



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
May 13, 2015, Part 1

BE IT REMEMBERED THAT on May 13, 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: State Board will come back to
2 order. Chair -- staff, please call the roll.

3 MS. BURDSALL: Steve Durham?

4 MR. DURHAM: Present.

5 MS. BURDSALL: Dr. Flores?

6 MS. FLORES: Here.

7 MS. BURDSALL: Jane Goff?

8 MS. GOFF: Here.

9 MS. BURDSALL: Marcia Neal?

10 MS. NEAL: Here.

11 MS. BURDSALL: Pam Mazanec?

12 MS. MAZANEC: Here.

13 MS. BURDSALL: Dr. Scheffel?

14 MS. SCHEFFEL: Here.

15 MS. BURDSALL: Dr. Schroeder?

16 MS. SCHROEDER: Here.

17 MADAM CHAIR: Please stand for the pledge.

18 And I'm not going to stand. That doesn't mean that --
19 other reasons. Ms. Markel, would you lead us in the pledge
20 today?

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

25 MADAM CHAIR: Thank you. Is there a motion



1 to approve the agenda?

2 UNIDENTIFIED VOICE: So moved.

3 MADAM CHAIR: (Inaudible). Second?

4 UNIDENTIFIED VOICE: I second.

5 MADAM CHAIR: Deb? Any discussion? All in
6 favor say aye.

7 MR. DURHAM: Aye.

8 UNIDENTIFIED VOICE: Aye.

9 MADAM CHAIR: Moving on to the consent
10 agenda. Do I have a motion to place items on the consent
11 agenda?

12 UNIDENTIFIED VOICE: I'd like to move to
13 place the following matters on the consent agenda, and you
14 all can go get a cup of coffee, because this is gonna take
15 quite a while.

16 18.02, approve the appointment of Julie
17 Harmon (ph) to the Colorado Special Education Advisory
18 Committee.

19 18.03, approve the appointment of Heather
20 Abraham to the Special Education Fiscal Advisory Committee.

21 18.04, approve the payment to the
22 administrative units under the Exceptional Children's
23 Education Act for reimbursement to payments for students in
24 high cost, in administrative unit, and out-of-district
25 placements or programs 2013, 2014, and fiscal year 2015, as



1 set forth in the published agenda.

2 18.05, approve the School Turnaround Leaders
3 Development Program recommendations for grant recipients,
4 and amount of grants as set forth in the published agenda.

5 19.01, regarding disciplinary proceedings
6 concerning a license charge number 1213 EC 06, signify
7 acceptance, and approval of the terms, and conditions of
8 the settlement agreement by directing the commissioner to
9 sign the settlement agreement.

10 19.02, regarding disciplinary proceedings
11 concerning a license charge number 2013 EC 612, direct
12 department staff, and the state attorney general's office
13 to prepare the documents necessary to request a formal
14 hearing for the revocation of license holder's professional
15 teacher licensed, pursuant to section 24-4-104 CRS.

16 19.03, regarding disciplinary proceedings
17 concerning a license, charge number 2013 EC 1972, direct
18 department staff and the state attorney general's office to
19 prepare the documents necessary to request a formal hearing
20 for the revocation of a license holder's professional
21 teacher license, pursuant to section 24-4-104 CRS.

22 19.04, regarding disciplinary proceedings
23 concerning an application, charge number 1215 EC 218,
24 direct department staff, and the state attorney general's
25 office to prepare the documents necessary to request a



1 formal hearing for the revocation of the credential holders
2 three year substitute authorization pursuant to section 24-
3 4-104 CRS.

4 19.06, approve seven initial emergency
5 authorization as set forth in the published agenda.

6 19.07, approve the University of Denver's
7 request for authorization of an Early Childhood Special
8 Education Specialist Endorsement Preparation Program as set
9 forth in the published agenda.

10 19.08, approve University of Northern
11 Colorado's authorization request for Dual Endorsement
12 Preparation Program for the special education generalists
13 endorsement, and a culturally and linguistically diverse
14 education endorsement, as set forth in the published
15 agenda.

16 19.09, approve (inaudible)?

17 UNIDENTIFIED VOICE: (Inaudible).

18 UNIDENTIFIED VOICE: Thank you. Board of --

19 UNIDENTIFIED VOICE: (Inaudible).

20 UNIDENTIFIED VOICE: -- Cooperative
21 Education Services Teacher Induction Program as set forth
22 in the published agenda.

23 19.10, approve Colorado Digital Board of
24 Cooperative Education Services Teacher Induction Program as
25 set forth in the published agenda.



1 12.01, approve Denver City -- Denver County
2 One's request on behalf of Academy 360 for a waiver from
3 state statutes as set forth in the published agenda.

4 20.02, approve Douglas County RE-1's request
5 on behalf of Aspen View Academy for a waiver from state
6 statues as set forth in the published agenda.

7 20.03, approve Douglas County's -- County
8 RE-1's request on behalf of Ben Franklin Academy for waiver
9 from state statues as set forth in the published agenda.

10 20.04, approve School District 27J's request
11 on behalf of Bromley East Charter School for waiver from
12 state statutes as set forth in the published agenda.

13 20.05, approve Douglas County RE -- RE-1's
14 request on behalf of challenge to Excellence Charter School
15 for waiver from state statutes as set forth in the
16 published agenda.

17 20.06, approve Colorado Springs District
18 11's request on behalf of Colorado Life Skills Center for
19 waiver from state statutes -- statues as set forth in the
20 published agenda.

21 20.07, approve Colorado Spring District 11's
22 request on behalf of Community Prep School for waiver from
23 state statues as set forth in the published agenda.

24 20.08, approve Douglas County RE-1's request
25 on behalf of DCS Montessori for waiver from state statues



1 as set forth in the published agenda.

2 20.09, approve Colorado Springs District
3 11's request on behalf of Globe Charter School for waiver
4 from state statutes as set forth in the published agenda.

5 20.10, approve Douglas County RE-1's request
6 on behalf of Hope Online Learning Academy Coop for waiver
7 from statutes as set forth in the published agenda.

8 20.11, approve Charter School Institute's
9 request on behalf of James Irwin Charter Academy for waiver
10 from state statues as set forth in the published agenda.

11 20.12, approve Douglas County RE-1's request
12 on behalf of Parker Core Knowledge Charter School for
13 waiver requests from state statutes as set forth in the
14 published agenda.

15 20.13, approve Douglas County RE-1's request
16 on behalf of Sky View Academy for waiver from state
17 statutes as set forth in the published agenda.

18 20.14, approve Denver public schools, Fred
19 N. Thomas Career Education Center Middle College early
20 college designation request as set forth in the published
21 agenda.

22 20.15, approve the grant recommendation for
23 the Adult Workforce Partnership Program as set forth in the
24 published agenda.

