



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
August 12, 2015, Part 4

BE IT REMEMBERED THAT on August 12, 2015,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: Item 16, graduation
2 guidelines discussion.

3 UNIDENTIFIED VOICE: Somebody?

4 UNIDENTIFIED VOICE: Chris. We'll introduce
5 him here in just a second, okay?

6 UNIDENTIFIED VOICE: Chris, are you there?

7 UNIDENTIFIED VOICE: Yes, I am.

8 UNIDENTIFIED VOICE: Perfect. We're just
9 getting started.

10 CHAIRMAN DURHAM: Commissioner?

11 MR. ASP: Thank you, Mr. Chair. As some of
12 you know, we earlier this year brought a recommended --
13 well, let me back up a minute. The Board approved in May
14 of 2013 a set of graduation guidelines for districts to
15 use as they think through comparably-based guidelines for
16 graduation. It also instructed us to move on and we'll
17 get into more detail on this in just a minute.

18 To take another look at those guidelines,
19 and we brought you a set of revised guidelines based on
20 input from a -- a group of folks from the field, both K12
21 and higher ed to consider replacing the current guideline
22 menu. You chose not to do that, but then as you -- as you
23 thought about this process and what it would mean to have
24 a waiver from these graduation guidelines, you asked us
25 to bring these back to revisit both the current menu and



1 the revised menu as well as give you some information
2 about the waiver process and how that might work and we -
3 - we're prepared to do that.

4 We've also have some folks who have served
5 on the work group to put together that set of revised
6 guidelines and we'll introduce those folks in a minute
7 and they'll be able to describe and give you some
8 feedback on how they feel the revised guidelines and the
9 process in general. So that's what we're about and I'll
10 turn it over to Gretchen Morgan to take us from there.

11 MS. MORGAN: Thank you, Mr. Chair. So as
12 Interim Commissioner Asp said, we've put together a brief
13 agenda today to just offer you some background on this
14 topic and we have a few people joining us. So I'm just
15 going to briefly introduce those folks.

16 We have on the phone virtually, Chris Selle
17 who's the superintendent from the Meeker School District.
18 Also here with us in person we have Floyd Cobb who's here
19 from the Cherry Creek School District, and Patty Turner
20 from Littleton. And as Interim Commissioner Asp said,
21 all of these folks served on the assessment work group
22 that constructed that second menu. So -- and I'm joined
23 also -- sorry -- by Mr. Richmond (ph) who you probably
24 know already, who is the director of post-secondary here
25 at CDE.



1 So our agenda is just three high level
2 categories of things we want to share with you. We want
3 to make sure we offer ample time for you all to ask
4 questions and have some discussion. So we've asked Tony
5 Dyl from the AG's office to come and just prepare and
6 present to you some of the legal background about this
7 and he will speak specifically to the graduation
8 guideline statute as well as statutes related to waivers
9 because we understand that you and we have received
10 questions from the field about waivers to this, so he's
11 prepared to speak to that.

12 I've asked Misti to share some of the sort
13 of history of the process so a little more detail than
14 what you heard just a moment ago about what has been the
15 historical process here thinking that might be a good
16 reminder especially as we welcome any Board Member to
17 this conversation.

18 And then, we've asked again these members of
19 the work group to talk about specifically why they as a
20 group may be sort have suggested changes from the first
21 menu to the second so you can hear that sort of
22 background. I did just want to note that we -- we have
23 brought this to you today at the Board's request as an
24 information item, and I do anticipate that if at some
25 point the Board wanted to take action on this topic you



1 would probably hear from a larger group.

2 These three were very flexible and
3 accommodating in coming right now. There are a lot of
4 others who indicated interests, but were unable to be
5 here today or even to be on the phone because this
6 happens to be the first week of either school or staff
7 training for a lot of folks. So if you decided to bring
8 this up on a future agenda item, I think we would
9 probably hear from a broader group of folks. So I just
10 wanted to mention that.

11 So I think -- and then lastly, I'll just end
12 with a reminder for you--all of your options as a Board
13 and how you might respond. So if there aren't any
14 questions at this point, I think we'll just launch in to
15 Tony giving a legal background.

16 MR. DYLAN: Mr. Chair, the statute that
17 requires that the State Board adopt graduation
18 requirements is 22-2-106. It initially required the
19 State Board to adopt a comprehensive set of guidelines
20 for the establishment of high school graduation
21 requirements to be used by each District Board of
22 Education in developing their local high school
23 graduation requirements. Local districts retain the
24 authority to develop their own graduation requirements,
25 however the statute says that they have to meet or exceed



1 those that are established by the Department or by -- by
2 the State Board and the State Board did adopt its initial
3 set of comprehensive set of guidelines in 2013 and those
4 are what remain in effect today.

5 The -- the statute, that goes on to give
6 you a laundry list of everything that needs to be
7 required or needs to be in those guidelines and that was
8 streamlined somewhat this year by House Bill 1323.

9 In addition to that, the question was raised
10 about whether or not the guidelines that are adopted by
11 the State Board are something that the State Board has
12 the statutory authority to waive or in -- waive, and the
13 answer to that is yes, they can on a district by district
14 basis.

15 And what I have done for your review is
16 develop a draft set of guidance on graduation waiver
17 requests for use by school districts, and my
18 recommendation is that if you decide to go down this road
19 it might be a good idea to incorporate this into the
20 revised guidelines.

21 So somebody looking at the guidelines could
22 then look at the requirements for waiver they have
23 concerns about their district being able to meet those.

24 Just briefly, and this is the -- this is the
25 guidance. Please forgive me when it comes to formatting.



1 I'm not at my best, but it's divided into
2 two steps and step one has the requirements for waiver.

3 All of these requirements come out
4 of the waiver statute which is 22-2-117, and if you read
5 through them, the -- these requirements are really
6 intended to make sure that the community at large and the
7 different stake holders within the district have been
8 informed of the intention to request a waiver and are
9 generally supportive of it.

10 For instance, they have to publicize the
11 meeting, they have to hold public meetings before they
12 adopt a resolution to send to the State Board. If a
13 school district is over 3,000 pupils, they have to get
14 majority consent from the school accountability committee
15 and license administrators and teachers.

16 The second part of this regards this -- the
17 other part of requesting a waiver which would be
18 presenting the State Board with a replacement plan. The
19 idea behind the replacement plan under the statute is
20 that -- is that it has to fulfill the intent of the
21 statute that's being replaced.

22 So step two, contents of the replacement
23 plan really just summarizes what is in the law for
24 graduation requirements. Now, who decides whether or not
25 a



1 replacement plan is sufficient? That's
2 within the sound

3 discretion of the State Board of Education.

4 But again, the contemplation is that if you
5 are going to grant a waiver on this you'll also have some
6 ability to monitor whether or not that -- that waiver is
7 -- is being implemented successfully and what the
8 outcomes are. So I've -- I've given that to you in draft
9 form for -- for your review.

10 CHAIRMAN DURHAM: Thank you, Mr. Dyl and I
11 think -- I'd like to just say that for the benefit of our
12 new member this is an important issue and we've put it
13 off, and the controversy has been around small school
14 districts. Our concerns that they could not
15 meet the requirements even including the -- could not
16 meet it at least in the format they were in, even the
17 revise requirement. I don't know, but I think most of us
18 view those as fairly modest requirements.

19 So I asked Mr. Dyl to see if he could come
20 up with a mechanism that could function as an escape
21 valve for small districts and I don't know -- did you
22 limit this to size of districts that could -- could
23 request a waiver?

24 MR. DYLAN: No. We've made this general.
25 It's just the statutory requirements, however the State



1 Board could go beyond that and indicate guidance as to --
2 as to the circumstances under which it would consider a
3 waiver request favorably.

4 CHAIRMAN DURHAM: But then they still could
5 -- could this be delegated to the commissioner with an
6 appeal to the Board if -- if it was denied -- if the
7 district was denied? Is that -- would that be a
8 permissible procedure?

9 MR. DYLL: No. The State Board would have to
10 vote individually district by district however if you do
11 put forward procedures that indicate, you know, what
12 factors the Board is going to look at, it does occur to
13 me that that could be done by placing the waiver request
14 on your consent calendar.

15 CHAIRMAN DURHAM: I think -- think the
16 options that the Board's going to face here in the next
17 meeting likely, or certainly within the next two --
18 couple of meetings is to adopt the revised standards --
19 graduation standards as is to -- to reject those which I
20 think at some point we're obligated to put some standards
21 in place by the statute, or to put the set of standards
22 in place, the revised -- revised standards with some sort
23 of waiver provision that would allow a district to submit
24 an alternative plan.

25 I think those are the options that the Board



1 faces. I don't know if there are many other options in
2 the long run for us. We need to act -- I think we're
3 required by statute to act?

4 MR. DYL: Yes.

5 CHAIRMAN DURHAM: We're required by statute
6 to act so I think our options are approved, what's been
7 put forward or approve what's been forward with some
8 waiver process and -- and so Commissioner, do you have a
9 comment you wanted to make?

10 MR. ASP: Yes, I do. Thank you, Mr. Chair.
11 One of the reasons that we ask some folks in the field to
12 come and give you their reactions to these pieces is that
13 you'll hear different pieces of what they like, what they
14 don't like but for example, Dr. Cobb certainly is
15 interested in a waiver even though his district is very
16 large.

17 CHAIRMAN DURHAM: Okay. Dr. Cobb, do you
18 want to comment?

19 MR. ASP: I think they're going to get that
20 --

21 CHAIRMAN DURHAM: Oh, they are?

22 MR. ASP: -- in just a -- I'm sorry. Excuse
23 me, that's my fault.

24 CHAIRMAN DURHAM: No, that's all right.

25 MS. MORGAN: I was just going to say if we



1 could continue.

2 CHAIRMAN DURHAM: Sure.

3 MS. MORGAN: First, I think you've
4 accurately described the options that are on
5 the table for the Board and we can come back to that at
6 the end as well. And I think specifically what Tony is
7 talking about in terms of how you might welcome waivers
8 is that you're -- you're policy could signal to people
9 the kinds of components you would like to see in a
10 replacement plan which -- which could help streamline the
11 process of waivers even though there isn't an obvious
12 streamlining process available to you.

13 So I'd like to transition now to Misti
14 Ruthven who's going to just give again some background
15 and history of what has been the process up to this
16 point.

17 MS. RUTHVEN: Thank you, Gretchen. I will
18 be brief but also provide you a high level of context for
19 the history regarding the graduation guidelines statute
20 and expectations. So when this body adopted the
21 graduation expectations in May of 2013, they also
22 indicated at that point in time that this would be for
23 the graduating class of 2021.

24 So as a reminder to this Board that these
25 are this years seventh graders from 15-16. For Districts



1 to be ready for implementation and have them time to
2 adopt their local Board policies, they asked the
3 Department to establish a draft time line of what this
4 might look like

5 for a local Board and a local district to be
6 successful in
7 adapting policies.

8 Many local Districts have policies that say
9 their eighth graders must be told about their local
10 graduation requirements at the beginning of their eighth
11 grade year. So to do that, a local Board of Education
12 would essentially need to adopt a graduation policy this
13 year based on your actions and your guidance.

