



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
December 9, 2015, Part 2

BE IT REMEMBERED THAT on December 9, 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: Committee will come back
2 to order and we'll proceed to Item 9, public comment.
3 And just as a reminder, please limit commentary to three
4 minutes and Ms. Burdsall will be the timer, so if she
5 waves a piece of paper at you, it probably means you're
6 close to your three minutes. A red piece of paper.
7 Let's start with Roya Brown. Ms. Brown?

8 MS. BROWN: Good morning, distinguished
9 Colorado State Board of Directors. Thank you for this
10 opportunity to speak today. I am Roya Brown, a public
11 school teacher, and founder of Cooperative Community
12 Schools.

13 I'm here because CCS is the school Colorado
14 needs. Why I say this is because every aspect of our
15 school addresses sustainability and inclusivity. We
16 believe there are three primary factors affecting
17 sustainability and inclusivity in schools. One; state
18 assessment policy change. Two; leadership and teacher
19 turnover, and three; operation of Schools.

20 Today, I will only talk about why we believe
21 that our school is immune to the impact of state
22 assessment policy change. The keystone of the
23 Cooperative Community School's educational framework, is
24 mastery learning; and a fundamental belief that all
25 children can learn when provided with the conditions that



1 are appropriate to their learning ability. Competency
2 guided learning objectives ensure that all students
3 acquire a working foundation for each objectives, for
4 each subject, before advancing to new material; a concept
5 which stands in contrast to popular H-based annual grade
6 placement system.

7 This flexible structure and real time
8 response to data increases the productivity of time spent
9 at school, and enable learners to rapidly build
10 foundational knowledge and skills, freeing them to think
11 critically, engage in collaborative projects, and become
12 creator, and not just consumers of their world. With
13 steady focus and direct personalized instruction, our
14 model is 100 percent differentiated learning, and meet
15 all children where they are. Because our model requires
16 students to achieve 85 percent or higher to advance, CCS
17 will leave no gaps in students' education. Therefore, we
18 are not affected by the state assessment policy change.

19 With 22 years teaching experience, I have
20 realized that education is far more than teaching, it is
21 motivating students to learn, for when you create
22 competence and passion, students will become lifelong
23 learners. This requires forward thinking about how to
24 engage students through inclusive democratic, and
25 efficient educational system, combining academic rigor,



1 and hands-on application. Who here doesn't want students
2 to be not only prepared for college, or to work first,
3 but enthusiastic about their own potential? Who here
4 doesn't want to see strong community relationship fosters
5 so that the next generation knows how to come together to
6 solve problems? These are the pillars of our school. If
7 you support this vision, then you're supporting our
8 vision, so please support CCS. Thank you.

9 CHAIRMAN DURHAM: Thank you, Ms. Brown.
10 Frank Waters, Bell Policy Center?

11 MR. WATERS: Thank you, Mr. Chair, Members
12 of the Board. My name is Frank Waters; I'm a senior
13 policy analyst with the Bell Policy Center. Bell is a
14 non-profit, non-partisan policy research and advocacy
15 organization founded on progressive values and dedicated
16 to helping all Coloradoans get ahead and stay ahead. I
17 appreciate the opportunity to provide public comment to
18 you today on your -- on tomorrow's agenda item,
19 pertaining to high school equivalency examination options
20 in Colorado; specifically Item 5.01 on your December 10
21 agenda.

22 Earlier, via email, the Bell provided you
23 with copies of our newly released policy brief that
24 supports expanding the high school equivalency assessment
25 options in our state. I've also brought hard copies of



1 the brief, and our comments, for you today. Based on the
2 data and information contained in our brief, the Bell
3 Policy Center urges the State Board of Education to
4 approve multiple high school equivalency examinations for
5 use in Colorado.

6 Numerous other states throughout the nation
7 have already followed this course. Offering multiple
8 assessment options will recognize and support the wide
9 variety of learning styles, testing format preferences,
10 financial circumstances, life goals, and post-secondary
11 and workforce aspirations that the diverse students
12 seeking a high school equivalency diploma bring with
13 them.

14 It will also serve as a key foundation for
15 advancing our state's workforce development goals. We
16 want to stress that we are not recommending that the
17 currently approved GED examination be replaced. Rather,
18 we are recommending that additional examination options
19 be made available in order to meet the broad needs and
20 strengths of students throughout our state. This is not
21 a case of either/or; instead it is a case of yes/and. We
22 believe that providing multiple high school equivalency
23 examination options to students is good education policy,
24 is consistent with the multiple pathways approach to
25 increasing students' success, and will expand opportunity



1 in our state.

2 The bottom line is this: In a high school
3 equivalency assessment, as in so many other areas of
4 education policy and practice, one size does not fit all.
5 We ask you to support student choice in your decision
6 making on this critical issue, just as you have
7 steadfastly done in other areas of education policy that
8 fall under your authority. Again, in your action on this
9 agenda item, we urge you to approve multiple high school
10 equivalency examinations for use in Colorado. Thank you
11 for your time.

12 CHAIRMAN DURHAM: Thank you, Mr. Waters.
13 Deborah Cole (ph).

14 MS. COLE: Mr. Chairman, Members of the
15 Board, good morning. My name is Deborah Cole. A new
16 report on early literacy, titled From Crawling to
17 Walking, has placed Colorado in the low-middle range of
18 states based on the following seven criteria: Educated
19 credentials in training, funding, standards assessment
20 and data, pre-K access, dual-language support, full day
21 kindergarten, and literacy laws.

22 Standardized test scores suggest that
23 roughly a quarter of third graders in the state are not
24 reading at grade level. What, however, is the criterion
25 for "at grade level"? In 1776, a pamphlet called Common



1 Sense, sold 120,000 copies in the American Colonies in
2 three months. This would be comparable to 15 million
3 copies being sold today. In its first year, the pamphlet
4 sold the equivalent of 60 million copies; this gives a
5 whole new meaning to "best seller".

6 But most adult readers of the New York Times
7 Best Seller list would never have to sharpen their
8 critical thinking skills, grappling with language
9 anything like this: "As long as a long and violent abuse
10 of power is generally the means of calling the right of
11 it in question, and in matters too which might never have
12 been thought of, had not the sufferers been aggravated
13 into the inquiry. And as the King of England hath
14 undertaken in his own right to support the Parliament in
15 what he calls "theirs", and as the good people of this
16 country are grievously oppressed by the combination, they
17 have an undoubted privilege to inquire into the
18 pretensions of both, and equally to reject the
19 (indiscernible) of either."

20 Pretty sophisticated language, and pretty
21 sophisticated reasoning. But consider that colonial
22 eight-year-olds were cutting their teeth on the rich,
23 complex poetry and prose of the King James Bible. Two
24 hundred and twenty-five years later, the National Center
25 for Education Statistics reported that 43 percent of



1 American adults are virtually illiterate. What happened?

2 The answer is simple and categorical and has
3 nothing to do with standards, full day kindergarten or
4 literacy laws. The teaching of reading through phonics,
5 a practice that is attested as far back as the 16th
6 century, was replaced with Look Say whole word methods.
7 Learning 200 sight words from the (indiscernible) list,
8 and using context clues is not a good preparation for
9 reading complex challenging text.

10 The reason for this change and its
11 endurance, despite thorough debunking I'll leave for
12 another day and another three minutes, adding only that
13 the systematic phonics that is taught in the charter
14 schools with which I have been associated, has virtually
15 eliminated dyslexia, which raised its ugly head with the
16 advent of whole word instruction. And in those schools,
17 it has also eliminated the much lamented achievement gap
18 among demographic and racial groups. Why is no one
19 interested in seeing how we do it? Thank you.

20 CHAIRMAN DURHAM: Thank you, Ms. Cole. Amy

21 --

22 UNIDENTIFIED VOICE: Chairman Durham?

23 CHAIRMAN DURHAM: Yes?

24 UNIDENTIFIED VOICE: Over here.

25 CHAIRMAN DURHAM: I'm sorry, yes, yes ma'am.



1 Yes, Ms. (indiscernible).

2 UNIDENTIFIED VOICE: I would like to get a
3 transcript of your remarks, Ms. Cole, thank you.

4 CHAIRMAN DURHAM: Thank you. Amy Weinberg
5 (ph). Thank you. Sorry, Amy.

6 MS. WEINBERG: Members of the Board, I
7 appreciate the time and opportunity to speak with you
8 today. My name is Amy Weinberg; I'm the Director of
9 Training and Education at CWEE, the Center for Work,
10 Education and Employment, where it's our mission to
11 assist low-income single mothers to transition off of
12 public assistance, and into employment.

13 At CWEE -- sorry, in today's labor market, a
14 high school equivalency diploma is vital in reaching
15 those goals. In 2014, as you know, the test adopted in
16 Colorado changed. It was computerized, privatized, and
17 increased in cost. Since then, the numbers of students
18 who both take the test and pass the test have dropped
19 over 50 percent. At CWEE, most of our participants,
20 their end goal is seeking employment that will gain self-
21 sufficiency, and not paths to pursuing post-secondary
22 education.

23 With the previous GED test, CWEE saw
24 graduates of four -- around -- approximately 40 -- 40 GED
25 graduates a year. Now, with the changes to the test, we



1 see approximately only five. We believe that we would be
2 more effective and efficient in our training if we were
3 able to provide a high school equivalency choices for our
4 students, and providers, in Colorado. Nineteen other
5 states have adopted other tests like the HiSET and the
6 TASC. These alternative assessments equally measure and
7 align with the Common Core standards, and when passed,
8 results in the same, a high school equivalency.

9 I am in favor of offering our adult students
10 options for taking exams in the -- that provide the same
11 amount of academic rigor, while also reaching their
12 learning styles and needs. Like the TOEFL and
13 (indiscernible) exams offered to international students,
14 and the ACT and SAT for college entrance, choice and
15 options are key to success, and our students agree.

16 One of our students, Grace, said, "When I
17 lived in New York I had the end -- I had until the end of
18 2014 to complete the old GED. Since New York didn't
19 adopt the new GED, I started working on the TASC, and
20 passed three of the four tests. I then moved to Colorado
21 because my brother offered to help me financially, but
22 then I had to start all over with the new GED test. I
23 find this test easier because it's in sections, but that
24 just depends on the person who takes it. That's why it's
25 better to provide options. Some people prefer paper,



1 because you get to underline and star, rather than having
2 to look at the screen, move your mouse around, and
3 highlight to take notes. I think if I had multiple
4 options and can choose a test, it would have taken me
5 less than one year to gain a high school equivalency, and
6 not four."

7 Another student of ours said, "I think it
8 would be nice to actually have options. My learning
9 style and test taking is different for most people
10 because I'm a special education student. If a test is
11 only offered online, some people will have a harder time
12 staring at a computer screen. In high school, you also
13 take finals on paper, not on a computer. Not everybody
14 learns the same, takes notes the same, or tests the same.
15 I want a choice, to have options, to see what works best
16 for me." Thank you for your consideration.

17 CHAIRMAN DURHAM: Thank you, Ms. Weinberg.
18 Dortha Steinke (ph)?

19 MS. STEINKE: Good morning, Mr. Chairman --
20 good morning, Mr. Chairman, Members of the Board, my name
21 is Dortha Steinke. A bit about my background, I tutored
22 the old GED at a non-profit for four years, got my
23 Colorado adult education teacher credential, taught the
24 old GED at Front Range Community College, and
25 concurrently taught developmental math at Front Range in



1 Westminster for five years. I served on the Board of the
2 Literacy Coalition of Colorado for eight years. The
3 Literacy Coalition is a 501C3 non-profit that provides
4 professional development opportunities to adult education
5 teachers and tutors.