25 This is the end of the consent agenda.



1 MADAM CHAIR: I think that's the longest
2 (inaudible).

3 UNIDENTIFIED VOICE: That's the longest one
4 I've seen.

5 MADAM CHAIR: Yeah. That's a proper motion.
6 Is there a second?

7 UNIDENTIFIED VOICE: Second.

8 MADAM CHAIR: Jane? Any discussion? Any
9 objection? All in favor?

10 UNIDENTIFIED VOICE: Aye.

11 UNIDENTIFIED VOICE: Aye.

12 UNIDENTIFIED VOICE: Aye.

13 MADAM CHAIR: Ms. Markel, would you report
14 to the board or, yes, would you do (inaudible)?

15 MS. MARKEL: Good morning, Chairman.

16 MADAM CHAIR: (Inaudible) closely.

17 MS. MARKEL: Good morning, Chairman Neal,
18 Members of the Board, and Commissioner Hammond.

19 In your packets today, you have the
20 following materials: your events calendar, and expense
21 report. For 7.01 you have a copy of Jennifer Mello's 2015
22 End of Legislation Report, a summary of House Bill 1323,
23 and a summary of Senate Bill 173.

24 For 9.01 you have a copy of the C Mass High
25 School Science and Social Studies -- Studies PowerPoint.



1 The C Mass High School Science and Social Studies
2 performance level descriptors. The ones that you've had
3 from March through April.

4 Science grade five, student performance
5 report. Social studies, grade seven students performance
6 report, and Criterion based cut score setting.

7 For Item 13.01, you have a copy of the food
8 and nutrition service rules, with a clean and a redline
9 copy, the crosswalks between statute and rule, a chart
10 outlining written comments, and staffs responses, and
11 comments pertaining to the rules.

12 For 13.02, you have a copy of the
13 accounting, and reporting rules. Again, a clean, and
14 redlined copy, the crosswalk between statute and rule, a
15 chart outlining written comments, and staff responses, and
16 the comments pertaining to the rules.

17 For Item 16.01, you have a copy of the
18 Healthy Kids Colorado Survey, the active consent parent
19 information letter, the passive consent parent information
20 letter, the principal letter, the superintendent letter,
21 and steps for -- for the teachers to administer the survey
22 in the classroom.

23 For Item 17.01, you have a copy of the READ
24 Act rules, both a clean and redline copy, a crosswalk
25 between the statute and rule.



1 The August 12th, 2014? Yeah, '14 opinion
2 from the attorney general, as well as the chart outlining
3 written comments, and staff's responses.

4 For Item 18.01, you have a copy of Pueblo
5 District 70's waiver resolution, and the waiver -- and the
6 district waiver request document that has all the waivers
7 we've received up to date.

8 I just want to point out that you do not
9 have a hard copy of the February 4th formal opinion or the
10 waivers that you've received between February, and April,
11 but those are all available on Board docs.

12 For Item 18.02, you have a copy of the
13 application materials submitted in support of the
14 appointment to the Colorado Special Education Advisory
15 Committee.

16 For 18.03, you have a copy of the
17 application materials submitted in support of the
18 appointment of the Colorado Special Education Fiscal
19 Advisory Committee.

20 For 18.04, you have a copy of the 1314 data
21 for the high cost reimbursements for special education
22 students in out-of-district, and in administrative unit in
23 placements or program.

24 For 18.05, you have a copy of the 2015
25 School Turnaround Grant Leaders Development Program Grant



1 recommendations.

2 For 19.05, you have a copy of the Foreign
3 Language Chinese Endorsement Content Assessment PowerPoint,
4 as well as the NES Practice 2 Content Assessment handout.

5 For Items 20.01, and 2013, you have the
6 charter school waiver request materials submitted by Denver
7 County 1, Douglas County RE-1, District 27J, Colorado
8 Springs District 11, and the Charter School Institute.

9 For Item 20.14, you have the early college
10 designation for Fred and Thomas Career Education Center
11 Middle College request application submitted by Denver
12 Public Schools.

13 For 20.15 you have a copy of the Adult
14 Workforce Partnership Program Grant recommendations.

15 And then for Thursday, Item 3.01, you'll --
16 you have a copy of the Student Center Accountability
17 Project PowerPoint, as well as their executive summary.

18 You -- For Item 4.01, you have a copy of the
19 Assessment Accountability Pilot PowerPoint, and the New
20 Hampshire assessment matrix, and a detailed outline of the
21 royal -- the Rural Project Pilot.

22 For Item 4.02, you have a copy of the
23 Elementary and Secondary Education Act Waiver Renewal
24 PowerPoint, as well as Colorado's Waiver Title 1
25 Requirements from USDOE.



1 For Item 5.01, you have copies of materials
2 pertaining to the fiscal year '16, '17 budget change
3 requests.

4 For Item 6.01, you have copies of materials
5 pertaining to the highly effective School Library Program
6 recognition.

7 And lastly, for 8.01 you have the Graduation
8 Guidelines PowerPoint, and their proposed Colorado menu of
9 college and career ready demonstrations.

10 And that's it.

11 MADAM CHAIR: Thank you. Any questions?
12 Thank you very much.

13 Next item on the agenda is the
14 commissioner's report, and the first item is the
15 legislative update. Commissioner.

16 UNIDENTIFIED VOICE: Thank you. I like to
17 call Ms. Jennifer Mello up. She gets her end of the year
18 report that you all received, and (inaudible) report.

19 MS. MELLO: Good morning everyone. It's
20 nice to see you. So you've received a variety of written
21 materials from me in the last several days. One of which
22 was the end of session report, we sent out on Friday.
23 That's the most comprehensive document, addresses all of
24 the K-12 issues we dealt with during the session.

25 Additionally, on Monday we sent out, and



1 this was something that -- that I worked on in conjunction
2 with the CDEC staff, a summary of the final kitchen sink,
3 though. We've used that term a lot, or at least I've used
4 it a lot in the last several months.

5 The bill that passed was House Bill 1323. I
6 plan to spend most of my time today kind of walking through
7 that. I think that's probably the most substantive and
8 most significant thing.

9 Additionally, you have some information on
10 the Student Data Security Bill, which to be clear did not
11 pass, right? So we don't -- we didn't get any student data
12 security legislation out of this session.

13 In our last legislative contact meeting,
14 both Board Member Goff, and Board Member Durham had asked
15 for some more detailed information on what was in the bill,
16 what the -- we ended up with a different Senate version,
17 and House version, and the explanation of what those
18 differences were. So you have that as well, and I'm
19 obviously happy to answer any questions about that.

20 I thought we might dive into that at another
21 time in terms of more detail, but it's your prerogative.
22 So let me just start by, are there questions on any
23 specific pieces of legislation that aren't 1323, the big
24 kitchen sink, though, which I will walk through in just a
25 minute. I just want to make sure I'm addressing all of



1 your concerns.

2 MADAM CHAIR: Board, Angelika?

3 MS. SCHROEDER: So when we talk about the
4 data bill, which apparently we won't do it today. It would
5 have -- I -- I read what you sent. It would help me to
6 know what are the items in that bill that were commonly
7 agreed to, as opposed to what were the things that
8 separated the House and the Senate? Because I'm not -- I'm
9 not totally convinced that we can't work probably with CAES
10 to help draft some potential policies that school districts
11 would pass in order to achieve at least some of the
12 protections for kids data that we wanted to see how it
13 happened.

14 But I know that that's going to be
15 controversial unless we can come up with the items, but I
16 think we could make recommendations and provide some --
17 some -- let's see, what does CAES do that's -- it's model -
18 - it's model policy that they recommend to school
19 districts. So we might actually achieve something instead
20 of waiting a whole year for this to come back again.

