



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
July 7, 2016, Study Session ESSA

BE IT REMEMBERED THAT on June 7, 2016, 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: Commissioner, where would
2 we like to start?

3 MS. ANTHERS: I think we have this esteemed
4 panel of CDE folks in front of us. Though we're still set
5 up in sort of the formal process where meaning needs to be
6 a little more informal and dialogues. So just keep that in
7 mind. But we've tried to prepare this is a ever changing
8 landscape, so there's a lot of information and we were
9 trying to get the latest analysis on the rules to you. So
10 you know, thank you for all of the material you're
11 digesting. The team here will help you to digest some of
12 that material today. But this is the time to sort of
13 engage in the details with you also. So get ready for
14 details. Thank you. I think I'll turn it over to Pat.
15 Yup. Thank you.

16 CHAIRMAN DURHAM: All right. And members if
17 you have questions just to interrupt as appropriate as long
18 as we'll -- we'll try and stay on track as best we can.
19 Okay?

20 MS. ANTHERS: And CDE team just as a reminder
21 since this is a little more informal you don't have to
22 address the Chair I think every time.

23 CHAIRMAN DURHAM: Yeah. Let's --

24 MS. ANTHERS: Just have a dialogue.



1 CHAIRMAN DURHAM: -- do this expeditiously
2 as practical. Thank you.

3 MS. ANTHERS: And thank you for getting all
4 the stuff together. This has been a phenomenal amount of
5 stuff that I'm not sure.

6 CHAIRMAN DURHAM: Yeah.

7 MS. ANTHERS: I'm not so sure all of us
8 internalized. So be patient with some of our questions,
9 please.

10 MR. CHAPMAN: Okay. All right. Thank you
11 Chairman Durham, Commissioner Anthes, and Members of the
12 Board for this opportunity to provide the latest
13 information we have and for the many opportunity. You
14 might want to ask questions and get more details regarding
15 ESSA , State Plan Development and the recently proposed
16 regulations from the USDE. Our goal today is simply to
17 have you guys walk away with a little bit better
18 understanding of what will be required of us in our state
19 plan. A better understanding of the rules that have been
20 proposed by the USDE and also a better understanding of why
21 we have some concerns about the rules as proposed by the
22 USDE.

23 We'll do that within the following agenda.
24 We -- first we'll review the state plan, the framework of
25 the state plan as put out by the U.S. Department of



1 Education. And then, talk a little bit about the proposed
2 rules, the process for submitting comments and our analysis
3 of those rules, and then we'll dive more deeply into some
4 of the specific rules with regard to accountability and
5 reporting. And then, hopefully there will be some time for
6 some questions and answers as Chairman Durham mentioned.
7 Any questions that you have along the way are welcome and
8 we'll try to answer them as best we can. So first, in
9 releasing the rules on May 31st, the proposed rules
10 included three things.

11 One is sort of an outline of what will be
12 expected of states in submitting their state ESSA plans,
13 and then proposed rules around accountability and
14 reporting. In the rules, they released sort of organizing
15 framework, an outline of what state plans will look like.
16 And the next few slides I'll review just a pretty brief
17 terms, what will be expected of us in those sections of the
18 planned stakeholder consultation program, coordination,
19 standards, assessment, and so forth. Also, a little bit
20 about some of the questions that we need to ask ourselves
21 be in finalizing the state plan for submission.

22 So beginning with the stakeholder
23 consultation process, as you know, we recently completed
24 the ESSA Listening Tour which was really sort of our Phase
25 one of beginning to hear the thoughts, concerns, the



1 recommendations of folks in the field. Then we'll pivot
2 from that broad Listening Tour to a deeper discussion with
3 our stakeholders. What the U.S. Department of Education
4 will be looking for in that section of our state plan is a
5 description of the consultation process, a list of really
6 specific list of all of who -- with whom we've consulted
7 along the way, what we heard and the degree to which we're
8 implementing what we heard.

9 And so the questions that we have to ask
10 ourselves, have we consulted with all the required folks,
11 first? Have we consulted with all the right folks --
12 second. And is our plan consistent with what we have
13 heard, and if not, why not? As part of the ESSA waiver,
14 they asked us to submit each and every comment we, we heard
15 when we vetted our waiver with stakeholders. So we'll be
16 submitting a list of the folks that we consulted with, a
17 list of all of their comments and concerns and then we'll
18 have to address. So if we were hearing one thing and we're
19 implementing something else, why is that? And there might
20 be a lot of very good reasons for it but that's what
21 they'll be looking for.

22 MS. ANTHES: Pat, was there a list from --
23 in the law or in your rules of --

24 MR. CHAPMAN: There is --

25 MS. ANTHES: -- specific positions?



1 MR. CHAPMAN: Their parents, teachers,
2 district administrators. So there is a long list of
3 advocacy groups, board members. There is a long list that
4 --

5 MS. ANTHES: (Inaudible) or did we pick our
6 due date today?

7 MR. CHAPMAN: -- it's in the -- it's in the
8 Fed register. And I was thinking last night that we
9 probably should have sent you the actual fed register so
10 that you can read that. But it's a fairly lengthy list of
11 -- of folks that they expect. Native American tribes
12 really down to pretty specific levels. And I don't think
13 that'll be problematic for us to reach out to all those
14 folks who are listed in the -- in the proposed rules.
15 We've had to do it before for the waiver.

16 CHAIRMAN DURHAM: Do you think that we need
17 to reach out to all these individual and groups for
18 feedback on the plan that we develop? Or do they need to
19 be a part of the groups that are doing the developing? Or
20 it is that clear?

21 MR. CHAPMAN: So what we're thinking of as
22 sort of this, we reached out, we had a sort of an initial
23 engagement with a lot of groups and a lot of folks --

24 CHAIRMAN DURHAM: Which is kind of
25 volunteering?



1 MR. CHAPMAN: -- yes. Part of the Listening
2 Tour, but also, we were pretty methodical in reaching out
3 to specific groups, and a lot of groups were pretty
4 methodical and reaching out to us. Really, as part of that
5 first phase, there is really not a lot of opportunity to
6 dig deeply into the requirements or the opportunities
7 afforded by ESSA. So the plan is to loop back with all
8 those from whom we've heard both in the drafting of the
9 plan but also once we have a draft in the vetting of the
10 plan over the next six to eight months.

11 CHAIRMAN DURHAM: And the folks we haven't
12 had? The folks who have not yet by their own choice
13 participated. We'll seek them out and get responses from
14 them on the plan.

15 MR. CHAPMAN: Yeah. And I think that when
16 you are actually begin drafting the plan, there are- there
17 are some natural entities that sort of surface with whom
18 you would want to consult more deeply. But then, there are
19 also the sort of it is that checklist. So we have a
20 checklist and we'll be making sure that we head each and
21 every group or individual representative.

22 CHAIRMAN DURHAM: Check them twice. Okay.

23 MR. CHAPMAN: Yeah.

24 CHAIRMAN DURHAM: Thank you.



1 UNIDENTIFIED VOICE: Yes. Thanks, of
2 course.

3 UNIDENTIFIED VOICE: I'd be interested in
4 the comments that were made. Could those be made real of
5 them to us?

6 MR. CHAPMAN: Yes.

7 UNIDENTIFIED VOICE: How far? Thank you.

8 MR. CHAPMAN: So a lot of them are already
9 on our website. So we have them organized by each of the -
10 - the Listening Tour sites that we visited. We have the
11 comments from that site. We also are on the process of
12 synthesizing those comments into sort of you know themes,
13 which we're kind of starting to get out to folks. But
14 we're also gonna produce some sort of final report that we
15 will make sure that the board and -- and all those who
16 participated in the Listening Tour receives. So we've sent
17 comments back already too, so for example, Pueblo.

18 We sent the folks who attended the Pueblo
19 Listening Tour, their comments, we've -- we've sent them
20 back to them. And so a lot of that is on our website
21 already, but we're still kind of synthesizing it and trying
22 to polish the -- polish it into report format. Leanne do
23 you wanna -- Leanne and -- Leanne and her team are the --
24 the folks who are pulling all that together. Do you have
25 anything you would wanna add to that?



1 MS. EMM: No. All of them are there except
2 the webinar and the internet (inaudible).

3 MR. CHAPMAN: Okay.

4 MS SCHROEDER: Okay. Jane go ahead.

5 MS. GOFF: Where to start? So the public
6 feedback, the comments that we have pertain -- are
7 primarily the result from the Listening Tour gatherings,
8 right?

9 MR. CHAPMAN: Yes. And the additional
10 listening sessions will be held.

11 MS. GOFF: Okay. Thank you. Second, we --
12 I have seen that list of groups that considered as far as
13 I'm calling it, our state collaborative partnership total.
14 I know I didn't read those in any official in the -- in the
15 register or -- or the U.S. Department's website. But I
16 know they were in some documentation, some paperwork that
17 we got tied into our Listening Tour plan and all sorts. I
18 know I've seen it. I guess we've now got, this is part of
19 my concern with the timeline, not by the Art departments
20 designed, it's just back from the feds.

21 We have -- we had coming out pretty
22 simultaneously that our own information about Listening
23 Tours. Then, we had guidance. And then we had rules,
24 smack dab it felt like on the heels of all of that. I'm
25 finding it difficult to explain to people what each part of



1 that is and how it is not the same as another part. So
2 when we have from now on and I know the website aren't,
3 yes, it's a website, is intended to alleviate a lot of that
4 fogginess. I guess another -- another push on helping
5 people realize that website exists and the kind of thing
6 that that can be found there is -- is important. I'm just
7 finding it interesting and we're working through our part
8 and thank you all.

9 I echo any -- any comments about the
10 unanimous nature of this work and what you have just
11 done. I appreciate it very much. But having, we need to
12 discuss it too. How are we gonna communicate that guidance
13 is not the same as regulations and an understanding when
14 people do read our comments starting today? In all of our
15 meetings about this. Are they going to understand which
16 part of this applies and -- what's coming up. I -- I hope
17 that's a little bit clearer than it feels like I'm saying
18 it. But I'm concerned about that.

19 MR. CHAPMAN: Yes. But there are two things
20 and so there's the statute itself, the law that was passed
21 by Congress --

22 MS. GOFF: Yes. Right. That's important.

23 MR. CHAPMAN: -- and signed by the president
24 and in the law itself, it states that there should be
25 meaningful consultation with the governor members of the



1 state legislature, the state Board of Education, LEAs,
2 representatives of Indian tribes in Colorado, teachers,
3 principals, other school leaders, charter school leaders,
4 specialized instructional support personnel,
5 paraprofessionals, administrators, other staff and parents.
6 So that's where that list in statute. The U.S. Department
7 of Education is now releasing rules that- that sort of add
8 -- add or clarify what's in statute. I think that in this
9 case, the rules are- are pretty consistent with what's in
10 statute with regard to with whom we should consult. I do
11 think it's a longer list in rules than it is in- in
12 statute. So we're gonna reach out to all the folks who are
13 listed in statute and reach out to all the folks who are
14 listed and rules. And I think that we're already well down
15 the road in doing that.

16 MS. GOFF: Yes. I'm sure we are and -- and
17 ahead of some other places if I'm not mistaken. But I
18 guess then the -- then the next part of that question is,
19 how. The next -- the big -- the big end step is the group
20 that will actually write the plan. Put the plan together.
21 And having people understand that right now we -- we don't
22 have knowledge, at least I don't, of what appointments have
23 been made to that group. And that how -- how to explain it
24 to folks. Committees, gonna have to be responsible for
25 some of their own explanation. But how do we help our



1 public understand what the role of that group is, and what
2 their work is going to be based on.

3 That's a rhetorical kind of that question.
4 But I just find that there's been some conflation of these
5 parts with me. Without any clear explanation to folks who
6 are reading this and getting all hyped up without doing the
7 work in a good way and -- and trying to understand it.
8 Because I -- I've got -- you wouldn't believe the number of
9 questions I have just in the last week about who's doing
10 what and what's this for? And you know, as the our -- our
11 response, comments on the rules come out, then how -- how
12 are people going to know that rule making is quite a bit
13 different than the guidance that's been offered.

14 MR. CHAPMAN: Yes. And I think, hopefully
15 that we'll --

16 MS. GOFF: People need to understand that
17 now I think, but they don't.

18 MR. CHAPMAN: -- clarify some of that today.
19 And I also, like Ms. Anthes has asked that we do send out
20 sort of like closing the loop communication to the field,
21 get providing more details about the committee make up and
22 who's on the committees. We're also following up what we
23 heard from a number of folks on the Listening Tour who
24 would like to be a part of the committee process and -- and



1 are reaching back out to those folks and -- and finding
2 committee placements for them.

3 UNIDENTIFIED VOICE: Thank you for
4 listening.

5 MR. CHAPMAN: Right. So the -- so we'll
6 have to present our stakeholder consultation activities as
7 part of, really as part of the first part of our ESSA state
8 plan. There's also a requirement that we coordinate our
9 state plan efforts with another, a number of other related
10 programs like special ad, head start, malnutrition, and
11 describe how we're coordinating our efforts with those
12 other large programs.

13 And that's simply sort of a checklist again,
14 you know, have we- have we met with and have begun to do
15 planning with those programs that are listed in the
16 statute. And are there other programs with which we should
17 coordinate our efforts. The next part of it is, and for
18 those of you who are familiar with the waiver, there are a
19 number of assurances and there are a number of assurances
20 listed in statute. There are a number of assurances listed
21 in- in- oops, thank you very much. There we go. A number
22 of assurances listed and ruled. And it's really a
23 checklist and it's likely to be a fairly lengthy checklist
24 and these are all the things that we agreed to do as a
25 condition of receipt of the funds.



1 UNIDENTIFIED VOICE: Can you just give us
2 one example?

3 MR. CHAPMAN: A lot of reporting
4 requirements, accountability decisions-

5 UNIDENTIFIED VOICE: So if they give us the
6 money we've got to do this, this and this?

7 MR. CHAPMAN: Yeah. And so the question we
8 need to ask ourselves, are we able to comply to be
9 affirmative in our response to that assurance. And
10 another, the other question is do we want to, do we -- is
11 that a fair and reasonable condition of receipt of these
12 funds. So it's a fairly --

13 CHAIRMAN DURHAM: These assurances have to
14 be listed in the waiver? I mean, we're not getting waivers
15 anymore. Correct?

16 MR. CHAPMAN: Correct.

17 CHAIRMAN DURHAM: So they have to be, the
18 assurances, they want to be part of our plan?

19 MR. CHAPMAN: Yes. And they will provide us
20 more details. They will likely provide us a list of all of
21 those assurances, something --

22 CHAIRMAN DURHAM: Nonetheless, we'll be the
23 new definition of flexibility?

24 MR. CHAPMAN: Yes.

25 CHAIRMAN DURHAM: Okay. Thank you.



1 MR. CHAPMAN: Okay and so that's -- that's
2 the beginning part of our plan. So stakeholder
3 consultation program, coordination and assurances and then
4 then we kind of launch into the meat of the plan and it
5 begins with standards. Thank you very much.

6 UNIDENTIFIED VOICE: (Inaudible).

7 MR. CHAPMAN: I can't. I can walk and chew
8 gum but I can't talk and click -- click.

9 UNIDENTIFIED VOICE: Okay.

10 MR. CHAPMAN: So the -- one of the
11 interesting things is they don't ask us to submit our
12 standards. They just ask us to provide evidence of
13 adoption of challenging academic standards. Then provide
14 evidence that we have adopted alternate standards that are
15 aligned with those challenging academic standards, and then
16 finally provide evidence of adoption of English language
17 proficiency standards that are aligned with the academic
18 standards. There are a number of other specific things
19 that they will ask us -- that they will ask us to provide
20 in our state plan relative to the standards.

21 CHAIRMAN DURHAM: Standards you reviewed by
22 2018. That's Colorado statute or is that federal or?

23 MR. CHAPMAN: That's Colorado statute. And
24 so as part of the Listening Tour that's what we noted as
25 part of. So we were soliciting input regarding the



1 standards. We are simply noting that pursuant to Colorado
2 statute our standards will be reviewed within the specific
3 timeline. They -- while the statute indicates that our
4 standards are to be aligned with college -- Colorado
5 College entrance requirements, and career, and technical
6 standards. They don't seem to be asking for that in their
7 rules that they proposed. So they are not asking us to
8 necessarily make a case that yes our standards are aligned.
9 Really they -- they're looking for evidence that we've
10 adopted standards and that -- that our standards are
11 aligned across English language proficiency alternate and
12 the challenging academic standards.

13 MS. SCHROEDER: What are the alternate
14 standards? I kind of don't remember that.

15 MR. CHAPMAN: So those are the standards for
16 the students with the most severe cognitive disabilities,
17 the 1 percent of students. And that's actually.

18 MS. FLORES: That goes with the alternate
19 assessment's then.

20 MR. CHAPMAN: Yes. And actually that's
21 discretionary. The state does not need is not required to
22 adopt those standards. But we have them in place but under
23 ESSA it's not required. But if we have them we need to
24 demonstrate that they're aligned with our challenging
25 academic standards.