6 I'm here today speaking on my own behalf,
7 and I would like to tell you about the concerns I've
8 heard from my adult education colleagues, some of which
9 the previous speaking just mentioned, about the current
10 situation with the high school equivalency exam in
11 Colorado. The current situation presents several barriers
12 to adult learners in Colorado who are trying to earn
13 their high school equivalency certificate.

14 One; students with reading disabilities may
15 not be able to follow the information on the computer
16 screen as easily as they can on a printed page. This
17 means they may not complete as much of the test on the
18 computer as they would with pen and paper; and this
19 affects their test score. Two; students who lack
20 computer keyboarding skills may not complete the test in
21 the allotted time simply due to not having that
22 mechanical skill. Lack of keyboarding skill should not
23 prevent academically capable students from earning their
24 high school equivalency certificate, and becoming more
25 employable. Having a pencil and paper option for the



1 test would eliminate both of these barriers.

2 Three; there has been a decrease in the
3 number of testing sites with the new 2014 GED exam, which
4 is especially a problem for rural areas, but also for
5 some suburban areas, and by suburban, I'm talking Douglas
6 County. The distances have increased that people have to
7 go to get to a test site. Four; students coming from
8 another state, as was just mentioned, who had started
9 another one of the tests -- the TASC or the HiSET, would
10 need to restart the entire process in Colorado, if we do
11 not offer all three tests. And this becomes a financial
12 barrier to students.

13 Please keep these barriers in mind when
14 considering options for the tests that you will -- for
15 the decisions you will make about high school equivalency
16 test on your voting tomorrow. Thank you very much, and
17 if you would like, I have hard copy of my remarks.

18 CHAIRMAN DURHAM: Thank you very much, you
19 can give those to Ms. Burdsall, she'll see that we
20 receive them. Erin Barker?

21 MS. BARKER: Sorry, I have a little bit of a
22 cold. Members of the Board of Education, thank you for
23 the opportunity to present to you. I am here
24 representing GOAL Academy in the Gunnison Valley, and to
25 speak about high school equivalency exams, because I



1 believe it is important to maintain rigor, and high
2 expectations and the exams we give students.

3 I am the Education Zone Director for GOAL
4 Academy in the Gunnison Valley, in Montrose, and I'm also
5 a Colorado Educator Voice Fellow. GOAL Academy is an
6 alternative education campus that serves at-risk
7 students. I have also taught GED classes through the
8 Center for Adult and Family Education in Gunnison.

9 In the Gunnison Valley in Montrose, I serve
10 65 students. Many of my students have been suspended or
11 expelled from their previous schools, are pregnant or
12 teen parents, have mental health issues, or were bullied
13 at their previous schools. Most of them are overage and
14 under credited. Over half of my students are seniors or
15 super seniors. The vast majority of them live in
16 poverty, and/or have parents who did not graduate from
17 high school themselves. Every week, at least one of my
18 students comes to me with the intent of dropping out and
19 taking the GED.

20 Every week my staff implore our students to
21 stay in school, and finish their high school diploma.
22 Many of these students see a GED as the easy way out,
23 without realizing the difficulty or cost of passing the
24 test. The GED is aligned with Common Core standards, as
25 is our curriculum at GOAL Academy. Neither are easy, and



1 they shouldn't be. A high school diploma should
2 represent mastery of the Colorado Academic Standards. It
3 should not be a piece of paper we give to anyone who is
4 willing to pay the money.

5 For my students who live in a county where
6 81 percent of the population has some college or more,
7 yet the majority of jobs available are low-paying
8 positions in the tourism industry, a high school diploma
9 is vital. Even a nine dollar an hour job in the Valley
10 requires a high school diploma. In a county with no
11 vocational school, or community college, a high school
12 diploma should indicate college and career readiness.
13 Allowing options to the GED that also maintain high
14 standards and rigor, gives options to programs and
15 students in rural Colorado who lack the options available
16 on the front range.

17 The Center for Adult and Family Education,
18 the grant funded adult education program in Gunnison
19 County, for example, could continue to offer GED
20 preparation classes and curriculum. In Montrose, the
21 Montrose Adult Education Center could offer a different
22 high school equivalency exam if they decided it was more
23 cost effective and met the needs of their students.

24 While I always prefer that my students
25 complete high school, it is inevitable that some with



1 leave GOAL Academy and pursue a GED or other high school
2 equivalency exam. When they pass the high school
3 equivalency exam, I want to be secure in the knowledge
4 they have met the high academic standards set by the
5 State of Colorado, and that they are ready for the
6 workforce or college. As long as other high school
7 equivalency exams offer the same amount of rigor and high
8 standards as the GED, we should give our students and
9 programs options, especially our students in the rural
10 areas of Colorado. Thank you.

11 CHAIRMAN DURHAM: Thank you. Glenda
12 Sinks (ph)?

13 MS. SINKS: Thank you for entertaining our
14 comments today. And I would like to encourage you to
15 vote in favor of the alternative high school tests --
16 adopting all three of them.

17 I'm from the Community College of Denver.
18 I've been in adult education for over 20 years, and as I
19 was thinking about my remarks today, I thought: I can't
20 think of any reason why adopting the three alternative
21 tests wouldn't benefit our students. Of course you know
22 CCD serves very many none traditional students, and I
23 think it's a disservice to only offer the GED test,
24 especially to people that have been out of school for
25 decades; and we have many of those in our program that



1 come to us and want to pass the test, and they are not
2 computer literate. And of course, we know that's a good
3 thing. We want our people to be computer literate, but
4 we don't want to merge the skills. So you have to have
5 the high school content, and you have to have the
6 computer literacy too. We want to keep it separate. And
7 I think by having alternative tests -- the paper/pencil
8 option, would certainly allow for that.

9 Choices -- we all like choices, especially
10 in the face of high stakes tests. These GED high school
11 equivalency tests are certainly high stakes for our
12 students, and are a closed door in many ways. I urge you
13 to open that door by giving them choices to alternative
14 tests. I know in my program, it would be a very easy
15 transition to say: Oh, now we have other two tests as
16 options. All of the tests are based on the Common Core,
17 and those are the skills that we teach to; the college
18 and career readiness standards. And so it would be very
19 easy in my program to say, okay, what is your choice, and
20 we can offer that option. And so I envision very easily
21 making that transition.

22 So it -- let me turn the page -- it is a
23 very wonderful consideration, and I hope indeed for
24 tomorrow's agenda, I hope that you will see the
25 importance, and how all of us in the trenches, again,



1 encourage you to open up this alternative. So thank you
2 very much.

3 CHAIRMAN DURHAM: Thank you, Ms. Sinks.
4 Margie Wagner?

5 MS. WAGNER: Good morning, and thank you to
6 the Members of the Board for allowing us to make public
7 comment this morning. I also would like to speak with
8 you about adopting multiple high school equivalency exams
9 in Colorado. We are just talking about three: The GED,
10 the HiSET, and the TASC. I see it as critically
11 important for Colorado to offer all three of these exams.
12 All three have been approved by the Federal Government
13 already.

14 I have been in adult education for the last
15 25 years and work as a program coordinator at Front Range
16 Community College, however, I am representing myself here
17 today. The first reason I think it's important to offer
18 all three exams is affordability. The cost of the GED
19 exam, which is owned by the for-profit testing company,
20 Pearson VUE, costs \$150. The HiSET and TASC may be taken
21 for \$50 to \$65 in various other states. So for adults
22 who have a limited income, cost can be a barrier to
23 taking the high school examination -- high school
24 equivalency examination.

25 The second reason is accessibility. The GED



1 exam is a computer-based exam; a paper and pencil version
2 is available, but only as an accommodation for a
3 documented disability. The HiSET and TASC exams offer
4 both computer and paper and pencil versions to anyone
5 upon request. Certainly we want our high school
6 equivalency graduates to have good computer skills, but a
7 lack of those skills should not prevent a person from
8 earning the degree.

9 Thirdly, choice. A high school diploma or
10 its equivalent is required for a person to obtain almost
11 any job. So although a high school equivalency exam
12 should be challenging enough to be meaningful, it should
13 not be so difficult that it becomes a barrier to
14 employment. Since all three exams have been federally
15 approved as tests of high school equivalency, an adult
16 seeking employment, or any adult, should be able to take
17 whichever exam he or she is most likely to pass. Higher
18 high school equivalency pass rates mean an increase in
19 employability, and a more robust workforce in our state.
20 I believe it's ultimately good for the state.

21 Finally, eligibility for financial aid and
22 in-state tuition in Colorado. There is a lot of
23 confusion regarding Colorado students eligibility for in-
24 state tuition classification and financial aid, if they
25 go to another state to take a high school equivalency



1 exam other than the GED. There -- there is just -- all I
2 can say is there is just a lot of confusion. I don't
3 know exactly what is true, but I have heard a lot of
4 conversations from higher up people in the financial aid
5 departments, who are working, you know, as directors.

6 And I think there is just a ton of
7 confusion. If we were able to adopt all three of the
8 equivalency exams, that problem would just go away, and
9 we wouldn't have to deal with it, so I just thought I
10 would throw that one out there too. So thank you very
11 much for considering this important issue, and I hope
12 that Colorado will support our adult learners by -- and
13 ultimately the well-being of our state by adopting all
14 three high school equivalency examinations. Thank you.

15 CHAIRMAN DURHAM: Thank you. Kathleen -- or
16 Katherine Waylon?

17 MS. WAYLON: Good morning, Mr. Chair and
18 Members of the State Board of Education. Thank you so
19 much for allowing me the opportunity to speak in the
20 issue of approving multiple high school equivalency exams
21 in Colorado.

22 I am the education team lead of Urban Peak
23 in Denver. We work with youth ages 15 to 24 who are
24 experiencing homelessness or at risk of becoming
25 homeless. This means that many of my youth are actively



1 sleeping on the streets, they might be staying in a
2 shelter, or living -- couch surfing from friend to
3 friend's houses.

4 I want to talk more on the subject of the
5 accessibility of the GED exam. Having only a computer-
6 based option, as has been discussed, is a huge barrier
7 for many of the students I work with. Very, very few of
8 our students have access to computers on a regular basis,
9 and requiring them to take an exam on computer is a huge
10 barrier, as we've discussed. Approving to other
11 examinations for the high school equivalency diploma
12 would increase access, and having a paper and pencil
13 option would remove a huge barrier that is in place right
14 now for our students.

15 Additionally, I just want to comment, also,
16 our students all have different learning styles, and
17 increasing choice, allowing them to decide which test
18 works best for their learning style, I definitely believe
19 would also increase success. This past graduation in
20 June of 2015, we invited our 12 GED graduates from the
21 past year, after graduation in June of 2014, up until our
22 graduation of June 2015. In the past, we had been
23 inviting anywhere between 50 and 87 graduates every year,
24 so that decrease in number is very concerning to me. And
25 I hope you will consider the well-being, and the options



1 for our out of school youth, and adult learners who are
2 trying for the high school equivalency. Thank you.

