: Madam Chair, Dr. Schroeder,
9 yeah. So it's a little bit of both. It's a legislative
10 committee primarily, but they create what they call a
11 technical advisory committee that is made up of the
12 associate commissioner of school finance here at the
13 Department, so that would be Leanne Emm, and then other
14 kind of -- people who really understand school finance
15 issue, from districts and from other perspectives.

16 And that technical group kind of informs the
17 legislative group. And it's staffed by legislative
18 council, with, I think, some assistance -- I mean,
19 obviously, the involvement of the associate commissioner
20 on school finance is a big commitment from the
21 Department. But primarily it's the legislative council-
22 staffed entity because it's got legislators on it.

23 MADAM CHAIR: Yes. Go ahead.

24 MS. MELLO: Okay. So Senate Bill 233,
25 Revising Colorado Education Accountability Measures, this



1 is another -- this is going to be the most overused term
2 of the whole session, is "kitchen-sink bill." This is
3 another one that does a lot of changes to standards and
4 assessments and testing and all of that.

5 Senate Bill 257, Educational Standards and
6 Assessments and Flexibility is yet another kitchen-sink
7 bill that makes a whole bunch of changes to the standards
8 process and the testing process.

9 I'm happy to go into detail or answer
10 questions about those, but that's the 20,000-foot version
11 of it. I know we're tight on time.

12 I will just close by making a couple of
13 observations about what I think the next four weeks will
14 look like. We do have four weeks left, as of today,
15 officially. Not that those of us who work over there are
16 counting.

17 MADAM CHAIR: Some of us are.

18 MS. MELLO: You know, obviously, we've got a
19 lot of work left to do in K-12 education policy in the
20 next four weeks. I think that House Bill 1323, which is
21 the 1202 consensus bill over in the House, and then
22 Senate bill 257, the bill I just mentioned to you, will
23 kind of become the two primary vehicles that will move
24 forward that will structure the conversation around
25 assessments and standards.



1 So there's a ton of bills out there on those
2 two topics.

3 MADAM CHAIR: Which ones?

4 MS. MELLO: 257 and 1323. Now that's just
5 my guess, right, so that's not any official word. That
6 is how I kind of view these things. I'm not quite sure
7 what's going to happen with 233. That could be another
8 bill that -- but I think that -- I think those bills will
9 structure this final conversation around standards and
10 assessments as we go through the next four weeks.

11 School finance will probably be introduced
12 next week. They were hoping to introduce it this week
13 but it doesn't look like that's going to happen. So, I
14 mean, that will obviously be another conversation. I
15 think the outlines of that conversation have really
16 already been set, by and large, within the Long Bill, and
17 the way that the Long Bill has allocated funding.

18 So I don't think there are a lot of big
19 surprises coming from school finance, but, you know,
20 famous last words.

21 MADAM CHAIR: Does anybody have any
22 questions of Ms. Mello?

23 Thank you. You're going to have a couple --
24 two or three interesting weeks here. Thanks so much.

25 The next item on the agenda is the



1 consideration of school district resolutions regarding
2 state-required standardized assessments. Commissioner?

3 MR. HAMMOND: As we talked about at the
4 January 8th meeting, you all voted on a motion, 4-3,
5 directing I, as Commissioner, to grant waivers to local
6 school districts on the performance-based component of
7 the PARCC assessment. Since that time, we've talked
8 about it at each of the Board meetings and tabled the
9 request. At this point, in your -- or I think you have
10 in your packet -- we have 24 districts who have decided
11 to waive from the performance -- have asked you to waive
12 the performance component of the PARCC assessment. We
13 have two districts who have five-year waiver requests.
14 We have three, and it's kind of a combination of little
15 bit of everything.

16 So at this point there's a total of 29
17 districts. At your last meeting we tabled the item
18 again, so we bring it forward to you. My recommendation
19 for you to consider would either be to deny the waivers
20 or to, in light of the Attorney General's opinion, or to
21 rescind your Board of Education action on January 8th.
22 That's certainly your prerogative, but that would be my
23 recommendation.

24 And I'll turn it over to you for discussion.

25 MADAM CHAIR: All right. I guess I'll take



1 advantage of the Chair and lead the discussion a little
2 bit. I definitely think it's time we address this issue.
3 We've just let it hang out there and we're not being fair
4 to our school districts when we do that. We've all
5 gotten letters from school districts saying, "What are
6 you doing? You basically have left us leaderless and
7 directionless," and many of them, they have different
8 opinions, and I understand that. But I just think that
9 we need to deal with this, and I personally would like to
10 see us rescind the motion, but that, of course, is up to
11 the Board.

12 So any further discussion? Angelika?

13 MS. SCHROEDER: I guess I'd like to point
14 out that for most of these waiver requests the time has
15 already passed anyway. The assessments were given last
16 month, and my understanding is the window -- that's what
17 we call the window -- has closed. Am I correct?