1 MS. FLORES: May I ask a question at this
2 point?

3 CHAIRMAN DURHAM: Yes.

4 MS. FLORES: The -- the education, what is
5 it? The reporter education today or whatever.

6 MR. CHAPMAN: Education week?

7 MS. FLORES: Education Week, thank you.
8 Reported that we were one of two states that had already
9 agreed to -- to the alternative assessments. And they said
10 that it was because the commissioner and the legislature
11 had already agreed to that. Are we beholden into that? Is
12 that true? And.

13 MS. MAZANEC: What are you talking about?

14 MS. FLORES: I'm talking about the article.

15 MS. MAZANEC: So (inaudible).

16 MS. FLORES: It said that we in Hampshire
17 had agreed to be -- the people they were going to --

18 MR. ASP: Is that the assessment pilot?

19 MS. FLORES: You know and they also we've
20 had to say --

21 MS. MAZANEC: That (inaudible).

22 MS. FLORES: That had already been agreed by
23 the legislature and by the Commissioner. And he'd
24 mentioned (inaudible).



1 MS. RANKIN: Thank you. Dr. Flores I can
2 clarify that I think they were talking about the innovative
3 assessment pilots and New Hampshire has already agreed to
4 do that. Our legislature in the past session did pass a
5 law that said CDE and the commissioner will apply to be an
6 assessment pilot. So I would say wasn't quite the
7 commissioner's decision but it said in the law that we will
8 do that.

9 MS. FLORES: And will that be helping us to,
10 well --

11 MS. RANKIN: I think it will be holding us
12 to apply.

13 MS. FLORES: -to apply but would that also
14 say we should apply now? Or in two years? Or can we --
15 when will that come out?

16 MR. CHAPMAN: The secretary just released
17 proposed rules related to the assessment pilot and those
18 will be I think noted in that fed register in the next week
19 or two and then there'll be an opportunity to provide
20 public comment on those proposed rules as well.

21 MS. FLORES: So when will the proposal for
22 that?

23 UNIDENTIFIED VOICE: (Inaudible).



1 MR. CHAPMAN: It's whenever the secretary
2 decides it's a fairly another fairly lengthy list of rules
3 tied to participation in that pilot.

4 MS. FLORES: Thank you.

5 MR. CHAPMAN: So after submitting the
6 required information related to the standards the next
7 section of the state plan as outlined by the U.S.
8 Department of Education is academic assessments. In that
9 section will be asked to identify the assessments the state
10 is administering, including the required math and language
11 arts and English language proficiency and alternate
12 assessments and then describe how the state is complying
13 with the requirements related to assessments in languages
14 other than English. So there are some -- in the statute,
15 it indicates that states to the extent practicable should
16 offer -- offer their assessments in languages other than
17 English. And that's something that we'll have to grapple
18 with as a state and then also describe how we will use the
19 state assessment grant funds that we receive annually. So
20 the questions, pardon me.

21 MS. OKES: How much is this?

22 MR. CHAPMAN: I'm thinking it's.

23 MS. OKES: It's on that pay chart.

24 MR. CHAPMAN: Yeah, that -- I think it might
25 be on the pie chart that we --



1 MS. OKES: I can open it.

2 MR. CHAPMAN: I'm thinking like six million
3 or something but I'm not sure it could be less than six.

4 MS. GOFF: There you go.

5 MS. OKES: What's the total cost of our
6 assessment?

7 UNIDENTIFIED VOICE: (Inaudible).

8 MS. OKES: Yeah. I can't tell you
9 (inaudible).

10 MR. CHAPMAN: And so among the things that
11 we'll have to describe as -- if we are doing assessments in
12 languages other -- other than English led assessments and
13 if not why not? With regard to accountability, we'll be
14 asked to basically provide just like we'll be providing a
15 description of our standards and assessments provide a
16 description of our state's accountability system, including
17 the indicators that will use, the measures, subgroups
18 weighting of all the indicators, a whole long laundry list
19 of specific information and then describe how the
20 accountability system applies to all schools. And then
21 there is some of the decisions and so we'll cover this in a
22 lot more detail in a few minutes, but really one of the
23 decisions we have is that other indicators.

24 So there's an requirement that we have an
25 additional indicator of the school quality and that's one



1 of the things that we've been discussing with or listening
2 to our participants what -- what would be another good
3 indicator to include within our state's accountability
4 system. It could also asks us to talk about school
5 improvement in the -- the law. There is a requirement that
6 we identify two types of schools. The lowest performing
7 schools for comprehensive improvement and then the schools
8 that have achievement gaps or are performing at low levels
9 lower than would be expected for specific subgroups.

10 We identify those schools for targeted
11 improvement and so they will ask us to you know to submit
12 our definition for how we're identifying those schools and
13 criteria that we'll be establishing for exiting those
14 schools from that status and interventions that we would
15 utilize in working with those schools. And then there's
16 also money that they- they're making available for that
17 purpose and will be asked to describe how we are making
18 those funds available to districts that have schools that
19 have been identified as comprehensive or targeted. And
20 then also will we make those funds available on a formula
21 or competitive basis and that's generated a lot of
22 discussion on the Listening Tour.

23 We will return to our stakeholders to -- to
24 talk more about that with them and get their
25 recommendation. And then also if the state will be



1 retaining some of those funds that are made available for
2 school improvement to provide direct services to those
3 districts and the -- and those schools that have been
4 identified for improvement. With regard to quality
5 instruction and leadership, supports for teachers, they're
6 asking us to in our -- within our plan to describe the
7 state's system of certification of licensure, teacher prep
8 and professional growth and how the state will utilize the
9 title two funding that we receive as a state annually to
10 improve the quality and effectiveness of teachers and
11 principals and increase student achievement.

12 We have to do a fair amount of reporting
13 pursuant to title two. So we need to provide our
14 definitions for ineffective out of field and inexperienced
15 teachers and describe how the state will support those
16 teachers in identifying and providing instruction to
17 students with special needs. And we've done that as part
18 of our waiver so this is really in a lot of ways pretty
19 consistent with what we've had to do in our waiver. But
20 the questions we need to ask ourselves is how will we
21 utilize these title two funds? There's still a requirement
22 for teacher equity. So there's a requirement that the
23 state helps ensure that poor and minority -- minority
24 children are not taught disproportionately by ineffective
25 teachers and so they're asking that our teacher equity plan



1 be a fundamental part of our ESSA plan and that will --
2 that will take some work.

3 But then also the issues of our -- our
4 ability to meet the reporting requirements and Naza we'll
5 talk more about those in a few minutes. So then the final
6 part. So most of you know that the ESSA laws organized by
7 title program. So title one, title two, title three.
8 There's funding tied to each of those titles. Grant
9 funding that's awarded to -- to school districts on a
10 formula basis. And so there are a number of requirements
11 that they're asking of us to -- to address as part of that
12 sort of a title section. So there is -- it's really a
13 section where they ask us a bunch of specific questions
14 about specific titles but then they also ask us how we will
15 ensure that students receive the -- the supports that they
16 need to succeed. So it really delineates homeless
17 students, migrant students, low income students. And
18 they're asking us to make a case for what we're doing as a
19 state to provide supports for those students.

20 MS. SCHROEDER: That's is a real basic
21 question if you're a school district that has no title one
22 kids, you don't get title two through five or six either.
23 Is that right? Are they all tied to title one?

24 MR. CHAPMAN: There is a connection in
25 formula. But that's -- that's not true that- so there's --



1 there's specific criteria for each of the title programs.
2 And so as a district you have to have a certain poverty
3 level to be eligible to receive title one funding.

4 MS. SCHROEDER: Right.

5 MR. CHAPMAN: There's no such requirement
6 for title two. So --

7 MS. SCHROEDER: So.

8 MR. CHAPMAN: -- and I think for title one I
9 think it's like 2 percent or something like that.

10 MS. SCHROEDER: All districts get the title
11 two funding?

12 MR. CHAPMAN: Yes, all districts are
13 eligible for title two funding. I think we have all
14 districts accepting the funds and historically we have had
15 a small handful of districts that have declined funds under
16 title One and title two. I think we still have one or two
17 that are declining title one but I think every all
18 districts participate in title two.

19 MS. SCHROEDER: Thanks.

20 MR. CHAPMAN: There is an opportunity in the
21 law to retain 3 percent of our title one funds to provide
22 direct student services grants to liaise that comes out of
23 the title one part of money. And so there is some debate
24 or discussion around whether it's a good idea for CTE to
25 retain those 3 percent to make them available as a special



1 grant. I would argue that- that districts can already do
2 the activities that we would be creating if we were to
3 retain those funds and make a special grant -- grant
4 available to school districts. I think that districts
5 already have that flexibility. And there's no need to
6 create an extra grant program especially if it comes off
7 out of the pockets of the districts that might already be
8 able to do it.

9 There are some advantages if we were to --
10 to retain those funds and make those funds available as --
11 as a special grant in that. Some smaller districts might
12 be able to access a greater amount of money than they
13 would, otherwise and might be able to really create some
14 good programs for their students particularly high school
15 students. So a lot of the title one funds not much of the
16 title one funds reach the high school level. And so that
17 would be an opportunity to help more of the title one funds
18 provide services to students at the high school level.
19 Cause most of the funds reach the elementary and middle
20 school levels.

21 MS. SCHROEDER: So Pat could you try to keep
22 track of the feedback on this. I know that's one of the
23 questions that you asked at the Listening Tour. If it's
24 possible if you could determine whether the big districts
25 say no to the 3 percent than in the small districts. I



1 mean that's it's up to us to figure out what we wanna do
2 with that. But it seems to me that there might be a very
3 different point of view is just as you just described
4 between the benefits of the 3 percent.

5 MR. CHAPMAN: Yeah, and there is a fair
6 amount of interest in -- in looking at what we could do
7 with those direct student services grants. I know our
8 grants fiscal folks are now that we're beginning to get
9 allocation information are kind of working the numbers so
10 that we have more information to take to the field and
11 having this discussion. So they have a sense of well I'd
12 get this amount of CDE didn't do it the special grant and
13 we get this amount if they did. And so they -- they can
14 make a more informed choice. So that's just. Yeah?

15 MS. CORDIAL: How is this, what we just
16 talked about how does that tie into reassurances? Is there
17 any overlap there?

18 MR. CHAPMAN: That's a good question. I
19 don't know. We -- we do have an analysis sort of that
20 pulls out all the requirements in statute. And so I think
21 that there are a number of them that are worded as an
22 assurance so we could pull out we can begin to generate
23 what might likely be the list of assurances that we agreed
24 to or are being asked to agree to whether I know that we'll
25 have to submit as part of our state plan whether or not we



1 plan to do those direct services grants. But as in the
2 next slide gonna kind of note that we can change our plan.
3 So.

4 UNIDENTIFIED VOICE: I'm just, I don't wanna
5 jump into (inaudible). I'm sitting here now looking at use
6 of -- use of program -- use of program funds in support of
7 healthy and well rounded students. So that brings in all
8 of the whole area of health and nutrition and you know is
9 that something that (inaudible) not that specifically.
10 What assurances do we need to make other than the reporting
11 and that kind of thing. I'm just looking in the here that
12 if its better to if we are enabling ourselves the state
13 districts to meet the assurances, maybe the question will
14 be should the money be kept at here the state to assure we
15 can make assurances? I, you know I'm just.

16 MR. CHAPMAN: Yeah, If we do -- if we do
17 keep the money at the state so it would work out to be
18 around \$4.5 million that we would be retaining off the top
19 of our title one award. And we in 99 percent of that \$4.5
20 million dollars would be awarded as grants to aliases.

21 MS. CORDIAL: Yeah. Which assured that the
22 assurances are assuredly possible.

23 MR. CHAPMAN: We'll try to pull -- create
24 that list of potential assurances and get back to you guys
25 as quickly as possible. So there's some things that are --



1 that's the outline of the state plan. Really, it's a
2 description of what we have in place or plan to put in
3 place over the next couple of years with regard to
4 standards, with regard to assessments aligned to those
5 standards, and the use of that information as part of our
6 accountability system.

7 There -- there's two options that we have in
8 submitting our plan, we can develop individual title
9 program applications so we'd submit application for Title
10 I, an application for Title II, application for Title III,
11 where we can submit a consolidated state plan, which is a
12 single plan for all of those titles. I was looking at
13 whether what's -- what's the easiest or what's the -- the
14 simple or the fewest strings attached. And I -- and I was
15 thinking, well, maybe, you know, maybe because -- maybe it
16 might be simpler and fewer strings if we were to do
17 individual program applications separate from each other.

18 But in the proposed rules, the U.S.
19 Department of Education says, "Well, if you wanna -- if you
20 wanna do individual program applications, you can do that,
21 but you still have or beholden to these consolidated state
22 plan requirements." I would argue that that's a little bit
23 of an overreach on their part, but I do think that when all
24 is said and done, it really, most like it makes sense to do
25 a consolidated state plan, and that would be -- that would



1 be my recommendation. But that's something that we need to
2 consider as -- as a department.

3 UNIDENTIFIED VOICE: Would it make any
4 difference to the districts?

5 MR. CHAPMAN: I don't know. That's --
6 that's a -- that's a good question. I think that even if
7 we do a consolidated state plan, we will want to pull out
8 our plans for individual programs along -- as part of that
9 consolidated state plan. There's -- once we develop our
10 state plan it -- it can be amended over time as our state
11 policy evolves. So once -- what we submit in next March or
12 July is not what we're locked into forever. We can amend
13 it that well, I don't think there's any limitation to -- to
14 the number of amendments or the timing of any amendments
15 that we might wanna submit. The law doesn't necessitate
16 the -- there's nothing in the law that necessitates any
17 sort of major changes or major overhaul of our -- of our
18 state system. We can -- we can go -- go small and -- and
19 just make adjustments to what we have in place, and would
20 likely -- could likely receive approval. But it also
21 doesn't preclude major changes over the next few years as
22 the -- as the state desires.

23 MS. GOFF: Correct me if I'm wrong -- wrong.
24 Isn't it about \$27 million dollars that we spend on -- on
25 accountability on the test on the product and such that \$27



1 million dollars. And is it \$6 million that we get through
2 the state? And also the \$4.5 million that we get for -- to
3 award frantically to that? I mean, wouldn't it be better
4 if we just say no to the accountability? Not that we're
5 not going to have accountability but we say no to those
6 funds, and that would be still saving as a lot of money. I
7 mean, that's \$24-\$27 million. If you add the six million
8 to that, that's \$10 million, \$10.5 million. And if we, you
9 know, don't do the big accountability and let the -- let
10 the feds do the one that they do every three or four years
11 or so. I think we could still be saving a lot of money,
12 we'd be saving like \$70 million.

13 UNIDENTIFIED VOICE: Except we would lose
14 our Title I money, so I'm not sure that will help.

15 MS. GOFF: Yeah. But if -- it would -- we
16 wouldn't have to -- we'd lose it but we wouldn't have to do
17 the -- the evaluation.

18 MS. SCHEFFEL: We'd lose the amount for
19 Title I.

20 CHAIRMAN DURHAM: Dr. Scheffel.

21 MS. SCHEFFEL: That's all Title I.

22 MS. GOFF: That's all title one but isn't it
23 about \$10 million?

24 CHAIRMAN DURHAM: It's a \$150.

25 MR. CHAPMAN: It's a \$150 for Title I.



1 MS. GOFF: Okay.

2 MR. CHAPMAN: So the assessments are
3 required so that can take year 150 they're basing in time
4 real money. And that might be one of those assurances like
5 the -- the state assures us that it will implement
6 assessments.

7 MS. FLORES: Well, we'd save money and time
8 for kids to be learning.

9 CHAIRMAN DURHAM: Deb.

10 MS. SCHEFFEL: I think what Dr. Flores is
11 suggesting though is it might be at some point on
12 discussion to step back and say, "What is the cost of this
13 implementation and these regulations?" I mean, we're kind
14 of assuming we're just going to do this and really not -- I
15 mean, I've -- I've read the rules they're very
16 prescriptive, I think -- I think to suggest that -- that
17 gives all kinds of flexibility to the states is -- is a
18 misnomer. It's I think what -- what you're saying is let's
19 step back. How much is this really costing us? What is
20 the cost benefit analysis? And what is the best way to
21 approach implementation of this law for Colorado. I think
22 that's a great discussion. Yeah.

23 MR. CHAPMAN: I think that was one of the
24 sort of sentiments that the -- the law seems pretty



1 prescriptive already and the -- the -- the rules
2 exacerbated that.

3 MS. SCHEFFEL: Because -- because just to
4 add, they said that states were going to have, you know,
5 we're going to give you all this flexibility. Well, it
6 isn't giving us all that flexibility.