3 CHAIRMAN DURHAM: Thank you. Jessie
4 Hawthorne?

5 MS. HAWTHORNE: Hello, and thank you for
6 having me here today. I am Jessie Hawthorne; I worked
7 here at CDE in the Office of Adult Education, for six and
8 a half years from 2008 to 2014. I also have been
9 teaching adult learners in Colorado, and a couple of
10 other countries for about 17 years.

11 Currently, I work at the Spring Institute
12 for Intercultural Learning, and I manage the adult
13 education program there. I started preparing inmates in
14 Adams County Detention Facility, for the GED, that was my
15 first experience teaching GED, and then I went on to do
16 it in a few other programs, and now I'm managing it.

17 I just want to comment -- I had a lot of
18 comments prepared, but I just want to touch on a few key
19 things that I heard some other people saying, and I just
20 want to clarify from the speaker from the GOAL Academy,
21 she did mention that they have students that are above
22 age for public school funding, but I don't know how many
23 of you know that the GED is definitely more accessible
24 for youth; for 17 to 21 year olds. It's very
25 inaccessible for most adults 25 and older, which is the



1 large percentage of our students in Colorado.

2 We have a federal grant from the U.S.
3 Department of Education for six million dollars of adult
4 education. We only have one million dollars in state
5 funding, and that was only recent. And so the bulk of
6 the funding is coming from the Federal Government, and
7 the federal grant does not allow us to teach computer
8 skills. So that's one big point. So you might say,
9 well, why aren't the programs teaching computer skills?
10 It's not an allowable course. We are only allowed to
11 teach English as -- English as a second language, GED,
12 and adult basic education. So we also can't teach
13 citizenship classes either. So those are two things that
14 are not allowed with those federal funds, and as I said,
15 the state funds are very limited.

16 So the other big issue, besides the computer
17 barrier, is the resources for the adult education
18 programs to be able to provide the instruction. Adult
19 learners have four to six hours per week that they can
20 dedicate to their education. That's very different than
21 a lot of youth, especially those who might be on
22 probation and have other requirements. So if you can go
23 to school for four to six hours a week, the GED, as it's
24 currently formed, is not possible for many people. The
25 other exams just appeal to other learning styles, and



1 approaches, and are much more accessible for most adult
2 learners.

3 So those are the two big reasons that I'm in
4 favor of Colorado having more options. I think we don't
5 want anything preventing people from being in the
6 workforce. I think we can all agree that employers need
7 workers. Recently at a Skills to Compete meeting,
8 there's been a lot of discussion about apprenticeships,
9 and on-the-job training programs that are going unfilled
10 because of the GED being a barrier. And I think with all
11 of the middle skills jobs, and other jobs we have in
12 Colorado, we need to get people to work, and those
13 options will get people to work. Thank you very much.

14 CHAIRMAN DURHAM: Thank you. And that
15 concludes the list of those who've signed up. I
16 appreciate your comments. And we'll move on now to Item
17 10, Rule Making Hearing, for the rules for the
18 administration of Colorado reading to ensure academic
19 development act, the READ Act. Dr. Asp, who do we -- can
20 we proceed?

21 MR. ASP: We are going to turn this over to
22 Alyssa Dorman here in just a moment. I just want to re-
23 emphasize for the Board that the rules that you see here
24 today are designed to bring -- these rule changes are
25 designed to bring our rules in charge of -- how are we



1 doing? Is that better? Thank you. To bring our rules
2 in alignment with changes in statute, particular 13.23.
3 Should the Board desire to look at a broader view of the
4 rules, Mr. Dyl is prepared to talk about how that might
5 move forward.

6 But today you'll hear from Ms. Dorman in a
7 moment that we have no comment on these particular set of
8 rules, because they are mostly administrative in nature.
9 With that, I will turn it over to Ms. Dorman.

10 CHAIRMAN DURHAM: Ms. Dorman, please?

11 MS. DORMAN: Yes, Mr. Chair, and Members of
12 the Board, thank you, and excuse my voice as well. I'm a
13 little bit hoarse today.

14 I wanted to make sure that I alerted you to
15 what information has been provided to you. Briefly, we
16 have a memo that sort of summarizes what Dr. Asp has
17 said. We have a red-lined copy of the rules showing the
18 changes that are proposed. We have an alignment
19 document, a table, that shows what the Office of
20 Legislative Legal Service provided to us as feedback in
21 their review, along with the changes that we have made in
22 your red-lined copy, and then you also may have a copy
23 that is a clean copy without the red lines that would be
24 -- if adopted the way the rules would exist.

25 You remember that we came back to you, and



1 shared with you in October, when we noticed while making
2 these changes, a really indirect response to the feedback
3 we received from the Office of Legislative Legal
4 Services. Largely, the feedback is in relationship to
5 the changes that were brought forth by the passage of
6 House Bill 1323. So changes to the timelines for
7 students related to assessment, the types of assessments
8 that must be approved, including versions that
9 paper/pencil, those are the major components of these
10 changes.

11 And at this time, we would be pleased to
12 answer any questions. And there have been no public --
13 no written comments that were provided to us in the --in
14 the interim.

15 CHAIRMAN DURHAM: No written comments, and
16 the Chair would observe that the sign-up sheet for
17 testimony on this is blank. So no one has signed up to
18 discuss these particular amendments to the READ Act. And
19 just for the purpose of notice, a hearing to promulgate
20 these rules was made known through publication of a
21 public notice on October 25th, 2015, through the Colorado
22 Register, and by State Board notice on December 2nd.
23 State Board is authorized to promulgate these rules
24 pursuant to 22.2.107(1)(c), Colorado revised statutes.

25 So I think there are several options open to



1 the Board. One is to act on the rules as submitted, and
2 approve them; two, -- I know there is interest in the
3 Board from the individual members in the -- perhaps
4 turning this into a broader discussion of the content of
5 these rules in which case we could re-notice these rules
6 and ask staff to work on inclusion or changes that would
7 -- that are of interest to the committee. So probably
8 one other option would be simply to lay this over.

9 My preference would be for option one or
10 two, to either act, or re-notice. And obviously these
11 particular rules are not controversial and -- is there
12 any real rush in doing this, Ms. Dorman?

13 MS. DORMAN: Mr. Chair, we are operating
14 under the current statute with regards to timeline. So
15 this is just really bringing our rules in alignment to
16 that particular statute. So schools and districts are
17 already moving forward, according to those statutory
18 changes. This just makes your rules, and that statute in
19 alignment.

20 CHAIRMAN DURHAM: So no huge urgency, if
21 this were to drag on a month or so, without approval?

22 MS. DORMAN: I think that would be to your
23 discretion. I mean, we would continue to work with
24 schools and districts to understand how to implement
25 these changes.



1 CHAIRMAN DURHAM: As I recall, Dr. Scheffel
2 and Dr. Flores were both concerned about these rules. Do
3 you have any commentary into preferences to how we
4 proceed? Dr. Scheffel?

5 MS. SCHEFFEL: I just wanted to -- if we
6 were going to, you know, vote on them, I just wanted to
7 ask questions about the changes.

8 CHAIRMAN DURHAM: Please proceed.

9 MS. SCHEFFEL: Could you talk about 2.34?

10 MS. DORMAN: Yes.

11 MS. SCHEFFEL: And just the context of that?
12 I mean, it looks like there's a lot of detail that was
13 taken out, delineating a coach intervention
14 (indiscernible) and so forth. And then it reduced to
15 just an educator who is the main instructor. Are there -
16 - are there implications behind that? In my experience,
17 it helps to have people with specialized knowledge of
18 literacy, as in an interventionist, a coach, as opposed
19 to just the instructor who's the main instructor for the
20 class. I mean, the point is, kids are struggling in
21 reading, so to help the situation, you bring in
22 reinforcements and people with greater expertise. So
23 what's the reasoning behind making the language more
24 generic?

25 MS. DORMAN: Thank you. The feedback that



1 we received from the legal services review, was that the
2 term "teacher" was broader, in statute generally, and in
3 other places in the rules. And that in --

4 (Overlapping)

5 MS. MAZANEC: Can I interrupt for a moment?

6 CHAIRMAN DURHAM: Yes.

7 MS. MAZANEC: Would you explain, feedback
8 from...

9 MS. DORMAN: The Office of Legislative Legal
10 Services. So anytime --

11 (Overlapping)

12 MS. MAZANEC: And who is that?

13 MS. DORMAN: Anytime --

14 (Overlapping)

15 MS. MAZANEC: Is that here at CDE?

16 MS. DORMAN: No. It is over at the
17 Legislature. So anytime that rules are revised, and/or
18 statute changed, there is a review --

19 (Overlapping)

20 MS. MAZANEC: To help you to make sure there
21 is an alignment.

22 MS. DORMAN: -- to make sure it's an
23 alignment, and this was prompted by the changes in the
24 rules that you made last spring. So we were subject to a
25 review, and in that review, this particular feedback was



1 provided to us by that reviewer, who indicated that our
2 definition -- they felt by specifying names of teacher to
3 be "coach" or "literacy specialist", was actually more
4 narrow, and that the term "teacher" was a broader term.
5 Therefore, they instructed -- or ask of us -- to change
6 that term to the more broader definition of teacher, then
7 the narrower definition of teacher for which you had
8 previously adopted.

9 MS. SCHEFFEL: May I follow-up?

10 CHAIRMAN DURHAM: Just -- yes, Ms. Mazanec,
11 the Legislative Legal Services is an arm of the General
12 Assembly, and they provide legal advice to the General
13 Assembly, and then on a statutory -- they are -- a part
14 of their statutory obligation is to review all agency
15 rules and regulations for approval and consistency with
16 statutory authority. And so they regularly make these
17 kinds of, what I would characterize, is hopefully
18 technical suggestions. So -- yes.

19 MS. SCHEFFEL: Can I follow-up?

20 CHAIRMAN DURHAM: Go ahead, please, yes.

21 MS. SCHEFFEL: Okay, so did they require us
22 to change it? I guess I'm -- again, the intent is an
23 issue. Just because if it's just the teacher, I mean,
24 the kids are already struggling. They are working with a
25 teacher. Isn't the intent of the READ Act to close



1 achievement gaps while kids are young, by bringing in
2 additional expertise and if you just say "teacher", maybe
3 that isn't the expertise that's needed. I mean, they're
4 all teachers, but some have more expertise in literacy,
5 which I think was the point of saying "coach" and so
6 forth.

7 MS. DORMAN: I would agree, and I would hope
8 that schools and districts would select, as you're
9 suggesting, the most qualified individuals to support
10 those students, those who have the specialized training
11 necessary. As far as whether or not we are required,
12 and/or obligated to respond to their feedback, I would
13 have to defer to someone else other than myself to know
14 what our requirements are.

15 MR. ASP: The answer is, yes, when
16 Legislative Legal Services identifies these cleanup, if
17 they are not done, they become part of the bill that
18 sunsets the regulations that have been identified. It's
19 -- it's of course possible to go meet with the Committee
20 on Legislative Legal Services, and argue your case about
21 why you believe that the original regulations complied
22 with the statute, but it's -- at that point in time, it
23 becomes with discretion of the legislature about whether
24 or not to include it in that bill.