14 So the history of the policy itself, this
15 was updated in CAP4K in 2008. This was originally
16 convened under a bill from 2007, however when the updates
17 were made in 2008 the 2012 or excuse me, the 2007 group
18 that was convened was put on hold to then update and
19 adopt many of the changes that had occurred within CAP4K.

20 Given that, council was then reconvened in
21 2012 to provide you with a recommendation that you
22 received and did adopt in May of 2013. At that time of
23 adoption, the -- this body of the State Board of
24 Education did direct CDE staff very specifically to
25 convene additional groups and stake holders including



1 folks in the business community, K12 education, non-
2 profits, et cetera to continue this conversation and
3 bring forward additional recommendations.

4 Those are put forward to you in May of 2015
5 and the conversation continues as well. So the group
6 that was convened -- there were seven work groups that
7 were convened, 330 volunteers from across our state that
8 did represent rural, urban, suburban as well as business
9 stake holders, higher education, labor, all the facets of
10 folks that you had directed us to included in that
11 conversation.

12 This is just an overall collection of the
13 folks that were included in that conversation and the
14 great volunteers and the folks that we did have involved
15 in the -- more than one year conversation regarding
16 graduation guidelines -- graduation requirements.

17 So the assessment work group specifically,
18 and members to my right are here today to speak
19 specifically about that year long conversation that they
20 had. Before we get to that point I know that there was a
21 letter also sent from the BOCES Association that I wanted
22 to give some time to read.

23 MS. MORGAN: Thank you. So just quickly,
24 trying not to be lightning speed, I am known for being a
25 lightning speed talker, but I will try to be quick but



1 not lightening speed. I want to read a letter to you
2 that was sent to us and to you from the Colorado BOCES
3 Association on behalf of both their President, Don
4 Anderson and their Executive Director, Dale MCall.

5 And so the letter says, "Subject, Graduation
6 guidelines. Dear Board of Education Members, this letter
7 is written on behalf of the Colorado BOCES Association
8 and our member school districts. The Colorado BOCES
9 Association strongly supports the adoption of the
10 proposed revised guidelines that were recently presented
11 to the State Board of Education.

12 Although the Colorado BOCES Association,
13 CBA, has not conducted formal surveys of districts, the
14 association believes that a very high percentage of the
15 schools and districts in Colorado, especially small rural
16 and rural districts, support the new proposed menu of
17 college and career ready demonstrations.

18 We believe this menu that was developed by
19 the assessment work group which included local district
20 and BOCE representatives strikes a good balance by
21 providing additional options for students and districts
22 within the menu while maintaining appropriate rigor for
23 high school graduation in Colorado.

24 We are particularly pleased to see that the
25 revised menu includes several ways for students to



1 demonstrate competency rather than relying too much on
2 scores on standardized tests or college entrance exams.

3 Concurrent enrollment district Capstone
4 industry certificates and collaboratively developed
5 standard-based performance assessments are all excellent
6 criteria. We are also pleased that the work groups that
7 realistic but rigorous scores for students to achieve.

8 We support the scores and ratings that the
9 education practitioners set for students to demonstrate
10 competency. The Colorado BOCES Association strongly
11 supports the revised Colorado menu of college and career
12 ready guidelines and urges the State Board of Education
13 to adapt these college and career ready demonstrations as
14 presented.

15 These revised guidelines as presented
16 provide students and districts with a number of ways to
17 demonstrate competency while maintaining rigor throughout
18 the state.

19 So now, I think we'll turn it over to the
20 members of the assessment work group, again to talk with
21 you about their process and the key differences between
22 the first and second menus. Chris is there. Do we need
23 to unmute Chris or is he available?

24 MR. SELLE: No, I'm still here.

25 MS. MORGAN: Okay, great.



1 MR. SELLE: Am I supposed to talk now?

2 MS. MORGAN: If you would like to. Would
3 you like to?

4 MR. SELLE: Yeah, sure. I mean, that's what
5 I'm here for. Well, I -- you know, I asked to be a part
6 of the assessment work group specifically because when I
7 very first saw the original menu that was adopted in May
8 of 2013, I was greatly concerned that the options that
9 were listed on that menu were pretty restrictive, pretty
10 limiting for rural districts.

11 The district I was in specifically only
12 offered about a third of the options that were on that
13 menu, and so for our rural students to be able to earn a
14 diploma, the opportunities, and the pathways by which
15 they could do that were significantly despite of make --
16 makeup and the structure of the menu.

17 And so that was my reasoning for wanting to
18 get involved in the process. I do think that we've made
19 a lot of progress. I think there was some very educated
20 dialog that occurred in those work group meetings and the
21 revised menu incorporated that dialog because I don't
22 know that we were in consensus on everything necessarily,
23 but certainly I felt better about where the menu was.

24 I think to a degree, for rural districts
25 we're always going to be limited because we don't have



1 the same resources as large districts. I look at IB
2 programs for example. I don't know of any rural
3 districts that offer an IB program, so that's the way
4 that it's available to larger -- students and larger
5 districts that won't be available to students in rural
6 districts.

7 But I like the idea that there are
8 additional pathways on the revised menu. I like the idea
9 that it provides an opportunity to reconvene on a
10 relatively regular basis to ensure that what we have
11 developed is still setting a high expectation for the
12 students in Colorado to earn a diploma, but providing for
13 them appropriate ways to earn that diploma.

14 And I don't think one revision of the menu
15 and then it's adopted and it's never looked at again is
16 going to get us there. I think the continual --
17 continuous improvement cycle if you will is an
18 appropriate step to -- to have in place to continue to
19 review that menu.

20 So I -- I guess in summary, I would say I --
21 I'd still not -- not wildly in favor of graduation
22 guidelines necessarily, but I feel like the revised menu
23 is in a much better place for the students in rural
24 school districts than the original menu was and would
25 encourage or -- or look forward to I guess, continuing to



1 work on that to continue to make it as appropriately and
2 as equitable as it can be for rural students.

3 MS. MORGAN: Thank you. Other members?

4 UNIDENTIFIED VOICE: What I would say is, we
5 pretty much concur which is interesting as a -- as a
6 member from a larger suburban school district. We
7 certainly had some of the same perspectives and similar
8 concerns in terms of the way the original list was
9 created. However, even though we are more heavily
10 resourced in certain areas, I think some of the same
11 questions continue to come up, and wanting to make sure I
12 think as it was mentioned previously, these students are
13 currently in school right now, and our systems have
14 historically been constructed to ensure that students
15 complete a C-Time requirement in order to move towards
16 graduation.

17 And when we begin to engage in conversations
18 about shifting our system towards a competency-based
19 requirement those transitions take time. And so as we
20 look at the transitions that we want to make, we want to
21 make sure that the opportunities that are available are
22 one, ably rigorous, but also provides multiple pathways
23 in order to ensure that that happens. And as we looked
24 at the original list, one of the questions that came up
25 over and over again had to do with how or how the timing



1 of when some of these exams occurred. Many of them are
2 slated to occur for students in the 11th grade or in some
3 cases, just in the latter end of high school.

4 And so what they suggests is, is that it
5 makes it a little bit more difficult for students to get
6 jobs in the event that they may not have been on track.

7 And so what we want to do is make sure that, you
8 know, in the construction of this that as a system we'll
9 continue to maintain our C-Time requirements, but we
10 certainly see that the competency component that's
11 associated with this can simply be a check as it relates
12 to the good things that we're currently seeing that our
13 teachers are doing in schools right now.

14 UNIDENTIFIED VOICE: And -- and thank you.
15 I would concur with both Chris and Floyd that the
16 original -- the menu is proposed put our system in kind
17 of a state of suspension and we couldn't move forward
18 because the pathways were so limited, and we really do
19 believe the proposed menu while it's -- I don't believe
20 it's perfect yet, but I -- and I would agree with Chris
21 that we should have some built in review and ability to
22 add to it and be flexible there.

23 I think that the proposed menu would
24 actually allow our system to move forward with a
25 conversation about the intersection that are between seat



1 time requirements and competency, and find the
2 intersections as to given that now that there are some
3 significantly different shaded patterns for graduation.
4 So we view the proposed menu as -- with -- could really
5 move our system forward.

6 MS. MORGAN: So would you like to have the
7 next slide through clever color coding. It shows you what
8 were the changes between the first and second menu and
9 unless you object, I think it would be a good idea to
10 have Misti talk through that just so that you are each
11 familiar what were the specific changes from menu one to
12 menu two. Does anyone object to that? Okay. Why don't
13 you go ahead and do that.

14 MS. RUTHVEN: Thanks, Gretchen. To give you
15 a perspective and familiarize you with the colors, on the
16 charge behind us the orange were assessments and
17 instruments that are new to the menu that were added as
18 new recommendations.

19 The brown are scores that changed one
20 direction or another, but there was some type of change
21 as both Patty and Chris and Floyd had mentioned, the work
22 group discussed heavily the alignment between the various
23 assessments and instruments within the menu itself.

24 And then the blue, are instruments and
25 assessments that did not change. So they are as they



1 were upon adoption in May of 2013.

2 MS. MORGAN: Okay. So as a reminder for
3 you-all as the chair said previously, we really believe
4 you have two basic categories of option here. You could
5 adopt the new menu as is, you could adopt the new menu
6 and make a specific provision inviting districts to have
7 some specific criteria that they would meet in a
8 replacement plan to try and sort of grease the wheels of
9 things.

10 Or really the third option is you don't
11 adopt anything new and you receive waivers from districts
12 without you having offered some direction to districts
13 about what you might accept in terms of a replacement
14 plan.

15 So at this point, we'd like to open it up to
16 you-all for questions or discussion.

17 MS. SCHROEDER: Do you want to go down the
18 line or do you want to --

19 CHAIRMAN DURHAM: Go ahead, Dr. Schroeder.

20 MS. SCHROEDER: Okay. Somehow for me, this
21 discussion is a little bit challenging give the feedback
22 that we initially received that, "Oh, gee. You're now
23 lowering the standards based on what we have in
24 practice." What I'm wondering about is whether you-all
25 have had the discussion of the endorsed diploma which in



1 my mind would suggest the higher standards perhaps, the
2 standards that we have adopted so far or might be even
3 higher.

4 And has that process proceeded and can --
5 can you make some kind of comparison -- that's my first -
6 - I've a lot of questions, but that's my first question.

7 MS. MORGAN: Sure.

8 MS. SCHROEDER: Case --

9 MS. MORGAN: So the endorsed diploma
10 was one of the seven work groups that was convened within
11 graduation guidelines. There was also a group that had
12 had a discussion and you-all may remember that you did
13 jointly

14 adapt with the Colorado Commission on higher
15 education; the

16 endorsed diploma a few years ago.

17 Those requirements in the outline of that
18 criteria are still in place, so that has not changed.

19 What we discovered as the assessment work group continued
20 their conversation is that the endorsed diploma and the
21 work group.

22 Their recommendation was to revisit the
23 criteria associated with the endorsed diploma once the
24 assessment work group had continued their discussion and
25 completed that discussion to ensure that alignment that



1 you're referring to.