7 MR. CHAPMAN: And it just sort of wrap up on
8 a few other considerations in -- in thinking about our
9 state plan. Is that what -- what the rules that they're
10 laying out for ESSA are - are quite similar to rules that
11 we had under No Child Left Behind and -- and the waiver.
12 So we're, you know, on the one hand, they're pretty
13 prescriptive and -- and in some cases restrictive, but on
14 the other hand, we're -- we're well situated to pull
15 together our state plan because we have already developed
16 those descriptions of our -- our standards, our
17 assessments, and accountability system so really wanting to
18 kind of start from that -- that point.

19 Here's -- here's what we have in place in
20 Colorado. Here's the opportunities for changes within ESSA
21 and -- and moving forward from there. Within this
22 PowerPoint where we try to pull out some of those decision
23 points. Eliza did a real nice job of -- of the green --
24 green circles. So to -- to highlight, these are -- these



1 are the decision points and I think they're really --
2 although the rule --

3 CHAIRMAN DURHAM: Didn't you get the
4 impression during the Listening Tours that districts
5 perhaps by and large would like to see kind of a minimal --
6 minimal amount of change from existing practices and
7 procedures. Would that be a fair statement?

8 MR. CHAPMAN: Yes, I think that it's on the
9 one hand a little bit of change fatigue and -- and not
10 wanting this -- this new law to result in -- in a lot more
11 burden or new burden. But at the same time, in interest in
12 -- in taking advantage of some the flexibility that -- that
13 -- that might be afforded under ESSA, so increase state
14 local discretion. So I think they -- they like that --
15 that opportunity.

16 CHAIRMAN DURHAM: Are -- are you yet in a
17 position not having seen all the rules to be able to
18 enumerate in simple terms, we have more flexibility in A
19 and B and C, are you not yet capable of doing that?

20 MR. CHAPMAN: I think that's some of what
21 will be covered as part of the next session -- section.
22 Simon and also and -- are reporting. So I think that, you
23 know, the upshot is that -- that, yes, we -- there are some
24 problematic rules, there were -- we have a general concern
25 that the rules inappropriately in some cases, unfairly, and



1 unnecessarily limit state and local discretion and
2 flexibility. And that said we can likely make most of --
3 most of them work, but we feel it's a really good idea to
4 compile our concerns and submit them as part of the -- of
5 the process that has been laid out by the USDE, but also be
6 pretty overt and -- and forthright in sending
7 communications directly to the U.S. Department of Education
8 expressing our concern and why we're concerned.

9 So to move quickly through the process as
10 noted in the -- in your June meeting, they did release the
11 rules on the 31st. We -- we have up to 60 days to compile
12 and submit our comments as part of their -- their process
13 and the rules. This -- this round of rules covers on
14 reporting and the kind of Title I -- reporting Title I
15 accountability and consolidate state plan requirements.
16 I'm going to turn it over to Nazanin to walk us through
17 their analysis. So some of what you've received.

18 MS. MAHAJERI-NELSON: Good afternoon,
19 Chairman Dermot -- Durham. Commissioner Anthes and
20 esteemed members of the Board. My name is Nazanin
21 Mohajeri-Nelson, I'm with the Federal Programs Unit. Our
22 objective for conducting these analyses was to put -- to
23 supply comments or draft of comments that the field in CDE
24 and State Board and legislators could respond to and react
25 to. In creating comments, we wanted to be as objective as



1 possible and so we wanted to be able to say that we had
2 studied, and done a content analysis of the rules and
3 compared them to the actual ESSA statute. And that we had
4 considered whether the rules were supportive of families
5 and students, whether they were feasible for Colorado to
6 conduct or implement.

7 We wanted to be able to be in a position to
8 identify the parts of the rules that were restricting our
9 flexibility, that were intended under the ESSA -- ESSA
10 statute. And we wanted to be able to identify the parts
11 that don't have a basis in statute, and be able to make
12 objective comments about those in that process that were
13 required to follow and commenting back to the USDE. The
14 first document that you've received is the draft of the
15 beginning of our comments back to the USDE based on our
16 preliminary analyses. Our analyses are work in progress,
17 that's the spreadsheet that you receive. We are going
18 through and have had two people so far go through encode
19 each one of the items within the proposed rules as either
20 being providing clarity or being supportive or being
21 duplicative of the statute, and whether there is any
22 conflicts with the ESSA statute itself or whether there are
23 restrictions. And like I said, no basis in statute.

24 We're also looking for the reasonableness of
25 the requirements in the rules to determine whether Colorado



1 is in a position to be able to meet some of those
2 requirements, and whether we need to be able to make
3 comments. For example, one of their requirements is that
4 we do state report cards by the end of December 31st every
5 single year for the previous year. Given our assessment
6 timeline and the work that is required in preparing that
7 state report card, that is a very unreasonable expectation
8 for the state to be able to comply with.

9 So in order for us to put together these
10 comments, that's the level of analyses that we've done, and
11 preliminarily just -- we have other people that will be
12 analyzing the rules to the extent that we have been and
13 we're pulling out sections, and referring to experts in the
14 field that would -- that rule would impact. So that will
15 be incorporated into this, but we did want to share with
16 you that our preliminary analysis at the state level, she
17 has shown that there are 28 new rules that are being
18 proposed with 117 subsections within those rules.

19 UNIDENTIFIED VOICE: Ma'am, would you say
20 that again.

21 MS. MAHAJERI-NELSON: Yes.

22 UNIDENTIFIED VOICE: The numbers.

23 MS. MAHAJERI-NELSON: Twenty eight rules.

24 There are seven that have to do with the state plan. There
25 are 13 that have to do with accountability, and there are



1 eight that have to do with reporting. Of those 117, our
2 preliminary analysis shows that 75 percent of those rules
3 contain restatements or rephrasing of the statute itself.
4 So they're unnecessary and they're just creating additional
5 work for states and LEA -- districts to have to follow
6 these rules. We do --

7 CHAIRMAN DURHAM: (Inaudible).

8 MS. MAHAJERI-NELSON: Oh sorry. The 117 are
9 sub indicators within those rules. So there are 28 rules
10 that have subsections within each one. The subsections we
11 looked at -- at the first level of subsection. Within each
12 one of those first levels, many of them have multiple
13 subsections underneath them. So they're quite
14 voluminous and -- and oftentimes duplicative of the
15 statute. There are about 30 percent of them that do
16 provide clarification and support for families and students
17 or have supportive components. For example, when the
18 statute itself references of term, the rules go on to then
19 define that term to provide some clarity, which is helpful,
20 and good to have. But that's only about 30 percent of them
21 based on preliminary analyses. A quarter of them contain
22 regulations that would limit the states flexibility. We
23 have concerns around that.



1 UNIDENTIFIED VOICE: I have a question. Are
2 you talking about the notice of proposed rules and the
3 analysis of proposed rules as the last two?

4 MS. MAHAJERI-NELSON: Yes, yes.

5 UNIDENTIFIED VOICE: Can you give me -- can
6 you give me a date on that analysis of proposed rules. I
7 see the first one is May 31st. What -- what's the date on
8 this, I'm sure it's recent?

9 MS. GOFF: It's true

10 MS. MAHAJERI-NELSON: Sorry.

11 MR. CHAPMAN: Yeah. So in the next slide
12 we'll talk a little bit that. So the -- the USDE released
13 and posted notice of rule making in the third register on
14 May 31st. We have until August 1st to respond to those
15 rules, to submit our comments, any concerns we have any --
16 any support we might want to raise. Yeah. So Nazanin and
17 a couple of other folks are doing a pretty thorough
18 analysis of those rules to identify areas that -- that
19 we're concerned about, that we feel that limit state local
20 flexibility.

21 UNIDENTIFIED VOICE: And we're still in the
22 process.

23 MR. CHAPMAN: And -- and so there's a draft.

24 MS. SCHEFFEL: We will be all lead into
25 that.



1 MR. CHAPMAN: Yes.

2 MS. MAHAJERI-NELSON: Yes. So it's --

3 UNIDENTIFIED VOICE: Sure. Thank you for
4 the columns, colored columns that kind of helpful but some
5 confusion. I went back and forth. Duplicative of statute
6 or there's another one referring to that. Refers to the
7 ESSA statutory language.

8 MS. MAHAJERI-NELSON: Yes, ma'am.

9 UNIDENTIFIED VOICE: We'll, we've been
10 looking toward doing that kind of an analysis based on
11 comparison with our own state statutory language. I think
12 there's one, at least one reference to that in here in --
13 in the analysis. But I -- that's one of the things that I
14 want to be sure when I explain to people who ask about
15 this, which statutory language are you looking at least.
16 So thank you, I -- I assumed it was true.

17 MS. MAHAJERI-NELSON: Right.

18 UNIDENTIFIED VOICE: Thank you.

19 MS. MAHAJERI-NELSON: Just briefly
20 finalizing our preliminary analyses. We did find that
21 another quarter of them do not have -- appear to have a
22 basis in statute, and really overreached the USDE's and the
23 Secretary's authority. And seven percent of them we've
24 identified so far as being unreasonable, like the example
25 that I gave with the December 31st deadline, and the one



1 that we have the most concern with is that there's
2 approximately 12 percent of the subsections of rules that
3 contain conflicts within the ESSA statute itself. So where
4 -- where the US Congress awarded flexibility and said state
5 determined or state defined terminology was very
6 specifically used, so that the states could have some
7 flexibility in designing our accountability system, our
8 state plan.

9 They have provided regulations or have
10 proposed regulations around those and that's what's most
11 concerning to us, and what we would like to comment back
12 on. We are in the process of asking others at CDE to
13 continue to look at this. We would like for -- to be able
14 to share these draft comments back with you. They are due
15 August 1st, so we have concerns about how best to get your
16 input, prior to your next Board meeting, because we
17 definitely would want to incorporate your feedback and your
18 concerns into these comments, before we submit them in that
19 formal process.

20 UNIDENTIFIED VOICE: I have a question.
21 Well, while you are going through this, are you
22 communicating with other states that are going through this
23 too? I mean, if you say there is 12 percent of conflict
24 within the document, there's at least 12 percent in other
25 states. Are -- are you communicating with other states and



1 seeing what their thoughts are on this before we send
2 those?

3 UNIDENTIFIED VOICE: Yes. So there's been -
4 - there's been some pulling together of states at -- by
5 several -- couple of different national organizations like
6 the chief officers, the CCSSO and the National Title I
7 directors have been coordinating and meeting to determine
8 which parts are, there's different conferences NCES, the
9 National Education Statistics conference is next week in
10 DC. There's -- a big part of the agenda is looking at
11 these proposed rules, culminating comments back to the USDE
12 in regards to parts that we have concerns around.

13 UNIDENTIFIED VOICE: And -- and have the
14 universities being included? And I'm specifically thinking
15 about the think tanks at some universities. We have the
16 National Policy on Education Group at the University of
17 Colorado in Boulder. And then we have another policy, one
18 for the University of Colorado in Denver and I'm sure that
19 their university policy people have been thinking about
20 this and have you included them or asked them for their
21 suggestions on this because I think that that could be very
22 helpful. I know that I've been reading some analysis
23 through just blogs and stuff from universities. So that
24 could be helpful too.



1 CHAIRMAN DURHAM: I think -- so we're -- we
2 welcome any input or insight that any groups have relative
3 to the proposed rules. I think there's -- there are a lot
4 of analyses of the ESSA itself. I haven't seen much with
5 regard to the rules. We're reaching out to CCSSO to help
6 us find other like minded states that -- that are really
7 pushing back or would like to push back and would like some
8 -- some company in pushing back and I -- I -- I feel a
9 little bit like some of the comments that I've read where
10 they feel that, "Oh yeah, the rules give, you know,
11 guarantee the flexibility that ESSA offered." And I just
12 don't think that's true.

13 UNIDENTIFIED VOICE: See, I haven't read
14 that and I don't mean to demean. I think you -- you guys
15 are doing a great job because I haven't certainly said, you
16 know, "Oh yeah, I've read this and 25 percent or not" you
17 know, in line with what we should be doing. I think that's
18 a great work that you're doing. But just, you know, I --
19 I've been digging through this too and I just, you know,
20 it's frustrating.

21 CHAIRMAN DURHAM: Yeah. I think the number
22 of others folks and organizations are -- are really kind of
23 looking to Colorado and -- and would like to see what we're
24 -- what -- Naza and her folks are pulling together. And --
25 and if they -- if they're engaged in a similar analysis, we



1 hope to hear about it and we're hoping that CCSSO will let
2 us know of other states that they've discovered that are
3 doing a similar kind of analysis.

4 CHAIRMAN DURHAM: Dr. Scheffel. Thank you.

5 MS. SCHEFFEL: Thank you. So how do we get
6 feedback to you and then that is submitted as comment for
7 others first and that we get no traction, what are our
8 options? One two and three different funding streams and
9 different sets of requirements and dependencies, and I
10 guess it would be nice to sketch out what our options are.
11 I -- I don't hold a lot of hope that our -- our suggestions
12 or recommendations would be seriously taken.

13 UNIDENTIFIED VOICE: I do think that we --
14 we have a louder voice if -- if we do submit our comments
15 together. You know, we submit our comments but if we have
16 some sort of joint letter or something like that, where
17 we're joining together with other states and certainly if
18 it's -- if it comes from high level folks within our state,
19 that there -- they're more likely to be seriously
20 considered. We're sort of planning a little bit for a
21 worst case scenario that if just all the rules go through
22 as written --

23 MS. SCHEFFEL: What are our options then?
24 When you say we submit --

25 UNIDENTIFIED VOICE: I still think that --



1 MS. SCHEFFEL: -- suggestions or
2 recommendations and maybe they tweak a few things but
3 really have no substantive changes, what are our options
4 then?

5 UNIDENTIFIED VOICE: A lot of the rules just
6 sort of make more work for states, so they -- they say they
7 will -- how about we go -- can we go through some -- some
8 examples. So our -- our goal is to just to finish the
9 analysis by within the next week or two, it's -- it's the
10 one document as you noticed is really a long one. We'll
11 circulate it to -- to folks as soon as we have it
12 completed. We wanna make sure that -- that everybody's on
13 board with what we've pulled together, before submitting
14 it. But I do think -- what I really hope that you walk
15 away with is a sense of what -- what are the rules that --
16 that we're concerned about and why are we concerned about
17 them. And to a certain extent, it's a little bit like a --
18 a magic act where the rules are sort of pulled out of thin
19 air or a word -- the word 'may' is changed to 'must' as you
20 go from statute to rule.

21 I think all of us who've been reading the
22 rules have our very favorite rule that drives us the most
23 crazy. But the -- so in -- in creating the rules, they
24 need -- they need to lay out sort of a cost benefit
25 analysis and how much will these rules cost states and --



1 and make a case that the -- yeah, while it might cost
2 states a little bit more money to comply with these rules,
3 they're getting grant money and they can use their grant
4 money to comply with the rules. But what we've included in
5 -- in this slide is just sort of really that that there's -
6 - they're going out there and they're stating that -- that
7 their rules respect state local decision making and I would
8 argue that they don't.

9 And I would argue that, no, they don't
10 increase flexibility, they make things less -- less
11 flexible. So here are some examples of some of them.
12 Pardon me? In some cases it's -- it's something they're --
13 they're asking states to do things that -- that -- thank
14 you -- they don't -- that aren't present in -- in the
15 statute. So for example, the state -- the statute outlines
16 actions to take -- be taken by the LEAs after they've been
17 notified that they -- they're have been identified for
18 comprehensive support and improvement. What the statute
19 says is that in consultation with stakeholders, the -- the
20 school and the district will locally develop and implement
21 a comprehensive support and improvement plan for the school
22 to improve student outcomes. So they just have to convene
23 stakeholders, develop the plan.

24 But in the proposed rules, they -- they
25 impose the additional requirement that as soon as they



1 receive that notice that they have schools that are
2 comprehensive or -- or targeted permit, that they have to
3 send a letter to all parents of every student that has
4 enrolled in the school, including at a minimum the reason
5 or reasons for the school's identification explanation of
6 how parents could be involved in developing the plan.
7 We're not really saying that that's a bad idea, but what
8 we're saying is that's not what statute says. It says that
9 you just convene stakeholders and you develop a plan. It
10 doesn't require, the statute does not require that parental
11 notification and a list of that laundry list of things that
12 are to be included in -- in that communication. Again,
13 it's not saying it's a bad thing, not saying it's a good
14 thing, it's just not in statute. So that's one of those
15 things that sort of, they kind of whipped up out of -- out
16 of thin air.

17 Another one is, as I noted, sort of going
18 from a 'may', which to me is discretionary. You can
19 consider doing it, you might do it, you may do it, you have
20 permission to do it, where in the rules that becomes a
21 'must'. So the statute offers flexibility to states and
22 how the SEA provides continued support to schools and LEAs
23 by stating that any -- that the SEA may, consistent with
24 state law, establish alternative evidence-based, state
25 determined strategies, that can be used by local



1 educational agencies to assist a school identified for
2 comprehensive improvement. But the proposed rules sort of
3 shift that to a must.