21 MADAM CHAIR: That's the idea.

22 UNIDENTIFIED VOICE: I -- I need some I need
23 some help with what's common, what's acceptable, what seems
24 to be acceptable or appropriate by everyone. And then what
25 -- I don't care what differentiates.



1 MADAM CHAIR: Pam.

2 MS. MAZANEC: Yeah. Along those lines, I
3 would like to know what -- what separated them? What --
4 what was the conflicts that prevented passage? I'd like to
5 know what --

6 MADAM CHAIR: So --

7 MS. MAZANEC: -- what each side is looking
8 for?

9 MADAM CHAIR: -- (inaudible) so somewhat on
10 the same --

11 MS. MAZANEC: Somewhat on the same thing,
12 but I wanted --

13 MADAM CHAIR: -- what -- what is the
14 difference here?

15 MS. MAZANEC: -- not just common. Yeah.

16 UNIDENTIFIED VOICE: What was common, and
17 what was (inaudible) --

18 MS. MAZANEC: Not just common ground --

19 UNIDENTIFIED VOICE: Yeah.

20 MS. MAZANEC: -- but I want to know what
21 divided them. So --

22 UNIDENTIFIED VOICE: Carrie have a minute.

23 UNIDENTIFIED VOICE: MADAM CHAIR?

24 MADAM CHAIR: Yes.

25 UNIDENTIFIED VOICE: If I may, as part of my



1 transition, one of the things that we have put in place,
2 other members of the Board, just so you know, we have a
3 data privacy and security team. And we will be receiving
4 dedicated help from the AG's office, from the assistant AG
5 who has -- is -- has an expertise in privacy.

6 So one of the projects that they are
7 undertaking at this point, and I don't want to speak for
8 them, but one of the projects they are undertaking is just
9 what you all are discussing. Looking at 173, the
10 differences between the two Houses, and making some
11 recommendations about upgrading CVE's policy for contracts
12 involving the Sheridan PII, and posting guidance on the
13 website for districts.

14 UNIDENTIFIED VOICE: For districts?

15 UNIDENTIFIED VOICE: Uh-huh. And the hopes
16 that there will be something passed in the coming year.

17 MADAM CHAIR: But it looks to me like you
18 have kind of anticipated the questions here. Will they be
19 bringing us -- bringing forward a report to us, like, maybe
20 next month or so?

21 UNIDENTIFIED VOICE: The hope is, and the
22 plan is that once they have assessed what -- what they --
23 what their recommendation will be is to bring it back to
24 the legislative liaisons first, and then onto the full
25 Board before they proceed on with the project.



1 MADAM CHAIR: Sounds good, (inaudible).

2 UNIDENTIFIED VOICE: But it would be more
3 powerful.

4 MADAM CHAIR: Any problem? Steve D.

5 MR. DURHAM: Thank you, Madam Chair, I have
6 a couple of questions. One, who -- who had the lead on
7 trying to pass this bill? Jennifer, do you know which
8 organization took kind of responsibility, if any, for
9 trying to get this passed?

10 UNIDENTIFIED VOICE: Madam, Chair Board
11 Member Durham, I would -- I would say the CAES was -- was
12 in the lead. They worked very closely with a group of
13 parents over the summer and fall to draft the original
14 version of the bill that was introduced.

15 I think, and -- and I'm happy to talk more
16 clearly, I -- I incorrectly anticipated that you would want
17 to hold this conversation for another day, so I can talk a
18 little bit more about the differences between the two
19 bills, but towards the end I think CAES, and the parents
20 were perhaps not on the same page. So that I think they
21 started out working really closely together, and then there
22 as the bill moves through the process, there were some
23 diversions and their opinions on it.

24 MR. DURHAM: Is the -- do we ever -- we ever
25 have a proactive legislative agenda? Is that common for --



1 MADAM CHAIR: We have -- we have a
2 legislative agenda. I don't know if you would consider it
3 proactive --

4 MR. DURHAM: When we're --

5 MADAM CHAIR: -- or not.

6 UNIDENTIFIED VOICE: You mean the
7 priorities, (inaudible)?

8 MR. DURHAM: Where -- where we would
9 actually seek to find sponsors for, and instruct the
10 lobbyists to work for the passage of a particular piece of
11 legislation, and provide whatever support the Board can for
12 passage. Do we ever do that or is that --

13 MADAM CHAIR: Yes.

14 MR. DURHAM: -- something we haven't done?

15 UNIDENTIFIED VOICE: Yes.

16 MADAM CHAIR: Yes, we do. And certainly,
17 you know, as you know, you were not on the Board when we
18 were preparing that, and so next year I would assume that
19 you have a very active voice in that process.

20 We do have the process and -- and I agree
21 with you --

22 UNIDENTIFIED VOICE: Historically.

23 MR. DURHAM: Yeah, okay.

24 MADAM CHAIR: -- but of course it has to
25 pass, you know, through the Board that that's a -- a -- a



1 priority of theirs.

2 UNIDENTIFIED VOICE: Madam Chair?

3 MADAM CHAIR: Yes. Mr. Commissioner.

4 UNIDENTIFIED VOICE: On the accountability
5 (inaudible) with Senator --

6 UNIDENTIFIED VOICE: King.

7 UNIDENTIFIED VOICE: Peter King (inaudible).

8 MADAM CHAIR: I can't hear you.

9 UNIDENTIFIED VOICE: With Senator Hudak
10 (ph), and Senator King --

11 MADAM CHAIR: King.

12 UNIDENTIFIED VOICE: -- worked very closely
13 with you all, and the Department (inaudible), and I would
14 say on something like this, if that's where you're leading,
15 I think that it would be very appropriate (inaudible).

16 MADAM CHAIR: Yeah, yeah, no problem at all.
17 It's just that as people move along -- Val.

18 MS. SCHEFFEL: Madam Chair.

19 MADAM CHAIR: Put your mic down.

20 MS. SCHEFFEL: Was it -- wasn't that the
21 Holbert, and Pabon?

22 UNIDENTIFIED VOICE: Madam Chair, Dr.
23 Flores, yes. That's what we're talking about, Senate Bill
24 173 by Senator Chris Holbert, and Representative Dan Pabon.

25 MS. FLORES: But didn't Pabon add a -- an



1 amendment to kind of give it away to the -- to these --

2 MADAM CHAIR: That would probably be an
3 opinion.

4 MS. FLORES: Well, I think it's not an
5 opinion. I think he did that, and to -- to Google, and to
6 Microsoft, and to all the others.

7 MADAM CHAIR: Madam Chair, Dr. Flores, I
8 mean I -- I -- I think that there were people who -- who
9 did see it the way that you're describing, Dr. Flores. I
10 think there were others who would disagree with that
11 characterization.

12 The Pabon version of the bill did pass the
13 house almost unanimously. So it did generate how
14 democratic and republican support. Again, there are
15 different opinions about this. I'm not expressing support
16 for one side or the other, but, as a matter of fact, the
17 bill did -- the Pabon version of the bill generated
18 significant bipartisan support in the house.