25 MS. SCHEFFEL: Can you respond to what their



1 logic was for creating more generally --

2 MS. DORMAN: In the particular document I'm
3 going to reference -- if I could just show you, in case
4 you want to read along with me, it is the Crosswalk. On
5 the left side, it says exactly what their feedback was.
6 And for this particular item, it's the very first item
7 listed in the table on 2.34. It says that we define
8 "teacher" as the professional responsible for the
9 literacy instruction of the students, which may include
10 the coach, the interventionist, the special ed teacher,
11 the Title 1 teacher, and other personnel identified as
12 effective in teaching reading. That's what we have in
13 our current rules.

14 Then the feedback is that the statute,
15 section 22-7-1203-17, says that "teacher" is more broad
16 in its definition. So we've titled it "teacher" and
17 we've been very specific in what we mean by teacher in
18 the rules. But statute already currently defines
19 teacher, and it defines it as a more broad definition:
20 An educator who is the main instructor for a class of
21 students; or an educator. And because of this, because
22 your rule is narrower than the statute, they recommend
23 changing your rule to align with the statute.

24 CHAIRMAN DURHAM: Dr. Scheffel?

25 MS. SCHEFFEL: Often rules are more narrow



1 than the statute, so that seems like a species argument.
2 I didn't know how your discussion went, but I -- I guess
3 -- does it have to do with how the money is spent? I
4 mean, what was behind it? Because rules are always more
5 specific.

6 (Overlapping)

7 MS. DORMAN: We were not provided -- we were
8 provided with more context than this. We were engaged in
9 dialogue, but it was more about the narrowing of the
10 descriptor and thinking that that potentially there could
11 be a person named that would be supportive to these
12 students that would not have been in your definition.
13 And so by "teacher" being broader, it allows districts, I
14 think, to choose the specialists that they like to use.

15 CHAIRMAN DURHAM: Dr. --

16 MS. SCHEFFEL: But -- but the word "may"
17 already does that. "May". So again, I think their logic
18 path -- my only concern -- I don't want to strain
19 (indiscernible), but my only concern is that we're
20 dealing with -- when we look at the literacy scores in
21 Colorado, we have issues. This legislation was targeted
22 to address them. We know that teachers need additional
23 expertise to address them -- and this language seems
24 broad; "may", not prescriptive. And then changing it to
25 "teacher", I think we're back to square one potentially.



1 And it worries me that it precludes how the funds could
2 be spent, so I don't really know the next step. But I
3 think that language is problematic. Just professionally.

4 CHAIRMAN DURHAM: Dr. Flores?

5 MS. FLORES: And then -- and then you have
6 also on top of that, you have second language learners,
7 you have special ed students, and you do need somebody
8 who is a specialist, and not just a teacher, or a the
9 title of "teacher". A teacher may have, or may not have
10 skills in working with these type of students. And
11 consequently, we're not going to get to -- you know, the
12 issues that we have right now -- great issues with second
13 language learners, and special students. So we do need
14 people with more specialty than -- than is a -- a
15 teacher.

16 CHAIRMAN DURHAM: Yes, Dr. Schroeder?

17 MS. SCHROEDER: So I'm a little flummoxed
18 here, wondering whether this isn't a legislative fix that
19 you would like to see, that you wish that they had
20 specified, and they didn't, and therefore legal services
21 -- I forgot the --

22 MS. SCHEFFEL: Yeah, they don't understand.

23 MS. SCHROEDER: Well, but we're -- we're
24 criticizing ourselves constantly for setting rules that
25 go beyond the legislation. Because they are best



1 practices, there is something we believe in.

2 MS. SCHEFFEL: It's -- it's like going back.

3 MS. SCHROEDER: I'm not -- I don't have a
4 different opinion than you have, I'm talking
5 fundamentally about what we're doing here, and what we
6 say we want to do. Should we be going to the legislators
7 and saying, you know, this is inadequate, and we need
8 this in here, because legal services told us that we were
9 really not -- I'm asking Deborah.

10 MS. SCHEFFEL: Yeah, no, I don't think we
11 should. I guess I'm just confused with the logic path,
12 because usually the law is more general than the rules
13 use -- still using caveats like "may", do provide more
14 specificity. I just find it logically odd that this
15 entity would say, this isn't acceptable. If it were the
16 other way around, I would understand it. But it -- it --
17 so I'm merely questioning that. I guess I don't
18 understand the logic.

19 MS. MAZANEC: Should we go back to them? Or
20 -- or -- you said you did discuss this with them and --
21 they heard our -- they heard --

22 MS. DORMAN: We were able to have a
23 discussion. I'm not certain that we were -- that I would
24 want to say that we adequately raised the point that Dr.
25 Scheffel raised within --



1 CHAIRMAN DURHAM: I think the -- I think the
2 rule of construction that -- where the -- and I doubt
3 there was much policy consideration on the part of legal
4 services if -- if the law says you can have a red car and
5 a green car, but the rule says you can only have a red
6 car, you -- you have failed -- you have -- you have --
7 you have exceed your -- your rule making authority. So -
8 - so -- I think they are probably technically right, and
9 practically wrong, and it is a legislature, so logic
10 doesn't necessarily apply. You always have to keep that
11 one in mind.

12 UNIDENTIFIED VOICE: (indiscernible)

13 CHAIRMAN DURHAM: (indiscernible) Was true
14 then, true now. But -- so if we wanted -- if we want to
15 address the problem, I think we should perhaps ask for a
16 statutory clarification, which we certainly, through the
17 legislative committee, could do. Yes, Ms. Rankin?

18 MS. RANKIN: You know, I had exactly the
19 same concerns, and marked this one the same way, and it
20 may have something to do with educational background
21 rather than OLLS. And it may be something that we
22 mention to them as to our expertise, which we should
23 have. And it -- it may be a technicality that can be
24 changed. I felt similarly that, you know, now we might
25 be able to call a paraprofessional a teacher, and have



1 them over -- you know, it -- this opens up something that
2 I don't -- a place we either -- if we have to go there,
3 we want to question, before we do. And I would be
4 willing to -- to go over to OLLS to talk about it.

5 UNIDENTIFIED VOICE: I think that would be
6 helpful.

7 CHAIRMAN DURHAM: Okay. Yes, Ms. Mazanec.

8 MS. MAZANEC: Yeah, I have also heard from
9 some -- a district about some concerns about other
10 language here, so I -- I'm not sure what -- what we need
11 to do next. They maybe should have -- have a --
12 contacted you, but --

13 MS. DORMAN: I'm not aware --

14 MS. MAZANEC: Just let me know.

15 MS. DORMAN: Okay, great.

16 MS. MAZANEC: I had a little concern. It's
17 not big, but --

18 MS. DORMAN: Sure.

19 CHAIRMAN DURHAM: I think if -- it's really
20 up to the Members of the Board if -- if we were to take
21 the opportunity today to re-notice these rules for
22 hearing, I think on the issues -- broader issues that
23 both Dr. Scheffel and Flores have raised in previous
24 conversations, as well as -- I mean, these would remain
25 on the table for changes, and would give the opportunity.



1 Then Ms. Mazanec, for you to refer -- have
2 your constituents who've contacted you, contact the
3 Department, and that would start -- if we re-notice, that
4 that would start the process over, and I think it would
5 give us the opportunity to raise the broader issue, which
6 will require a review of the Attorney General's opinion,
7 and -- I wouldn't suggest we do that here today, but as
8 we start this perhaps in the first process, staff would -
9 - would start. And I think Dr. Scheffel and Flores
10 should contact staff, and talk about the kind of changes
11 that you might prefer, work with Mr. Dyl, see if we think
12 those are legally possible in some form, and move
13 forward.

14 So it sounds as if the best motion might be
15 to table this and re-notice this issue for rulemaking.

16 MS. RANKIN: Can we mention a couple of
17 other things --

18 CHAIRMAN DURHAM: Sure, yes, yes, it would
19 be a good opportunity, if you have other things --
20 specific concerns to raise, then yes.

21 MS. RANKIN: I do.

22 CHAIRMAN DURHAM: Yes.

23 MS. RANKIN: In number 3.02?

24 MS. DORMAN: Yes?

25 MS. RANKIN: In grades 1-3, when you get



1 down the fourth line, it says, 30 days, and I noticed
2 this throughout the paper. Are those business days? Or
3 are those just days? And does holidays and weekends --
4 sometimes you get into that nitpicking where --

5 MS. SCHEFFEL: They took out contact in
6 this.

7 MS. DORMAN: So thank you for your question.
8 This has been a topic of great discussion, especially as
9 school districts are making decisions about whether or
10 not they operate on four day weeks, or five day weeks;
11 whether or not the start of school year is the same or
12 different; whether or not they observe parent/teacher
13 conferencing as full days or after school days. So it
14 became, through advisement and discussion, that it would
15 be cleaner and easier to simply say, days meaning
16 calendar days. So for first, second, and third grade
17 students, that is calendar days from the day that they
18 begin. That takes out the ambiguity, or differences, it
19 keeps consistency in practice for all schools, regardless
20 of the implementation practices that they currently have,
21 or their calendars that are set.

22 V: So the default is calendar days, and we
23 just assume that's what people understand. Okay.

24 MS. DORMAN: Although we could state that,
25 if that would be your desire. But the default, as we



1 understand it, is calendar, unless you specify otherwise.

2 MS. RANKIN: I think to make it clear, I
3 think it should at least -- the first time it's
4 mentioned, say calendar, and then if you --

5 CHAIRMAN DURHAM: And which are you
6 referring to?

7 MS. RANKIN: 3.02. It says: 30 contact
8 days, and they crossed off "contact" on this first one.
9 Not the crosswalk. And then on another one, on 3. -- may
10 I continue?

11 CHAIRMAN DURHAM: Yes, please.

12 MS. RANKIN On 3.03, I like the way, where
13 you say: If a local education provider -- and that's
14 capitalized because that puts that together. If you look
15 at 3.04, you don't do that again. So I think we --

16 MS. DORMAN: Okay, consistency. Sure.

17 CHAIRMAN DURHAM: So you could correct that
18 if we re-noticed?

19 MS. DORMAN: Absolutely.

20 CHAIRMAN DURHAM: All right? Anything else,
21 Ms. Rankin?

22 MS. RANKIN: Let me just check. Oh, yeah.
23 On Page 7, 5.02(d)(2); I found this quite interesting.
24 "Read a minimum of 23 words per minute in the winter with
25 fluency. Read a minimum of 53 words per minute in the



1 spring with fluency." I found that rather humorous
2 because I don't know how winter and spring have a
3 difference in if we should have a date, or -- I found
4 that -- I found that kind of funny. It's seasonal how
5 many words I can read. But anyway.

6 MS. RANKIN: There's probably a song about
7 that somewhere.

8 MS. DORMAN: I would be glad to -- I don't
9 know if you have a question, or if you're just noting
10 that --

11 MS. RANKIN: I am just noting that.

12 UNIDENTIFIED VOICE: With fluency?

13 UNIDENTIFIED VOICE: Yeah, with fluency.

14 MS. RANKIN: Yes, Ms. Mazanec?

15 MS. MAZANEC: Back to 3.0, one of the
16 comments -- why did we take out "at least twice" in 3.02?

17 MS. DORMAN: So the reason "at least twice"
18 was taken out, is it would have stipulated -- previously
19 the rules in first adoption were designating a first
20 window of testing, which had to be done in the first 30
21 days. A second window of testing, if you needed to
22 confirm or verify, so a second test date which extended
23 that testing window to 60 days, potentially. It also put
24 a burden on districts to be required to test twice. So
25 this relieves that burden of testing twice, and says,



1 they may still test twice, they just need their decision
2 in the first 30 days. And this again was feedback from
3 Legislative Legal Services, that didn't feel that -- felt
4 again we had overstepped by stating that they had to test
5 twice, because it didn't say in statute that the
6 determination had to be made on two data points.