4 The state must at a minimum require the LEA
5 to conduct a new comprehensive needs assessment that meets
6 the requirements under the previous section. So it's --
7 it's really going, you know, something from something that
8 -- that's seemingly optional to something that's required.
9 Another one and I'll -- I'll kind of move through this
10 quickly. Katy asked me to promise that I -- I wouldn't
11 delay. But I'm just getting started, Katy. So my -- this
12 is my personal favorite. We're good -- in the law it says
13 that -- that the -- the state will make grants of
14 sufficient size to schools that have been identified for
15 comprehensive or targeted improvement.

16 As a state, we'll receive about \$10 million
17 to award, to schools that have been identified for
18 comprehensive or targeted improvement. And -- so I noted
19 that in the statute it just says that, they must be of
20 sufficient size. So to me, that means, you know, not too
21 big, not too small, just enough to get stuff done. But in
22 the rules, the U.S. Department of Education has said that
23 the awards must be at a minimum \$500,000, to those
24 comprehensive schools, which in Colorado means that we will
25 be able to award funds to 20 schools. We have a lot more



1 schools that have been identified for comprehensive
2 improvement alone, but when you add the targeted schools,
3 we will have many of those.

4 So our money, that \$10 million would vanish
5 pretty quickly if we're required to offer \$500,000 to each
6 comprehensive school. My problem with that is that -- is
7 not only that we don't have enough money, but it's sort of
8 suggesting that, well, you need to -- and the language and
9 the rules goes on to say, in order to ensure that it's
10 sustainable, we need to give them more money to ensure that
11 it's sustainable, and I'm thinking that the more money you
12 give, the harder it is to sustain after that money
13 vanishes.

14 And so, if we're awarding \$500,000 in some
15 cases, the strategy, it might be to close the school, it
16 might be to charter the school, it might be to replace the
17 principal, there -- we're asking them to do a comprehensive
18 needs assessment and develop a plan that they feel at the
19 local level will be effective in turning around that
20 school. The strategy might be any number of things that
21 don't really cost much money and to -- to compel the state
22 to offer at a minimum \$500,000, seems to me to be a huge
23 waste of taxpayer money and really, an unnecessary
24 overreach on the part of the U.S. Department of Education



1 in being that prescriptive, when the statute simply says
2 that it needs to be of sufficient size.

3 So that's -- that's one of the ones that
4 really drives me crazy. But the other part of it is, is
5 that we won't have enough money to provide any support to
6 so many of our schools that have been identified for
7 improvement because we're -- we're awarding all of our
8 money to a very few number of schools. Finally, so those
9 are some of the examples I know, I skipped one but I'm
10 trying to move through quickly. One of the reasons that we
11 feel that -- that this was not -- that these rules were not
12 -- are not consistent with the intent of Congress that when
13 they -- they drafted the legislation, is that the Congress
14 within the body of the statute went to great lengths to
15 limit the rulemaking ability of the Secretary of Education.

16 So there are several -- there's a long list
17 of each and every way that -- that Congress did not want to
18 -- want the Secretary to limit state local flexibility and
19 we've included -- thank you again. So it says, you know,
20 in pretty plain language when -- when promulgating any rule
21 or regulations, it's -- it's nothing in this act shall be
22 construed to authorize or permit the Secretary to do a
23 whole laundry list of things, add new requirements, add new
24 criteria, be an excessive statutory authority. But then it
25 goes on to be -- be pretty specific about all the ways that



1 -- that the Secretary should not overstep his authority in
2 -- in promulgating rules.

3 For example, prescribing as a condition of
4 approval of the state plan, require a state to add any
5 requirements that are consistent with the scope of this
6 part of the law, prescribe numeric long term goals, the
7 length of terms set by states because throughout the
8 statute, it's a state-defined criteria, a state-defined
9 criteria and they're attempting to define that criteria at
10 the -- at the US -- the federal level. So let me just kind
11 of go through a couple of again, one of the ones I feel
12 that they were pretty fore thinking in -- in creating this
13 part of our statute. It says there you should not
14 prescribe the indicators or the weight of any of the
15 measures or indicators, the specific methodology --
16 methodology used by the state to meaningfully differentiate
17 or identify schools based on our state's system. Any
18 specific support or improvement strategy, exit criteria
19 established by the state.

20 So once the schools identified for
21 improvement, the criteria that they need to meet, in order
22 to exit that status and the rules do be get quite specific
23 about the exit criteria that the USDE feels that we should
24 be using, and indicators or specific measures of teacher,
25 principal or other school leader effectiveness or quality.



1 But finally, there is -- there is one that I think is
2 pretty, oh the -- well there is this one. The way in which
3 the state factors the 95 percent assessment participation
4 requirement into the statewide accountability system, they
5 begin to get pretty prescriptive in the rules there.

6 But I think that one of the big ones that
7 they really do a lot is on -- is this one, to issue new
8 non-regulatory guidance that in seeking to provide
9 explanation or requirements under the section, where they
10 create a list. And if we want to do something other than
11 what's on that list, then we need to make the case for why
12 we want to do something other than what they had
13 prescribed. And I think that they -- this Congress saw
14 that coming and potentially -- So they're telling me to
15 take a breath. I'm almost done. But this is -- that's one
16 way. If they really -- so they say they're trying to be
17 supportive of states in creating this -- this list. I feel
18 that if they're really truly wanting to be supportive of
19 states, they could put out a lot of this information as
20 guidance. Just put it out as information for states to
21 consider. Don't put it into rules if you really want to be
22 helpful and -- and ensure flexibility.

23 And then the final one is, that they are not
24 to require data collection under this part beyond data
25 that's already derived from existing federal state and



1 local reporting requirements, which are already extensive.
2 And I would argue that these rules add some reporting
3 requirements that aren't currently in place. So that's the
4 -- some of our concerns about the rules. Now we'll dive
5 more deeply into specific examples of the rules and why
6 they're -- why are problematic and Alissa's gonna do that.

7 UNIDENTIFIED VOICE: Do you guys wanna take
8 a breather for a minute before we get into the details of
9 the credibility or do you have some questions for that?
10 I'm breathing. We'll get him to breathe now.

11 UNIDENTIFIED VOICE: Do you have a
12 preference? Do you wanna just keep going?

13 UNIDENTIFIED VOICE: Let's keep going. I am
14 ready.

15 UNIDENTIFIED VOICE: Go ahead.

16 UNIDENTIFIED VOICE: Okay. Okay. Let me
17 make sure I'm doing the right ones. Okay. See.
18 (Inaudible). So what we want to do is get a little more
19 deep into the proposed accountability regulations, and the
20 overall issues, and opportunities that are provided. And
21 we'll give you some high level overview about decision
22 points, areas of flexibility, areas where we see some
23 misalignment, and have some concerns about moving forward,
24 then we can go into more details on all of those if you



1 guys want. If you don't want to go that deep, you have 'em
2 in your slides for reference.

3 One thing you don't have in your slides, but
4 I just wanna say if you're interested, and Marie has spent
5 a ton of time since ESSA passed, making this great
6 spreadsheet. It's great for us, and maybe more detailed
7 than you want, but she's really cross walked what's in our
8 performance frameworks. What's in Statute in Colorado
9 around accountability. What's in ESSA in terms of both
10 Statute itself? What's in the proposed regulations? And
11 then just questions, and considerations for us. So it's an
12 easy way for us to see the different components of the
13 accountability system laid out between the different laws.
14 So if anybody wants to get that detailed, we have it. And
15 I just want to thank Marie for all the work she did to dive
16 in, and make that crosswalk.

17 UNIDENTIFIED VOICE: I would prefer
18 electronic. I would prefer to have it --

19 UNIDENTIFIED VOICE: Yeah. I needed to
20 print it off, I couldn't. Yes.

21 UNIDENTIFIED VOICE: It's even hard to read
22 printed. You have to have laser eyes.

23 UNIDENTIFIED VOICE: (Inaudible) yesterday
24 for this other thing, so I gotta --



1 UNIDENTIFIED VOICE: Okay. I'll show this
2 to you afterwards. If you guys want copies, we'll make
3 copies for you. We'll get the nice big, huge paper.

4 UNIDENTIFIED VOICE: That would be great.

5 UNIDENTIFIED VOICE: Okay.

6 UNIDENTIFIED VOICE: Maybe you can get
7 somebody to work on (inaudible).

8 UNIDENTIFIED VOICE: Okay.).

9 UNIDENTIFIED VOICE: I just don't want to
10 come back --

11 UNIDENTIFIED VOICE: Will you ask Renee if
12 she -- 'cause she printed it for me.

13 UNIDENTIFIED VOICE: Don't take it
14 personally but (inaudible).

15 UNIDENTIFIED VOICE: I'm really offended.

16 UNIDENTIFIED VOICE: (Inaudible).

17 UNIDENTIFIED VOICE: Yes I understand.

18 Okay. So in terms of accountability, what we have, we want
19 to pull out what the major decision points are for you all.
20 Assuming we leave accountability as it is in State law but
21 the State law that we have with the board rule, and board
22 policies we have in place, these are the decision points we
23 need to make for the ESSA State plan. So there's some
24 decisions around the English Learner Assessment Policy for
25 recently arrived students in Colorado. We are in the US,



1 not Colorado, sorry. So we've got some decisions around
2 that. And I can go into the details on this later on
3 they're in the slides as we go.

4 The English Learner Progress Measure or
5 Measures, we have some of that in our accountability system
6 already. There's -- we may wanna think about it
7 differently. We may wanna add to it so there's some room
8 for that, for a decision around that. The other indicator
9 of school quality or student success, that's probably the
10 largest decision point we have in terms of biggest impact
11 on accountability. What measure -- measures we wanna add
12 to meet that need in the law. Participation requirements,
13 in terms of how we incorporate that in accountability, that
14 will be another large one, and I'll get into the details
15 around that 'cause there's some -- that's an area where we
16 may have some misalignment.

17 We'll need to decide on our long term goals,
18 and interim measures. You all voted last month on those --
19 the targets for the accountability system for the school,
20 and district performance frameworks. From there we need to
21 build out that idea that we talked about -- about the long
22 term goals years out, and the measures towards getting
23 that, and our targets would probably be those interim
24 measures towards getting to our long term goals.



1 UNIDENTIFIED VOICE: Did you just do a one
2 year target?

3 UNIDENTIFIED VOICE: You just did one year
4 targets, so that we had room to have that conversation
5 about where we may wanna to go in the future. We had that
6 conversation a bunch of months back -- a bunch of months
7 back now about the Criterion Referenced, and we may want
8 the Criterion Reference to be our long term goals, and then
9 we want to work towards getting there. So that's a
10 decision point we'll need to make, the end size, meaning
11 how many students before -- until we hold a school or
12 district accountable, that is a decision point, and some of
13 the reporting rules around that.

14 And then finally the method for identifying
15 the comprehensive, and targeted support schools. There is
16 some prescriptive conditions, or criteria for identifying
17 those schools but then there's some that's left up to us
18 that we'll have to work through. So in the slides you'll
19 see the green circle decision point is where we need to
20 focus as a State. We've tried to pull out where we can see
21 opportunities in this because I think it's really easy to
22 see what we have to do, and what's prescribed, and what's
23 required. But it's harder to see because it's not spelled
24 out in law as much where there's opportunities. So what
25 we're seeing right now, and I'm sure there's other



1 opportunities that we haven't -- our minds haven't kind of
2 seen those holes yet, clearly the measures for the other
3 indicators are some opportunity for us. District
4 accountability is an area of opportunity because ESSA is
5 focused on school accountability.

6 It doesn't have requirements in there about
7 how we hold districts accountable, it's only around
8 schools, and school identification. There was a long
9 history in Colorado, I think we had heard a comment about
10 it earlier today about how district accreditation process
11 used to be different than the school accountability
12 ratings, and we use different criteria in some ways more
13 cut, and dry, and other was more open ended. The Education
14 Accountability Act from 2009 really aligned, there was a
15 desire to align school, and district accountability in the
16 State, and I think that's an important value.

17 But I think if we get to a point that we're
18 feeling constrained by the federal requirements for school
19 accountability, we may wanna think about district
20 accountability as an option for us to consider other things
21 that we value in the State if we're not allowed to do that
22 Federally. So not that we should necessarily go there but
23 it's an opportunity to explore. And then I think there is
24 an opportunity if we want other measures, or indicators in



1 our accountability system, we've been starting to have
2 those conversations.

3 We've been working with the Student Centered
4 Accountability Project, and some of the work that those
5 small rural districts have been thinking about makes sense
6 for accountability. I think that there's room that we
7 could put those in. ESSA says it's required, it doesn't
8 say you can't go beyond that. I think we're gonna have to
9 have conversations with the U.S. Department of Ed around
10 weighting of those indicators because they've gotten really
11 specific about how to weigh things. But I think that
12 there's some opportunity there if we run into luck. And
13 hopefully there's some other areas of opportunity that we
14 haven't yet identified. Oops. Oh, what did I do. Okay.
15 So overall concerns, there's some areas with the proposed
16 regulations that we have some big overarching concerns in
17 terms of accountability.

18 The first is that the proposed regulations
19 add the word A single that weren't in -- weren't in -- in
20 the actual Statute. Statute says state wide accountability
21 system. And in the Regs, it says single state wide
22 accountability system. Which means to say you have to do
23 what we have here, right? Your state system needs to meet
24 this. That's an issue when we start looking at
25 participation, and opt out in achievement calculations



1 because the way we do that in Colorado, and the way we've
2 gotten some very clear direction does not align with what
3 they're requiring in the proposed Regs, and in the law.

4 And so we're gonna have to think if we have
5 a single state wide accountability system have those things
6 fit together. We are -- have some concerns about our
7 ability to have alternative education campus frameworks
8 'cause they're saying all schools held the same standards,
9 same weight, same expectations. So that's a concern about
10 a single state wide accountability system. Minor, we have
11 legislation from the READ Act about giving bonus points for
12 the students, it's very small but again it's something
13 we'll have to see if that's allowable with the Regs.

14 That's a minor one but it's basically this
15 idea of if they're going to require a single state wide
16 accountability system, which again goes beyond what's in
17 Federal Law, what trumps if we have a conflict with State
18 and Federal. So that's an overall concern. Another
19 overall concern we have is the timeline for implementation.
20 What's in the proposed Regs is that 2017-'18 school year we
21 will be implementing, and identifying schools based on '16-
22 '17 data. But that the state plans are due this coming
23 March or July, and then to be able to identify schools
24 based on data when they didn't know, we won't know if we're
25 approved.



1 We know how long it takes for approval.
2 Before the start of the school year for '17-'18, I think
3 that's a very common concern that's been raised by a lot of
4 people. Then it came up I believe at one of the
5 Congressional hearings, if I'm remembering that right. And
6 so there's already -- they've already been getting pushed
7 back on that. The U.S. Department of Ed --

8 UNIDENTIFIED VOICE: Why are there two
9 dates, March and July? I guess I don't remember --

10 UNIDENTIFIED VOICE: Why they put in two
11 dates?

12 UNIDENTIFIED VOICE: Why are there two
13 dates?

14 UNIDENTIFIED VOICE: I think they probably
15 did it so that there's window --

16 UNIDENTIFIED VOICE: Is that early decision,
17 and later decision or?

18 UNIDENTIFIED VOICE: Yes. Exactly. I think
19 just so states have some flexibility, and so the U.S.
20 Department of Ed isn't inundated at one time.

21 UNIDENTIFIED VOICE: That's inundated, what
22 the hell.

23 UNIDENTIFIED VOICE: I know. Oh my gosh.

24 UNIDENTIFIED VOICE: You look awesome.



1 UNIDENTIFIED VOICE: They have I think 120
2 days to approve, or give us kind of a good reason. So I
3 think that March --

4 UNIDENTIFIED VOICE: That's okay. So we
5 have --

6 UNIDENTIFIED VOICE: To July. Theoretically
7 it should be done with the first window, the March
8 submissions by July.

9 UNIDENTIFIED VOICE: But if everybody
10 submits in July? I mean there's no requirement, right?

11 UNIDENTIFIED VOICE: Yes.

12 UNIDENTIFIED VOICE: Correct.

13 UNIDENTIFIED VOICE: But there is -- wasn't
14 there something somewhere about the March signing the
15 assurances that you have to do it March? Yeah.