19 And the Holbert version of the bill
20 generated significant bipartisan support in the Senate.

21 MADAM CHAIR: Angelika.

22 MS. SCHROEDER: So I just wanted to suggest
23 to -- to Carrie that we include CASBE in that.

24 Recommendations from CDE don't get to the State Board
25 Members. So to the extent their policy, model policies



1 that Board -- that Boards might adopt, I would recommend
2 that they be a part of that conversation, when you get to
3 that point.

4 MADAM CHAIR: When you said "Board Members,"
5 you mean local Board Members?

6 MS. SCHROEDER: I mean, I'm sorry, right.
7 Local Board Members. They get a lot of there, and
8 superintendents get a lot of their recommended for changes
9 in policy through that particular process, through CASB.

10 MADAM CHAIR: Okay.

11 MS. SCHROEDER: Sorry, I'm not articulate.

12 MADAM CHAIR: If there's no further --

13 MR. DURHAM: I'm not. Yeah.

14 MADAM CHAIR: Quickly, please.

15 MR. DURHAM: Madam Chairman, the -- so if --
16 if someone then make sure that this gets on the list when
17 we start considering a -- our -- our legislative options in
18 the fall, I would appreciate that. And then also I think
19 the initiative that Ms. Markel has discussed is possibly
20 providing an internal policy to amend our contracts to
21 contain essentially the privacy protections that were in
22 the strong version of 173.

23 And I believe we can accomplish by contract
24 virtually everything that was in -- in the legislation.

25 And we could probably set that as a model, a contract



1 provision that school districts could choose to adopt or
2 not adopt, but I'd like to certainly see that as part of
3 the next agenda item when we discuss our privacy options
4 next month. Is it -- it may be the simplest solution, and
5 -- and I think it's -- I think it's quite enforceable.

6 People are looking for business, and I do
7 know some of the vendors and one of the things I would like
8 is some -- a list of, if to the extent you know of the
9 vendors who opposed the bill, I think their contract should
10 be carefully monitored. But I believe that -- that we
11 could start inserting this language in contracts, and we
12 could perhaps quell some of the concerns out there that
13 people have if we have strong enough language in our
14 contract. So I'd sure like to see that part of an agenda
15 soon.

16 MADAM CHAIR: Thank you, Mr. Durham. I -- I
17 imagine that it's possible. Can we move along now to back
18 to the rest of the agenda? Go ahead.

19 UNIDENTIFIED VOICE: Sure. So, and -- and -
20 - and, so in the written materials we provided you we did
21 distinguish what was in both bills, and what was in
22 different versions of the bill. I'll just give a brief
23 overview of that, so you -- you have that, because I think
24 you guys get a lot of --

25 UNIDENTIFIED VOICE: (Inaudible).



1 UNIDENTIFIED VOICE: -- a lot of written
2 information to review. So I think it's important to note
3 that both versions of the bill had a clear definition of
4 what an operator is. An operator was defined as someone
5 who operates an Internet Website, an online service
6 including cloud computing services, online application, or
7 mobile application.

8 Clear definitions of public school purpose,
9 clear definition of what gathering means. That's an
10 important concept, right, when we're talking about data.
11 So those were things the bills had in common.
12 Additionally, the bills, both versions of the bill banned
13 operators from engaging in targeted advertising using
14 information acquired through the website to create a
15 profile of student or selling student information. So that
16 was again, common language.

17 The House version of the bill, so in the
18 original version of the bill that which was the Senate
19 version, it made it clear that an operator was all those
20 things I just talked about, right, these companies, but it
21 was not a school district or the department of Ed or some
22 other, like, it wasn't schools, essentially.

23 The House version of the bill added language
24 to say that an online school operating under a contract
25 with a school district is also not an operator. That is



1 something that parents were upset about. The parents who
2 were involved in the bill didn't like the fact that online
3 schools got defined as being like other schools versus
4 being an operator, like, a Google or a Microsoft. So that
5 was one area of difference between the bills.

6 The senate version of the bill had some very
7 specific language. Again, this is targeted at operators
8 about posting information. So posting contact information
9 for the entity collecting, posting the type of student
10 information that's collected, posting the purpose for
11 what's -- what's (inaudible), posting the retention and
12 disposal.

13 The House version of the bill removed that.
14 And this is, again, you have all this in front of you when
15 you -- when you want to look at it. The house version took
16 that specific language out, replaced it with I would call
17 more general language, getting at similar concepts, not in
18 a way that was acceptable, again, to the parent groups.

19 But the house version required that
20 operators provide information about the types of
21 information collected, and how it's shared and used,
22 providing notice before making changes through privacy
23 policies, and facilitating student and parents access to,
24 and correction of student information.

25 The final, I think significant difference



1 between the two versions of the bill. There was again, as
2 introduced, the bill had a very long section that talked
3 about what this bill is not saying operator. So it's --
4 it's, like, operators, you can't do all this stuff, but
5 we're making it really clear. We're not saying you can't
6 do all of this. For example, both versions of the bill
7 said that you could not limit an operator's ability to
8 comply with law enforcement.

9 You couldn't limit the ability of an
10 operator to use student information for adaptive learning
11 or customized student learning purposes. Again, that was
12 in both versions of the bill. Now, and that went on.
13 There were several other provisions included in both.

14 The House version added some additional
15 language in that regard, and -- and -- and I when I read
16 this, I have to say I think it was -- it got a little
17 repetitive, but in their minds it clarified that an
18 operator may use recommendation engines to refer a student
19 to additional content or services within the operator's
20 website as long as the recommendation was not determined by
21 payment or other consideration from a third party.

22 It did not prohibit an operator from
23 responding to a student's request for information or
24 feedback, if the information or response is not determined
25 by payment or consideration from a third party. It did not



1 prohibit an operator from using or retaining student
2 information to ensure legal or regulatory compliance, and
3 did not prohibit an operator from using or disclosing
4 student information with the affirmative consent of a
5 school parent or student.

6 I -- I recognize that we need to talk about
7 other things today. I think that hopefully that gives you
8 a flavor of what some of the conversation is about. I
9 think what I would say is the details really matter on
10 this, right, and an understanding of what the details
11 really mean matters. So I look forward to kind of
12 additional opportunities, whether in this setting or
13 however you all want to do it, to continue to talk about
14 these issues and make sure that in addition to the work
15 you're doing just as a Board, and with the department under
16 your own prerogative, as we go into the next legislative
17 session, I'm able to carry out whatever it is you all would
18 decide you would like us to do.

19 MADAM CHAIR: Thank you.

20 UNIDENTIFIED VOICE: Okay. So moving onto
21 1323, which again passed on the very, very last day of
22 session, and the details of which only became public, and
23 were changing up until the last day of session. So it's
24 not as if any of us have had enormous amounts of time to
25 review all of this, but I think we had a -- a good



1 understanding of what changes were made to current laws
2 that relates to assessments.

3 So again, you have most of this in writing,
4 but I'll walk through the highlights. We've eliminated the
5 11th grade park English language arts, and math state
6 assessment. That was one of the things they did. They
7 have replaced the tenth grade park assessments with an
8 assessment that is, and this is statutory language, aligned
9 with Colorado academic standards, and the 11th grade
10 college entrance exam.