18 It's actually, almost -- for the performance
19 -- well, a lot of requests were about the performance
20 assessments. So for that number they're moot anyway,
21 except that they're hanging out there, wondering what the
22 heck we're doing.

23 MADAM CHAIR: Further discussion? Deb.

24 MS. SCHEFFEL: Yeah. I would like to see us
25 wait and see what the legislature does with this issue.



1 I think what we've done is empower parents and teachers
2 to really surface this issue such that they can look at
3 the details behind this assessment. There are many
4 problems with it, as we know, that we get information on
5 daily, and I recognize that we have delayed, and I think
6 that it's good that we delayed because it allows people
7 to continue the discussion, to look into the details of
8 the testing, what it entails, what the nature of the
9 questions are, all the issues that surround it. I think
10 it has empowered people to be engaged in this issue on
11 behalf of their students and their children, and I think
12 it's surfaced a very beneficial discussion that was
13 otherwise really underneath the radar and that people
14 were not well apprised of.

15 So I would like to let us wait and see what
16 the legislature does in its action. The fact that the
17 window has closed is good in the sense that we're not
18 causing any further harm through this, and I think it
19 allows people to really look deeply into this test, which
20 was not being done before.

21 MADAM CHAIR: Thanks, Deb. Further
22 comments? Jane.

23 MS. GOFF: Yeah. I'm having -- I need your
24 help, Deb, in helping -- separate for me. The waiver
25 question, to me, is separate than the opt-out decision of



1 parents. We've got waivers where districts are asking
2 to, you know, asking a Commissioner to grant, for the
3 performance test, on PARCC, those waivers are
4 specifically written.

5 Angelika's point about it, that's over now,
6 so it's moot. The waiver question itself is moot.

7 UNIDENTIFIED VOICE: Why would we rescind?

8 MS. GOFF: Well, if rescission does that
9 then that's a decision we'll make. But the opt-out
10 question, which is the essence --

11 MADAM CHAIR: Are you talking about -- I'm
12 sorry. Are you talking about individual opt-outs or
13 school opt-outs?

14 MS. GOFF: The whole idea of opting out is a
15 legislative issue right now. I don't see that the
16 waiver, this waiver process and what we're going to do
17 with the waiver request is the same thing as what's going
18 on in the legislative conversation on opting out. I just
19 see them as two separate questions.

20 DR. FLORES: But it's not over. I mean, I
21 think --

22 UNIDENTIFIED VOICE: We still have another
23 four weeks.

24 MS. GOFF: But the waivers, people --

25 (Overlapping)



1 MS. GOFF: I'm sorry, but the waivers were
2 written -- the waiver -- the motion was written that
3 districts would ask for a waiver of the PARCC
4 performance-based section. The performance-based window
5 is over. We didn't grant waivers. We didn't direct the
6 Commissioner to do anything about it. So I'm not seeing
7 -- why do we wait --

8 DR. FLORES: But I think that --

9 MADAM CHAIR: Val.

10 MS. GOFF: -- unless it's to rescind the
11 motion --

12 MADAM CHAIR: Please recognize the Chair.

13 MS. GOFF: -- on those motions.

14 MADAM CHAIR: Does anybody else want to --
15 Val, go ahead.

16 DR. FLORES: Yes. Forgive me. I think that
17 it gets for a movement among parents and citizens about
18 the whys of the PARCC. I mean, we do have research that
19 shows that the formative assessments by teachers are much
20 better than these tests, and I know that, legally, from
21 the feds, we do have to have a test. But I think that
22 the legislature has that -- the ball is in their court
23 right now, and we need to wait.

24 You know, I know we're collecting these
25 people who want to opt out. I don't think it's over and



1 I think you're right in one part, that it's moot for that
2 assessment right now, but we know that districts are not
3 very happy with this test, and parents are not very
4 happy, and citizens are not very happy with this test.
5 And we are collecting -- we are collecting information
6 from districts who give us -- who give us more
7 information as to why they think this is not going to
8 work.

9 MADAM CHAIR: Pam.

10 MS. MAZANEC: Yeah. I agree with Dr.
11 Scheffel. I understand the concern but I think that we
12 have four more weeks in the legislative session and
13 there's a lot of expectation -- it may be dashed but
14 there's a lot of expectation from parents and citizens
15 that the legislature will do something about standardized
16 testing. So I see no harm in carrying on one more month,
17 for sure.

18 UNIDENTIFIED VOICE: I agree.

19 MADAM CHAIR: Steve?

20 MR. DURHAM: Thank you, Madam Chair. Yeah,
21 I think that this could lay over until May, which is the
22 motion I will make if there's none pending, to lay this
23 over until the May meeting.