7 MS. MAZANEC: So only on one.

8 MS. DORMAN: Only on one. So they can make
9 it on two if they want, but it just -- we -- we put your
10 timeline into a 30-day timeline, so they may choose to do
11 that twice, if they feel that they don't have a
12 confirming answer in the first administration, and they
13 need a validation in the second administration.

14 CHAIRMAN DURHAM: So this is a reduction in
15 regulatory requirement?

16 MS. DORMAN: It is.

17 CHAIRMAN DURHAM: Yes, Dr. Scheffel?

18 MS. MAZANEC: I'm sorry, one more.

19 CHAIRMAN DURHAM: Oh, I'm sorry, Ms.
20 Mazanec.

21 MS. MAZANEC: How do we define "reading com
22 -- com -- competency"?

23 MS. DORMAN: So this definition of reading
24 competency that is now introduced in 3.01 --

25 MS. MAZANEC: 3.01?



1 MS. DORMAN: -- is directly related to the
2 statutory change prompted by House Bill 13.23, which said
3 that students who test at grade level competency would
4 not have to be required to be tested again through the
5 remainder of the school year. So that word "competency"
6 in this section, was introduced through that passage. So
7 much in the way that we worked to define "significant
8 reading deficiencies" based on a cut point that was
9 comparable across assessments. Assessment publishers
10 worked with us to establish a similar definition of
11 competency across those particular Board approved
12 assessments, so that competency meant the same regardless
13 as to which assessment you chose. So competency in the
14 fall designates for a district, that a child already has
15 met what would be the expectations for that grade, and
16 therefore would not need to be monitored throughout the
17 year.

18 MS. MAZANEC: Okay, so if they are at grade
19 level, the beginning of the year, then they don't have to
20 be --

21 MS. DORMAN: And that's what the statute
22 will have prompted. And we have those posted on our
23 website if your constituent has not yet found them.
24 Because they are on our website.

25 MS. MAZANEC: Which is entirely possible.



1 Might have looked.

2 CHAIRMAN DURHAM: Dr. Scheffel?

3 MS. SCHEFFEL: Thank you. Could you just
4 address 5.00 and the language around low risk -- the risk
5 language? And when we think about risk, the level of
6 risk, it's a prediction statement, it's not a grade level
7 statement; it doesn't say how well a child is reading per
8 se. It just says that there is a high, or a low, or a
9 medium risk that they will or won't be on a trajectory
10 for success based on what their grade level is, right?
11 So it's a prediction issue. And we know that in those
12 prediction statements with these assessments, there's a
13 lot of false negatives, right?

14 In other words, there's students that are
15 going to have issues, that are not going to reach grade
16 level, which is why our state scores don't look that
17 great in reading. So the risk projections are not -- I
18 mean, there is a fair amount of error in there,
19 especially when the kids are younger, especially when you
20 only have one data point, and all of that. So when I
21 look at this change in language, is there a way to
22 address that?

23 I mean, I'm just trying to go back to the
24 intent of the law. You know, we know that the research
25 says if the kids could be on grade level by the end of



1 third grade, they have a high likelihood of success
2 later. We are using risk levels. Inside the risk
3 levels, we fail to identify some kids at risk. Can you
4 speak to that, because we -- I don't know if that's so
5 intrinsic in the statute that we can't shift that, but if
6 you could speak to it.

7 MS. DORMAN: The last sentence that you're
8 referencing, I think does not have a direct line to
9 statute. I think with our staff discussion, that we
10 wanted to call out what you were saying, is that those
11 cut scores are uniquely different. That's why that
12 particular sentence is included. The reason for the
13 change, however, in 5.00 is that the language regarding
14 the competencies and students who are attaining those
15 competencies had not been previously stated into your
16 rules, and that is a statutory direct language from,
17 "students in second and third grade may demonstrate that
18 they have attained the minimum reading skill competency
19 primarily through scores of the State Board approved
20 interim assessment", is drawn directly from statute. It
21 was previously not included in your rules, and they
22 required that we put that.

23 The last sentence, I think if you have
24 recommendations for change in language, staff was wanting
25 to just make sure the world knew what you just said.



1 That these cut scores are really only representing a low
2 -- a low risk, it doesn't mean you aren't at risk, it
3 means it's a low risk. So you could still be vulnerable,
4 and that score districts to consider as they interpret
5 the data.

6 MS. SCHEFFEL: And does what the sentence
7 intended to do, is to say, they are different
8 assessments, and they each have a different set of cut
9 scores that predict risk using different types of
10 approaches. And you are just saying that? Is that
11 right?

12 (Overlapping)

13 MS. DORMAN: We are just stating it. Yes.

14 MS. SCHEFFEL: Is there any other language
15 that could be inserted to specify that --

16 MS. DORMAN: We could work on that.

17 (Overlapping)

18 MS. SCHEFFEL: -- or does it seem like it's
19 too much of an issue? I guess I get concerned, because
20 people think that this law is going to fix the problem,
21 and I think it can help us a lot if people really
22 understand what the data means. And a lot of people
23 don't understand what the data means. Because low risk,
24 as we said, has a lot of false negatives inside of it,
25 where kids actually aren't going to make it, even though



1 they are outside the risk categories. Right?

2 MS. DORMAN: And one more comment I might
3 make is that one of the early recommendations from the
4 Office of Legislative Legal Services, would to -- to
5 define those cut scores in your rules. And we wanted for
6 them to know that those are possibly subject to changing
7 as assessments re-norm. And so it would mean every time
8 that we had a change in re-norming, we'd have to come
9 back to you, and ask you to change those cut scores. So
10 by being more general, we felt that we were leaving that
11 --

12 MS. SCHEFFEL: Open.

13 MS. DORMAN: -- open.

14 MS. SCHEFFEL: Maybe it's a guidance
15 document that would accompany this. Do you have guidance
16 documents for grantees that help them implement this
17 grant?

18 MS. DORMAN: We do, and we could look to see
19 if our guidance document supports specifically what
20 you're trying to point out about --

21 (Overlapping)

22 MS. SCHEFFEL: Because some of the people
23 that I talk to that have received the funds, I don't
24 think they understand the risk inside of low risk. You
25 know?



1 MS. DORMAN: Correct.

2 MS. SCHEFFEL: Thank you.

3 MS. DORMAN: Absolutely.

4 CHAIRMAN DURHAM: Yes, Ms. Rankin?

5 MS. RANKIN: On Page 4, number 4.018. It's
6 an extremely long sentence, and the part that I'm
7 specifically referring to is: "...which information shall
8 inform the development". I'm not quite sure how you
9 inform development. I -- I just think there should be a
10 little more clarification there, if it's inform the
11 instructor, if it's which information informs the
12 teacher; the parent? I don't know. But that sentence
13 starts at -- "Within 60 days...", and it just seems
14 confusing at that point. If you could just take another
15 look at it, that would be good.

16 CHAIRMAN DURHAM: Okay. Other comments from
17 Members? Yes? (indiscernible)

18 UNIDENTIFIED VOICE: I'm just curious, is
19 this what we're going to continue working -- rather
20 wholesale changes that either Dr. Scheffel or Dr. Flores
21 want to add in? I'm just trying to figure out -- I'm
22 trying to understand what was just said. We're looking
23 at these -- are there other items to be added in or
24 changed?

25 CHAIRMAN DURHAM: I think the discussion



1 that I've had with members has been that there are
2 broader issues other than these -- what I think are
3 characterized as clean-ups, but obviously based on what I
4 think was an outstanding discussion from the Board, and a
5 lot of attention to detail, there are some -- some issues
6 embedded within the clean-up that we at least would like
7 to look at further.

8 But also, looking at the question of the
9 last rule revision on the allowance of Spanish-only
10 testing, and whether that's compliant with the law, and
11 the Attorney General's opinion that there is a request
12 from some Board Members to revisit that. So the re-
13 notice of this particular rulemaking would include not
14 only the legislative council changes, but those broader
15 issues and if that motion is approved, then I would ask
16 that staff work closely with Dr. Scheffel and Dr. Flores
17 to see -- and with Mr. Dyl, to see if it's possible what
18 -- what we believe might be legally possible, if anything
19 to do. I don't do it as an exhaustive process, but one I
20 think that at least two of the members have raised, and I
21 also happen to agree with their concerns. So that would
22 be the purpose of the notice for an attempt for
23 rulemaking.

24 UNIDENTIFIED VOICE: So in that case, we
25 would have yet another hearing and get input from --



1 CHAIRMAN DURHAM: Yes.

2 UNIDENTIFIED VOICE: So we're talking about
3 another three month process?

4 CHAIRMAN DURHAM: Talking -- you are talking
5 about an extended process.

6 UNIDENTIFIED VOICE: Right, I'm just trying
7 to figure out -- what's the statutory time process?

8 MS. DORMAN: My -- my question --

9 UNIDENTIFIED VOICES: So Mr. Chair, I did
10 get a little bit more information so -- until -- Mr. Dyl
11 may be able to correct me if I'm wrong, but if we don't
12 get the technical cleanup done by December, then these --
13 these sets of rules probably will go into the January
14 review process that the Committee on Legal Services does.
15 And then it will be in -- it will be in the bill to
16 repeal in May of 2016, unless we have a chance to change
17 them prior to -- you know, it could be February or -- or
18 March. So we have a little bit of time to tweak these,
19 but not a ton of time, or else they'll be in a repeal
20 bill. Is that correct, Mr. Dyl?

21 (Overlapping)

22 CHAIRMAN DURHAM: Mr. Dyl?

23 MR. DYL: That is correct, however the fact
24 that they are in the initial draft of the bill does not
25 mean that they can't be taken out of that bill if the



1 changes are made. So you -- functionally your drop-dead
2 date on this is going to be closer to May, on that, when
3 that -- when that bill would be passed. Although I -- I
4 -- I wouldn't -- I would caution doing this as
5 expeditiously as possible.

6 CHAIRMAN DURHAM: I think if we were to
7 reinitiate this process, we would probably need to be --
8 to stay on task, and make sure we've concluded by the
9 March meeting, because then we would run into problems
10 with -- with the rule bill. But that bill can be, and
11 often is, amended. And so it would require, I think,
12 with the help of the Attorney General's Office,
13 monitoring its progress and making sure that if we have
14 in fact acted, that we amend those pieces out of the --
15 out of the rule bill. I don't think we're under -- we're
16 not under immediate time pressure, but we're not without
17 some time constraints. So is there a motion to --

18 MS. GOFF: Are we done with discussion?

19 CHAIRMAN DURHAM: No, no, no, I'm sorry.
20 Please.

21 MS. GOFF: I'm looking at 13.00, the
22 District Reporting Requirements. And because of data
23 privacy issues, that first paragraph says the State Board
24 will review the data annually to determine. But 13.01
25 says student background information: Name, gender, date



1 of birth, and grade level. Does that mean we will have
2 to look at that? And -- I'm confused at that. I thought
3 that --

4 CHAIRMAN DURHAM: Commissioner?

5 MR. DYLAN: Yeah, we're talking about
6 aggregate data here, not individual data, so it would be
7 aggregated up at the state level.