11 Now, under state law we have to go through a
12 competitive procurement process to figure out what the
13 tenth and 11th grade assessment will be. So there's no
14 determination has been made on that. As a matter of law,
15 it has to be done through the procurement system.

16 What I will tell you in the conversations at
17 the capitol is that many folks refer to the ACT Aspire as
18 an example of what they thought the tenth grade tests
19 should look like, and that the ACT test with some
20 modifications as an example of what they thought the 11th
21 grade test should look like. So hopefully that fleshes
22 that out for you a little bit.

23 It does retain science --

24 MR. DURHAM: Madam Chair.

25 UNIDENTIFIED VOICE: We have questions.



1 MR. DURHAM: I have a quick question. Did
2 the -- did the amendment that was hopefully to broaden this
3 from sole source get on the bill or did it not?

4 UNIDENTIFIED VOICE: Madam Chair, Board
5 Member Durham, there's not -- the simple way to answer your
6 question is no. However, I think the language that's in
7 the bill is sufficient in many ways to ensure a competitive
8 procurement process. And I'll -- I'll just defer to Jill
9 real quick, if she wants to add anything on that, because
10 that was one of the areas that we've been looking at fairly
11 carefully. And as you mentioned, it was changing until the
12 very last minute.

13 MR. DURHAM: (Inaudible).

14 UNIDENTIFIED VOICE: Sure. Yes, we do, and
15 we will go through a competitive procurement process, and
16 we do believe there will likely be more than one vendor --

17 MR. DURHAM: Yep.

18 UNIDENTIFIED VOICE: -- that could meet the
19 requirements.

20 MR. DURHAM: Thank you.

21 MADAM CHAIR: Thank you.

22 MS. SCHROEDER: And --

23 MADAM CHAIR: Angelika.

24 MS. SCHROEDER: And do we adopt it? Do you
25 guys do the process, and then make -- make a recommendation



1 to us. Is that the process?

2 UNIDENTIFIED VOICE: To the State Board?

3 MS. SCHROEDER: The State Board?

4 UNIDENTIFIED VOICE: That's a good question.

5 I don't actually know the details of that, but we'll find
6 out.

7 MADAM CHAIR: Okay. Thank you. Go ahead.

8 UNIDENTIFIED VOICE: So science assessments
9 have been retained. There will be one in elementary, one
10 in middle, and one in high school. The change there is, it
11 was made clear that 12th grade testing is not -- is no
12 longer -- you couldn't test in 12th grade and be compliant
13 with state law anymore.

14 Under social studies assessment I know a
15 topic of dear concern to Madam Chair.

16 MADAM CHAIR: (Inaudible).

17 UNIDENTIFIED VOICE: So it's a little bit
18 confusing, because 1323 actually did eliminate social
19 studies testing, however, separate piece of legislation
20 passed also on the last day of session that continues
21 social studies testing, but using a sampling method. So --

22 UNIDENTIFIED VOICE: All three levels?

23 UNIDENTIFIED VOICE: Correct. Once in high
24 school, once in elementary, once in middle school, but
25 again, it's a sampling method, and there's language in the



1 bill that talks about it, so long as every school gets
2 sampled, if you will, or -- or applies to test at least
3 once every three years.

4 Oh, and Jill, just, because she's so good,
5 pulled up the bill right here. It says "the Department of
6 Education shall select and the state shall pay the costs of
7 administering the assessments," we just talked about for
8 the tenth and 11th grade.

9 MADAM CHAIR: And I would just add that the
10 work of the Social Studies Committee was heroic, and, of
11 course, I'm very much in favor of -- of social studies.
12 That's a personal thing, but, they were at that capitol all
13 the time. Somebody was there testifying almost every time,
14 any time. They testified on all the bills, and Rob Clinton
15 called me after this last one, and as I understand it, I
16 mean, that they were, like, it was, you know, the last
17 couple of days, and -- and they were, like, the only ones
18 that showed up in that particular hearing.

19 UNIDENTIFIED VOICE: Madam Chair, it was --

20 MADAM CHAIR: So they were really hammering
21 away --

22 UNIDENTIFIED VOICE: Yeah.

23 MADAM CHAIR: -- and that's one of the
24 reasons why they got it. (Inaudible).

25 UNIDENTIFIED VOICE: They put the bill in



1 the Judiciary Committee on the second --

2 MADAM CHAIR: Yeah, (inaudible).

3 UNIDENTIFIED VOICE: -- on the second to
4 last day of session, which I have to admit fooled a lot of
5 people.

6 MADAM CHAIR: And a lot of people weren't
7 there (inaudible).

8 UNIDENTIFIED VOICE: It was a little
9 confusing to figure out why we had our testing bill up in
10 the Judiciary Committee.

11 UNIDENTIFIED VOICE: You couldn't find it.

12 MADAM CHAIR: But, both Deb, and I have
13 talked about to -- to put AP push tests, and -- and I have
14 to make my little editorial comment.

15 The problem has been that it's -- and I --
16 someone -- I heard someone say this, it's very easy to
17 teach kids that American history is, you know, is bad, and
18 they -- they've did all -- done all these wrong things. If
19 they haven't had a thorough background, which most of us
20 did. So I'm really pleased that this personally, I'm very
21 pleased that this happened, and I hope that we are able to
22 take advantage of it and do a good job.

23 UNIDENTIFIED VOICE: MADAM CHAIR --

24 MADAM CHAIR: Go ahead.

25 UNIDENTIFIED VOICE: -- so additionally 1323



1 requires the district to adopt policies that allow parents
2 to excuse their students from state assessments. You can
3 think of that as a codification of what everyone already
4 agreed was a parent's ability to do. It does not contain
5 language, statutory language, that is, requiring that
6 districts or schools be held harmless for that parental
7 decision.

8 There was a separate bill on that topic,
9 which you as a Board did -- did support. That bill did not
10 pass. Additionally, the bill, 1323 again, eliminate some
11 redundancies between the READ Act, and the School Readiness
12 Assessments to kind of harmonize some of that testing that
13 happens right at the beginning of kindergarten when we're
14 looking at kiddos to see where they are in reading, and all
15 of that.

16 It does allow districts to request paper,
17 pencil format of any online state assessment. This is, I
18 think a fairly significant provision, and one that perhaps
19 didn't get enough attention. When you think just about
20 what you all are hearing from districts, what I hear, what
21 we all see out there, what one of the biggest concerns for
22 districts have been, many, not all, has been the
23 availability of the machines, the broadband access, all of
24 those issues that come along with -- with online or
25 computerized testing. Under this bill, no district has to



1 do online testing anymore.

2 MS. SCHROEDER: They didn't before.

3 UNIDENTIFIED VOICE: I -- I would,
4 Dr. Schroeder, there's certainly were a number of things
5 with the Board you all had adopted, and that -- and that
6 the department had done. I think this -- this puts that
7 into statute, right? So this codifies many of the
8 directions that you guys were already headed in terms of
9 providing relief in that area. That's an important
10 clarification. Thank you.