24 I think that before we started down this
25 road there was a general belief that those who were



1 opposed to the testing were simply a few malcontents and
2 extremists, and I think what we've learned is that 29
3 districts representing nearly a fourth of the state's
4 students were courageous enough to ask for an opt-out.
5 Unfortunately, circumstances did not allow us to grant
6 that opt-out. But I think we should take the time to
7 inform the legislature of the current status of the
8 number of requests for opt-out and then when we meet
9 again next month the session will have ended and we can
10 deal with it at that time.

11 So I will move to lay this over --

12 MADAM CHAIR: Can we --

13 MR. DURHAM: -- until the May meeting.

14 MADAM CHAIR: -- hold that off until we
15 finish discussion, and then you can make a motion?

16 MR. DURHAM: Sure.

17 MR. HAMMOND: Madam Chair.

18 MADAM CHAIR: Yes.

19 MR. HAMMOND: Just to be sure, Mr. Durham,
20 on the opt-out, it's kind of a separate issue. But when
21 you come to the waiver request, what I think you're
22 asking me is the list that we have provided --

23 MR. DURHAM: Right. That's correct.

24 MR. HAMMOND: -- to submit that one.

25 Because we won't actually know until the testing is



1 completed, and districts have to self-report to us the
2 number of parents. When that happened we didn't have a
3 checkmark that they could check. We'll have to call each
4 one and get -- we know how many kids didn't take the
5 test, for your information, but we don't know, of that
6 number that didn't take, how many opted out. I think I
7 can clear all that up.

8 MR. DURHAM: Madam Chair.

9 MADAM CHAIR: Yeah. I have a comment at the
10 end I want to be sure, before you make a motion.

11 UNIDENTIFIED VOICE: Angelika's up.

12 MADAM CHAIR: Yes. But is this a comment,
13 Steve?

14 MR. DURHAM: Well, I apologize for mixing
15 apples and oranges, because I was referring --

16 MR. HAMMOND: I'll make sure.

17 MR. DURHAM: -- to the waiver request, and I
18 think it's -- I think it's appropriate to keep that. It
19 proved to be a valuable tool and gave voice to people who
20 have concerns about these -- about the standardized tests
21 and the level at which we're doing it.

22 MADAM CHAIR: Angelika.

23 MS. SCHROEDER: Well, I just want to remind
24 everyone that the concern about standardized tests
25 started a year ago last January. This is not something



1 that we managed to bring to the forefront. In fact,
2 there was -- one of the reasons for the 1202 Commission
3 last summer was the concern about too much standardized
4 testing. So this is not a newbie and we accomplished
5 precious little in doing this, other than looking foolish
6 for trying to do something that we legally cannot do,
7 neither we nor the Department can do.

8 So let's not pat ourselves on the back too
9 much about this one.

10 DR. FLORES: Madam Chair.

11 MADAM CHAIR: Yes, ma'am.

12 DR. FLORES: I think this was --

13 MADAM CHAIR: New argument, not just a
14 redress.

15 DR. FLORES: Just on this. I think the Phi
16 Delta Kappa poll that was done -- and this was over a
17 year ago -- and it confirmed what the state and the
18 studies that were done in the state, that people were not
19 happy with PARCC, with the PARCC testing. And this has
20 been going on and on in many other media -- newspapers
21 and learned society journals --

22 MADAM CHAIR: Okay. Let's move on.

23 DR. FLORES: -- on and on. So it's a
24 groundswell in this country, in this state, and so on.

25 MADAM CHAIR: Okay. Being Chair has its



1 limitations. I always have to be last. I have to wait
2 for everybody else.

3 You are confusing two big issues here. I
4 have been -- have had my concerns about PARCC. I have
5 questions about PARCC for over the year that Angelika is
6 talking about. That's a question of PARCC, whether it's
7 a good test, a bad test. That's a big question. It has
8 almost nothing to do with the fact that 17 school
9 districts decided to request a waiver. And my major
10 point is we have put those districts in a very delicate,
11 difficult position and we need to make it clear to them
12 that that part's over. You know, that's done. And by
13 rescinding a motion that they request a waiver, we don't
14 change the discussion about PARCC at all, and we need to
15 continue that discussion, and I hope the legislature will
16 address that. I hope they do.

17 But I think you're making a huge mistake to
18 put the two together and say that this is all about
19 PARCC. It's not about PARCC. We're talking about the
20 waivers that we issued to the school districts. One of
21 our primary concerns should always be the school
22 districts, and difficulties that we're putting the school
23 districts in.

24 As the Commissioner told me this morning, we
25 don't know whether those school districts have any data



1 to report at all. We've put them in a delicate position
2 and we need to clear the air for them. It doesn't change
3 the discussion about PARCC.