8 UNIDENTIFIED VOICE: What we report.

9 MS. GOFF: Why -- maybe I'm missing what
10 SASID means? On 13.01. Since it's under 13, it seems
11 like that's a part of it, and I think that could be
12 confusing, if you see where I'm coming from.

13 MR. DYLAN: It gives us authority -- thank
14 you, Jane, it gives us authority to collect this
15 individual data, and this data assigned student ID,
16 allows us to make sure we match that -- the data with the
17 right student. But then inside of CDE, it's aggregated
18 together, and that's what's reported out. There's no --

19 MS. GOFF: Okay. I -- I just --

20 (Overlapping)

21 MR. DYLAN: But I appreciate the question with
22 concern about this.

23 MS. DORMAN: And it allows us to distribute
24 the per pupil funds, based on individuals who have been
25 identified with this -- with this significant reading



1 deficiency.

2 (Overlapping)

3 MS. GOFF: I understand. Just wanted to
4 clarify it. Thank you.

5 CHAIRMAN DURHAM: And this is a fund for an
6 eligible pupil basis.

7 MS. DORMAN: It is an intervention dollar
8 funded on a per pupil basis, based on their risk. So
9 those reported as having a significant deficiency,
10 districts receive additional intervention dollars to
11 support the interventions for those children.

12 MS. GOFF: So the individual information
13 does come to the State Department, but then it is given a
14 number or unidentified --

15 MS. DORMAN: It is always, yes, absolutely.

16 CHAIRMAN DURHAM: Yes, Dr. Scheffel?

17 MS. SCHEFFEL: When you say, what is the
18 data linked with -- so you know, when we're talking about
19 return on investment for funds, one thing that's thought
20 to be a benefit with this grant, is that the money
21 follows the kids. And so there's more accountability,
22 theoretically than aggregate funds, block grants, and so
23 forth. But then there is the data privacy issue, and I
24 think the biggest issue is not so much in looking at
25 reading risk data that teachers can use to create greater



1 instructional time or more expertise, or more targeted
2 programs, but rather whose -- where the data is shared,
3 where it's stored, how long it exists. Can you speak to
4 any of that?

5 MS. DORMAN: For our data collection -- so
6 we began collecting data in the spring of 2013, as part
7 of baseline based on the existing assessments that were
8 in place at the time, which were from the previous loss -
9 - the Colorado Basic Literacy Act. So we created a
10 baseline. So that data is here so that we have the
11 opportunity to look at longitudinal data, and as far as
12 the change over time. But it is completely contained
13 within the Department of Education. Each individual
14 district chooses the format in which they will submit.
15 We are subject to reviews for that collection.

16 We are only collecting those things which
17 are statutorily defined. We are looking -- now that
18 we've been in place to continue to collect the other
19 things that we were unable to collect, like matter
20 related to recommendations for retention. So again, we
21 do need to know to a -- to some degree the student level
22 of information so that we can report out accurately what
23 we are called to statutorily report, but we do not look
24 at that data at an individual perspective for making
25 those decisions.



1 The per pupil money, just quickly, is
2 distributed based on the appropriation that we receive,
3 the number of students reported as having a deficiency,
4 and simple math -- the division of that. And whatever
5 that equates to, is a singular per pupil amount that then
6 is calculated and redistributed back to the schools.
7 There are four statutorily defined, and now included in
8 your rules, ways in which they can spend those dollars.
9 So that is in 13.01(i).

10 CHAIRMAN DURHAM: Further questions? So
11 then it's accurate to say that this data is not
12 transferred to anyone, not sold to anybody, not made
13 available to researchers, not transmitted to the federal
14 government? We're absolutely 100 percent sure of all of
15 that?

16 MS. DORMAN: We are not --

17 (Overlapping)

18 CHAIRMAN DURHAM: Or 99.9, or --?

19 MS. DORMAN: I feel 99.9 percent confident.
20 I will leave that .01 percent, as you just gave me, but I
21 am very confident that this is internally maintained, and
22 warehoused.

23 CHAIRMAN DURHAM: Yes, Dr. Scheffel?

24 MS. SCHEFFEL: I just had a follow-up
25 question that just occurred to me. If a researcher from



1 one of the universities came to you, and wanted to do
2 research on the data, is there an IRB process in place
3 that you would go through to put parameters around
4 sharing of data?

5 MS. DORMAN: Yes, we --

6 MS. SCHEFFEL: Of non-identifiable data.

7 MS. DORMAN: Absolutely. We've only once
8 begun to explore what that process is. We have not
9 executed any processes for that particular type of
10 analysis or research, but yes, those -- those procedures
11 are in place.

12 CHAIRMAN DURHAM: Dr. Asp?

13 DR. ASP: Thank you, Mr. Chair, and also
14 you'll hear some more about that in terms of the data
15 sharing agreement update that's coming out later on in
16 this, and there will be an outline -- there's an outline
17 of the process, so (indiscernible).

18 MS. SCHEFFEL: So you'll give us details on
19 how that works at CDE? IRB, generally?

20 MR. ASP: Yes.

21 MS. SCHEFFEL: Okay, great, thank you.

22 CHAIRMAN DURHAM: I've asked that to be
23 included as an agenda item so we can have a public
24 discussion of how that -- how that's done, and whether or
25 not we want to institute any greater controls on those



1 requests for research or other -- other issues.

2 MS. SCHEFFEL: Thank you.

3 CHAIRMAN DURHAM: Any further discussion?

4 Ms. Rankin? Any other questions?

5 MS. RANKIN: No, thank you.

6 CHAIRMAN DURHAM: So based on the
7 commentary, it would appear that the motion -- the better
8 motion would be a motion to table this and re-notice
9 rulemaking for the READ Act, starting that -- that
10 essentially 90 day process. Would that be a clear enough
11 motion, Mr. Dyl?

12 MR. DYL: Yes, Mr. Chair, I believe it
13 would.

14 CHAIRMAN DURHAM: Would somebody care to
15 make that motion? Dr. Scheffel? Is there a second?
16 Second, Ms. Rankin. So we moved and seconded it that we
17 table this existing -- the existing rulemaking, and
18 reinstitute, or reinitiate a rulemaking process for the
19 READ Act. Is there an objection to the adoption of that
20 motion? Seeing none. That motion is adopted by a vote
21 of seven to zero. Thank you very much, that was a very
22 helpful presentation.

23 We will now proceed to -- I know we're a
24 little ahead of schedule, but -- pardon me? We're a
25 little ahead of schedule, so we will take a ten minute



1 break, okay? We'll set a recess until 11:25. Thank you.

2 (Pause)

3 Come back to order, we are now on Item 11,
4 and State Board of Education will now conduct a public
5 rulemaking hearing for the rules for the administration
6 of the School Turnaround Leader Development Program. The
7 State Board approved a notice of rulemaking on a total of
8 seven in 2015. A hearing to promulgate these rules and
9 make (indiscernible) publication of a public notice on
10 October 25th, 2015, the Colorado Register, and by State
11 Board notice on December 2nd, 2015. The State Board of
12 Education is authorized to promulgate these rules
13 pursuant to 22-2-107(1)(c) Colorado revised statutes.
14 The chair would observe that no one has signed up to
15 testify on these rules. Commissioner Asp?

16 MR. ASP: Thank you very much, Mr. Chair.
17 Just like the READ Act item, these rules are a cleanup,
18 very technical in nature. Although we found some other
19 issues to discuss on the READ Act, so maybe some of those
20 (indiscernible) as well, I doubt that. We have Peter
21 Sherman with us, who's our Executive Director of School
22 and District Performance, to describe these changes, and
23 answer any questions.

24 CHAIRMAN DURHAM: Mr. Sherman?

25 MR. SHERMAN: Good morning, Mr. Chair and



1 Members of the Board. I'm here to address the rules for
2 the administration of the School Turnaround Leaders
3 Development Program. There are -- you should have three
4 handouts. There are revised rules that are tracked, and
5 copy that are not tracked and then there is again, a
6 crosswalk between what those rule changes are, and the
7 rationale for those. I received no comments either, or
8 concerns about these rule changes over the last few
9 months. I'd be happy to walk you through, there are sort
10 of two different technical changes, or jump to questions
11 if you would like. If you have --

12 CHAIRMAN DURHAM: Why don't you do your
13 explanation please, and then we'll entertain questions.

14 MR. SHERMAN: Certainly. So the first rule
15 change -- the Office of Legal Legislative Services --
16 OLLS, also requested clarification about the use of the
17 same RFP call for proposals between the providers that
18 are requesting funding, and those that are not. So there
19 are -- we -- we accept applications from any -- from a
20 variety of providers. Some request to design grant
21 funds, some do not. We just clarified with them that
22 it's the exact same criteria that we're looking for
23 across those different providers. And so we changed some
24 of the language -- some minor changes in the language
25 just to clarify that. That was the first piece, and the



1 Office of -- the OLSS office was comfortable with those
2 changes that we made.

3 The second proposed revision is around
4 timelines. Originally the rules, or as they stand now,
5 have application deadlines for both participant and
6 provider grants for September 1st. That's not realistic
7 given your schedule, and given the way that this program
8 works, so the proposed revisions to the rules changed
9 that provider RFPs would be due by September 30th, which
10 they were this year. And that the participant RFPs,
11 which is out currently, would be do by February 5th. And
12 so we believe that that will clean up that timeline.

13 UNIDENTIFIED VOICE: Fifth, or first?

14 MR. SHERMAN: I believe it's the fifth.
15 Does it say first? Yeah, February 5th.

16 UNIDENTIFIED VOICE: It was previously
17 February 1st.

18 UNIDENTIFIED VOICE: Oh, okay.

19 MR. SHERMAN: Do you have a version that --

20 UNIDENTIFIED VOICE: I'm looking at the
21 wrong thing.

22 MR. SHERMAN: I apologize. Oh, oh, oh, I'm
23 sorry. So it was Feb -- sorry. We're shooting for
24 February 5th.

25 CHAIRMAN DURHAM: Are there any questions



1 for -- Dr. Scheffel?

2 MS. SCHEFFEL: Is "design grant" just a
3 generic term for grantee? Grant proposal? What is a
4 design grant?

5 MR. SHERMAN: The statute calls it a design
6 grant, which is why I referred to it that way. The
7 design grant is specifically for the providers, so what
8 you all approved, I believe last month, certain -- some
9 providers that apply for funding that say, they need
10 funding to be able to build up their capacity to -- to
11 provide those services, again, the statute calls it a
12 design grant.

13 MS. SCHEFFEL: So the statute allows for
14 that?

15 MR. SHERMAN: Yes.

16 MS. SCHEFFEL: Is there any -- may I ask a
17 follow-up? Is -- it just strikes me as a little odd that
18 a provider would come forward and say, we'd like to help
19 support turnaround schools, but we don't have what we
20 need to do it. So we want you to pay for -- we want the
21 grant to pay to help us come up to speed so that we can
22 support the schools. But that is what the statute says,
23 so that's what we're doing?