11 This allows for more flexibility and testing
12 English learners in their native language. It clarifies
13 the use of state assessments, and educator effectiveness
14 ratings. So as you'll remember, there were a number of
15 bills around Senate Bill 191, The Educator Effectiveness
16 System, and how state assessments would count towards that.

17 What this in its final version said, and I'm
18 just going to turn to this, because I want to make sure I
19 get this right. Excuse me. So for the 2014, '15 school
20 year, the year that we're in, local school Boards may not,
21 so there's an absolute prohibition on using the results of
22 statewide assessments, and measuring the student growth
23 component of educator effectiveness. So they can use local
24 evaluations, but they may not use any statewide evaluations
25 for '14, '15.



1 MADAM CHAIR: All right. Excuse me. Do --
2 is there a time period on that, like for the next two years
3 or something or is it --

4 UNIDENTIFIED VOICE: One year.

5 UNIDENTIFIED VOICE: Madam Chair, yes. Let
6 -- it -- yes.

7 MADAM CHAIR: Okay. Then go ahead.

8 UNIDENTIFIED VOICE: You perfectly
9 anticipated where I was heading next. So local Boards may
10 use statewide assessment data in the '14, '15 school year
11 as a baseline. Right. So they can look at their --
12 they're not going to use it in the '14, '15 evaluations.
13 They -- they can still look at it, and say, okay, that's
14 our starting point for measuring student growth in '15,
15 '16, and subsequent school years. The other thing --

16 MADAM CHAIR: (Inaudible)a pretty wise move.

17 UNIDENTIFIED VOICE: I think this was some
18 language that was really carefully crafted at the very end
19 of the process.

20 MADAM CHAIR: Yeah.

21 UNIDENTIFIED VOICE: There were a lot of
22 eyes on this, so hopefully it -- it (inaudible).

23 MADAM CHAIR: That might even be too soon,
24 but at least they didn't, you know, put it -- they
25 recognized that they couldn't do that.



1 UNIDENTIFIED VOICE: Right.

2 MADAM CHAIR: You know.

3 UNIDENTIFIED VOICE: I think the other --
4 the other thing that's important about this is it says,
5 going forward local Boards can only use statewide
6 assessment data as long as -- they have to get it two weeks
7 prior to the last day of the school year.

8 So if they get that data two weeks prior to
9 the last day of the school year, so let's just use '14, '15
10 as an example. We're getting close, right? We're pretty
11 close to two weeks before the end of the school year right
12 now.

13 So if they had it by now, they could use it
14 for '14 -- I picked a bad example of a year, because now
15 I'm going to confuse this. But in theory, let's just
16 pretend we're in '15, '16. If they had it at the -- in May
17 -- May 15th of 2016, right. They could use that for the
18 '15, '16 school year. If they don't have it by that date,
19 they can use it for the following school year. Does that
20 make sense?

21 UNIDENTIFIED VOICE: It's not (inaudible),
22 but yes.

23 UNIDENTIFIED VOICE: Big words, it doesn't
24 make a lot of sense in real life --

25 UNIDENTIFIED VOICE: Yeah.



1 UNIDENTIFIED VOICE: -- atmosphere.

2 UNIDENTIFIED VOICE: Okay. Well, I'll take
3 the word part mix as a victory for me. Additionally, for -
4 - okay. So we just talked about accountability in the --
5 in -- for professionals, for our teachers, our principals,
6 and other professionals in our schools. When we talk about
7 the school and district accountability system, what this
8 says is that we're gonna retain our '14, '15 accreditation
9 ratings for the '15, '16 school year, right? So
10 essentially what we've done is say we're going to have a
11 year of kind of -- of -- of holding steady in that system.

12 And then the final thing, and this was the
13 subject of intense, intense conversation at the capitol
14 over the last 10 days, is it creates a -- in its final
15 version a two phase assessment pilot program where local
16 school districts have the ability to either on their own or
17 in cooperation with other school districts, look at local
18 assessments and how they could, and -- and essentially
19 gives them the ability to prove that those could be used
20 for the purposes of state accountability.

21 It's not gonna happen overnight. It's not
22 going to happen tomorrow necessarily, but the bill does lay
23 out a framework for that process to move forward, and to
24 give, again, you all here this (inaudible) much more than I
25 do, but clearly districts have said we would really like



1 the ability to use our local assessments, which we find
2 more valuable for our own purposes to count for state
3 accountability.

4 This sets up a process to look at how we
5 might make that work, so that we could meet, would've been
6 defined previously as state goals around accountability,
7 and -- and being able to look at performance of different
8 subgroups, and -- and other aspects. And had do that using
9 tests the local districts find more meaningful, and
10 valuable.

11 So that, in its essence, is what 1323 did.
12 As you all know, we go through an extensive process of
13 reviewing all the bills, and we do this implementation
14 report that we typically present -- present in June, that
15 outlines very specifically what role the things that
16 department needs to do as a result of bills passed, and
17 then things you all need to do. So this will certainly be
18 a part of that. So this is not the last time we will talk
19 about this. This is just my first opportunity to give you
20 all an overview of what happened, and then we'll continue
21 the conversation.

22 MADAM CHAIR: Deb?

23 MS. SCHEFFEL: When you said that all the
24 districts will retain their current accreditation rating,
25 how does that affect the schools on the clock?



1 MADAM CHAIR: Yeah.

2 MS. SCHEFFEL: (Inaudible) question for the
3 commissioner.

4 MADAM CHAIR: Commissioner, do you --

5 MS. SCHEFFEL: The districts or schools I
6 should say.

7 UNIDENTIFIED VOICE: (Inaudible) we've been
8 talking about. And (inaudible).

9 UNIDENTIFIED VOICE: Madam Chair?

10 MADAM CHAIR: Yes.

11 UNIDENTIFIED VOICE: It' a great question.
12 And as I think Jennifer mentioned earlier, we're still
13 digging into the law as well in trying to make sure that we
14 completely understand the implications for school
15 accountability, and district accountability. And we're
16 going to be working to get out a communication to the field
17 next week around some of these types of questions. But
18 based on early kind of indications of what we've looked at,
19 essentially schools and districts within our year five,
20 July 1st, that -- that continues, but they be in that
21 category for two years.

22 So there would be essentially an extra year
23 for accountability for the schools, and districts. And
24 again, we're working with our in house legal counsel and
25 also with the Attorney General's Office to make sure that



1 you've got that right. But right now that's the way that
2 we're interpreting it.

3 MS. SCHEFFEL: Thank you.

4 MADAM CHAIR: Thank you. It sounds like you
5 anticipated many problems. Angelica.

6 MS. SCHROEDER: I would appreciate some help
7 on aligning the READ Act, and the school readiness. I
8 mean, I think there's a piece in here that tried to bring
9 those two together, but it -- in -- in reflecting on that,
10 I realized I've never looked at what -- at those two
11 together, which is what we heard from the field that
12 putting the two together became overwhelming, and I've
13 never -- I don't need the historical, but I would like to
14 see now what is it that districts, preschools,
15 kindergartens, and what K-3 for -- for the READ Act --

16 MADAM CHAIR: Yeah.

17 MS. SCHROEDER: -- what is involved in each
18 one of those levels? Is that super complicated question?

19 MADAM CHAIR: Jill?

20 UNIDENTIFIED VOICE: Madam Chair?

21 MADAM CHAIR: Yeah.

22 UNIDENTIFIED VOICE: So for kindergarten,
23 what it essentially allows folks to do is if they
24 administer the school readiness assessment, and the school
25 readiness assessment has multiple domains, and one of those



1 domains is literacy. So if when they use, if they
2 administer a READ Act Assessment, they don't have to
3 administer the literacy component of school readiness.