16 UNIDENTIFIED VOICE: Yeah. I think that we
17 will in order to receive our funding.

18 UNIDENTIFIED VOICE: Okay. And that
19 probably doesn't say draft on it, and it probably doesn't
20 have filters and page number so I'm sorry. We can go write
21 them on there for you. Renee just beat us to it before we
22 can --

23 UNIDENTIFIED VOICE: So just put a draft on
24 here?



1 UNIDENTIFIED VOICE: Yeah. You'll just
2 write draft on there. I'll write in the page numbers for
3 Angelica too. And then finally, overall concern, there's
4 some concerns around reporting, and privacy. Law on the
5 Regs say both they are important. They say what we need to
6 report and then they say you must uphold football it but
7 then I -- I think we just want some clarification, and I
8 think we'll ask for clarification back on what trumps.
9 Because there's times where we're trying to figure out how
10 to ensure data privacy, and it makes the data not as usable
11 or as accessible and we want to make sure it's clear from
12 the U.S. Department of Ed that the privacy concerns trump
13 the reporting if we're moving in that direction. We just -
14 -

15 UNIDENTIFIED VOICE: (Inaudible) FERPA.

16 UNIDENTIFIED VOICE: Sorry, FERPA?

17 UNIDENTIFIED VOICE: What's the new one for
18 the GEPEA?

19 UNIDENTIFIED VOICE: Oh, I don't --

20 UNIDENTIFIED VOICE: GEPEA.

21 UNIDENTIFIED VOICE: GEPEA.

22 UNIDENTIFIED VOICE: General Education
23 Provisions Act. GEPEA. G-E-P-E-A.

24 UNIDENTIFIED VOICE: But is that also a
25 privacy were there any update?



1 UNIDENTIFIED VOICE: Yes, Ma'am.

2 UNIDENTIFIED VOICE: It's -- It's --

3 UNIDENTIFIED VOICE: (Inaudible).

4 UNIDENTIFIED VOICE: It's called GEPEA,
5 formerly known as FERPA. So --

6 UNIDENTIFIED VOICE: GEPEA has -- there's a
7 number of things in GEPEA, and it's General Education
8 Provisions Act. So there are a number of things in there
9 including reporting rules by that acknowledge student
10 privacy. If that helps. Talk to you later.

11 UNIDENTIFIED VOICE: I'm not worried about
12 me, I'm about what our (inaudible).

13 UNIDENTIFIED VOICE: So those were our
14 overall concerns like big picture, and then we identified
15 some areas that misalignment with current state policy, and
16 you'll see those in red as we go through. This is not to
17 say that we need to comment on them as being good or bad
18 things, it's just where we see misalignment right now. The
19 proposed Regs added the word each for when reporting, and
20 accountability for major racial, and ethnic groups. As you
21 know we have minority on the accountability frameworks, and
22 we report individual racial, and ethnic groups separately
23 with the addition of the word to each into the proposed
24 regulations. That means we can't do the minority group
25 reporting.



1 So we'll need to change that on the
2 frameworks if that proposed reg goes through. Another
3 misalignment, and this actually is in law, and not just in
4 the proposed Regs is that we must use the four year
5 graduation rate. We can also use the extended rate but
6 right now we use the best of the four, five, six, or seven.
7 There's not an accountability to just the four. So that's
8 another change that we would need to make. The
9 regulations, and parts of the law to make it clear that
10 parent excuses, so when parents excuse their students from
11 testing those are counted as non proficient. Once you get
12 more than the 5 percent of the 95 percent of kids tested
13 and not tested, those are counted as non proficient.

14 UNIDENTIFIED VOICE: Non proficient meaning?

15 UNIDENTIFIED VOICE: Meaning below

16 benchmark. So when you calculate --

17 CHAIRMAN DURHAM: Penalty --

18 UNIDENTIFIED VOICE: Automatic penalty.

19 CHAIRMAN DURHAM: Which is forbidden by
20 State law.

21 UNIDENTIFIED VOICE: Yes, and I will show
22 you. I don't know if it's permitted by State law.
23 Definitely from the board policy. I'll show you an example
24 of that as we get a little bit deeper in there.



1 UNIDENTIFIED VOICE: It just says you can't
2 punish the kids. State law. It doesn't say.

3 UNIDENTIFIED VOICE: The accountability, the
4 liability is you guys. Yeah.

5 UNIDENTIFIED VOICE: Yeah.

6 UNIDENTIFIED VOICE: Exactly.

7 CHAIRMAN DURHAM: Law policy you can't
8 (inaudible) district. So --

9 UNIDENTIFIED VOICE: Yes.

10 UNIDENTIFIED VOICE: That's a misalliance
11 there.

12 CHAIRMAN DURHAM: Well that's putting it
13 mildly.

14 UNIDENTIFIED VOICE: Yeah. So I'll show you
15 an example of how that all works.

16 UNIDENTIFIED VOICE: (Inaudible)

17 UNIDENTIFIED VOICE: Yes. We -- we have a
18 problem. So there is some areas, I know Pat was like, "We
19 can make it work." This is an area I'm not sure how we
20 make this work.

21 CHAIRMAN DURHAM: Well does the Statute
22 require that we make it work or is there --

23 UNIDENTIFIED VOICE: It's in Statute
24 unfortunately. That achievement calculation of using if
25 you're below the 95 percent of students participating, the



1 ones that are below have to be counted as non proficient.
2 It says that they need to be counted in the denominator.
3 So that makes --

4 UNIDENTIFIED VOICE: Well it doesn't seem
5 fair if they say that parents have the right.

6 UNIDENTIFIED VOICE: Exactly. That's one of
7 the examples of where Naza said there's a misalignment or
8 there's the conflict within the Statute itself. So 95
9 percent participation included as an impact, and
10 accountability ratings. The specificity that the
11 regulations have gotten into may make that a misalignment
12 for us. We'll get into that too. There's some
13 requirements on how indicators need to be weighed, and we
14 may have some issues there. And again that alternative
15 education campus framework question. So that's high level.

16 What we've done is gone through, I'm
17 changing it on my computer, it's not changing it for you
18 guys. We've gone through the specifics in terms of like
19 the academic achievement, and a very high much more
20 accessible level summary of this. And we can talk through
21 those pieces if you all would like to get into that level
22 of detail. We've got this section to go through, and then
23 we've got some analysis of the reporting requirements, and
24 that's what we have left right for today. So we can start
25 going through, and maybe just skip through. We'll get to



1 the ones that are really the bigger topics if that sounds
2 good. You all let us know.

3 UNIDENTIFIED VOICE: Between you and Brad
4 probably you can answer this. The question about the other
5 indicator, was there input into that at the Listening
6 Tours, was that more Listening Tour than any conversations
7 sounds if I'm right?

8 UNIDENTIFIED VOICE: Yeah. We -- we've got
9 quite a few comments on the other indicator so --

10 UNIDENTIFIED VOICE: All that stuff is
11 online for us to go look at?

12 UNIDENTIFIED VOICE: Yeah. I've been able
13 to do that.

14 UNIDENTIFIED VOICE: You want to send us the
15 link?

16 UNIDENTIFIED VOICE: Yeah, I pulled it out,
17 I'll send it. I have it in follow up.

18 UNIDENTIFIED VOICE: Yeah, Liz will send
19 (inaudible) link, and then --

20 UNIDENTIFIED VOICE: Thank you.

21 UNIDENTIFIED VOICE: Is there anything in
22 preponderance in there about commonality of answers?

23 UNIDENTIFIED VOICE: (Inaudible). I don't
24 know. Did you see any trends in the other indicator?



1 UNIDENTIFIED VOICE: Well, I think one of
2 the things we thought (inaudible) out there, is it there
3 was confusion around assessment, and if assessment was for
4 accountability purposes or for student purposes of working
5 with instruction, and so we got different answers based on
6 that. So one of the things that we heard quite a bit was
7 if it's simply for accountability, make it quick, make it
8 fast, do something like an ACT at third grade, you know,
9 three hours and you're done.

10 When we -- when we got groups that we're
11 talking about if it was going to be used for instruction,
12 we needed something, and that where we would get results
13 back very quickly, you know, much more quickly than we do
14 at this time. Again, something probably shorter or
15 something more quickly, you know, but then we got a gamut
16 of things from, you know, quarterly PARCC assessments to
17 something like an ACT at -- at the level.

18 UNIDENTIFIED VOICE: So they all seem or
19 many of them seem to have perceived it as in another
20 assessment, as another indicator?

21 UNIDENTIFIED VOICE: As another indicator,
22 yes.

23 UNIDENTIFIED VOICE: Instead of survey
24 results or tell survey or --

25 UNIDENTIFIED VOICE: Attendance.



1 UNIDENTIFIED VOICE: -- attendance or an
2 awful lot of the other things that I've heard suggested.

3 UNIDENTIFIED VOICE: And they did bring
4 those -- those sorts of indicators --

5 UNIDENTIFIED VOICE: Also.

6 UNIDENTIFIED VOICE: -- up, also. Yes.

7 UNIDENTIFIED VOICE: I think there's a
8 discussion of the opportunities that schools and districts
9 afford, you know, offer their students wanting to get
10 credit for some of the opportunities.

11 UNIDENTIFIED VOICE: Yes, and that was
12 another one. That was another one of what -- what are the
13 opportunities for kids of (inaudible).

14 UNIDENTIFIED VOICE: Looking at, you know,
15 supports for producing healthy well-rounded students.

16 UNIDENTIFIED VOICE: Postsecondary types of
17 offerings at the high school.

18 UNIDENTIFIED VOICE: Non-academically.

19 UNIDENTIFIED VOICE: Okay. So this will be
20 a lot of fun because there are going to be a hundred
21 suggestions.

22 UNIDENTIFIED VOICE: Yeah, I think we've got
23 a lot of opportunities to keep asking the question.

24 UNIDENTIFIED VOICE: Yeah.



1 UNIDENTIFIED VOICE: To make sure
2 everybody's clear on what -- what that really is all about.
3 But not that those ideas couldn't be possible, but I'm --
4 I'm just kinda agreeing with that.

5 UNIDENTIFIED VOICE: But if they want that -
6 - if they want that, didn't Indiana get the chance to -- to
7 take the Iowa Test of Basic Skills? I think there's one
8 state that asked and got what they want. I mean, what most
9 people want which is a quick, fast, accountability so that
10 we can get on with the teaching and learning because I
11 think that's --

12 UNIDENTIFIED VOICE: That's not -- that's
13 not what this is about. This is about an additional -- an
14 additional factor to be included in accountability. Not a
15 replacement. I think it's not a replacement.

16 UNIDENTIFIED VOICE: Yeah. Let me walk
17 through these and I'll get into a little bit more of the
18 detail a bit, okay?

19 UNIDENTIFIED VOICE: It was an additional
20 factor that the ESSA suggested rather than what we've been
21 using.

22 MS. FLORES: Well, we have teacher grades,
23 that's -- that's another measure and if we just, I mean,
24 seriously looking at that test and now looking at the CMAS,
25 I just don't think that it assesses real-life activities



1 for kids. I mean, that is not real life and what kids need
2 to know to really survive, to really teach the whole child.
3 I'm sorry that those tests just do not do it, and those
4 items, could it have been just that test? I don't think
5 so. I think those items are just not real life, and so I
6 am thinking of a completely different way of getting at
7 what these kids really know because they're not going to
8 get it. We're not going to get it through the PARCC and
9 we're not going to get it through the CMAS. I'm sorry.

10 UNIDENTIFIED VOICE: Which should be part of
11 our discussion, Val, on that the assessment system portion
12 of the plan. We understand this other conversation --

13 UNIDENTIFIED VOICE: That's not -- this is a
14 different conversation.

15 UNIDENTIFIED VOICE: -- what are some other
16 things that we've all, everybody of us --

17 UNIDENTIFIED VOICE: Yeah, but --

18 UNIDENTIFIED VOICE: -- the schools have
19 been talking about it for a long time is what are some ways
20 to measure the whole school. You know? What are some
21 other things that contribute to a school's success that
22 should be --

23 MS. FLORES: Where their parents really are,
24 where the kids are happy, where the parents really like.

25 UNIDENTIFIED VOICE: -- yes, (inaudible).



1 UNIDENTIFIED VOICE: That's right. But we -
2 - we have that. I -- I don't think we should be --

3 UNIDENTIFIED VOICE: They're not part of our
4 accountability system as yet.

5 UNIDENTIFIED VOICE: We're not part of the
6 system?

7 UNIDENTIFIED VOICE: That's the question the
8 ESSA is asking us.

9 MS. FLORES: Well, they should be.

10 UNIDENTIFIED VOICE: Well, then we're done.

11 UNIDENTIFIED VOICE: Yeah. So let me -- let
12 me go through and we'll go through these slides real quick.
13 The achievement section, what's in the framework, what's in
14 the ESSA, what's in the proposed Regs there's no huge
15 things that we need to ingest. I think we can mostly work
16 it through it. We'll need to decide on what our testing
17 policy is for newly arrived English learners because there
18 is some flexibility but we need to have a statewide policy
19 on that. This past year, there was flexibility for
20 districts to make that decision. We just need to get a
21 little more clear in our statewide policy.

22 UNIDENTIFIED VOICE: So districts have been
23 able to make that decision whether they test first year?

24 UNIDENTIFIED VOICE: First year they did
25 this past year and if they did test first year, students



1 results weren't included in accountability for achievement.
2 They had that by, if they don't test first year, test
3 second year, then their achievement results are included
4 the second year. But if they had tested the first year,
5 then the second year, their growth results are included.
6 So it just -- we need to have a statewide policy because,
7 otherwise, you get some real inconsistencies in what
8 districts are being held accountable.

9 UNIDENTIFIED VOICE: So the advantage of
10 having, of testing them the first year but not including
11 that data in the accountability system is that you've set
12 the ground -- the ground for growth which is what we
13 measure the most of. Whereas if you say we're not going to
14 test first-year English learners at all then you'll be
15 missing that growth component and you'll only have a score?

16 UNIDENTIFIED VOICE: Exactly. You only have
17 achievement, the second year. That was a perfect summary
18 of it.

19 UNIDENTIFIED VOICE: I'm surprised. I mean,
20 seven more minutes my brain will not be working at all.

21 UNIDENTIFIED VOICE: Okay. We better go
22 fast.

23 UNIDENTIFIED VOICE: But is this the sort of
24 thing that we should be going to our districts?



1 UNIDENTIFIED VOICE: Yes and we talked with
2 districts last year because we've got -- got this
3 flexibility through the waiver and we talked to districts
4 and there wasn't consensus among the industries we talked
5 to which is why it got left up to district choice. But the
6 proposed regulations are making it clear that we need to
7 have a statewide policy. The statewide policy can have
8 some flexibility to it, but we need to apply the same
9 policy statewide. So it's gonna be a lot more districts
10 stakeholder involvement in trying to figure out what that
11 policy should be for our state.

12 UNIDENTIFIED VOICE: And did they give you
13 reasons for objecting? I mean, I would have some reasons
14 for objecting to testing first --

15 UNIDENTIFIED VOICE: Yes.

16 UNIDENTIFIED VOICE: -- year immigrants
17 unless it was in their language but --

18 UNIDENTIFIED VOICE: Yeah. And this was for
19 testing in English. There is a third or fourth-grade
20 Spanish assessment and Spanish was their, you know, their
21 language of instruction, then -- then that's -- this isn't
22 an issue. It's just if there's only an English option or
23 if a student is not a Spanish speaker.

24 UNIDENTIFIED VOICE: Thank you.



1 UNIDENTIFIED VOICE: So in that curve, we
2 proposed rules?

3 UNIDENTIFIED VOICE: Yes.

4 UNIDENTIFIED VOICE: It's definitive that it
5 has to English?

6 UNIDENTIFIED VOICE: No.

7 UNIDENTIFIED VOICE: But it can maybe?

8 UNIDENTIFIED VOICE: Well, it's definitive
9 that the flexibility is if it's for English -- assessing
10 English language, or if they're taking the assessment in
11 English. You guys can tell me if I'm getting this wrong.
12 It makes you pull out -- there it is in the Regs. But the
13 flexibility is for first-year -- first year US student
14 testing in the English. So if you had a native language
15 assessment, this policy, the first year exemption, does not
16 apply, right? They got that. Okay. So that's where we
17 are with achievement. I think it is mostly straightforward
18 there.

19 In terms of growth, again, we are in
20 particular alignment. We already use the English language
21 proficiency growth and meeting growth percentile from that
22 test in our frameworks. We need to look a little bit more
23 deeply at the language and the proposed Regs in and around
24 the progress in achieving English language proficiency and
25 see if there may be another measure that we wanna include



1 in terms of reaching proficiency in English language and
2 over time -- so that maybe, we want to have a conversation
3 with stakeholders about that measure and see if there's any
4 additional measure or adjusting that metric that we wanna
5 include. But again, that's fairly straightforward area.

6 Postsecondary and Workforce Readiness for
7 graduation rate, in ESSA, it's just graduation rate that
8 they require and just the four-year that they require.
9 Colorado, you know, we have a Postsecondary Workforce
10 Readiness whole indicator and that's made up of the best of
11 the four, five, six, seven-year graduate, desegregating
12 that rate on the dropout rate. It's been the average ACT
13 score and we'll move to ACT in the future and the
14 matriculation rate. So with ESSA, that requirement of
15 having to use the four-year and having a point to sign for
16 the four-year, not just the best of, is a change from what
17 we have from now, and then we've got those additional
18 measures already.