24 MR. SHERMAN: Yes, it is -- what the statute
25 says.



1 MS. SCHEFFEL: I see. Thank you.

2 UNIDENTIFIED VOICE: I'm sorry, I missed
3 that answer, would you --

4 MR. SHERMAN: Oh, I'm sorry I'm -- I
5 apologize. The statute does say exactly what Dr.
6 Scheffel said.

7 UNIDENTIFIED VOICE: Is there --

8 CHAIRMAN DURHAM: Yes, go ahead.

9 UNIDENTIFIED VOICE: Is there any policy on
10 seeking vendors that already are up to speed, or do we
11 just -- do we make no differentiation there?

12 CHAIRMAN DURHAM: Certainly. When we put
13 out the RFP for providers, which we did -- we did this
14 summer. It calls for -- we are looking to -- for
15 providers of -- we're looking for a variety of providers,
16 and certainly that's inclusive of folks that are already
17 doing this kind of work. And a number of the providers
18 that you all have approved are -- are people that did not
19 request design grants, and that are already currently
20 doing this kind of work.

21 MS. SCHEFFEL: Okay, thank you.

22 CHAIRMAN DURHAM: Okay. Any further
23 discussion or questions on this -- on this issue? Going
24 once, going twice. All right, then may we have a motion
25 please? Yes? Dr. Schroeder?



1 (Pause)

2 MS. SCHROEDER: I move to approve the rules
3 for the administration of the School Turnaround Leaders
4 Development Program.

5 CHAIRMAN DURHAM: Is there a second to that
6 motion?

7 MS. GOFF: Second.

8 CHAIRMAN DURHAM: Second, Ms. Goff. It's
9 been moved and seconded that these rules be approved. Is
10 there an objection to the adoption of that motion?
11 Seeing none. That motion is declared adopted by a vote
12 of seven to none. Thank you very much, Mr. Sherman.

13 MR. SHERMAN: Thank you.

14 CHAIRMAN DURHAM: All right. Now let's see.
15 It's 59 degrees outside and we'd like to warm it up a
16 little in here, so we can get to 59. Is that possible?

17 MS. BURDSALL: I will email HR to contact
18 Capital Complex, to get that fixed.

19 CHAIRMAN DURHAM: All right, thank you.
20 It's kind of blowing our feet or something.

21 (Pause)

22 (Overlapping)

23 CHAIRMAN DURHAM: Let's see, is there
24 anything we can take out of order?

25 UNIDENTIFIED VOICE: (indiscernible)



1 CHAIRMAN DURHAM: Oh, that's a good idea.
2 Where is that? What item is that?

3 (Overlapping)

4 UNIDENTIFIED VOICE: (indiscernible)

5 CHAIRMAN DURHAM: We have the staff. Let's
6 do it. I'm always in favor of that.

7 UNIDENTIFIED VOICE: Hey, Gretchen?

8 MS. GRETCHEN: Yes.

9 UNIDENTIFIED VOICE: Was that on the agenda
10 for today?

11 MS. GRETCHEN: Yes, 18.01.

12 UNIDENTIFIED VOICE: Thank you. Yeah, 20 --

13 CHAIRMAN DURHAM: Oh, 20.3. All right. If
14 there's no objection, we'll proceed out of order to Item
15 20.03, post-secondary workforce readiness description.
16 Ms. Morgan, you're on.

17 MS. MORGAN: Thank you, Mr. Chair. So just
18 briefly this time, because we did discuss this last
19 month. Every six years the State Board and the
20 Commission on Higher Education is supposed to come to a
21 new agreement about an updated version of the post-
22 secondary workforce readiness definition. And this was
23 the previous definition here, as you recall -- I'm going
24 to flip forward. You remember we have large public input
25 processes about this definition that included certainly



1 post-secondary and K-12 folks, but also industry people,
2 and parents, and students. And we had two Board Members
3 attend one of those convenings -- thank you again, Dr.
4 Flores and Dr. Schroeder.

5 But we -- out of coming out of that, had
6 these sort of two options, as we discussed before,
7 definition A and B, which had very positive support in
8 the surveys that happened post to those convening events.
9 And a suggestion to make them into a third super-
10 definition listed below. They combine an updated
11 definition there. And since the last meeting, we put
12 these back out for survey again, had 223 responses from
13 people, which is pretty great, actually, for a
14 definition. And 51 percent of folks who responded to the
15 survey preferred the last definition, which combines the
16 two. We did get feedback from one board member, and one
17 just, person, who wrote a comment in their survey,
18 indicating that they would like to remove the two words
19 in the last definition, which are the words "economically
20 viable", which is why they are stricken in the example up
21 on the slide for you today.

22 Because based on all of that feedback, what
23 we are recommending to you today, and you can decide what
24 you want to do with that recommendation, obviously, but
25 what we are recommending is that you look at the last



1 definition with that edit. That that seems to be the
2 thing that has the most support from surveys and input
3 that we've had up until now.

4 So this is for you to discuss and decide.
5 Once you have voted, CCHE will take this up on their
6 agenda, actually in January. They delayed. They were
7 supposed to do it last week, but it was pushed.

8 UNIDENTIFIED VOICE: (indiscernible)

9 MS. MORGAN: They have not yet. It's been
10 pushed to January. So you get the first crack. So --

11 UNIDENTIFIED VOICE: Should we push it to
12 February, does that help?

13 MS. MORGAN: I do not believe that helps, if
14 you're asking my objective opinion. No.

15 CHAIRMAN DURHAM: Further -- all right,
16 discussion on the definitions and/or preferences from --
17 yes, Ms. Goff?

18 MS. GOFF: Thank you. I absolutely agree
19 with every single concept expressed in the new version.
20 I do have a little bit of a grammatical construction
21 question.

22 MS. MORGAN: Sure.

23 MS. GOFF: We're being asked to give the
24 definition of being post-secondary and workforce
25 readiness. It should be, in my -- in my -- looking at



1 that, my feeling is that -- and my thought is it needs to
2 be focused on the high school graduate.

3 UNIDENTIFIED VOICE: You're right.

4 MS. GOFF: But yet, I'm thinking that it
5 might just -- just --

6 (Overlapping)

7 UNIDENTIFIED VOICE: Just say the Colorado
8 high school graduate demonstrates --

9 MS. GOFF: -- take out the first part. Now
10 we -- I'm hoping that the public trusts us. When we say,
11 this is not any disparagement or elimination of the
12 importance -- ignoring the importance of those groups,
13 absolutely. But it's -- if we are going to go do true
14 definition, constructed correctly, it should be -- start
15 out with the Colorado high school graduates. That's the
16 focus of our -- that's the picture of the definition.

17 UNIDENTIFIED VOICE: Why -- why do we have
18 in "partnership with families, communities, schools"?

19 MS. FLORES: Oh, I'm sorry.

20 CHAIRMAN DURHAM: Yeah, Dr. Flores.

21 MS. MORGAN: Do you want me to respond to
22 that? I'm sorry. How would you like me to respond?

23 CHAIRMAN DURHAM: Which question are we on?
24 I'm sorry.

25 UNIDENTIFIED VOICE: I was asking why we



1 have "in partnership with families, communities..." why
2 do we have all that? Somebody wanted that?

3 MS. MORGAN: Would you like me to respond to
4 that?

5 CHAIRMAN DURHAM: Yeah, go ahead and respond
6 to that.

7 MS. MORGAN: Thank you. Yeah, so in this
8 community engagement process that we have, that I
9 described before, this came up in a number of different
10 small groups who are working on this, that they wanted
11 the definition to reflect that this is something that
12 everybody should feel responsible for. That the
13 community should feel like it is their job in partnership
14 with schools and everybody else, to help all kids get to
15 be ready. And so it came from that input process, with
16 that sort of spirit behind it.

17 CHAIRMAN DURHAM: Dr. Flores?

18 MS. FLORES: Well, I think Gretchen is
19 correct. I mean, it came from at least that group --

20 MS. MORGAN: That you were a part of.

21 MS. FLORES: That I was a part of. It did
22 include all of those people in the group, so I think that
23 give it more oomph. It's more reliable, I think.

24 UNIDENTIFIED VOICE: Are you not done? I
25 was just going to expand on this.



1 CHAIRMAN DURHAM: Do you want to conclude?

2 UNIDENTIFIED VOICE: No, go ahead, but at
3 the end, I may ask.

4 CHAIRMAN DURHAM: Certainly.

5 MS. MAZANEC: So just to give an example as
6 to why the groups came here -- a high school alone
7 probably can't do the kind of internship that we ask of
8 our business communities to provide as part of a
9 completion of a -- in other words, it takes -- it's not
10 just inside the bricks --

11 UNIDENTIFIED VOICE: You aren't going to say
12 it takes a village, are you?

13 MS. MAZANEC: Now I might. I think the
14 discussions these days talk about the fact that our
15 students are not inside the brick and mortar schools
16 alone anymore. And this was sort an effort to
17 acknowledge that. That there's a lot of learning that
18 goes on, and a lot of high school experiences that go on
19 outside that facility. That the example that I
20 internalized out of those discussions.

21 CHAIRMAN DURHAM: Yes, Ms. Mazanec?

22 MS. MAZANEC: You mean Ms. --

23 CHAIRMAN DURHAM: No, I -- had you finished,
24 Pam?

25 MS. MAZANEC: I'm sorry, I'm finished. I



1 don't like it, that's all I have to say, I would it
2 rather it just focused on what the students need to do.

3 UNIDENTIFIED VOICE: I'd like to leave off
4 "in partnership with families, communities, schools and
5 businesses" because of these same reasons, but also what
6 if a student does this on their own? What if a student
7 just really loves learning for learning? And they go
8 ahead and get their high school certificate, they go on
9 to college, and they didn't have a partnership. Can we
10 still graduate them? I think the ownness should be on
11 the student.

12 MS. FLORES: Well, it's part of a whole.

13 CHAIRMAN DURHAM: Any other comments or --
14 at least this is certainly subject -- subject to
15 amendment, if anybody wants to make an amendment. Yes,
16 Dr. Scheffel?

17 MS. SCHEFFEL: I think maybe some of the
18 question around the language has to do with what is the
19 definition relevant to? Where does it go? What does it
20 drive? How is it blown out as far as each word being
21 defined, and then used for some purpose. Can you speak
22 to that?

23 MS. MORGAN: Sure.

24 MS. SCHEFFEL: Because this definition ends
25 up in a number of places.



1 MS. MORGAN: So post-secondary workforce
2 readiness is referenced in a lot of places in statute,
3 but not in ways that have implications. The only place
4 where it has implication in statutes is related to
5 graduation guidelines, that this is one of the things
6 that they are meant to pay attention to when local
7 districts are establishing their graduation requirements.
8 The only other entity that has expressed interest in
9 making use of this definition is the Department of Higher
10 Education, and looking at their policies around entrance.
11 And that they might want to -- you know, if for example,
12 this talks about demonstrating knowledge and skills
13 necessary to succeed in post-secondary settings, that
14 this might encourage them to more clearly define what
15 they believe those are, or something like that.

16 But there's been no -- there's no like,
17 statutory requirement that they do that or anything, they
18 just (indiscernible) another entity that's interested in
19 the definition. But in terms of actual statute that
20 describes an implication of this definition, it really
21 only is graduation guidelines.