4 UNIDENTIFIED VOICE: But not the other way?

5 UNIDENTIFIED VOICE: Correct. Not the other
6 way, because the literacy component of school readiness is
7 not robust enough to identify significant reading
8 deficiency.

9 UNIDENTIFIED VOICE: Okay.

10 UNIDENTIFIED VOICE: And is that
11 significant? Is that portion of the school readiness tests
12 significant so that that really helps?

13 UNIDENTIFIED VOICE: Madam Chair?

14 MADAM CHAIR: Yes.

15 UNIDENTIFIED VOICE: Our understanding,
16 because we were actually implementing this anyway in the
17 field, so it codifies kind of the practice, and guidance is
18 that it is a helpful way to streamline the assessments, and
19 build them together.

20 UNIDENTIFIED VOICE: And is -- is my request
21 on (inaudible) to get a -- on paper a picture of each level
22 what is it that we're expecting districts to do? Are their
23 exemptions for small districts on any of these, et cetera?

24 UNIDENTIFIED VOICE: Madam Chair?

25 MADAM CHAIR: Yes.



1 UNIDENTIFIED VOICE: We can definitely
2 provide that. We can also show you, because as you know,
3 the Board has a menu of approved assessments for the READ
4 Act, also for school readiness. We can show you what those
5 look like, because, like, the time involved differs between
6 the assessments, and we can show you.

7 UNIDENTIFIED VOICE: Yeah, I'm trying to put
8 these two together because that's where there's been some -
9 - is that okay colleagues? I know that's going to put some
10 work on staff, but it would help me kind of understand what
11 I'm hearing from others, and what it is that legislature
12 actually did, because they were not by no means were passed
13 at the same time. And I think that's --

14 UNIDENTIFIED VOICE: Yeah.

15 UNIDENTIFIED VOICE: -- when things went a
16 little bit awry.

17 UNIDENTIFIED VOICE: We can do that.

18 UNIDENTIFIED VOICE: Madam Chair?

19 MADAM CHAIR: Yes.

20 UNIDENTIFIED VOICE: If we're on this topic,
21 I ways looked over some of the -- well, some of the things,
22 the data that was kind of crossed out that kind of worried
23 me. And that was the collecting of -- of that data is such
24 that the teacher could have a record of what kids had done,
25 and that seemed to be important to me, and I found it very



1 important, you know, going over what a child was able to do
2 in reading and writing. And that was just struck out of
3 the law. And -- and -- and yet that is a very valuable
4 part of literacy, and, writing, and --

5 UNIDENTIFIED VOICE: Correct (inaudible)

6 UNIDENTIFIED VOICE: Doctor -- Madam Chair -
7 -

8 MADAM CHAIR: Yes.

9 UNIDENTIFIED VOICE: -- Dr. Flores, I think
10 I know what you're referring to, Dr. Flores. We're going
11 to take a quick look and see if we can find it, and see if
12 I can give you a better explanation. I don't think it was
13 actually in the early literacy, and READ Act component of
14 the bill, but we're going to -- we're taking a look right
15 now. One thing I did want to note --

16 UNIDENTIFIED VOICE: It was in the -- oh, I
17 think it was in the literacy, finding out whether second
18 language learners. It was in that part that was struck
19 out, whether they -- it was a little codicil or the little
20 that we added that parents have a right to say whether they
21 want their children tested in -- in English. And I --
22 maybe I -- I got that mixed up.

23 UNIDENTIFIED VOICE: Oh.

24 UNIDENTIFIED VOICE: Madam Chair?

25 MADAM CHAIR: Yes.



1 UNIDENTIFIED VOICE: So that is a different
2 -- a -- a different discussion from this bill.

3 MADAM CHAIR: Okay.

4 UNIDENTIFIED VOICE: That will be when we
5 talk about the READ Act rule changes.

6 MADAM CHAIR: Okay.

7 UNIDENTIFIED VOICE: I think that -- and
8 that's where we have --

9 MADAM CHAIR: Okay.

10 UNIDENTIFIED VOICE: -- added the amendment
11 that you recommended, but that impacts our rules.

12 UNIDENTIFIED VOICE: Yes. Thank you.

13 UNIDENTIFIED VOICE: So we'll bring that up
14 a little later today.

15 UNIDENTIFIED VOICE: Yes. Forgive me.

16 MADAM CHAIR: That's okay. Yes.

17 UNIDENTIFIED VOICE: I just wanted to add
18 one issue, going back to data privacy, because I -- I was
19 searching through my memory banks.

20 We had sent you all a list of all the
21 different corporations that had expressed a position on
22 Senate Bill 173. We will update that, and resend it to you
23 all per Board Member Durham's request.

24 UNIDENTIFIED VOICE: You did?

25 MADAM CHAIR: Thank you. I appreciate it.



1 UNIDENTIFIED VOICE: We did. We emailed
2 that out. I -- I -- I confirmed with -- with Carrie
3 Markel. And again, I believe me, I know you guys get so
4 much stuff and I -- we really try to be sensible --
5 sensitive about not sending too much information, so we'll
6 resend that.

7 UNIDENTIFIED VOICE: But if your name--

8 MADAM CHAIR: So having you send it --

9 UNIDENTIFIED VOICE: -- is on it I do look
10 at it, generally, so that's why I'm -- well --

11 UNIDENTIFIED VOICE: You're right. We do
12 get too much, but we -- we do sort, and that sort of --

13 UNIDENTIFIED VOICE: I appreciate that, that
14 vote of confidence.

15 UNIDENTIFIED VOICE: So I -- I completely
16 missed that. (Inaudible).

17 UNIDENTIFIED VOICE: Okay. We'll resend it.

18 UNIDENTIFIED VOICE: Okay.

19 MADAM CHAIR: I appreciate that too. Yes.
20 Anything else? Jane?

21 MS. GOFF: Thank you, Madam Chair. I -- two
22 things don't require an answer right now. Just a food for
23 thought about some other things in the future we might now
24 want to talk about. I would expect that in the waiver part
25 of our conversation coming up.



1 We'll talk about such things as how the
2 timelines for these, and how many waivers are we in the
3 middle of now, and when will they -- depending on the kick
4 in time for this law, especially 1323 in particular in the
5 pilot, and all that -- I am going to need a firm timeline,
6 a picture literally when these various things overlap.

7 The other -- well, two things. Going --
8 kind of related to data, I would be interested in knowing
9 what -- why was it 1339, 1399, one of those -- yeah, the
10 Sweep Bill. What happened with that? That was an example
11 in a very close to a State Board involved with staff from
12 support of making -- making that move for -- by
13 recommendation of our Financial Services Committee or our
14 group -- our -- sorry. I'm looking at you.