2 MS. SCHROEDER: Okay. Yeah, it's the cart
3 before the horse or whatever. I mean, I think they both
4 -- it would be helpful if they were both moving around
5 the tracks, that we could have the conversation as to are
6 we really lowering standards or are we recognizing that
7 there really is a difference for entry to Colorado
8 colleges versus being career ready or entry into a
9 different level of higher education.

10 I'm curious and -- especially for those of
11 you who have worked on the -- the assessment group, what
12 process do you see for discussions with your community
13 when you set your own standards? These are guidelines
14 and it's going to be up to your local Board and families
15 to decide what are the -- what are actually the
16 graduation requirements for your particular district.
17 Would you be willing to talk about that?

18 MR. ASP: Sure. I -- I think one of the
19 things that we want to get clear on really was the
20 establishment of a floor to really have a clear
21 understanding of where the guidelines begin and end. And
22 I think one of the challenges with the prior model had to
23 do with questions related to what scores might be,
24 related to science, or what scores might be related to
25 social studies, and then attempted to communicate that



1 out.

2 I think once we get greater clarity in terms
3 of what some of the cut points might be, I think a lot of
4 it is going to take an extensive amount of communication
5 with both our Board of Education as well as our community
6 stakeholders in terms of how the inclusion of a
7 competency requirement blends along with the C-Time (ph)
8 requirements as well, and how those things also blend in
9 in terms of an ICAP requirement also and how that
10 conversation begins to start in sixth grade.

11 So we have a sort of a broader framework in
12 place, however the challenge of -- the challenge of
13 actually moving forward on that framework is -- is based
14 upon again, having clarity in terms of what the menu of
15 options will be in terms of the performance cut points,
16 you know, on the exam. So it's -- everyone knows we need
17 to move forward. It's just -- it can be a challenge to
18 actually speak with clarity and confidence in terms of
19 what some of those measures might be.

20 MS. SCHROEDER: Do you anticipate that you
21 will continue to have C-Time requirements?

22 MS. ASP: Yes.

23 MS. SCHROEDER: Permanently or
24 transitionally?

25 MR. ASP: All indications that I've received



1 from my -- my supervisors, the assistant superintendent
2 and the superintendent of schools as well as
3 conversations we've had with the Board Members have
4 suggested that we would want to maintain those.

5 I think a lot of it has to do with the fact
6 that the constancy requirement we see it as a company --
7 the -- the C-Time requirement. It isn't necessarily a
8 definitive piece one way or the other. We certainly know
9 that we will have students who may be able to accomplish
10 these measures as well as eight grade, perhaps some of
11 our highly gifted students may even before that.

12 However, if we're thinking about the career
13 trajectory of students who happen to have the ability to
14 pass the test at that time, what we also have to consider
15 is that there's still college entrance requirements that
16 will continue to have sort of the C-Time requirements,
17 and of course taking requirements that are associated
18 with it. So we see it more as a both hand as opposed to
19 an either or.

20 MS. SCHROEDER: Okay.

21 MR. ASP: And so one of the major points of
22 conversation I think that needs to occur is this is a new
23 -- new piece that needs to be added on, and as I've
24 explained to many of our -- our stakeholders is that most
25 of us have an experience in K12 education as being a C-



1 Time experience.

2 And so a large part of the communication is
3 going to have to be what K12 education means when the
4 incorporation of -- of a competency requirement is -- is
5 blended with the C-Time requirement.

6 MS. SCHROEDER: Well, and plus the C-Time
7 requirement is your funding source. I mean, as long as
8 the finance act is what it is, that's also going to be an
9 incentive to maintain that.

10 MR. ASP: Absolutely.

11 MS. SCHROEDER: Okay.

12 CHAIRMAN DURHAM: Dr. Flores?

13 MS. FLORES: I don't think we should look at
14 C-Time as majoritive.

15 MS. SCHROEDER: I'm -- I'm -- I'm not doing
16 that. Well --

17 MS. FLORES: I'm just asking what they're --

18 MS. SCHROEDER: -- it -- it sounds to me as
19 if -- it is because I think there could be great
20 experiences in -- in C-Time. Also, I think there are --
21 children develop at, you know, many different rates and
22 so development is not over, you know, at a certain day
23 for everybody.

24 So development, as far as learning and
25 acquiring skills is -- is just longitudinal, and there is



1 some reason for -- for C-Time and some reason that we
2 historically have used C-Time. So I -- I -- I -- hear it
3 as pejorative, and --

4 MS. FLORES: I didn't intend -- I just
5 wanted to see how -- how -- you will be working with your
6 community to talk about that because I think you'll hear
7 from some folks "if my kid can do this, this, and this."

8 MR. SELLE: And -- and -- and those have
9 been very deliberate conversations that -- that we've had
10 in our executive leadership team wanting to make sure
11 that this is still of value. I would concur that there -
12 - there are certain values that are associated with the
13 C-Time experience that you can't necessarily replace, and
14 so that -- and certainly don't show up in terms of, you
15 know, a quantity of measure.

16 And so certainly we want to -- we want to
17 make sure that as we've conversed with our community, and
18 in the past it's been of value that -- that everyone has
19 valued, and I anticipate that that will be the same
20 looking at the future.

21 MS. SCHROEDER: Because you're going to have
22 some -- have had legislators who want to cut off the last
23 year for example. So that -- I think that discussion is
24 really critical.

25 MS. MORGAN: Mr. Chair, if I may? I -- I



1 would just add that I think one of the good things about
2 these conversations local communities are having about
3 graduation is that they are all coming to different
4 conclusions about that question.

5 Different communities have different values
6 about these different things and I think it's wonderful
7 that the guidelines as they are written or if you change
8 them offer local communities some room to make decisions
9 about that.

10 CHAIRMAN DURHAM: Further discussion? Yes?

11 DR. SCHEFFEL: Thank you. So I have always
12 context questions frequently so I asked myself what
13 problem are we trying to fix. I know part of that in
14 that we're one of the few states that doesn't have this
15 put in place and so forth, but I'm not sure that is a
16 problem.

17 But are we trying to communicate better with
18 parents so that they know when their students graduate
19 from high school certain targets were in place that
20 Districts are trying to assure.

21 Are we trying to, I mean, there's a lot of
22 questions around what are we trying to fix, and I'd like
23 to ask the Districts does -- how does this help you?
24 What does help you, you know? And I -- I kind of hear a
25 reluctant, "yes, we could live with this," but not so



1 much "gee, this really helps us."

2 And I think that would be better than, "yes,
3 we can probably make it work, but it really doesn't help
4 us." And I -- I'd rather shoot for a target where it
5 would really help the Districts and -- and the way they
6 communicate with the parents and the way they entice
7 students into their Districts.

8 And then, I don't see the conjunctions in
9 the menu. Maybe I missed this, but is it like, we see a
10 menu does it say, "three out of six, two out of five,
11 this and this but that"? I don't see the conjunctions.
12 I mean, it's not the case that everybody has to do
13 anything -- everything on the matrix, but I probably
14 missed that. And then finally, is it -- is it more
15 helpful if we take a different approach, I mean, as I
16 really look at the State statute which is 22-2-106 as you
17 referenced and the language that says, "What do we have
18 to do"? When I think -- think about it, what do we have
19 to do? What really helps the Districts? What -- what do
20 we have to do as opposed to what could we do?

21 And we came up with these numbers. I'm not
22 sure they really help the Districts. I'm not sure they
23 really help the parents. So I'd like to look at whether
24 or not we look at a new menu or I hate to -- I hate to
25 embrace a menu that the Districts are not comfortable



1 with and then just say we'll just grant a lot waivers.
2 I'd rather look at it conceptually and say what -- what
3 are we required to do by law? What helps the Districts,
4 the parents, the students that go there, and then what
5 does that look like? And I'd rather have a lighter touch
6 than have Districts submitting to us their plan and then
7 having us look at it against a set of criteria that's in
8 a statute as opposed to us superimposing this menu which
9 I don't know that it helps the Districts. But you know,
10 like other Board Members commenting --

11 CHAIRMAN DURHAM: Could I ask an addendum
12 then to Dr. Scheffel's question? If this waiver process,
13 and it looks like it's almost -- it's not really a waiver
14 from, but an opportunity to provide alternatives too,
15 does that help meet what she suggested in terms of
16 something that could be useful and helpful to you as
17 opposed to another burden imposed by the State?

18 MS. MORGAN: Can I just restate the
19 questions to make sure we have it all?

20 CHAIRMAN DURHAM: Sure.

21 MS. MORGAN: Okay. So I think Dr. Scheffel
22 your first question is you'd like to hear from the folks
23 from the Districts about what is -- what is the problem
24 this is trying to solve from their view, separate from
25 what statute dictates --



1 MS. SCHEFFEL: Right.

2 MS. MORGAN: -- what is this doing for them.
3 Second is, what portion of the matrix is an individual
4 student accountable for in graduation.

5 MS. SCHEFFEL: (Indiscernible) three out of
6 five, you know.

7 MS. MORGAN: Yeah. So I'll ask Misti to
8 respond to that. And then the last one is, is there some
9 other approach like, for example your suggestion Mr.
10 Chair, that -- that the Board invite a specific waiver.
11 He's suggesting that in response to you, that would be
12 more globally helpful. Do I have questions? Okay. So
13 do you guys know how to start? Chris on the phone, would
14 you like to respond?

15 MR. SELLE: There were a lot of questions
16 there. I'm not sure if I can remember all of them.

17 MS. MORGAN: This would be just the first
18 one. The first question which was in -- in what ways if
19 any, is -- is this process of determining this or -- or
20 going through this menu or having a menu like this
21 helpful to you locally?

22 MR. SELLE: Yeah. I would say probably the
23 area in which this menu is helpful. It's the only piece
24 in our assessment system that actually places
25 accountability on the student. Up until now, there



1 really has been no accountability for students on the
2 assessments that our school districts are held
3 accountable for.

4 So you know, to -- to have a little bit of
5 teeth in it, for kids, for them to have a little bit of
6 ownership to know that, you know, if I want to get a
7 diploma I probably have to give my best effort. Other
8 than that, I'm not really sure it helps our districts
9 quite frankly.

10 MS. SCHEFFEL: May I ask --

11 CHAIRMAN DURHAM: Sure. Go ahead, Dr.
12 Scheffel.

13 MS. SCHEFFEL: So can I -- that's a great
14 comment. So are you saying that the students because
15 these numbers appear on this matrix it holds them more
16 accountable for how they do on the test or how they do in
17 terms of what they learn?

18 Because I think they're accountable for what
19 they learn based on their GPA distributed across a host
20 of classes and assignments and so forth as opposed to how
21 they're actually functioning on the test. You're saying
22 this helps you incentive students to take these tests?

23 MR. SELLE: Yes.

24 MS. SCHEFFEL: All right.

25 UNIDENTIFIED VOICE: That's interesting.



1 Okay. Thank you.

2 CHAIRMAN DURHAM: That's a good answer.

3 MS. MORGAN: Are there district folks?

4 UNIDENTIFIED VOICE: I guess I would say
5 that the way that I would concur with Chris and I would
6 say the way the menu helps us is in a conversation around
7 where we are as a system. And so if this menu is -- is
8 adopted, the proposed menu, it would allow us to have
9 some conversations around true alternative pathways.