22 CHAIRMAN DURHAM: Yes, please proceed.

23 MS. MAZANEC: When we look at the language
24 inside the newly -- the ESA, new version of it, there's a
25 lot of language that links preschool, post workforce



1 readiness and all that. And then there is language
2 inside that statute having to do with using schools as
3 community centers, and having health clinics and all
4 kinds of things going on in the school kind of as a
5 microcosm of the community. Is that -- does this
6 language link into that by prefacing this actual
7 definition with "in partnership with"? I mean, I think
8 it sort of implies that the school is a hub for families,
9 and communities, and schools and businesses, and that all
10 drives, or is somehow involved with high school work, and
11 then readiness to exit high school. What is your sense
12 of that?

13 MS. MORGAN: I mean, all I can say based on
14 --

15 (Overlapping)

16 MS. MAZANAC: Just because the language
17 shows up a lot, in a lot of places.

18 MS. MORGAN: Yeah, I mean, I think all I can
19 say about that in terms of having been there for the
20 community input, is that that wasn't the discussion that
21 they had. ESA didn't come up in the conversations about
22 this definition. So I think that it's more as -- as Dr.
23 Scheffel described, that the groups there wanted to have
24 some way for -- to express a value, essentially, that --
25 that everybody should be engaged in, and -- and in



1 partnership around, helping kids get to success. I think
2 that really was -- I think that really was where they
3 were coming from.

4 CHAIRMAN DURHAM: Yes, Ms. Goff?

5 MS. GOFF: Which, I want to reiterate how
6 that is absolutely very important. I'm going to the
7 technical end of this right now; how the language is
8 constructed. We're not -- we're not charged with
9 defining that readiness (indiscernible) or an agency,
10 we're asked to define what does readiness look like for
11 that person, the graduates. So if we're defining what is
12 -- what does post-secondary workforce readiness look
13 like, it's a graduate who demonstrates the knowledge and
14 skills. And that rest of that is fabulous. That I'm
15 just -- I'm just -- I'm really -- my heart is completely
16 in those words about what our values are, and why it's
17 important. But if we're asked, I think we need to be --
18 I think we need to respect the language, the conventions
19 of what is this supposed to be? It's a definition.

20 I only have -- while I'm on it, I only have
21 -- I had a couple -- a few -- a handful only, but
22 comments that were made to me. Input from constituents.
23 The word that they wanted in there was "collaboration".
24 So that goes along -- what I heard was, we want -- we
25 want this idea expressed in clear -- which it is here,



1 but I'm just purely on the non-emotional (indiscernible)
2 what are the words supposed to be doing. That's all -- I
3 can't go any deeper into explaining it. That's it.

4 MS. MORGAN: Mr. Chair, if I may? I'm going
5 to ask you a question, if that's okay. Do you believe
6 that it's within the Board's sort of purview in
7 establishing a definition like this, to take the kind of
8 license to include introductory language like this? I
9 mean, the group, when we were facilitating them, like, I
10 didn't ask you, and you're still (indiscernible) maybe
11 not nice, but I didn't ask you that then.

12 CHAIRMAN DURHAM: I -- actually I have to
13 look at the specific language authorizing you to do it.
14 But my -- my guess is that -- that the board has a fair
15 amount of discretion in what it includes in here.

16 MS. MORGAN: Yeah, that was our perception
17 at the time of beginning the process, but since we're
18 sitting here, I thought I might ask that question.

19 MS. FLORES: I -- I make a motion to -- to
20 include this language.

21 CHAIRMAN DURHAM: Which --

22 MS. FLORES: To adopt it. To adopt this
23 language.

24 CHAIRMAN DURHAM: And so the -- the -- is
25 your motion to adopt which of the items?



1 MS. FLORES: The one that's being
2 recommended, the combined one.

3 MS. MORGAN: Combining.
4 (Overlapping)

5 CHAIRMAN DURHAM: Combined and updated?

6 MS. FLORES: Yes.

7 MS. MORGAN: With the edit?

8 MS. FLORES: No. With the edits.

9 MS. MORGAN: With the edit "economically
10 viable"?

11 MS. FLORES: Exactly.

12 MS. MORGAN: Okay. That's fine to clarify.

13 CHAIRMAN DURHAM: Okay. Is there a second
14 to that motion? It's been seconded -- moved and
15 seconded. Discussion? Amendments to that motion?
16 Substitutes?

17 MS. MAZANEC: Can I -- can I have a
18 substitute?

19 CHAIRMAN DURHAM: Yes, you may.

20 MS. MAZANEC: I -- I would have a substitute
21 motion that we change the -- maybe you can help me, Jane,
22 "Colorado high school graduates demonstrate the knowledge
23 and skills, competencies needed to succeed in post-
24 secondary settings, and to advance in career pathways as
25 lifelong learners, and contributing citizens."



1 MS. FLORES: In partnership --

2 MS. MAZANEC: No. No, my motion is -- my
3 motion is without that.

4 MS. FLORES: Well, then we should vote on --

5 MS. MAZANEC: My amendment.

6 CHAIRMAN DURHAM: This is a --

7 UNIDENTIFIED VOICE: Your amendment is to
8 strike it first.

9 MS. MAZANEC: Right. First one, two, three,
10 four, five, six, seven, eight words.

11 MS. SCHROEDER: (indiscernible)

12 CHAIRMAN DURHAM: Yes, please, go ahead
13 Angelika.

14 MS. SCHROEDER: Tell me again how this --
15 what is our vote here, our adoption of the definition?
16 How do we fit in the higher ed? Not that the -- because
17 the Commission will be doing the same thing, correct?

18 MS. MORGAN: Yes.

19 MS. SCHROEDER: Are they doing it this week?

20 MS. MORGAN: No.

21 MS. SCHROEDER: Are we concurrent in all of
22 our --

23 MS. MORGAN: We are subsequent.

24 MS. SCHROEDER: So then what? I mean, we
25 may -- we will, we'll adopt something, we will



1 (indiscernible) adopt something --

2 UNIDENTIFIED VOICE: That's why I asked,
3 should we be last?

4 MS. SCHROEDER: And then what are we looking
5 at possibly ending up with? (indiscernible) We have to
6 come to some joint --

7 MS. MORGAN: Yes. So the process would be:
8 Plan A, is you pass something today, we take it to CCHE
9 and they say, oh yes, we like that too. And they adopt
10 the same thing. That is Plan A, that is optimal, of
11 course, because that means that we have the smoothest and
12 simplest process. Plan B would be, you all adopt
13 something today, they look at it, and they say, oh we
14 feel strongly, one change has to be made. They make a
15 change. We either bring that back to you all, or we
16 require you to meet together, and to come to consensus as
17 a joint meeting, which is what has happened in the past.
18 And I have heard from people in both organizations that
19 they would love to find a way to resolve this without
20 having to do that joint meeting, but we will facilitate
21 you in whatever process is required to get this done.

22 MS. SCHROEDER: That actually was one of the
23 most -- easy -- it was one of the easiest parts of that
24 process. We had a lot of things we all had to jointly do
25 at that point. But this is late -- so is there -- what's



1 the timeline? Are we under some deadline to have a joint
2 product?

3 MS. MORGAN: Yeah, I mean, theoretically,
4 actually, to be in line with timelines and statute, we
5 should have this done by December. That's obviously not
6 going to happen because CDE has pushed this to January
7 themselves. I don't know what the consequence of not
8 meeting that statutory deadline is, actually. But in
9 statute we have until December to do it.

10 UNIDENTIFIED VOICE: December?

11 MS. MORGAN: Like, right now, December.

12 MS. SCHROEDER: Yeah, that's what the
13 statute says.

14 MS. MORGAN: We're supposed to -- by statute
15 we're supposed to be done by December. Again, people
16 make their own decisions about this, and we'll just --
17 we'll work with the timeline we have available.

18 CHAIRMAN DURHAM: If I understand --
19 Elizabeth, do you have the -- do you have the essence of
20 Ms. Mazanec's motion? And did you second that, Ms.
21 Rankin?

22 MS. RANKIN: Sure.

23 CHAIRMAN DURHAM: You did, okay. I'll just
24 -- I don't remember. So go ahead.

25 MS. BURDSALL: Would you like me to read the



1 motion?

2 CHAIRMAN DURHAM: Please.

3 MS. BURDSALL: The motion with Pam's
4 amendment would be: To approve Colorado high school
5 graduates -- that Colorado high school graduate --
6 graduates, demonstrate the knowledge and skills and
7 competencies needed to succeed in post-secondary setting,
8 and to advance in career pathways as lifelong learners,
9 and contributing citizens.

10 CHAIRMAN DURHAM: I think given the way of
11 that structure, we will treat this as an amendment to the
12 main motion. So -- and I vote would be essentially to
13 strike the words "in partnership with families,
14 communities, schools and businesses". And so that would
15 be, I think, why don't we treat it as -- as opposed to a
16 substitute amendment -- a substitute motion -- we'll
17 treat it as an amendment to the motion, and I vote would
18 strike those words, and then we would vote on the main
19 motion. Further discussion?

20 MS. BURDSALL: So, I think, Mr. Chair, that
21 is what Board Member Mazanec, that was her --

22 CHAIRMAN DURHAM: She made it as an
23 amendment, yes. And I think we are going to treat it
24 that as opposed to a substitute. Further discussion?
25 All right. Would you please call the roll, Ms. Burdsall?



1 MS. BURDSALL: Board Member Flores?
2 MS. FLORES: Aye.
3 MS. BURDSALL: Board Member Goff?
4 MS. GOFF: Aye.
5 MS. BURDSALL: Board Member Mazanec?
6 MS. MAZANEC: Aye.
7 MS. BURDSALL: Board Member Rankin?
8 MS. RANKIN: Aye.
9 MS. BURDSALL: Board Member Scheffel?
10 MS. SCHEFFEL: Yes.
11 MS. BURDSALL: Board Member Schroeder?
12 CHAIRMAN DURHAM: Yes.
13 MS. BURDSALL: And Charmain Durham?
14 CHAIRMAN DURHAM: Yes. That motion is
15 adopted by a vote of seven to nothing. We are now back
16 to the -- we are now back to the main motion. Is there
17 an objection to the approval of the definition as -- as
18 amended? Hearing none, that motion is also adopted,
19 seven to nothing. Thank you very much.
20 MS. MORGAN: Thank you, I will let you know
21 what CCHE says.
22 CHAIRMAN DURHAM: Yeah, we look forward to
23 our joint meeting. All right we will now -- we will now
24 stand in -- the Board will stand in recess. First of
25 all, we'll have a little reading from Ms. Burdsall.



1 MS. BURDSALL: Thank you, Mr. Chair. An
2 executive session has been noticed for today's State
3 Board meeting in conformance with 24-60402(3)(a) CRS to
4 receive legal advice on specific legal questions pursuant
5 to 24-6-402(3)(a)(II) CRS in matters required to be kept
6 confidential by Federal Law, rules, or State statutes
7 pursuant to 24-6-402(3)(III)(a)(III) CRS.

8 CHAIRMAN DURHAM: Is there a motion to
9 proceed to executive session? There is a -- yes, Dr.
10 Schroeder, and second Ms. Mazanec. It's been moved and
11 seconded. Requires five votes. Is there an objection to
12 the motion to proceed to executive session? Seeing none,
13 that motion is declared adopted unanimously, and the
14 Board will adjourn into executive session. We will plan
15 on reconvening at 1:00 p.m.

16 (Meeting adjourned)

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C E R T I F I C A T E

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of February, 2019.

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

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