15 And the third thing is at some point
16 discussing = going back to Steve's point about discussing
17 in a -- a literally an agenda, and lining up that. I think
18 that's a good idea. And there was another one. I have
19 lost it. So I'll spare you the --

20 UNIDENTIFIED VOICE: Madam Chair, may I just
21 quickly respond --

22 MADAM CHAIR: Sure.

23 UNIDENTIFIED VOICE: -- to the -- because I
24 can answer your question about it. It was House Bill 1339.
25 It was the bill that at the request of the Fiscal Policies



1 and Procedures Committee, which you as a State Board did
2 decide to support. The bill would have changed the way
3 that districts comply with the fiscal transparency
4 requirements.

5 It passed through the House. It passed the
6 Senate Education Committee. It died on the Senate
7 Appropriations Committee in the last several days of the
8 session. That was after -- so once you all take an active
9 position on support, one of the things that does is that I
10 -- then I am -- am more engaged in a bill right at the
11 capitol. If I'm monitoring, obviously we're just watching
12 what happens, but once you guys have said I want to support
13 this or oppose this, then I'm more involved.

14 So we had offered an amendment to the bill,
15 and the Education Committee that made it optional for
16 districts, because some districts really didn't want to
17 have to do it this new way. They wanted to do it the old
18 way, and we said, well, that's fine. This is about
19 district choice, so we had offered that.

20 That had -- we had been told was enough to
21 secure support to pass the bill. Honestly, it was a
22 surprise to us that it died in the Senate Appropriations
23 Committee as well.

24 UNIDENTIFIED VOICE: It was truly meant to
25 support the rurals, and unfortunately --



1 UNIDENTIFIED VOICE: Well --

2 UNIDENTIFIED VOICE: -- I think the larger
3 districts chose not to support that, but we've put in there
4 the optional. It should have passed, but regretfully, and
5 I do mean regretfully, they denied it.

6 UNIDENTIFIED VOICE: That I -- you know, and
7 I -- I appreciate, and I understand, and I accept that
8 there's sort of the dead end. We come to the dead end
9 answer on some of these bills. What -- what happened? I -
10 - like many, I'm --

11 UNIDENTIFIED VOICE: It would have been a
12 good thing (inaudible) --

13 UNIDENTIFIED VOICE: -- I'm having a hard
14 time wrapping around -- my head around some of these
15 things.

16 UNIDENTIFIED VOICE: Yeah. And the rural
17 districts were very disappointed in the outcome --

18 UNIDENTIFIED VOICE: I would think.

19 UNIDENTIFIED VOICE: -- of that as well.
20 Yeah. So.

21 UNIDENTIFIED VOICE: Thank you, though. I -
22 - the -- I did remember the other thing, again, not
23 requiring an answer. I have seen enough to remember
24 examples of people I think I -- there's gonna need to be
25 some real clarity around 1323, and exactly what -- what



1 those options are, because I -- the other day, in fact, I
2 think it was Monday, I was somewhere where someone was
3 under the impression that districts would have the choice
4 of park. And I think it was -- it was related to the whole
5 ninth, tenth grade situation.

6 But -- but right now, beginning now with the
7 passage of this bill, the choice between the park and
8 another test. So the whole idea about how this is going to
9 work, it's going to be really important for, you know, I
10 know everybody realizes that --

11 UNIDENTIFIED VOICE: (Inaudible) so I won't
12 respond.

13 UNIDENTIFIED VOICE: -- but it's already
14 starting now, and if we can nip some of this in the bud,
15 that'd be helpful.

16 MADAM CHAIR: Okay.

17 UNIDENTIFIED VOICE: Thank you.

18 MADAM CHAIR: I think we all owe Ms. Mello a
19 vote of applause for her -- here -- here we're talking
20 about you, and you're not listening.

21 UNIDENTIFIED VOICE: You have my rapt
22 attention.

23 MADAM CHAIR: I -- I said you deserve a
24 medal or something for having worked through this
25 legislative session. There was one of the -- the most sort



1 of chaotic ones I remember in recent trying to keep up with
2 -- how -- how many testing bills were introduced? Do you
3 know?

4 MS. MELLO: At least a dozen.

5 MADAM CHAIR: Yeah. And then, you know,
6 every, so, you did really good work in keeping us informed,
7 and chasing them around the buildings, and all of that.

8 UNIDENTIFIED VOICE: Thank you.

9 MADAM CHAIR: I think it was good work and
10 thank you. We -- WE all appreciate it, (inaudible).

11 MS. MELLO: Thank you all. That's -- that's
12 very nice. I -- my firm, Bradenberry-McKenna really values
13 working with you all, and we want it to be productive and
14 effective on both sides. So please know I'm always
15 available if there's -- if you have questions, if concerns.
16 Obviously, I work closely with the commissioner and his
17 staff to make sure we're providing you what you need, but
18 we want that to be an open ongoing conversation. So
19 thanks.

20 MADAM CHAIR: Thank you. Board, we're
21 running 30 minutes late, so we need to remember to keep
22 things speeded up. Ms. Burdsall, would you please read us
23 into executive session?

24 UNIDENTIFIED VOICE: Yes, Madam Chair.

25 UNIDENTIFIED VOICE: We move to reconsider



1 an item from the consent agenda. I -- it was just very
2 long, and I hadn't gotten to 20.16. Can we place that on
3 the --

4 MADAM CHAIR: You would like to make a
5 motion to place 20.16 back on the agenda?

6 UNIDENTIFIED VOICE: I apologize. I --

7 MADAM CHAIR: Can we do that?

8 MR. DURHAM: It's already (inaudible).

9 UNIDENTIFIED VOICE: It's already
10 (inaudible).

11 UNIDENTIFIED VOICE: It's a vote.

12 UNIDENTIFIED VOICE: Isn't it on the
13 consent?

14 UNIDENTIFIED VOICE: No.

15 UNIDENTIFIED VOICE: No, it's not.

16 MADAM CHAIR: We voted to it.

17 UNIDENTIFIED VOICE: But isn't -- doesn't it
18 say motion to dismiss?

19 UNIDENTIFIED VOICE: It's -- it's an action
20 (inaudible).

21 UNIDENTIFIED VOICE: So we're gonna be
22 discussing. Okay. Thank you. My apology.

23 MADAM CHAIR: All right. That's fine.

24 Thank you.

25 UNIDENTIFIED VOICE: I'm sorry for



1 (inaudible).

2 MADAM CHAIR: Ms. Burdsall, would you please
3 read us into executive session?

4 MS. BURDSALL: An executive session has been
5 noticed for today's state board meeting and conformance
6 with 24-6-402(3)(a) CRS to receive legal advice on specific
7 legal questions pursuant to 24-6-402(3)(a)(II) CRS in
8 matters required to be kept -- kept confidential by federal
9 law or rules or state statutes pursuant to 24-6-
10 402(3)(a)(III) CRS.

11 MADAM CHAIR: Get used to nobody listening
12 when you -- do I have a motion to convene an executive
13 session?

14 UNIDENTIFIED VOICE: (Inaudible)

15 MADAM CHAIR: Second.

16 UNIDENTIFIED VOICE: Second.

17 MADAM CHAIR: All right. We will -- we will
18 reconvene.

19 (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 22nd day of January, 2019.

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

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