10 I'm not necessarily advocating for the
11 adoption of it. I'm just saying that it is a
12 conversation started in terms of what do we actually
13 offer the kids for these different teaching pathways.

14 UNIDENTIFIED VOICE: I think we have those
15 conversations anyway, but I think it really kind of puts
16 it in front us when we say that.

17 MS. SCHEFFEL: So you're
18 saying that this prompts good discussion, but is there
19 any reason why these

20 discussions wouldn't be had in any case
21 below at the
22 level, right?

23 UNIDENTIFIED VOICE: Right. That's what I'm
24 saying. I don't know that they wouldn't be had, but I
25 think this sort of gloomy menu and especially the menu



1 that's currently adopted is really almost a conversation
2 stopper because it really is one-half to the graduation
3 which is college readiness.

4 UNIDENTIFIED VOICE: Exactly.

5 CHAIRMAN DURHAM: Ms. Goff has an interim
6 question.

7 MS. GOFF: Yeah, well I'm still seeking --
8 always seeking clarity because last time we talked about
9 this my -- my hesitancy on the new -- the newly proposed
10 was this way. I looked at the -- I looked at the first
11 menu, just assessments, and you know, and I put out in my
12 head for a head for awhile the whole endorsed diploma
13 opportunity is the way I see it.

14 I just see that as incredibly helpful for
15 ideas about pathways and other ways to show competency
16 and the -- I realize that's not a part of this specific
17 conversation.

18 So I look at -- I look at menu set number
19 one and look at menu set number two, and without the -- a
20 number or code of any kind now I do understand the
21 colors, thank you.

22 But I don't see anything that said how -- is
23 this one of those assessments. So any one of those
24 assessments combined with the pathway or whatever
25 districts and kids come up with to show competency. It's



1 one exam, a couple of which have been just by numbered by
2 score level alone lowered quite a bit by -- in standard.

3 So the -- the expectation is not as high as
4 it was prior and there's -- what is that -- how does that
5 line up with what we are telling students just in the way
6 of -- of school level? If nothing else, content
7 knowledge level.

8 Competency demonstrations are over here, but
9 this -- if we're going to use an exam of some kind that's
10 normed or criterion-ref whatever, what I don't understand
11 how I'm going to talk to school people about this new
12 menu when they say so we -- so we only have to do one of
13 these two columns or one column of each content. What do
14 I tell them? One test does it all?

15 MS. MORGAN: So I believe one of the
16 questions that has come up a few times is about how --
17 how the menu works for a student and if I'm a student or
18 family looking at this what this might mean for me and
19 then I'll turn to Dr. Cobb as far as the additional part
20 of your question.

21 So the menu itself and the subject matter,
22 this is usually -- the subjects that were on the original
23 menu and the subjects that are on the proposed menu, you
24 may notice that they -- the recommendation from the
25 assessment work group was reduced from four to two.



1 In addition, to adding several assessments
2 options and updating the alignment of several scores and
3 options. So if I'm a student looking at this menu and
4 it's up to the local Board of Education in every district
5 to determine would they like to or can they as Chris had
6 mentioned, adopt all of these options, a portions of
7 these options, and then if I'm a student I would select
8 from options that are available in my district that my
9 district has adopted.

10 So districts may end up a -- a smaller
11 number or the entire menu itself. I would as a student,
12 need to meet or exceed one or more but primarily one of
13 these options on the menu.

14 So for example, a district Capstone may be
15 available in my district, in my school and so I may have
16 a rich portfolio of learning that I've put together in
17 poetry to meet my English requirement for example. And
18 the district would determine how that looks to meet that
19 English requirement for Capstone.

20 And then, I might be great in math and have
21 a 25 on my ACT and that would meet my requirement for
22 that in math. So it's meant to be one or more, but at
23 least one in each subject area based on what my district
24 has adopted.

25 CHAIRMAN DURHAM: Do you have a comment Dr.



1 Floyd before we move on to the Board?

2 MR. FLOYD: Sure. I'll say an answer. In
3 answer to the other question about the -- the scores
4 being changed and or lowered, I would say that we had a
5 very robust debate as an assessment work group about this
6 and I think there were a lot of questions about, you
7 know, what that signaled or what that meant and a number
8 of issues arose about that.

9 I think one of the questions that we
10 continue to wrestle with was the collapsing of college
11 and career ready, and really the conversation around to
12 be college ready could likely mean that you were career
13 ready.

14 However, the career ready conversation was
15 something that was slightly different. And so when we
16 start looking at where certain points are on any number
17 of these assessments, we wanted to make sure that it was
18 able to blend the college and career ready determination
19 as -- as best as possible.

20 And I think -- I would -- I give a lot of
21 credit to the Department for the convening of such
22 diverse perspectives because I do believe that that was a
23 topic that came up every single meeting and we had groups
24 who were on both ends of that spectrum.

25 However, I think because of the diversity of



1 perspectives that were in the room it -- it
2 helped us get to a consensus in terms of -- of
3 understanding really what the intent might be in terms of
4 trying to make sure that when we talk about students who
5 have desires to enroll in college, making sure that the
6 list can reflect some of those experiences.

7 However, for those students who choose to
8 enter the military or choose to enter into careers, the
9 list could be reflective of that as well and, you know,
10 one of the pieces that I think showed up the most in
11 terms of the change in score was the ASVAB score which
12 was the entrance into the military, and that has been
13 reduced.

14 However, in the original proposed list I
15 believe when we had a representative come, they talked
16 about, you know, officer training school and -- and that
17 might not be the pure definition of a career. So there
18 was a lot of conversation and a lot of debate. It wasn't
19 anything that was taken lightly by anybody in the group.

20 CHAIRMAN DURHAM: Dr. Flores and then Dr.
21 Scheffel.

22 MS. FLORES: Okay. I -- I look at this menu
23 and I just don't see it as competency based. I mean,
24 competency-based is project-based. I see maybe the
25 CAPSTONE, possibly the concurrent enrollment, the



1 industry certificate as being to prove competency.

2 But the others, I mean, a test score, that's
3 -- that's for -- that's very limiting, and it's not
4 competency based. Competency for what? Competency for
5 doing well in college possibly? Test scores do a better
6 job.

7 I mean, the scores that teachers give is a
8 better predictor. Combined, it's okay but I -- I think I
9 -- I just don't see it as competency-based, that we put a
10 meaning to a test score as being competency -- as being
11 competent.

12 That's another thing, and we should have
13 more -- more rigor, more research on, you know, on these
14 test scores. I remember, and I can say this, I'm old
15 enough that I have friends who are -- didn't do well in
16 school. They're doing well -- very well in life and they
17 didn't score well, you know, they didn't do well on tests
18 and such.

19 So I -- I'm not giving too much credence on
20 -- on test scores and being competent in life.

21 CHAIRMAN DURHAM: Dr. Scheffel?

22 MS. SCHEFFEL: So first I'd like to say that
23 I know a lot of hours went in to develop these menus and
24 thinking about these scores and ASVAB, whether it should
25 be for officer training or enlisted or whatever.



1 I appreciate all that work. I guess my
2 question is, is there an appetite on the Board as we
3 fulfill the intent of the statute to use these documents
4 as advisory, as great information for students. I mean,
5 if I want to go in the military and I know that I needed
6 an ASVAB score of 50-something, I'd like to know that and
7 I'd like to know how hard it is to get that score so that
8 I can begin to situate myself to be successful on that
9 test.

10 So this is wonderful information that should
11 be put on websites and distributed to districts and
12 provided to students and all of that, but when we really
13 look at the language and the law.

14 It says the law outlines several
15 considerations the State Board must take into account
16 when adopting a set of guidelines aligned with post-
17 secondary and (indiscernible) readiness, alignment with
18 admission standards for public (indiscernible), and so
19 forth.

20 I mean, couldn't we -- is there an appetite
21 on the Board to say to districts, "Send us your plan that
22 aligns with these six bullets that are in the statute,
23 and here's some great information to inform your
24 discussions at the local level and let us -- let us let
25 the districts take the lead on this and get -- it kind of



1 goes back to what problem are we fixing, you know?

2 We -- we want high school diplomas to be
3 meaningful, but we want districts to own that and I -- I
4 guess this approach of the menu with the scores and so
5 forth, there's so many dependencies inside of those
6 numbers. It concerns me that we won't get what we want.

7 CHAIRMAN DURHAM: That --

8 MS. MORGAN: Mr. Chair, can I respond to
9 that?

10 CHAIRMAN DURHAM: Yes.

11 MS. MORGAN: Thank you. I do think one
12 group that's not represented at the table today that's
13 important to remember in this discussion is industry.

14 UNIDENTIFIED VOICE: Uh-huh.

15 MS. MORGAN: And I actually think a lot of
16 the push for identifying competencies if not to replace
17 C-Time but to at least be paired with C-Time came from
18 that community and their assessment that we don't
19 currently produce sufficient numbers of graduates even
20 though they have a diploma that that diploma is not
21 adequately rigorous in terms of knowing about their
22 adequate preparation for industry.

23 So I think part of -- and -- and I think if
24 this comes back for some action in September it would be
25 great to have that voice directly here, but just because



1 they're not here I wanted to offer that.

2 I do think industry-voice has something to
3 do with having identified the problem in this situation.

4 UNIDENTIFIED VOICE: Just one quick follow-
5 up. I appreciate that. My only comment to that would be
6 why? And if I asked the districts, "Does this help you"
7 and they say, "Well, it incentivizes our students to well
8 on tests not incentivizes them necessarily to know more,
9 then I question the why, right?

10 I understand that industry has a big stake
11 in this.

12 MS. MORGAN: Uh-huh.

13 UNIDENTIFIED VOICE: But I question
14 incentivizing tests results as a path to addressing their
15 concerns. I don't think it will, otherwise we would all
16 adopt this. So I think that's -- that's my concern with
17 this approach.

18 CHAIRMAN DURHAM: I think -- I think in
19 trying to conclude the discussion, I think the problem
20 that we unfortunately have to solve is that legislature
21 gave us a task and I don't -- and they gave us fairly
22 broad discretion but not the discretion to not do the
23 task.

24 UNIDENTIFIED VOICE: That's right.

25 CHAIRMAN DURHAM: And so -- so the standards



1 I think -- I think Dr. Scheffel, just allowing the
2 district to submit plans probably doesn't -- probably
3 doesn't meet the requirement of the statute and while
4 that may be preferable, I would probably prefer it.

5 I don't -- I'm not sure we can get there
6 from here, so I do think we're back to is -- are these
7 standards that have been proposed by staff acceptable and
8 are they more acceptable or more acceptable if there's
9 some sort of alternative waiver provision that can be
10 accessed?

11 So I think -- I think at this point, we'll
12 take this off the table but keeping in mind it'll be back
13 for action and essentially not -- not largely action
14 only. We'll try and label it as an action only item next
15 meeting. We're -- we'll have somewhat more limited
16 discussion, but because of the time constraints the
17 districts -- some of the districts have to have this
18 ready by eight grade which means this coming fall -- not
19 this fall, but -- right?