19 UNIDENTIFIED VOICE: And you don't have a
20 little green dot here to give us any choices either.

21 UNIDENTIFIED VOICE: Yeah?

22 UNIDENTIFIED VOICE: If we keep talking
23 about building a competency-based system, these flies in
24 the face thereof.

25 UNIDENTIFIED VOICE: Yes.



1 UNIDENTIFIED VOICE: Shouldn't we argue
2 that?

3 UNIDENTIFIED VOICE: And that's why it's
4 red.

5 UNIDENTIFIED VOICE: Is this in the law or
6 is it in the Regs?

7 UNIDENTIFIED VOICE: It's the four years in
8 the law but I think it's worth bringing up as an issue. It
9 allows us to use this traditional rates but you have to --
10 so we could talk about weaning and I think it'll be a
11 negotiation point with the U.S. Department of Ed on how
12 much we -- we weigh the four-year versus the extended year.
13 They're not supposed to be able to push back on us on our
14 weighting, right? That's one of those -- on those many
15 slides in the (inaudible), so but they put some specificity
16 on the Regs about what the waiting should be so we'll share
17 some comments with them.

18 UNIDENTIFIED VOICE: With special Ed
19 students, we educate them until they're 21. Do we still
20 have a four-year graduation number?

21 UNIDENTIFIED VOICE: That's what the -- the
22 law is saying.

23 UNIDENTIFIED VOICE: That makes no sense.
24 Yeah, this -- this simply doesn't make sense.



1 UNIDENTIFIED VOICE: So this is an area we
2 can make sure we stress in our comments with them and if
3 you are (inaudible).

4 UNIDENTIFIED VOICE: If my colleagues agree,
5 I would appreciate that because I think we're just going
6 down this -- back down the road of Carnegie units and all
7 this other stuff when in fact it's not. We're trying so
8 hard to provide -- we don't have the answer, I know we
9 don't have the answer for how to handle this, particularly
10 with funding, et cetera. But recognizing that kids are not
11 widgets and that they don't grow at exactly the same rate.

12 UNIDENTIFIED VOICE: Yeah. Exactly.

13 UNIDENTIFIED VOICE: Sorry, but it's a lot
14 of money. Two hundred million dollars is a lot of money in
15 the state of Colorado.

16 UNIDENTIFIED VOICE: We'll bake cookies.

17 UNIDENTIFIED VOICE: That's a lot of
18 cookies. Okay. So let's talk a little bit about that
19 indicator of school quality or student success. This is a
20 big decision point. I'm gonna skip to that and then we'll
21 come with the ESSA requirements. So requirements for this
22 is it's a state-determined measure and it's applicable and
23 valid for all schools by elementary, middle, and high
24 school level. So this is not an area where we could say,
25 hey, we know some districts care about this and some



1 districts care about this and some districts care about
2 this other thing and let them use that for their
3 accountability. All elementary schools need to have the
4 same measure. All middle school same measure, all high
5 school same measure. Elementary versus middle versus high
6 can be different but they all elementary need to be same.

7 UNIDENTIFIED VOICE: And they define what is
8 elementary?

9 UNIDENTIFIED VOICE: They do not define. I
10 don't think there's anything in law or reg that actually
11 defines elementary versus middle versus-

12 UNIDENTIFIED VOICE: K-5, K-6 for example?

13 UNIDENTIFIED VOICE: We have law and policy
14 around what's elementary, middle, and high. The way we do
15 the --

16 UNIDENTIFIED VOICE: We do?

17 UNIDENTIFIED VOICE: -- yeah, it's carried
18 over from, say, our legislation that specify how we split
19 up schools, and which is what we use for the performance
20 grade marks.

21 UNIDENTIFIED VOICE: Because we still have
22 districts that are shifting sixth grade.

23 UNIDENTIFIED VOICE: Yes. So depending on
24 where that sixth grade is if it's with fifth or if it's
25 with seventh. It may be elementary or it may be middle.



1 UNIDENTIFIED VOICE: Okay. So it's not all
2 the same?

3 UNIDENTIFIED VOICE: No, but that for a
4 school deemed an elementary, or school that's deemed
5 middle, it would all be the same. So it might say some of
6 these examples of the measure could include. It could be
7 measures of student engagement, educator engagement,
8 student access to in completion of an advanced coursework,
9 Postsecondary Readiness, school climate, and safety. But
10 the measures have to be- you have to report for all
11 students and by desegregated group, so some of those
12 measures like educator engagement to desegregate that,
13 where we're at in terms of the data that we have right now
14 may be a bit of a challenge. Mass requires it to be a
15 valid reliable comparable measure against statewide. The
16 regulations add a requirement that the measure must be
17 supported by research, that the performance or progress on
18 such a measure is likely to increase student's achievement
19 or graduation rates. So there has to be evidence base tied
20 to it.

21 I think the other thing that we don't have
22 in there is that the measure is in ESSA is the measure has
23 to differentiate the performance of school. So it can't be
24 a measure that every single school like do you offer PE and
25 hopefully, everybody should be saying yes and it doesn't



1 differentiate at all. It needs to be something that
2 differentiates performance. So we have some possibilities
3 about what we could use at the high school level because we
4 already have some additional measures in our frameworks in
5 terms of dropout rate, the composite ACT and the
6 matriculation rates.

7 Right now, those are just overall report for
8 all students. We don't desegregate them but we could
9 desegregate any of those. Elementary and middle is where
10 we have a more of conversation and we've had a lot of
11 conversations so far with folks and I think what's how or
12 why there isn't a clear answer is because it's not an easy
13 thing to do. And once you take something that you value
14 and put it into accountability, it changes that measure.

15 So if you think about discipline data, it
16 may be office referrals, right? That's a good indicator
17 about if you're trying to understand the health of the
18 schools and what's going on, it tells you a lot of
19 information. The moment you put that into accountability,
20 all of a sudden you've created an incentive not to refer
21 kids to the office, right? But maybe that's something that
22 needs to happen. So I think everybody's wanting to be,
23 when we start digging into this, there's been a sentiment
24 of we need to be really careful about what we add in here



1 and what that does and what it incentivizes in terms of
2 behavior.

3 UNIDENTIFIED VOICE: What's the downside of
4 measuring chronic absenteeism.

5 UNIDENTIFIED VOICE: The challenge that we
6 have right now is around desegregating the data because we
7 don't calculate- we don't get the data at the student
8 level. We get aggregate data.

9 UNIDENTIFIED VOICE: This thing -- that's
10 right. This thing has to be desegregated.

11 UNIDENTIFIED VOICE: It has to be
12 desegregated. So that's the other piece we've been trying
13 to balance is what data do we already have because we know
14 how much the districts love data collection, and are trying
15 to figure out what we can use of data that we already have
16 if there is something meaningful so we don't add another
17 data collection onto schools and districts. And then there
18 was talk a few years back about collecting student-level
19 attendance data and discipline but that, the decision was
20 made not to do that.

21 UNIDENTIFIED VOICE: So I mean, I don't know
22 what you all think but what if we have a plan and we say
23 chronic absenteeism is a significant indicator of later
24 success, we can't desegregate it but we wanna use it
25 anyway?



1 UNIDENTIFIED VOICE: That would be mean.

2 UNIDENTIFIED VOICE: I mean, I -- I don't
3 know.

4 UNIDENTIFIED VOICE: I would think that we
5 would still need to create an additional indicator of
6 student quality, school quality, and student success, that
7 we could desegregate that would meet the requirements.
8 They give us the flexibility to add additional measures but
9 they do say that at a minimum, you must have a measure that
10 -- that is desegregatable.

11 UNIDENTIFIED VOICE: That can be
12 desegregated.

13 UNIDENTIFIED VOICE: I think the proposed
14 rules, that's another pet peeve of mine, is that the rules
15 go on to say that all additional indicators have to meet
16 the criteria of the one. So I'm reading the laws, these
17 are minimum requirements.

18 UNIDENTIFIED VOICE: So let's bellyache
19 about that too.

20 UNIDENTIFIED VOICE: So it's that the
21 proposed rules (inaudible).

22 UNIDENTIFIED VOICE: It doesn't give us the
23 flexibility to talk about what are the things research
24 suggest really matter.



1 UNIDENTIFIED VOICE: I think one thing that
2 we could do if you wanted to move -- if that's where we get
3 feedback and wanna move in that direction of chronic
4 absenteeism, and say, you know, for the meantime, we can
5 only do this overall. We're gonna talk as a state about
6 moving to collecting data in a way that we can desegregate
7 it if it's something people wanna do.

8 UNIDENTIFIED VOICE: Oh, we can try that.

9 UNIDENTIFIED VOICE: And in saying that, and
10 we can phase that in, and that may be something U.S.
11 Department of Ed would agree to if that's -- if wanted to
12 go there.

13 UNIDENTIFIED VOICE: Would you tell -- would
14 you state that again?

15 UNIDENTIFIED VOICE: I think we could
16 propose if the sentiment came and all the recommendations
17 came to use chronic absenteeism and we didn't have the
18 ability to desegregate at this point in time but we had a
19 plan for moving towards the data collection to do that. I
20 think that would be an option that the U.S. Department of
21 Ed might hear as long as we had a plan to get there. But
22 again, that's a data collection.

23 UNIDENTIFIED VOICE: So I'm hearing that we
24 wanna be 100 percent compliant. I'm not gonna say that --

25 UNIDENTIFIED VOICE: That's up to you, guys.



1 UNIDENTIFIED VOICE: -- I don't know that
2 we'd -- that may not be very innovative if being 100
3 percent compliant means that we can't do some of the
4 things- I mean, I don't know that chronic absenteeism is
5 one of the most important things. Research does seem to
6 suggest it's pretty darn important. That's a conversation
7 that we need to have in the state. What are the things
8 that are most important? But just as what we did with the
9 waiver, where there are differences, I just can't help but
10 believe that there aren't gonna ultimately have to be some
11 variations between the states. I think it's unrealistic to
12 think we're gonna have 100 percent going according to
13 somebody else's idea of what it should be.

14 UNIDENTIFIED VOICE: Yeah.

15 UNIDENTIFIED VOICE: Can I hit (inaudible)
16 he has (inaudible) friends, this is the final year, right
17 I'm trying to keep -- it overlaps (inaudible). School
18 improvement (inaudible). The impact grids, I happen to be
19 familiar now more and more with what Adams County,
20 including all of its districts are attempting to do and one
21 of their specific work areas is product absenteeism. They
22 have been and are still attempting to get to an impact date
23 grant. Waiting to hear. I believe they have, at least one
24 district has, or some other things.



1 How does all of that apply here? If we've
2 got a bunch of new grant pools that it may be called
3 something else and include things, I don't know if that
4 matters. But if we're talking about innovation or
5 intervention types of activities based on a plan that
6 people are willing and have been accountable to and for,
7 I'm seeing, I don't take it the same way Angelika appears
8 to be taking it, is that we're aiming to be compliant on
9 everything. I'm just trying to think what do we already
10 have going on that can't necessarily be disqualified from
11 qualifying for this plan to be accepted.

12 MS. FLORES: But see we're talk -- we're
13 talking about being compliant to a plan that is not what I
14 would consider a great plan. And I'm thinking if we were
15 talking about maybe getting education for kids who are
16 poor, second language learners, in special ed, in third
17 grade, if we were to get those kids in, not -- I'm sorry,
18 not in third grade, but in three year old programs, if we
19 were to get them early as does Oklahoma, as does Georgia,
20 that would be something where we could help. If we were
21 for instance say okay, we know that kids learn better when
22 they are in small classes, in small teacher pupil ratio and
23 that means from seven. And the research is consistent on
24 this. Seven to 16 then I could say, yes we're working on
25 something to really do great things for these kids.



1 But we're looking into these Regs which are
2 lousy. Come on. That's why I started out at the beginning
3 with what if we could raise money, I didn't say raise
4 money, not take the Government's money and really do right
5 by kids. Really do right by kids instead of just thinking
6 about this money that has so many you know, tentacles and
7 such. It doesn't really get at what we need to do for kids
8 in this state. I'm sorry. That's what we need to spend
9 our time doing and we don't.

10 UNIDENTIFIED VOICE: I think part of the
11 challenge with that and I think what we could do to help
12 you all is show what's in a state Statute two along with
13 what's in ESSA. We're trying to highlight some of the
14 conflicts but a lot of the same requirements are in our
15 state Statute, so I think we've got- it might help us to
16 delineate that for you all.

17 UNIDENTIFIED VOICE: We have been -- just to
18 your point, Dr. Flores, I'm talking about a lot of this as
19 Alissa said, is in our state Statute. So there's probably
20 multiple levels of discussions that need to happen, both
21 for our plan but also with our legislature. So it's a good
22 point.

23 UNIDENTIFIED VOICE: Well, you're just
24 listening to my frustration because the rules are
25 frustrating from the very beginning. I mean and now they



1 add more, and they add more frustrating issues and really
2 don't get to the- none of it which is the meat of it which
3 is how are we really going to help these kids that are not
4 performing well. That's what I think we should be spending
5 our time doing.

6 UNIDENTIFIED VOICE: So let me get you guys
7 -- Oh, I'm sorry.

8 UNIDENTIFIED VOICE: So I just wanted to
9 follow up on that. And that's why I think this is a great
10 discussion and that's why it's so important that we should
11 say these are the issues we have with the Regs, what are
12 our options if we can't come to agreement based on our
13 feedback which occurs by August 1st, so I think it's a good
14 point.

15 UNIDENTIFIED VOICE: So it may get you into
16 a little bit more of the more frustrating part, or at least
17 the more misaligned part, just what you want to do. But I
18 think there's the comment section and then I think there's
19 always a negotiation time with the U.S. Department of Ed.
20 And we know there's going to be changes that the
21 Department. We know there is a presidential election. We
22 know that there's going to be new people administering or
23 in charge of that department come next January.

24 And so where that leaves us, I wouldn't say
25 just because of comments aren't addressed in the proposed



1 regulation process that the conversation is over at that
2 point. And I think it tells us something but I wouldn't
3 say that's it. I think, you know, Pat and I have a long
4 history of pushing on the U.S. Department of Ed on things
5 that we disagree with. So we can continue that long
6 history of doing that. So participation requirements.
7 This is where it gets a little bit more complicated.

8 So as you all know, we have state law that
9 requires districts to have a policy to allow parents to
10 excuse their students from state assessments. Okay. So
11 that's in our state Law. ESSA requires, there's a few
12 slides of these so we'll get into more details. But ESSA
13 requires that we annually measure the achievement of not
14 less than 95 percent of students overall and 95 percent of
15 students in each subgroup of students. ESSA also says
16 nothing in this paragraph shall be construed as preempting
17 a state or Local Law regarding the decision of a parent to
18 not have the parent's child participate in the academic
19 assessment.

20 So there's an acknowledgment there of state
21 law that may allow for opt out. In the proposed Regs,
22 200.15, the first part, the 95 percent is exactly the same.
23 The second section is not addressed at all. So there's
24 nothing that helps us clarify what it means to say, yes we
25 recognize state opt out laws but we're still holding you to



1 this accountability. They're not addressing it there. And
2 that's probably an area that would be helpful to actually
3 get some clarification on what that means. Okay. So
4 getting deeper and --

5 CHAIRMAN DURHAM: Have you -- have you
6 identified any areas to this point in time that require or
7 would appear to require changes in statute?

8 UNIDENTIFIED VOICE: I haven't yet. Not in
9 terms of the accountability section. There's opportunities
10 but there's nothing that's required. So this next part in
11 terms of the accountability impact. So our policy is that
12 the ratings for schools and districts that do not meet 95
13 percent in two or more content areas, not counting the
14 parent excuses to pull those out, if they're still not
15 meeting participation in two or more content areas, we
16 lower those ratings one level. So that's what we do in
17 Colorado. The ESSA requirement say 95 percent
18 participation rate must be factored into the statewide
19 accountability system. The law doesn't go any further than
20 that and doesn't specify opt out or no opt out. We've
21 talked to the Feds about it in terms of our waiver. They
22 say opt outs have to count as nonparticipants but that's
23 what the U.S. Department of Ed has interpreted.

24 The Regs go a level deeper where we have
25 some concern and give four options for us for how we can



1 consider it. So where we had flexibility, we now have four
2 options. We can lower the rating, we can give the lowest
3 performance on academic achievement like for that indicator
4 and we think given that. We can identify the school for
5 targeted support and improvement plan or we can have an
6 equally rigorous state determined action. So there's
7 potential that number four can match what's in our waiver.
8 It's addressing it in the UIP. We don't identify. I don't
9 know if we're going to have to work hard to argue that
10 that's equally rigorous. I think it's meaningful for our
11 state, it fits with our state policies what we have in our
12 waiver currently. But we don't know it may be an issue
13 with what's in the regulations.