4 So I hope that whatever motion Steve is
5 going to put forward is that if it continues to mix these
6 two issues together, that we can clear the air, rescind
7 the waivers, and go ahead with our discussion about
8 PARCC. I don't disagree with you people about PARCC.
9 You know, I've had my problems all along. But we put
10 these 17 small rural districts in a difficult position
11 and we need to get them out of it.

12 MS. SCHEFFEL: May I --

13 MADAM CHAIR: I get to be last, Deb. No,
14 I'm just kidding. Go ahead.

15 MS. SCHEFFEL: I just was thinking, to say
16 that PARCC and the waivers are not connected confuses me.
17 They're seeking a waiver from PARCC.

18 MADAM CHAIR: I know it, but they couldn't
19 do that, and we knew they couldn't do that. Many of us
20 said we couldn't do that that day. It does you no good
21 when the Attorney General is going to turn around and say
22 you can't do that. That's what the major argument is.
23 We let these districts apply for a waiver that we did not
24 have the ability to give them, and that's what's
25 important. We couldn't really -- shouldn't have done



1 that, couldn't have done that, and we should now remove
2 that small part of the argument and focus on PARCC -- and
3 focus on PARCC. You're not being fair to those 17 school
4 districts if you let them continue out there under this
5 waiver.

6 Commissioner?

7 DR. FLORES: May I -- may I speak?

8 MADAM CHAIR: I sat and listened to
9 everybody else's argument because I'm Chair and I have to
10 do that. Okay?

11 DR. FLORES: Okay.

12 MADAM CHAIR: You've got your mind made up.
13 You're going to vote the way you want to vote. Everybody
14 here is going to vote the way they want to vote.

15 DR. FLORES: No, I was going to give --

16 MADAM CHAIR: We can sit here and argue
17 forever.

18 DR. FLORES: I was going to give some
19 interesting insight.

20 MADAM CHAIR: Go ahead.

21 DR. FLORES: I don't think these school
22 districts are going to lay over and die or anything.

23 MADAM CHAIR: You don't know.

24 DR. FLORES: I -- I don't think they are. I
25 think that more districts are --



1 MADAM CHAIR: No. That's beside the point.

2 DR. FLORES: No, but I think more districts
3 are sending in their disapproval of it and trying to opt
4 out, and I think it's only giving us more information and
5 also the legislature more information as to why they want
6 to opt out, and the legislature is not over yet and they
7 still have bills before them. And I don't see how our
8 taking the time right now and saying let's get -- let's
9 remove these and tell them that they can't is going to do
10 anything. I only think that it will -- it will be data
11 that we can say, look, here are these districts that want
12 to opt out.

13 So I don't see it as a negative. Kids are
14 not in pain over this.

15 MADAM CHAIR: Are you finished?

16 DR. FLORES: Yes.

17 MADAM CHAIR: Steve, do you want to make
18 your motion?

19 MR. DURHAM: Yes, Madam Chair. Thank you.
20 Yes, I'm working on the theory I'd rather try and fail
21 than not try. I will renew my -- or make a motion to lay
22 this over until the May meeting of the Board.

23 MADAM CHAIR: Is there a second to that
24 motion?

25 MS. SCHEFFEL: I second.



1 MADAM CHAIR: Deb.
2 Will you call the roll?
3 MS. MARKEL: Steve Durham.
4 MR. DURHAM: Aye.
5 MS. MARKEL: Dr. Flores.
6 DR. FLORES: Aye.
7 MS. MARKEL: Jane Goff.
8 MS. GOFF: No.
9 MS. MARKEL: Pam Mazanec.
10 MS. MAZANEC: Aye.
11 MS. MARKEL: Marcia Neal.
12 MADAM CHAIR: No.
13 MS. MARKEL: Dr. Scheffel.
14 MS. SCHEFFEL: Yes.
15 MS. MARKEL: Dr. Schroeder.
16 MS. SCHROEDER: No.
17 MADAM CHAIR: The motion carries. Move on.
18 MR. HAMMOND: And we'll provide, Madam
19 Chair, the list to the legislature.
20 UNIDENTIFIED VOICE: And for us too.
21 MR. HAMMOND: Yes.
22 UNIDENTIFIED VOICE: Thank you.
23 MADAM CHAIR: At the March State Board
24 meeting, the Board conducted a rulemaking hearing for the
25 rules of the administration of the Exceptional Children's



1 Educational Act. The rules are back before us for
2 consideration and vote. Commissioner?

3 UNIDENTIFIED VOICE: Madam Chair. I think
4 we need -- is it possible to break?

5 MADAM CHAIR: Pardon?

6 UNIDENTIFIED VOICE: Could we get a quick
7 break?

8 MADAM CHAIR: Yeah. We probably could do
9 that.

10 UNIDENTIFIED VOICE: Sorry.

11 MADAM CHAIR: If you guys don't mind we'll
12 take a five-minute break.

13 (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 January, 2019.

/s/ Kimberly C. McCright

Kimberly C. McCright

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