20 UNIDENTIFIED VOICE: That's correct.

21 CHAIRMAN DURHAM: A year from fall.

22 UNIDENTIFIED VOICE: Yes.

23 CHAIRMAN DURHAM: If they're going -- if
24 they're going to then ask for a waiver they need time to
25 prepare it. So it isn't that -- we don't have an endless



1 amount of time to -- to make that decision and I think
2 our options are relatively milted. Dr. Scheffel?

3 MS. SCHEFFEL: Do we have the ability then
4 to look at this menu and make adjustments ourselves or do
5 have to take this back to the advisory committee and ask
6 them to make adjustments? I mean, can we as a group sit
7 down and look at this and say, "Here's the language in
8 the statute. This is what's on the matrix. These are
9 some suggestions from our own thinking, or do we have to
10 (indiscernible) that authority to this advisory board?

11 CHAIRMAN DURHAM: No, I think the Board can
12 clearly amend any of these that we, you know, that --
13 that there was enough support to amend.

14 MS. SCHEFFEL: Right. Right.

15 CHAIRMAN DURHAM: I think it's a somewhat
16 difficult task, but it's certainly within our scope.
17 Yes, Dr. Scheffel?

18 MS. SCHEFFEL: Just one more question. We
19 keep talking about tests, but I -- what I see here is the
20 opportunity for a district to choose graduation
21 guidelines that have nothing to do with a test score.

22 I think there's -- there's other --

23 UNIDENTIFIED VOICE: That's true.

24 MS. SCHEFFEL: -- this new proposal if -- if
25 a district chooses not to use any kind of a test for



1 graduation requirements they can do so given what's in
2 this other -- which is what is important to some of the
3 folks who don't believe a test measures competency, but
4 other -- but there are better measures available. So I -
5 -

6 MS. MORGAN: Yes, that's correct.

7 MS. SCHEFFEL: Okay. Thank you.

8 CHAIRMAN DURHAM: I think what I'd recommend
9 is we -- as we move forward for the next Board meeting
10 and let's get this information a final proposal or
11 perhaps several in durations out to the members of the
12 Board if they wish to suggest amendments or changes that
13 -- that Mr. Dyl could draft those so that they could
14 present them in a form where we might get some final
15 action one way or the other and see -- see what they're -
16 - what they happen to be for votes for on this.

17 And this is not an easy task and I think and
18 -- and I'm not sure that the legislature should
19 necessarily have gone down this road, but they did so
20 through requests from the business community and the
21 business communities concern that -- that a diploma
22 didn't mean much. I'm not sure that concern is all that
23 justified, but I didn't get to make that decision.

24 So I think we're just -- we're kind of stuck
25 for a decision and we need as many options and we're



1 going to -- at the next meeting we're going to take the
2 time and vote on amendments and changes and see where it
3 ends up. Is -- is that a fair statement? We really do
4 need to do something.

5 MS. MORGAN: I believe that's accurate, yes.

6 CHAIRMAN DURHAM: And Mr. Dyl, do you agree
7 with that?

8 MR. DYLAN: Yes.

9 CHAIRMAN DURHAM: Okay. Thank you. All
10 right. Let's move on then to -- where are
11 we here? Let's see. The fun continues with Item number
12 19.01, Elementary and Secondary Education Act,
13 flexibility and waiver renewals. Who's going to handle
14 that? I think that's what it is. No, these weren't.
15 Eighteen --

16 UNIDENTIFIED VOICE: Actually, Allyson
17 Pearson and --

18 CHAIRMAN DURHAM: 19.01 was not a consented
19 (indiscernible), right?

20 UNIDENTIFIED VOICE: Bizy, did Chris hang
21 up?

22 CHAIRMAN DURHAM: So 19.01 was not a consent
23 and 20.01 was not a consent. Okay? All right. Melissa,
24 are you ready?

25 MS. COLSMAN: I'm ready.



1 CHAIRMAN DURHAM: Get it.

2 MS. COLSMAN: Okay. Good afternoon. We're
3 here to kind of follow-up on that conversation from this
4 morning around -- that was about reauthorization of the
5 Elementary and Secondary Education Act. We are in the
6 middle of the process around the waiver renewal, so if
7 the Elementary and Secondary Education Act does not get
8 reauthorized, we still are in this waiver process. We
9 can either have the waiver or we can enact No Child Left
10 Behind as it is currently written.

11 So as we discussed this morning, there's a
12 lot

13 of interplay going on about what could
14 possibly happen with reauthorization. So that plays into
15 here and what you may want to do with your decision today
16 or what you want to talk about.

17 A little background. We came into the Board
18 in March with a draft waiver for the US Department of Ed
19 to get your permission to submit it to the Department.
20 It was very clear at that point that you-all wanted to
21 make sure you signed any changes that got made during the
22 negotiation process.

23 So that's what we're here to do today is
24 really share with you what has changed since March. Some
25 of it was changed because the US Department of Ed asked



1 for requirement changes or clarifications. Other pieces
2 were changed because of House Bill 151323 that asked us
3 for some waivers.

4 MS. SCHROEDER: 1900 --

5 CHAIRMAN DURHAM: Oh, okay. I have it. I
6 know what it is.

7 MS. SCHROEDER: It's this big fat --

8 CHAIRMAN DURHAM: I'm sorry.

9 MS. COLSMAN: It's no problem. You can --

10 MS. SCHROEDER: 1900.

11 CHAIRMAN DURHAM: We've killed a lot trees.

12 MS. SCHROEDER: And you're going to give us

13 a

14 test on this mega-thing-of-a-bobber you gave

15 us?

16 MS. COLSMAN: No. I will not give you a

17 test on it. I know, I know.

18 MS. SCHROEDER: I found my name in there,

19 but that's about --

20 MS. COLSMAN: That's impressive. So today,

21 we want to make sure you-all are comfortable with the

22 changes that have been made so far. I think we have in

23 front of you some motions that you can make afterwards.

24 At the same time, we know that reauthorization is

25 happening or may happen and so there's that going on too.



1 So really our goal is just to make sure you-
2 all are comfortable with what's been changed in the
3 waiver so far so you know that what direction we're
4 headed in.

5 There's one additional element that's been
6 raised by the US Department of Ed in the past few weeks
7 that we're working through still, so we were hoping that
8 after today we'd have your blessing, be able to go back
9 to the US Department of Ed and be ready with the final
10 version. We're still working through this one remaining
11 issue with them.

12 When we get through that with them, we'll --
13 if there's changes that need to be made we'll -- we will
14 bring that back to you-all before anything final is done
15 and we'll talk about that more during our presentation.

16 Okay. So the US Department of Ed in their
17 review of the giant document of trees that you have,
18 asked for some changes from us. They are all really
19 minor changes. There's nothing significant, but we
20 wanted to make sure you knew about them.

21 The first one is about reward schools which
22 is a term that came from the waiver. It's the schools
23 that we recognize -- they're a subset of the schools that
24 we recognize, and what they want to make sure is that
25 none of those schools have significant achievement gaps.



1 In this negotiation, it was actually really
2 helpful because we had put language in our waiver that
3 would have changed our state system to meet their
4 requirement. They let us know that we didn't actually
5 have to do that.

6 We could meet that requirement through
7 reward, so this gave more flexibility back to the State,
8 took the US Department of Ed out -- out of our waiver,
9 out of our accountability system so much. So we did that
10 clarification.

11 The next part was around public comment and
12 they just wanted to know who was consulted and make sure
13 we clarified that, and also around supportive title and
14 schools that are not making their annual measurable
15 objectives and how we provide support to all those
16 schools.

17 They also asked that we clarify around the
18 double testing waiver that we had asked for. We had
19 asked for two double testing waivers. One from middle
20 school for those students that are taking advanced math
21 that they can take the -- just the advanced math
22 assessment and not the grade level assessment for seventh
23 and eighth grade.

24 And also for the Spanish language arts for
25 doing the field testing and giving kids Spanish language



1 arts assessments instead of the English language arts
2 assessment. So we clarified that, that we wanted those
3 double testing waivers. They asked about standard
4 implementation and that we explicitly state how we're
5 supporting students with -- that are economically
6 disadvantaged and low achieving, and how we're supporting
7 their teachers in that process.

8 There is something that we have put in about
9 turnaround principal replacement and that we wanted some
10 more flexibility about that. They said don't do it in
11 this waiver. Do it in your grant applications. We took
12 it out of here and moved it there.

13 UNIDENTIFIED VOICE: You moved what
14 application?

15 MS. COLSMAN: The school improvement grant
16 application because it was a requirement in our school
17 improvement grant. I'm telling you, these are little
18 things, but we wanted to make sure you guys knew all of
19 them.

20 And then finally, around the assessment
21 participation we had put the language from the motion
22 that you-all made in February into the waiver. They
23 indicated that we didn't -- that that wasn't the place to
24 put it, so we took that language out.

25 And then we clarified there's one reference



1 to participation in the waiver about how we use it in the
2 State system and we clarified that that was State
3 participation. I think we had this resolved.

4 There's some more questions coming back up,
5 so this may end up being another issue with the US
6 Department of Ed, but I don't know if it's an official
7 issue yet with them. Would you say that kind of
8 clarifies that part as much as it's clear with them?

9 UNIDENTIFIED VOICE: I think there'll be more
10 discussion.

11 MS. COLSMAN: Okay.

12 CHAIRMAN DURHAM: So let me -- let me start
13 since I think the -- removing the penalties for failing
14 to meet the 95 percent participation was my motion
15 initially. So the Department has rejected that; is that
16 correct?

17 MS. COLSMAN: So the US Department of Ed
18 made it very clear to us that the 95 percent
19 participation

20 requirement federally stands.

21 CHAIRMAN DURHAM: Okay.

22 MS. COLSMAN: And that students need to --
23 that we need to ensure that students are assessed and
24 there's 95 percent of students are assessed federally is
25 what they've said. But you (indiscernible) Board motion



1 and then you also saw what's happening with
2 reauthorization when these issues are, so where they land
3 on all of this I'm not sure. But they have asked us how
4 we are going to -- what we are going to do when a school
5 or district is not meeting the 95 percent.

6 CHAIRMAN DURHAM: I think what we did was we
7 removed the penalties for a district that fails to meet
8 the 95 percent due to opt out.

9 MS. COLSMAN: Yes.

10 CHAIRMAN DURHAM: And which -- I don't know
11 how we in good conscious hold a district accountable for
12 that which they do not control and after the passage of -
13 -

14 MS. COLSMAN: Right.

15 CHAIRMAN DURHAM: -- I think 1323, they
16 clearly don't control it because the legislature
17 clarified that --

18 MS. COLSMAN: Absolutely.

19 CHAIRMAN DURHAM: -- parents have a right to
20 have to opt out without penalty. So I don't know why we
21 should change our position on that because frankly the
22 position is -- is -- it holds districts accountable for
23 that which they over -- which they have no authority and
24 there's no worse management policy on the plan other
25 than.



1 MS. COLSMAN: Absolutely. I don't think
2 that we have changed our position on that. I think it's
3 about the level of information that we're providing to
4 the US Department of Education. I think the liability in
5 terms of State accountability is very clear for us about
6 not holding districts liable for the parents refusals
7 that they can't control.