14 Additionally the Regs require that all
15 schools not meeting 95 percent requirements overall or for
16 a single disaggregated group must develop an improvement
17 plan as well around that. So they just get extremely
18 specific there. In the Regs it doesn't say opt out versus
19 non opt out so that some level of interpretation that U.S.
20 Department of Ed might have some discretion over. But this
21 is a decision point and a large concern of ours. Okay.
22 And then additional part of it, participation that we're
23 concerned about is that in our calculations when we
24 calculate achievement or growth in any of our calculations,
25 nonparticipants are not included in the denominator, so



1 they're just removed. We already say you're not a
2 participant.

3 So when we look at the achievement, we only
4 include the students that participated. What ESSA requires
5 is that nonparticipants once you're below the 95 percent ,
6 they're counted as non-proficient. They have to be in the
7 denominator. The proposed regulations say the same thing
8 as what's in law and that's a big concern. Here's an
9 example. So on the left is how we would report it in
10 Colorado. We'd have our achievement results, we'd say a
11 percent of students are at benchmark, it's 80 percent
12 that's of the students tested, 80 percent of them were at
13 benchmark. There was a 50 percent participation rate
14 which is reported right next to it because it's really
15 important to see that as well to know what percentage of
16 kids you're looking at. What ESSA is saying is just what's
17 over on the right. I took that 80 percent with the 50
18 percent participation rate. The way they want us to
19 calculate it, you'd end up reporting 42 percent of students
20 at benchmark.

21 So I think it's a concern not all in terms
22 of our policy but also in terms of transparency of data and
23 what we're reporting. Obviously you can go from a school
24 being at 80 percent at benchmark to 42 percent, 42 percent
25 based on 50 percent of kids that we don't actually know



1 their performance but we're assuming they're not
2 proficient. So it's a large concern we have.

3 UNIDENTIFIED VOICE: So that's proof that
4 ESSA doesn't work.

5 UNIDENTIFIED VOICE: So that's the
6 participation section and concerns there which I think are
7 probably our largest in the accountability section. And
8 where you definitely saw the most red. There's also some
9 data reporting and size points. I'm sorry. This one
10 should have a green decision point on it because we need to
11 decide what our minimum end will be. We've currently used
12 16 for achievement and 20 for growth based on how the
13 growth metrics work. What's in the proposed Regs, you'll
14 see in red is that we need the same minimum end size for
15 all measures and indicators. So we can't have separate for
16 achievement versus growth. So we'll have to decide, do we
17 move up to 20, do we- what we'll do for that. So that's an
18 issue there.

19 UNIDENTIFIED VOICE: Alyssa, in terms of the
20 discussion that we had in the vote, no we've never vote, we
21 just had a discussion in the last board meeting about
22 possibly having the districts where there are small end
23 sizes for the disaggregated groups being able to use that
24 super thing.



1 UNIDENTIFIED VOICE: Yes, the combined
2 group.

3 UNIDENTIFIED VOICE: Combined group, thank
4 you. Is there's something that prevents us? I mean we
5 need to think that through more seriously anyway. But is
6 there anything that prevents us from considering that for
7 those districts?

8 UNIDENTIFIED VOICE: I don't think there's
9 anything that prevents us if the minimum end size is not
10 met. I think they say include as many kids as you can.
11 Even though they state each, they want us to find ways
12 around I think what the -- the proposed Regs would lead us
13 to thinking that they would like us to go that route.
14 Because it does bring in more accountability. It's just
15 they do not want the combined group if minimum end size is
16 met. So we'll just have to think about what the rules are
17 for when that makes sense if you have one, disaggregated
18 group if you have two then you know, when that triggers the
19 combine.

20 So we'll start looking into the data and
21 probably not 'till after we get the framework's done.
22 Targets and ratings, we talked about this in terms of those
23 long term goals and the interim measures, this is a
24 decision point. But there's nothing in there that's too
25 worrisome for us. Let me go to the next slide about the



1 weightings of indicators. And this is where there's a lot
2 more detail added in the proposed Regs around the weighting
3 of each indicator. So in ESSA it just says some
4 substantial weight to the indicators other than the school
5 quality and student success indicator. And then it also
6 says the Secretary cannot prescribe the weight of any
7 measure indicator used to identify or meaningfully
8 differentiate schools.

9 The Regs get extremely specific about this.
10 It says that that other indicator may not be used to change
11 the identification of schools that would otherwise be
12 identified for comprehensive and improvement support except
13 unless they are making progress on the other indicators.
14 There's all these caveats but basically there's the way the
15 numbers work out, Marie and I have seen this too many times
16 that there's always going to be an example of that
17 indicator is going to put somebody over the edge. That's
18 it's -- one way or another, it's going to make the
19 difference. And if they don't want that indicator to make
20 a difference, then we shouldn't have the indicator.
21 Because at some point or another it is.

22 And so they said well if it puts you over
23 this identification line but you are making progress on
24 something over here then that's okay but if you're not
25 making progress over there, then it's not okay. Why have



1 the other indicator then. So we'll put some comments back
2 on that it really goes beyond what's in the law about
3 leading. They also say that the ratings that we give must
4 differentiate between schools that are in the lowest level
5 on any indicator and schools performing at the highest
6 level and all indicators. So you know, right now we have
7 achievement growth and post secondary workforce readiness.

8 So the example would be if you had a school
9 that exceeds for achievement and growth but does not meet
10 for PWI, they cannot receive the same rating as a school
11 that exceeds on all three, or meets on all three. Thank
12 you. So it's a level of specificity that I think you can
13 leave to States. But they decided they wanted to tell us
14 how that would be. And then also if indicators are
15 missing, like say we don't have the English language
16 proficiency indicator for school because they don't have
17 English learners or enough, then we have to make sure that
18 we readjust the weights of the other indicators so it's the
19 same as everybody else. It just gets really specific in
20 there for when they're not supposed to be able to prescribe
21 the indicator weights.

22 So I think we can make those things work.
23 It just adds a level of complication and specificity that I
24 think is worth warrants to comment back to them about this
25 is an overstep. Again not that they're not necessarily



1 good criteria to have in but they don't need to give it to
2 us and we can decide that it's a state if we wanted to
3 decide that it's a state. So we just wanted to find that
4 piece there. Am I forgetting anything? Okay.

5 And then the last part is the ratings and
6 Naza, if you want to jump in on here if I get anything
7 wrong. You all know the ratings that we give as a state
8 for District accreditation and school plan types. ESSA
9 requires that we give school ratings, at least three
10 different kinds of them. Actually that's in the Regs, not
11 in law. The Regs say that we have to give three different
12 levels of rating for schools. But we also have to identify
13 the comprehensive support and Improvement Plan schools and
14 the target and support improvement plan schools. And
15 that's a decision point for us around what criteria we'll
16 use. The proposed Regs, this is where they get into that
17 timeline of identification and it doesn't feel as feasible
18 as it should with the timeline for when we will submit our
19 State plan. So that's an area that we'll provide comment
20 back on. Hey you've made it. You made it through the
21 accountability section. Everybody can take a breath now.
22 And then if you guys have questions and then we can stop
23 and then Naza you can go into the ESSA reporting
24 requirements.

25 CHAIRMAN DURHAM: Questions anyone? Joyce.



1 MS. RANKIN: On the ESSA, on the actual law,
2 I know that's very complicated because I've read it. And
3 so we have State requirements, we have the law but you're
4 saying that also the Department of Education, U.S.
5 Department of Education made rules like we do for our State
6 Law. So we take their law, ESSA law, a lot of that appears
7 to be more flexible than the rules that accompany that. We
8 are obligated to the law or to the rules?

9 UNIDENTIFIED VOICE: So yes. So right now
10 the law is the law and that's in place. The rules are
11 proposed, so that's why we want to put comments for it now
12 before they get finalized, but once they do get finalized,
13 we are required to follow the rules as well just like the
14 State Board rules are required to be followed.

15 MS. RANKIN: But I still go back to those
16 rules just, they seem so distant from actually what intent
17 of the law was or actually the law I guess intent to be a
18 legal issue, but when they agreed, Congress agreed it was
19 by partisan. So where are these rules coming that are
20 really conflicting with the law?

21 UNIDENTIFIED VOICE: Okay.

22 UNIDENTIFIED VOICE: So I think to a large
23 extent they utilize the rules that had put in place for the
24 waiver, the waiver process, and then other sort of
25 existing. Some of the stuff with regard to school



1 improvement was hold over rules from the school improvement
2 grants, where they promulgated a whole bunch of rules tied
3 to the money that we are awarding to schools identified for
4 improvement. I think that to a large extent we should put
5 forth Colorado's plan, a plan that's consistent with
6 Statute, and in some cases be prepared to fight on some of
7 things where our State plan as we want to submit it which
8 is consistent with Statute, might veer a little bit away
9 from the rules and I think the onus to a certain extent is
10 on the U.S. Department of Education to demonstrate that
11 their rules are consistent with the intent of Congress when
12 it drafted the Statute.

13 So the rules won't be, I mean will be heavy
14 into drafting our State plan as the rules are moving from
15 proposed to final. So to a certain extent we won't know if
16 they're final when we're writing our plan. But I think
17 it's a good idea, definitely a good idea to make sure that
18 our plan is consistent with Statute. But I think some of
19 these rules are just kind of go beyond the intent of
20 Statute. So we can fight the rules as they're being
21 considered and really put forth our concerns about the
22 rules if they ultimately are approved as written. I still
23 think that it's in many cases we've put forth a plan that's
24 consistent with Statute but sort of, I don't want to say
25 ignore the rules, but put the onus on the Department, the



1 U.S. Department to make a case for their rules as
2 consistent with Statute as opposed to the onus falling on
3 the State, if that makes sense.

4 MS. RANKIN: We can use our State law as a
5 reason to say we prefer the State law.

6 UNIDENTIFIED VOICE: Yes.

7 MS. RANKIN: You have to change, or what's
8 next?

9 UNIDENTIFIED VOICE: That's what I think one
10 of the most frustrating things is that they're writing
11 these rules as though States are just now creating their
12 accountability system because they created rules, and
13 ignoring the fact that 90 percent of States already have
14 State legislation for their State accountability system.
15 We're not just making up our State accountability system
16 because they passed these rules.

17 MS. RANKIN: Yeah. Thank you. I appreciate
18 that.

19 MS. SCHROEDER: So I guess I wanna remind
20 ourselves that even though we have the law and the rules
21 that we pass, we also have waiver requests. So I think we
22 try to use common sense sometimes, and I'm gonna give
23 Department of Education the same trust, that if we make the
24 case that especially that it's better for Colorado kids,
25 they're gonna accomplish something that they would possibly



1 give us a waiver. I just want to be that optimistic. I'm
2 just trying not to --

3 MS. RANKIN: Do we have that waiver option?
4 It looked to me by what we've talked about, we have less
5 waiver.

6 UNIDENTIFIED VOICE: I think so. The intent
7 was to not enable the U.S. Department to sort of dangle the
8 possibility of a waiver out there kind of like just
9 happened. So I think that there are, there is language in
10 both Statute or in Statute that limits the waivers.

11 UNIDENTIFIED VOICE: Yes, thank you.

12 UNIDENTIFIED VOICE: Go ahead.

13 UNIDENTIFIED VOICE: Those are things we
14 cannot waive.

15 UNIDENTIFIED VOICE: Yeah, so there's a
16 whole bunch of oh, so us we can't waive these things.
17 Maintenance of effort, comparability and --

18 UNIDENTIFIED VOICE: We can have a request -
19 -

20 UNIDENTIFIED VOICE: Well there are things
21 you can't waive in Colorado too.

22 UNIDENTIFIED VOICE: Yeah, and so I think
23 there's an attempt to --

24 UNIDENTIFIED VOICE: I'm just trying --



1 UNIDENTIFIED VOICE: Send in that waivers
2 but I also think --

3 MS. SCHROEDER: I'm trying to encourage us
4 to keep us focused on what it is that we want to accomplish
5 in Colorado for Colorado children.

6 UNIDENTIFIED VOICE: And then develop --

7 UNIDENTIFIED VOICE: Through their
8 education.

9 UNIDENTIFIED VOICE: Put that into our plan.

10 UNIDENTIFIED VOICE: And then make the case.
11 And then make the case with the Department of Education and
12 have them tell us what they've come up with. Supersedes
13 because even beyond that, there's still political pressure
14 to bear if they really get goofy.

15 MS. RANKIN: I have just one more thing to
16 add to this too. When you read the law, did you notice all
17 those streak outs? We don't say this anymore, we now say
18 this in the law?

19 UNIDENTIFIED VOICE: Yeah that sort of --

20 MS. RANKIN: The ESSA?

21 UNIDENTIFIED VOICE: Yeah and in the Regs
22 too. Sort of the proposed Regs replace existing Regs and
23 then there are a number of areas in the law where they
24 struck previous and then replace that with new language.
25 Is that what you mean?



1 MS. RANKIN: That's what I mean. But the
2 language says exactly what the old language says, it's a
3 phrase. And now it's a different phrase but it's not
4 changing any definition. It's just using different words.
5 I found that repeatedly. And I don't see any need for
6 that.

7 UNIDENTIFIED VOICE: I would agree.

8 MS. RANKIN: Thank you.

9 UNIDENTIFIED VOICE: So thank you, so far.
10 And now Naza is gonna walk us through the ESSA proposed
11 reporting requirement rules.

12 MS. MOHAJERI-NELSON: All right. So we were
13 discussing assurances that need to be signed as part of our
14 State plans. And you had asked for example so here's a
15 very concrete example of the type of assurance that we have
16 to sign into our State plan. If we accept these funds, we
17 do have to sign an assurance regarding reporting
18 requirements, and what we have to do is assure that we will
19 publicly disseminate data that's easily accessible in a
20 user friendly manner that can be cross tabulated at a
21 minimum by each major racial and ethnic group, by gender,
22 by English language proficiency, and for children with
23 disabilities versus students without disabilities.

24 And then we also have to assure that the way
25 that we will release this data will not expose or reveal



1 any personally identifiable information, or do it in the
2 manner that the numbers that we're using have to be
3 statistic, yields statistically reliable data. So these
4 are assurances that we would be signing that we will do
5 this on an annual basis. In our plan, we do have to
6 describe how we're going to meet all of the reporting
7 requirements in this Statute.

8 As has been noticed several times by the
9 Board as well as CDE folks, the Statute is already very
10 prescriptive in terms of the reporting requirements. A
11 State that receives these assistance under this part shall
12 prepare and disseminate widely to the public an annual
13 State report card for the State as a whole and that report
14 card has to be concise. It has to provide very clear,
15 digestible data, consumable data for the public.

16 We have to develop our State report card in
17 consultation with parents. Have to present it in an
18 understandable and uniform format. We have to the extent
19 practical use of language that parents can understand. So
20 these are all in Statute. We do have to meet these
21 requirements, and we do have to make all of the data
22 available on a single web page including the State's report
23 card as well as the report card for all of the ELAs and any
24 reporting that we do to the Secretary. So any of the Ed



1 facts and consolidate State reporting that we do, we have
2 to make available on one page.

3 (Overlapping)

4 MS. MOHAJERI-NELSON: It gets better. It
5 gets better. So the Statute also prescribes that we have
6 to at a minimum, include in our State report card a
7 description and the methodology for our accountability
8 system. How we're going to identify schools for
9 comprehensive and targeted support. The academic
10 achievement of students has to be presented in our State
11 report card for all students and disaggregated by the major
12 groups that have been discussed so far. English learners,
13 students with disability, students with major ethnic and
14 racial groups, as well as students of poverty.

15 However the Statute now adds that we also
16 have to provide data for homeless students, students in
17 foster care and students with a parent in active duty in
18 the Armed Forces. So these are additional reporting
19 requirements that we're going to have to collect and report
20 out for every student and disaggregated for each one of
21 these groups. We have to report out the performance of all
22 students on every indicator for overall and disaggregated
23 by those same groups. The four primary ones that are
24 listed in the indicators in addition to those, we have to
25 also report out the indicators for homeless students and



1 students in foster care. We also have to report out the
2 percentage of students assessed or not assessed and again,
3 all of this has to be in a very clear, concise, accessible
4 way for the public and for parents, families, schools,
5 districts to be able to do.

6 The reporting requirements also are at the
7 district level, so local educational agencies must also
8 create and publish a report card that contains a lot of the
9 same information that the State does, it just has to be at
10 the ELA level. And the Statute does allow SCA and ELAs,
11 the State Educational Agency and the Local Educational
12 Agency to use existing report cards as long as they meet
13 requirements in ESSA. So we already have report cards that
14 we've been doing for over 10 years. They are all on our
15 website on a single page.

16 We just need to revise the format to align
17 with the ESSA, and add the new reporting requirements. The
18 Statute also requires that we take steps to minimize the
19 costs and efforts of collection by using the existing ones
20 whenever possible. So not to add new data collections but
21 then on the same Statute they're also adding new reporting,
22 so it's kind of contradictory to itself. And then it
23 requires SCAs to annually submit report cards to the
24 Secretary. Thank you.