8 US Department of Ed and the law that's in
9 place still has a different requirement and I think we're
10 -- we may have to go through some negotiations with them
11 to figure out how to implement that.

12 CHAIRMAN DURHAM: And I think that -- I for
13 one am not inclined to -- to vote to accept a waiver that
14 requires us to do something which I don't believe we're
15 willing to do.

16 MS. COLSMAN: Right.

17 CHAIRMAN DURHAM: And -- and which the
18 legislature, while not forbidding us to do, has really
19 made a very foolish decision for us to implement. So we
20 may be in the rock and the hard place but I think -- I
21 think that's going to be an issue that -- and I'm for --
22 I for one, I appreciate the optimism that was expressed
23 this morning. I like to be in a room with optimistic
24 people because it gives me -- it replaces drugs.

25 I don't think Congress is likely to do



1 anything with this, and I think we're going to be stuck
2 with this but -- so it's kind of a hard line for us.
3 Commissioner, do you have a comment on this?

4 MR. ASP: Yes, I do. I just want to
5 reinforce we made it clear to in our discussions with
6 USDOE that this is a requirement of our state and that
7 both legislation as you heard earlier not having kids be
8 held accountable or parents in some way facing a penalty.
9 It's the same thing for districts and that that's where
10 we have to -- that's where we have to be.

11 Frankly, what we've heard from them and part
12 of this is I think, they're trying to figure out
13 themselves what kind of action they're going to take in
14 regard to districts and states that don't meet these
15 participation rules and they've been to some degree non-
16 committal to this and I -- I -- this is me -- this is me
17 interpreting this piece, Mr. Chair.

18 It's almost like they're not quite sure what
19 to do with this whole piece, and so we're -- we're not
20 hearing explicit direction. I'll -- I'll turn to my
21 colleagues.

22 CHAIRMAN DURHAM: One -- one last question.
23 When will we know which districts didn't meet 95 percent
24 of what the statewide average of testing was? When will
25 we know the answer to that question?



1 MR. ASP: Probably about October.

2 MS. COLSMAN: I think October, November.

3 When we have -- we can give solid participation rates
4 once we have the entire park (ph) results which will be
5 by November, but I think we may be able to get some
6 estimates before that.

7 CHAIRMAN DURHAM: I hate to complain, but
8 that ought to be an easy calculation. I -- I don't
9 understand why it's not available and why Pearson can't
10 make it available and when we get back in negotiations
11 with them, that's just an unacceptable -- I think that's
12 a push one button.

13 You've got so many kids in schools and so
14 many kids took the test and you can calculate a
15 percentage from it. It isn't hard. So I'm -- I'm -- we
16 need to know what position we're in to know probably how
17 -- what level of resistance we ought to have.

18 I -- but I think I -- I think it makes the
19 fact we don't know makes working on this that much more
20 difficult at the moment. And we just want to start
21 around.

22 I can expect there are a lot of comments on.
23 Dr. Scheffel?

24 MS. SCHEFFEL: Yeah, just
25 again for context. We requested this waiver. The USDE



1 sent back comments and this is the changes that the CDE
2 has proposed and we're supposed to decide if we want this
3 submitted now as a second iteration of our request for
4 the waivers that we're doing today?

5 UNIDENTIFIED VOICE: Yes.

6 MS. SCHEFFEL: Okay. Do we have to vote on
7 this today --

8 UNIDENTIFIED VOICE: No.

9 MS. SCHEFFEL: -- since it's such an
10 extensive --

11 UNIDENTIFIED VOICE: No.

12 MS. SCHEFFEL: Okay. Then, I don't know if
13 you want to proceed thru the -- but I have questions
14 about this slide. Are we going to --

15 CHAIRMAN DURHAM: Right. Yeah, why don't we
16 take them as we go.

17 MS. SCHEFFEL: Could you explain the whole
18 mass double testing waiver? Double testing waiver? I
19 mean, what is --

20 MS. COLSMAN: Sure. So to allow students
21 that are in seventh or eighth grade to not take the
22 seventh and eight grade assessments, those grade level
23 assessments in math that we have and instead highlight
24 taking the algebra 1 assessments if they're getting that
25 course instruction earlier, you need a double testing



1 waiver to say they don't have to take both. They can
2 take the higher out of grade level assessment instead.

3 MS. SCHEFFEL: Okay. So it reduces
4 duplication of --

5 MS. COLSMAN: If -- yes, because it would be
6 silly for a seventh grader who's taking algebra 1 to take
7 both the grade seven assessment and the algebra 1
8 assessment.

9 MS. SCHEFFEL: And the second bullet, can
10 you again explain it? "Includes economically
11 disadvantaged and low achievement." What is the
12 relevancy to that? Transitioning to CCR? I mean, I
13 heard the words but I --

14 UNIDENTIFIED VOICE: Yeah, they made the
15 point that we had done an adequate job of describing the
16 supports for standards implementation for students with
17 disabilities and English learners, but they really wanted
18 to see that those same supports will be made available to
19 economically disadvantaged students and overall non-
20 proficient students.

21 So basically, what we did is we went in and
22 added those --- those two terms economically
23 disadvantaged and low achieving to this -- the passage
24 that described our standard implementation support.

25 MS. SCHEFFEL: What does that mean?



1 UNIDENTIFIED VOICE: It's a --

2 UNIDENTIFIED VOICE: I can't believe you
3 didn't know.

4 MS. SCHEFFEL: Are we giving any tutoring or
5 what are we doing?

6 UNIDENTIFIED VOICE: So low -- low income
7 and non-proficient students the -- in our waiver request
8 have described our -- our plan to implement the new
9 standards and -- and the support that CDE is providing to
10 school districts in the implementation of those standards
11 and they really wanted to know that -- that we're
12 providing support to schools and districts in the
13 implementation of standard score. These particular
14 groups of students --

15 MS. SCHEFFEL: So we're disaggregating
16 students identified as economically disadvantaged for
17 specific support because they're economically
18 disadvantaged?

19 UNIDENTIFIED VOICE: They -- so they have
20 the disaggregated groups including the -- that includes
21 economically disadvantaged and then there's the students
22 who are non-proficient students. So they wanted to know
23 that our support for standards implementation is support
24 regardless of the student groups. It's -- we're
25 providing equal support for all groups of students.



1 MS. SCHEFFEL: It seems odd language. I
2 mean, it would suggest that on the initial iteration of
3 the document that we were somehow excluding students who
4 were economically disadvantaged.

5 UNIDENTIFIED VOICE: I -- I think it was
6 they were asking for the explicit language in there. I
7 think it's important for them and their constituents in
8 showing what the waiver is about that we are explicitly
9 addressing all students especially some of our under
10 served.

11 UNIDENTIFIED VOICE: Can I just add a little
12 something about the -- parent refusals. So what they --
13 what might be acceptable, and I don't know if it might be
14 acceptable to you, is if we sort of go back to a dual
15 system where we would -- what they really -- their reach
16 extends as far as schools and districts that receive the
17 -- the Title I funds.

18 So we could say something or offer up
19 something like well, we'll have a title holder, a Title I
20 sanction or a consequence for those -- those schools or
21 districts that fall below the 95 percent but not impose
22 it as -- as a State. We just will be -- so we'd have a
23 State policy, we'd have our Federal policy.

24 MS. SCHEFFEL: I mean --

25 CHAIRMAN DURHAM: Well speaking for myself,



1 I mean, the objective of this all along has been I don't
2 think parents should be indiscernible because they're
3 children are being penalized because the parents don't
4 want them to take the test. And I don't care whether
5 that occurs in a Title I school or -- or -- or where --
6 or both. It doesn't -- it's just -- I don't want that to
7 happen.

8 UNIDENTIFIED VOICE: We have Title I schools
9 involved.

10 UNIDENTIFIED VOICE: Yes, of course we do.

11 UNIDENTIFIED VOICE: And maybe we can
12 consider this globally again as we ask for the waiver or
13 not. I always feel that what -- as we tangle with the
14 feds on this language we're agreeing to things somehow
15 that we barely understand ourselves, and I - I don't
16 know, I think we should reflect on that.

17 We've already submitted this and then we'll
18 try to figure out what this actually means. I really
19 have a hard time wrapping my brain around the tasks that
20 would be associated with this language, but you know,
21 continue this.

22 CHAIRMAN DURHAM: Dr. Flores? Are you guys
23 -- were you wanting to --

24 MS. FLORES: We've got more I --

25 CHAIRMAN DURHAM: Go right ahead. Let's --



1 let's do that and is that all right that we come back?

2 UNIDENTIFIED VOICE: If it's about --

3 CHAIRMAN DURHAM: Okay. Proceed.

4 MS. COLSMAN: Okay. So those were the
5 changes that came from the US Department of Ed based on
6 what we had submitted previously. The same in the spring
7 as you know, House Bill 151323 was passed. And in that
8 bill there was a number of things in there that asked the
9 Department to ask the US Department of Education for
10 waivers for. So we went through that process of revising
11 our waiver request to incorporate what we were getting
12 from 1323, and so we wanted to update you on where those
13 things are at as well.

14 So the first was these two are approvable by
15 the US Department of Ed. I think we're going to be all
16 set with them. One was the School District
17 Accountability hold for 2015 where we will not be giving
18 new ratings this year. They've allowed that for states
19 in transition with their assessments.

20 The other was that the HB152312 allows for
21 English learners to test in their native language for up
22 to five years in the US. That was guidelines of the fed
23 -- US Department of Ed had always allowed, but our state
24 law had limited it to three years, so now state law is
25 now in alignment with federal law.



1 UNIDENTIFIED VOICE: So now they they have
2 five years?

3 MS. COLSMAN: They have up to five years.
4 It's case by case. It's only if students are in English
5 -- if they're getting instruction in their native
6 language that they can take the native language
7 assessment.

8 UNIDENTIFIED VOICE: This might be why
9 parents are complaining that their students are not
10 learning English.

11 UNIDENTIFIED VOICE: So -- so we have three
12 years in this state. Do some -- I -- I'm -- I don't
13 know. I think in some districts, I think Denver may be
14 one where -- I don't know. It's sometimes -- well, four
15 years are taken. More than five years are taken and
16 English is not introduced into the curriculum until, you
17 know, too late.

18 So if you have five years and then English
19 is not introduced and maybe people will say, "It is
20 introduced, but possibly not introduced at the level, at
21 the rigor that it should so that kids can learn and be
22 able to graduate with and be competent in the language.

23 And I think that -- I don't know, five
24 years, that's a lot.

25 UNIDENTIFIED VOICE: In Colorado right now,



1 just so you know, we only have Spanish language
2 assessments and English language arts for third and
3 fourth grade. So there's not an option for tenth graders
4 to be taking a test in their native language, or even a
5 sixth grader or a fifth grader so it's really limited to
6 third and fourth grade.

7 We have maybe about a thousand students that
8 took -- that have taken the third grade test in the whole
9 state and about 400 that have taken the fourth grade
10 test.

11 So it's very few students that are being
12 assessed in their native language.

13 UNIDENTIFIED VOICE: Thank you.

14 CHAIRMAN DURHAM: Dr. Scheffel?

15 MS. SCHEFFEL: Well, I'm wondering if this
16 creates an incentive for more to be just assessed in
17 their native language because if you look at the research
18 it says that students needs on the average seven years to
19 achieve technical adequacy in a second language.

20 So as you point out it's academic,
21 technical advocacy not conversational adequacy. You add
22 five plus seven and many of the students are on the time,
23 so I -- are you saying that we've put this in now as a
24 new feature in our request for waivers so we could align
25 with federal policy? Federal policy isn't very good?



1 MS. COLSMAN: 151323 required as they
2 allowed for up to five years in state law pending
3 approval from the US Department from Ed.

4 MS. SCHEFFEL: Allowed for?

5 MS. COLSMAN: That -- I -- I can go look up
6 the exact language. Do you know what it said?

7 UNIDENTIFIED VOICE: It says directiveness.

8 MS. COLSMAN: It's directed as to ask for
9 that waiver, but then what happens once we get that
10 waiver -- I don't know if have to accept it or not.

11 UNIDENTIFIED VOICE: It's a little bit of a
12 moot point since we don't have the assessments.

13 MS. SCHEFFEL: So if we ask for the waiver,
14 we have to ask for this five year?

15 MS. COLSMAN: I -- I'll look it up
16 afterward. I'll go look up the exact language to see if
17 it says that the five years are required. Like the --

18 MS. SCHEFFEL: Uh-huh.

19 MS. COLSMAN: -- okay. To give that as an
20 option.

21 MS. SCHEFFEL: My question is does that
22 serve our students well in Colorado? I guess the
23 question is alignment.

24 MS. COLSMAN: Okay. It's --

25 CHAIRMAN DURHAM: Ms. Rankin, do you have



1 any questions?

2 MS. RANKIN: So then they --

3 MS. SCHEFFEL: I thought -- she's not
4 finished.

5 CHAIRMAN DURHAM: Oh, I'm sorry.

6 MS. RANKIN: That's okay. But you --

7 CHAIRMAN DURHAM: Go ahead.

8 MS. SCHEFFEL: Keep going, keep going,
9 please.

10 MS. RANKIN: There was some areas where what
11 was exactly written in 1323 is not possible to implement
12 as written. So we're working on some adjustments and we
13 wanted to run those by you.

14 So first is that the law asks us to ask for
15 ninth grade to be high school assessment for the
16 federal requirements. The federal requirements are for
17 high school assessments in grades ten through 12. The
18 law asked us to ask for ninth grade. So we asked for
19 ninth grade.

20 In a few cases, the US Department of Ed has
21 allowed for ninth graders and their assessments to count
22 but that's only when the ninth grade assessment is the
23 end of course assessment.

24 So if all -- if we said our high school
25 assessment was algebra 1 and we said some kids could take



1 that high school assessment in eight grade or ninth grade
2 or tenth grade, the US Department of Ed has approved that
3 in certain cases, but students have to take the course
4 when they take they assessment.

5 So if we as a state wanted to say all
6 students in the state will take algebra 1 by the end of
7 ninth grade and they will have had that course, then we
8 could do that. But that does not seem like a Colorado
9 direction to go in.

10 So after we got that information back from
11 the Department of Ed we revised the waiver with the
12 proposal of using the tenth grade assessment too. The
13 new tenth grade assessment is required to be aligned with
14 the Colorado academic standards, and aligned to the 11th
15 grade college entrance exam.

16 So we're working on that and using that with
17 the US Department of Ed to meet our high school
18 assessment requirement. So that's where we're having --
19 we just have to give them a high them a high quality plan
20 around how we will implement that assessment this year.

21 CHAIRMAN DURHAM: So that part of 1323 that
22 the legislature passed, having the ninth grade assessment
23 in high school is now void for all practical purposes?

24 MS. COLSMAN: Yes.

25 CHAIRMAN DURHAM: Okay. Should we make sure



1 we inform the legislature about that?

2 MS. COLSMAN: Yes.

3 MS. RANKIN: We're -- we're working on a
4 two-pager. Dina's been working on that with us. We've
5 been working with Jennifer Mellow on getting a fact sheet
6 with all of these issues for the legislature, so that
7 they can understand what -- where we are with those
8 negotiations.

9 CHAIRMAN DURHAM: I'm sure they'll be
10 pleased to know. Okay.

11 MS. RANKIN: So that was one issue. Another
12 issue; this one's a little complicated. There is two
13 pieces in 1323 that we can't implement both of. So first
14 they said do not require testing in English language art
15 for English learners who are in their first year in the
16 United States. The department has allowed for that in
17 the past. State law prior to 1323 said all students will
18 test, but now state law is saying you don't need to test
19 your English language learners, your first year students
20 in the US in the first year.

21 Then 1323 went on to say, "Ask the US
22 Department of Education for a waiver for including
23 English language learners and accountability for their
24 choosing for their two -- first two years in the United
25 states.



1 There was a lot of headlines in the spring.
2 Florida had a negotiated an agreement with the US
3 Department of ED to exempt English language learners for
4 two years.

5 So we went to the US Department of Ed, asked
6 about that, and they said well actually, here's what the
7 deal is with Florida. Florida's deal requires students
8 to test in their first year anyway. So that first part
9 where it says don't require testing in English language
10 arts doesn't allow us to have the two-year flexibility.

11 Florida has you test students the first year
12 but don't use their scores for accountability, and the
13 second year you use just the gross scores, and then in
14 the third year you have achievement scores and growth
15 scores in there.

16 So what we have written in the waiver and
17 that draft there for you says we will do one or the
18 other. You have these two options. We want to get more
19 stakeholder feedback and probably need feedback from the
20 legislature about which way to go because we could do one
21 or the other, but we can't do both. It's kind of where
22 we're at with that.

23 MR. SELLE: Mr. Chair, can I make just one
24 comment?

25 CHAIRMAN DURHAM: Yes.



1 MR. SELLE: Our staff is very professional,
2 but I'll just say we're in some ways we're caught between
3 a rock and a hard spot with the requirements of 1323 and
4 trying to negotiate those out with a -- which I think is
5 apparent to you folks, but this is what our attempt here
6 is.

7 CHAIRMAN DURHAM: And I think the
8 legislature needs to know that we did our very best to
9 try and achieve their objectives.

10 MS. RANKIN: And then finally, there wasn't
11 explicit in 1323 that we asked for another double testing
12 waiver like we talked about before but it -- there was a
13 reference to if the federal -- if the US Department of
14 Education says no to this, then this is what we do.

15 So basically is referring -- inferring that
16 we would ask for a double testing waiver for those
17 districts that were interested in piloting that
18 assessment pilot where they could try and use a local
19 assessment for two years and then bring it to the
20 Department or bring it to the Board. Two districts would
21 move forward and eventually maybe one of their local
22 assessments would replace this state assessment.

23 The language in 1323 along with federal
24 requirements, and we talked to the US Department about
25 this. They require showing comparability between the



1 local assessment and the state assessment, and in order
2 to do that we need to have students take both tests and
3 what we need to do to be able to show comparability, and
4 the Department of Ed was very clear to us that we would
5 need to test both.

6 We did not include any language about the
7 assessment pilot in the draft waiver request as it
8 doesn't seem to be anything the US Department of Ed needs
9 to approve or weigh in or have any accountability tied to
10 us for. So it's not in the request, but we did ask and
11 we've got language if you-all need it from the US
12 Department of Ed why we have to do the double testing.

13 So that's that piece. This is a chart maybe
14 useful for you-all. We just wanted to clarify with the
15 proposal what the assessments in the state are state-
16 required versus which ones are federal required. So
17 three through grades three through eight, those are all
18 meeting federal requirements; all those assessments.

19 In the math column, you'll see on grade
20 seven and grade eight, you'll see those different math
21 options based on the double testing waiver. Grade nine,
22 based on what we have in the draft waiver, that is not a
23 federally required assessment, but we were using grade
24 ten as the federally required assessment and then 11th
25 grade again is a state assessment choice that we have.



1 So the US Department of Ed has identified
2 one final issue and it may end up more than that, but we
3 have one that we're really working on right now for the
4 waiver to be approved. Kitty, do you want to talk a
5 little bit about that one and where we're at?

6 MS. MULKEY: Yeah, this is just as you see
7 here, the alignment of the district waivers on Senate
8 Bill 191, the educator evaluation law with the waiver
9 assurances we provide under -- under this federal waiver
10 that we're talking about.

11 So we are working through that issue with
12 them right now and have some possible solutions forward,
13 so working through that and so we just couldn't get that
14 completed by today. So if we have any updates for you,
15 we will certainly let you know.

16 MS. SCHEFFEL: And there's only one so far.

17 CHAIRMAN DURHAM: Just before we go back to
18 questions, just to clarify you indicated you don't need -
19 - because we have a draft motion someplace here on this
20 top here.

21 MS. RANKIN: Three --

22 CHAIRMAN DURHAM: Three one? You don't
23 actually need that today? Is that -- did I understand
24 that or --

25 MS. RANKIN: I --



1 CHAIRMAN DURHAM: What's your time frame to
2 get this back to the Department for additional
3 consideration?

4 MS. RANKIN: I think that's up to you-all
5 and what you want to do. I think if you provide a motion
6 and approve these changes in here today, then as we
7 resolve the remaining issue if no other changes to the
8 waiver need to be brought up, then you've said to us to
9 go ahead and submit to the US Department of Ed and get
10 approval from the US Department of Ed.

11 If something in this conversation that's
12 remaining with the US Department of Ed would change what
13 we have in the waiver, then we want to bring it back to
14 you-all at hopefully the September meeting.

15 If you don't make a motion today that will
16 approve where we're at or go to forward with it we can do
17 that in September if we get to a point where we have an
18 approvable waiver for the US Department of Ed.

19 So I think our preference would be that we
20 know that we're ready to move forward if you-all are
21 comfortable with that, but it's up to you.

22 CHAIRMAN DURHAM: Sure.

23 UNIDENTIFIED VOICE: Thank you. What we
24 were trying to get a feel for today is where you are with
25 those changes. You had given us the okay in March is



1 what we had, and then we came back because of
2 negotiations we've been having with the Department.

3 Also, frankly based on 1323 and trying to do
4 as you said to carry out the intent of that legislation
5 the best we could. So that required some of the changes
6 that we -- all of these changes frankly, that we showed
7 you here today, and we still have one that we're -- we're
8 working on.

9 So what we would need from you at some point
10 is are these changes acceptable to you or not? If
11 they're not, we'll continue to work on what we need to
12 work on to try to reach an agreement with US DOE that you
13 can support, and we can come back in September and talk
14 more about the -- these changes. Let you become more
15 familiar with them and we can try and provide you more
16 information so that you have an opportunity to say yes,
17 move forward or no, we can't live with this piece here.

18 CHAIRMAN DURHAM: So if we were to accept
19 these changes today, it still doesn't obligate us to
20 final approval down the road. It makes it somewhat
21 simpler for you to continue negotiations and trying to
22 bring a product to us to which we can say yes or no.