1 In the Statute, we also have requirements
2 for protecting privacy, including presenting our data in a
3 manner that protects the privacy of individuals consistent
4 with the General Education Provision Act, which you were
5 asking about earlier. Reports shall only include data that
6 yields statistically reliable information which is that a
7 minimum end that Elissa was talking about that we need to
8 identify as a State, and then the disaggregation of any
9 data that would reveal or potentially reveal PII, we cannot
10 report that out or are include it in our State report card.
11 If we do the consolidated State plan that Pat had discussed
12 earlier, we have the option of consolidating or doing it
13 individually. If we do the consolidation, we also have to
14 sign an additional assurance that will require us to report
15 to the Secretary as necessary to enable the Secretary to
16 perform its duties under each program.

17 Therefore they can ask us for additional
18 information in addition to our State report card, which is
19 where they get their authority for putting all of the
20 things that they put in the Ed facts and CSPR reports that
21 they do. And we have to maintain records and provide such
22 information to the Secretary when requested to do so.

23 MS. SCHROEDER: So this probably isn't your
24 department. But I hear often the concerns of the rural
25 districts that they feel that there's too much reporting



1 that they need to provide. And we're looking for ways to
2 diminish that. To decrease that. Does this? Are there
3 concerns about Colorado reporting? Do you know or do any
4 of you know are there concerns about the federal reporting
5 which is now increased? Or do you wanna look into that?
6 Because I have no specifics other than the fact that
7 there's been requests to-

8 MR. CHAPMAN: To lower the reporting --

9 MS. SCHROEDER: To lower the requirements.

10 MR. CHAPMAN: Yeah.

11 MS. SCHROEDER: And I don't know whether
12 they relate to Colorado law that's not included here or
13 whether they're part of the federal piece which now --

14 UNIDENTIFIED VOICE: Yeah.

15 MS. SCHROEDER: Seems to be increasing.

16 UNIDENTIFIED VOICE: The majority of these
17 requirements are spelled out specifically in Colorado law
18 and then Colorado law also says that we -- Tony is not
19 here. I'm pretty sure this part -- We can go back and look
20 at this.

21 MS. FLORES: Tony is right back there.

22 UNIDENTIFIED VOICE: Through there. Does is
23 it -- Is the report the part that says we have to follow
24 federal requirements? Is that in state law too in terms of



1 reporting? I know it is in terms of accountable components
2 of how we really --

3 UNIDENTIFIED VOICE: I really gonna have
4 too.

5 MS. RANKIN: Okay. Will have go back and
6 look at that.

7 UNIDENTIFIED VOICE: At least, we've been
8 surprised. It was actually a stated in the State law.

9 MS. RANKIN: Okay. Because there are some
10 references in State law are being in the light and
11 alignment with federal requirements. But there are seen
12 new things in here in terms of the Students Arms Services
13 and foster that are not --

14 MS. SCHEFFEL: So in some cases the
15 (inaudible) are gonna help out.

16 MS. RANKIN: Yes.

17 MS. SCHEFFEL: That not necessarily.
18 Particularly in --

19 MS. RANKIN: Yeah --

20 MS. SCHEFFEL: -- certain areas of the state
21 where in fact there might be --

22 MS. RANKIN: Yeah.

23 MS. SCHEFFEL: -- significant number of kids
24 who are either homeless or children of military who are
25 going to the public schools, et cetera.



1 MS. MAZANEC: And what we -- what we --

2 MS. SCHEFFEL: How do you know about that by
3 the way?

4 MS. MAZANEC: I don't know.

5 MS. SCHEFFEL: I don't remember anybody ever
6 asking me if --

7 UNIDENTIFIED VOICE: In terms of military.
8 I think that's gonna have to be a new data collection. I
9 don't think so.

10 MS. SCHEFFEL: Well, right.

11 UNIDENTIFIED VOICE: Now, I think we don't
12 have. I know. I know. That's I think that's the one
13 piece. The ones in foster care.

14 UNIDENTIFIED VOICE: The foster we have --

15 UNIDENTIFIED VOICE: Foster care that's
16 because you keep give reports.

17 UNIDENTIFIED VOICE: Yeah, yeah. The one
18 thing we've tried to do since I don't know 10 years ago is
19 the way the law is written is that the allies create their
20 own report card. We've created them. They disseminate,
21 they can add to, they can do whatever. But we've tried to
22 do all of that reporting and formatting and all of that
23 data to save them time. Because it's just easier. We have
24 the data here we might as well do what for them where we
25 can. So we've tried to do that, but that doesn't change



1 the fact that they still need to report the raw student
2 level data to us so that we can aggregate it and put it out
3 there.

4 UNIDENTIFIED VOICE: So we can be assured
5 this is really gonna go over well.

6 MS. ANTHES: Got it.

7 MS. SCHROEDER: Do they define, do they
8 define like what homeless is?

9 MS. ANTHES: Yeah.

10 MS. SCHROEDER: They give you a specific
11 definition?

12 MS. ANTHES: Yeah.

13 MS. SCHROEDER: And that's okay.

14 MS. ANTHES: Yeah. Now, there's pages in
15 here. I hold it out for the homeless people that look out
16 but they --

17 MS. OKES: And some of the districts are
18 actually collecting --

19 MS. ANTHES: And they actually got really
20 upset --

21 MS. OKES: Because again that's another area
22 that's been reported --

23 MS. GOFF: Yeah. Homeless, we have --

24 MS. OKES: in the- In the news in that.

25 Significant increases in which districts have the most --



1 UNIDENTIFIED VOICE: Yeah --

2 MS. OKES: The most children.

3 MS. GOFF: But if they're homeless,
4 sometimes, they put them in a place. Then -- are they then
5 not homeless if they have an apartment? Are they still
6 considered for those of the --

7 MS. CORDIAL: The homeless definition
8 includes, like families that are doubled up with other
9 families. So it's pretty like -- it's pretty robust.

10 MR. CHAPMAN: An overall definition.

11 MS. CORDIAL: Yeah.

12 MS. SCHROEDER: Definitely, it is not new.

13 MS. CORDIAL: Yeah.

14 MS. ANTHES: I'm sorry. Go ahead. We're
15 dying to get out of here before. Truth be told.

16 MS. SCHEFFEL: I think that you've heard a
17 lot of our concerns already. So I'll try to get to these
18 really quickly. What we've tried to do is provide some
19 concrete examples of each type of our concern that are also
20 in our comments and in the analysis. But overall, what our
21 major concern is that the statute is already very
22 prescriptive and has a lot of requirements for us in order
23 for us to be able to meet the reporting requirement. The
24 regulations or the proposed rules do not help and that they



1 provide even more specificity where things should have been
2 left to the states.

3 So an example. There's examples of federal
4 overreach where there's no basis in statute and increases
5 the burden on the states. For example, the statute says
6 that anything to do with the charter schools, should be the
7 state law should be used to oversee that. They add that we
8 have reporting requirements for charter schools
9 specifically. They add that we have to have a report card
10 overview page that includes all sorts of results that have
11 to be on a single page. And so, again, increasing our
12 burden trying to meet that. They also increase the burden
13 for the local educational agencies. One of our biggest
14 concerns which I mentioned earlier is that their state
15 report cards are due December 31st for the immediately
16 preceding year. And that is just not.

17 MS. EMM: So that's actually a lot like
18 being a tax practitioner? You can be assured that no tax
19 practitioner is free until midnight December 31st. And
20 that's gonna be the case now for every school district.
21 Right? The superintendent at all.

22 MR. CHAPMAN: Hopefully, we'll be the ones
23 doing it. So it'll just be us.

24 MS. EMM: It'll just be you? So the
25 district one doesn't have to be done by December 31st.



1 CHAIRMAN DURHAM: Well, if we keep --

2 MS. SCHROEDER: But if -- I'm sorry go
3 ahead. Now you go

4 MS. EMM: But if we continue our current
5 practices to collect that data and then report out. Create
6 the report by 30th. So well, the report cards have to be
7 finalized by December 30th so they would be doing that.
8 But yes we would be up till midnight, working like mad on
9 December. New Year's Eve will never exist for us again.

10 UNIDENTIFIED VOICE: Again.

11 MS. EMM: So there are additional
12 requirements for the local educational agencies. Such as,
13 they have to do their over- overview page on a single piece
14 of paper. That's very prescriptive and very hard to
15 understand especially when not only does it have to have
16 all of the overview pieces of the state. It also has to
17 have the title ones status and identify, whether they were
18 identified as comprehensive or targeted. They have to
19 include school address, phone number, those kind of things.
20 And to get all of that on a single piece of paper is
21 unreasonable.

22 This is an example of where they have
23 proposed a rule that basically replicates exactly what's in
24 statute and then they do things like add very specific
25 statements right in the middle of all of that. Which then



1 increases the burden. So the last statement on there to
2 LEA reporting specifies subgroups whose performance
3 contributed to the identification of that school. So now,
4 we're required to call out if the school missed targets for
5 a specific group. I mean, it's in the data. But we have
6 to call it out.

7 MS. SCHROEDER: And then another example of
8 the overreaching burden. Already, included this one and
9 the accountability as well as adding words like single to
10 where it's not in the statute. Really limits our ability
11 to be able to implement the statute and still meet all of
12 these requirements.

13 CHAIRMAN DURHAM: All right.

14 MS. SCHEFFEL: I am sorry. I wonder that
15 really passed because of we are all, I think ready to go by
16 Friday. Thank you.

17 MR. CHAPMAN: Okay. So quickly just to kind
18 of walk through the next steps. We are about kind of
19 forming these spoke committees. We need to finalize
20 membership before the Hub Committee. My understanding is
21 that the Hub Committee will be convened for the first time
22 in early August. And we will continue to provide updates
23 at the board meetings on a monthly basis as long as you
24 want us. And then our goal is to, to complete sort of an
25 initial draft of our state plan so that people can begin to



1 react to it. Sometime in early fall. And that's our
2 presentation today and I hope you guys enjoyed it.

3 MS. ANTHERS: We did. Thank you very, very
4 much.

5 MR. CHAPMAN: Thank you very much.

6 MS. ANTHERS: Patrick, I'm just mulling out
7 loud here. But in trying to digest this. Which I don't
8 know how many times I'm gonna have to read it before I get
9 it. This is your, this is your response to the department
10 on your specific dislikes. Have you considered structuring
11 it in such a way, in addition to saying. No this is not
12 okay. This is not what's in the law. Whatever your
13 reasoning is to suggest to them some items that -- that had
14 to think very thoughtfully, carefully, I'm sorry, about
15 setting guidelines. And to kind of get off of the Regs
16 rules whatever you want to call them. And instead keep
17 the- keep the rules-

18 CHAIRMAN DURHAM: That's not regulatory. So
19 there is something in between.

20 MS. ANTHERS: But then provide guidelines
21 because it may well be that there we don't know this. But
22 we may well be that their intent is very good.

23 CHAIRMAN DURHAM: Yeah. And I do think that
24 there is some room for the middle. So it's --



1 MS. ANTHES: I mean, have you approached it
2 in that way to maybe say this --

3 MR. CHAPMAN: Yeah. I think that the format
4 is pretty prescriptive in what they and how they ask us and
5 what they ask us to submit as part of the comment process.
6 But I do think that in some cases, we can recommend that.
7 As opposed to rules, you can put aside as non-regulatory
8 guidance which doesn't carry the weight of rules. And I
9 also think that they ask us --

10 MS. ANTHES: Which is helpful but --

11 MR. CHAPMAN: Yeah. I do think in some
12 cases as was noted that there are rules that are helpful to
13 states and school districts. So we wanna support those.

14 MS. ANTHES: Yeah. We don't wanna to be --
15 we don't wanna be ugly about it. But, this is not -- this
16 is not what we think our legislatures intended to pass
17 this.

18 MS. FLORES: Right. And there are many of
19 the rules -- The proposed rules that are clarifying, are
20 providing, might provide suggestions to states that might
21 be struggling with that issue. And under the comments
22 section, we are allowed to make alternative suggestions.
23 If we have --

24 UNIDENTIFIED VOICE: Perfect --

25 MS. FLORES: (Inaudible).



1 UNIDENTIFIED VOICE: Perfect.

2 MS. FLORES: -- issue. And that would be
3 the perfect spot to add comments like. This would be
4 better suited for guidance as opposed to regulation.

5 UNIDENTIFIED VOICE: Super we'll definitely
6 call those out.

7 MS. SCHROEDER: Any other comments folks?
8 Jane.

9 MS. EMM: Yeah, I'm curious and you all may
10 not have any information on this. Apparently, there's a
11 legislative committee. Was established for some bill. I'd
12 be interested in knowing what that bill number was. There
13 is such thing. And whether or not you happen to know if
14 that committee has convened. And if there's been out to
15 CDE or any other.

16 UNIDENTIFIED VOICE: Sure of the, the, the
17 bill number. But my understanding is that that they will
18 be convening initially in August and then they are planning
19 to reconvene later in like October, November. And that as
20 part of the legislation they may be calling on CDE to
21 provide information to them so that they can consider the
22 impact of the SSA on its implications for state
23 legislation.

24 MS. ANTHERS: It wasn't an actual though.
25 But we can send you the link to the committee right now.



1 All that is posted is the committee membership. But yeah,
2 I think they're planning to try and do two meetings this
3 summer and then more after in November, December.

4 MS. GOFF: What's their charge?

5 MS. RANKIN: Yeah, I can -- let me open it.

6 MS. SCHEFFEL: Yeah. I just found a really
7 interesting that the --I don't know seemed to me, it would
8 have been a bill that would have come before our --

9 MS. RANKIN: It wasn't a bill. I don't
10 think --

11 CHAIRMAN DURHAM: It's right after --

12 MS. RANKIN: You need to do that. That's
13 right.

14 MS. RANKIN: So it was a special committee.
15 I forget the process they did. But it wasn't a bill.

16 UNIDENTIFIED VOICE: Yeah.

17 MS. RANKIN: And it was assigned special
18 committee. And --

19 MS. SCHROEDER: Who signed that?

20 MS. RANKIN: Patterson.

21 MS. MAZANEC: Tom Patterson. Yeah.

22 MS. RANKIN: And I forgot who that Co. Co-
23 person is

24 MR. CHAPMAN: Wilson.



1 MS. SCHEFFEL: I would like to -- I would
2 like to get some information.

3 UNIDENTIFIED VOICE: Yeah. We would like to
4 --

5 MS. RANKIN: We don't have a lot but I think
6 it's in development at this stage.

7 MS. CORDIAL: Who is developing? Who is in
8 charge of it?

9 MS. RANKIN: I think- I think we don't.

10 MS. SCHEFFEL: Yeah. We don't staff it. It
11 is staffed by the OSPB. We are just -- The way just it was
12 written is that they've asked CDE staff to be on hand to
13 provide any information as requested. But I will find it
14 for you all in.

15 MS. CORDIAL: That is good, people capital I
16 mean along with them. You would contact let's say Craig
17 Harper and any people over there in our discussion.

18 MR. ASP: I'm not been in contact with Craig
19 Harper. But there are. I think are legislatively liaison
20 has been working with folks cross the street, to kind of
21 get more information about what might be expected of CDE
22 staff when they convene and what information they might
23 need from us. So that we can have it ready. But I've had
24 really limited --



1 UNIDENTIFIED VOICE: That any of the people
2 that are in the education gurus?

3 MS. FLORES: Well, I'm hoping they will read
4 the whole law and read all the Regs. Proposed Regs.
5 Right? And that will keep them very busy.

6 UNIDENTIFIED VOICE: And then maybe somebody
7 over here can help. Educate on the board --

8 MS. SCHROEDER: Yeah. (Inaudible)
9 especially the department staff. Right. My concern
10 lately. And -- And this bill is too big. And the
11 expectation for collaboration on this is pretty clear.

12 UNIDENTIFIED VOICE: It's not that -- I just
13 -- It's not -- the --

14 MS. SCHROEDER: First of all, I was curious
15 that we never heard about a piece of legislation. That's
16 how it was picked to me first. And then secondly that, you
17 know, we do have a habit in the state of promoting the
18 communication and the getting together. And if we've got a
19 legislative entity which in the end will be part of the
20 signees, signors of our plan. And directly or not, in the
21 Department and State Board's role in it. Just -- I'm just
22 -- I'm just interested in making sure that the
23 communication is kept intact and carried out in a faithful
24 way. So thank you.

25 CHAIRMAN DURHAM: Thank you.



1 MS. OKES: Anybody else? Okay, folks see
2 you all on August 10th in Grand Junction.

3 MS. ANTHERS: Can I just say one more thing?

4 MS. OKES: Oh, please I'm sorry. Katy.

5 MS. ANTHERS: On those next steps. Just
6 because August 1st will be quickly upon us. Please I know
7 it's hard to get through those materials but if you had
8 additional comments or felt differently about what we've
9 put together for you. Or want us to share something else,
10 please let us know in the next couple of weeks. So that we
11 can make sure your comments are embedded and the comments
12 we send to the UFDOE.

13 MS. OKES: Okay. Thank you. See you in
14 August. So I'm gonna see you in --

15 (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.

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

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

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