23 What -- presumingly, if we were to do that,
24 what's -- what's your estimate on the time frame that the
25 Department of Ed, that you guys might have some --



1 something final? Let me just live that long

2 MR. SELLE: Yeah, Mr. Chair. I'm assuming
3 you're referring to their approval of our submitted
4 waivers; is that what you mean?

5 CHAIRMAN DURHAM: Well, where we actually
6 submit something we're comfortable with and --

7 MR. SELLE: Here's where we think we are.

8 CHAIRMAN DURHAM: How's the -- how's the
9 process work? We submit something and -- and what we're
10 submitting still has our 95 percent no penalty, okay? I
11 presume that's the case. They reject that I presume, so
12 what happens at some point? I guess we need to know what
13 the consequences are and when the consequences arise.

14 MR. SELLE: Well, there's a couple sets of
15 those pieces and I'll let staff jump in here in a second
16 as well. We've tried to negotiate through with them
17 everyone of these pieces so that when we submit a waiver
18 we're hoping that it gets approved quickly rather than
19 we're going back and forth and they're sending these
20 pages so that they know what we sent them.

21 We already know they approve and we can move
22 ahead quickly. I don't know what quickly exactly means
23 in their time frame, but it's a lot quicker than sending
24 them a big packet and having it come back.

25 We may be able to get that done. I'll let



1 Pat talk about that here in a second. He's been through
2 this process a number of times. The ultimate
3 consequences if we don't get our waiver approved is we go
4 back under the requirements of No Child Left Behind.

5 The erroneous part for that for our
6 districts is the requirement of their Title I funds are
7 directed in very specific ways for low performing schools
8 for example. We've lived through that piece before, and
9 that's been erroneous in the past for our schools and our
10 districts.

11 Those consequences would be enforced if they
12 rejected our waiver and we chose not to negotiate
13 through. Let me ask Pat and Alyssa to address more
14 specifically.

15 MR. CHAPMAN: Yeah, so if we don't have a
16 waiver we can still apply so there's an opportunity to
17 apply for an accountability hold and the indications are
18 that we could receive that. We could have that
19 accountability hold with or without the waiver.

20 So if we were to lose the waiver we would
21 still be able to have an accountability hold through this
22 upcoming year, so we wouldn't have to go back to AYP for
23 this 2015-2016 school year so that the consequence of
24 losing the waiver isn't as severe in this -- this year as
25 it might be in another year where we're having to



1 accountability.

2 If we -- if we do secure -- so if you're
3 accepting of the changes that we've made we would -- we
4 told the USDE that our ability to officially submit our
5 waiver is contingent upon our State Board's approval of
6 the contents of that waiver so they're -- they know that
7 we're meeting with you and presenting the changes that
8 we've made.

9 We have an upcoming phone call with the USDE
10 to kind of try and work through the remaining issues.
11 Hopefully we'll be successful. There's a, you know, a
12 decent chance that we won't be. I think that the one
13 thing that is -- that's maybe a little unclear still is
14 if -- that some of these requirements that we're talking
15 about really exists regardless of whether we have a
16 waiver.

17 So for example, if we lose the waiver are
18 they -- will they still push us on the parent refusal
19 piece and I think that I agree with Commissioner Asp that
20 they're a little bit wishy-washy like for a couple of
21 phone calls they didn't mention it at all. Then they
22 brought it up again, and then don't mention it next.

23 So I think they're really trying to get a
24 feel for what's the direction that reauthorization is
25 going and other states are starting to emerge that have



1 these same concerns, so they're a little bit hesitant to
2 push on it too, too hard, but they may.

3 CHAIRMAN DURHAM: There are 20 states that
4 don't meet the 95 percent, they're going to handle one at
5 a time trying to enforce that standard. If there are
6 only two or three it's pretty easy pickings.

7 That's why I'm unhappy with part not -- and
8 I think we need to press them to get that information not
9 only to us but to everybody else so that we -- we really
10 know where we stand as we move forward.

11 And I think how much -- how much ever
12 pressure can be exerted on them to push one button on
13 the computer to see if they can get that calculation
14 would be helpful.

15 Any -- does anybody wish to make a -- well,
16 to make any further discussion?

17 MS. FLORES: Yeah, so one of the things I've
18 been wondering about for the family opt-outs. Is there
19 any room for greater disclosure on the part of the
20 schools and the districts to the public that would be
21 acceptable to the Department of Education?

22 In other words, we can't change that if
23 parents choose -- if kids choose, but are there
24 disclosures that I don't have a problem with just to --
25 the number of kids or which subgroups so that -- I mean,



1 opting out means there's less information for parental
2 choice.

3 And so what -- what information could we
4 substitute to help parents know, you know, that all the
5 special ed kids did not take the assessment. That all
6 the minority kids did not take the assessments, that all
7 the high achievement -- I mean, what I'm hearing in my
8 community as well the test don't mean anything because
9 it's the high achieving kids who didn't take the test.

10 But that still means we don't know. In some
11 sort of -- if there's some sort of information that would
12 be appropriate to disclosure that would make the
13 Department of Education say okay, you know, they didn't
14 have any choices but at least everyone knows what the
15 behavior was in order to help parents know what is --
16 what is going on in the schools.

17 I don't know that's a good idea. I'm not
18 sure if my colleagues agree to it, but it might actually
19 be helpful that that kind of transparency might make up
20 for the lack of testing information.

21 MS. RANKIN: I think that's a great
22 suggestion that we should work on with the US Department
23 of Ed in both No Child Left Behind and under our waiver
24 as well. We have to report participation rates and
25 disaggregated participation rates.



1 One thing we wanted to do as a Department is
2 to make sure that that information was easily available
3 for the public to see participation and parent refusals
4 and we did that with the release with the CMAS scores and
5 the science and social study scores, so that information
6 is right there but I think that would be a really good
7 negotiation point yeah, please, to offer something else
8 to the Department of Ed.

9 CHAIRMAN DURHAM: Dr. Flores?

10 MS. FLORES: But how are we going to -- I
11 don't know. I know some districts, in my own district,
12 it's hard things, you know, to make parents and kids take
13 the tests, but I don't think getting kids out of not
14 playing sports or not getting or exempting them from the
15 honor society and such. I think that's cruel. I think
16 that's cruel things to do.

17 I mean, we could come up probably crueler
18 things to do too, but that's the negative and of course,
19 I mean, who doesn't -- people want kids to take the kids,
20 but we can't force them to do and I think that's
21 something that the Department needs to understand.

22 I think we should go along with this waiver.
23 I mean, I think that we should go along with this
24 information because, I mean, they're trying. I think
25 that the Department is trying to get us to jump through



1 this hoop and they're trying as best as they can.

2 Now we know that we have reasons for why we
3 can't penalize students -- districts. I don't think it's
4 fair to penalize districts for what parents will do and
5 have the right to do if they so choose. So I think that
6 the Department's doing the best that they can and I think
7 we need to go along with this. That's --

8 CHAIRMAN DURHAM: Dr. Scheffel?

9 MS. SCHEFFEL: Well, I'm not done
10 summarizing in my mind the benefits of this waiver. What
11 we might gain and what we might lose. As to the first
12 question what might we gain, and I see the kind of list
13 around AYP mostly. Can you speak to -- why are having
14 this waiver? What do we have to do?

15 MR. ASP: It's the -- the benefits are
16 diminishing, so especially given the accountability hold.
17 So the main -- the main benefit that we got from the
18 waiver was no longer having to do AYP.

19 MS. SCHEFFEL: Right. That's all ready --

20 MR. ASP: -- and so, yeah. And so given
21 that accountability hold we wouldn't have to do AYP
22 anyway even if we were to lose the waiver. The -- what
23 we gain in, and correct me if I'm wrong, but what we gain
24 in losing the waiver I think as we might gain some
25 increased flexibility in how we do educator evaluation.



1 MS. SCHEFFEL: If we don't have the waiver.

2 MR. ASP: If we don't have the waiver.

3 MS. SCHEFFEL: That's my sense that we --
4 we're all better off without the waiver. I mean, I --
5 we've just gone into --

6 MR. ASP: There's the --

7 MS. RANKIN: No, no, no. I just think we
8 want to make sure we clarify with the US Department of Ed
9 that we will get that accountability hold for AYP this
10 year. I think that's our understanding of what we've
11 read. They've got two pieces of guidance; one around if
12 you lose a waiver and have to go back to AYP, and then
13 they've got other guidance about the accountability hold.

14 But they have not addressed what happens if
15 you have to go back to the -- to an AYP with the
16 accountability hold at the same time, and I think we just
17 want to make sure that our understanding of reading those
18 things is that we really wouldn't have to do AYP this
19 year.

20 UNIDENTIFIED VOICE: Can you clarify that?

21 MS. RANKIN: Yes. I think that's what we
22 should do next.

23 UNIDENTIFIED VOICE: Because if you can then
24 I really don't see the benefit of being tangled in this.

25 MS. RANKIN: I think we want to make sure --



1 I don't want to get caught up in that. Does that make
2 sense?

3 UNIDENTIFIED VOICE: Yeah, that's true that
4 -- so that's -- there's a lack of guidance in that area,
5 but they -- they have offered -- they're explicit in
6 offering that accountability hold waiver to state that to
7 have a waiver in states that do not have a waiver.

8 If -- as we kind of progress into the school
9 year our ability to do AYP would be pretty limited I
10 think the farther we get into the year.

11 CHAIRMAN DURHAM: Dr. Asp?

12 MR. ASP: Thank you. The one piece that I
13 asked about and I appreciate the question very much is,
14 we -- we are directed by the legislation 1323 to ask for
15 these specific piece so we have to not -- we feel like we
16 have to fall through somehow in what the legislation
17 directed us to do.

18 UNIDENTIFIED VOICE: Yeah, but we could take
19 those waiver requests and pull them out of the ESCA
20 waiver and forward separately. I think that's probably
21 what we would have to do then to make sure we get --

22 UNIDENTIFIED VOICE: I mean, a simpler way
23 to accomplish --

24 CHAIRMAN DURHAM: In the focus discussion is
25 there a motion to arrange anyplace to play this over for



1 action only at the September meeting to any one of the
2 sample motions of approving the submission -- approve the
3 change that's been made by the staff. Does anybody want
4 to make a motion? Going once?

5 UNIDENTIFIED VOICE: I move that we hold
6 over.

7 CHAIRMAN DURHAM: Okay. The motion is to
8 lay this over for action only until the September
9 meeting. Is there a second?

10 UNIDENTIFIED VOICE: I second.

11 CHAIRMAN DURHAM: All that's in favor? Is
12 there an objection to that motion? Trying to get this
13 right. Okay. Hearing none, the staff will --

14 UNIDENTIFIED VOICE: Bizy has an objection.

15 MS. BURDSALL: (Indiscernible).

16 CHAIRMAN DURHAM: Okay. Then we will -- the
17 staff will record a unanimous vote for that motion. Next
18 item is --

19 UNIDENTIFIED VOICE: Can we have a break,
20 Mr. Chair?

21 CHAIRMAN DURHAM: Yes. The next item is a
22 seven-minute break. We'll convene at 4:00.

23 (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

Certified Vendor and Notary Public

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