



Colorado State Board of Education

---

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
October 12, 2016, PM

BE IT REMEMBERED THAT on October 12, 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: Okay. We'll come back to  
2 (inaudible). We'll come back to where -- we apologize for  
3 being behind schedule and we'll try and catch up. We'll  
4 start with Item 14. I'll just find my notes for Item 14.  
5 Item 14 which is motion to dismiss the charter school  
6 appeal case, Leman Classical School versus Douglas County  
7 School District already won, is there a motion on that  
8 topic? Yes Dr. Schroeder.

9                   MS. SCHROEDER: I move that regarding  
10 Douglas School District's motion to dismiss charter school  
11 appeal case number 16-CS-02 Leman Classical School versus  
12 Douglas County School. The motion is granted.

13                  CHAIRMAN DURHAM: Okay. Is there a second  
14 to that motion? Ms. Mazanec seconds the motion. So the  
15 effect of that will be if the district and the charter  
16 cannot resolve this, it will be on our December agenda.

17                  MS. SCHROEDER: Correct -- correct.

18                  CHAIRMAN DURHAM: All right. Is there  
19 objection, would you call a roll on that motion, please Ms.  
20 Cordial?

21                  MS. CORDIAL: Board Member Flores?

22                  MS. FLORES: Yes.

23                  MS. CORDIAL: Board Member Goff?

24                  MS. GOFF: Yes.

25                  MS. CORDIAL: Board Member Mazanec?



1 MS. MAZANEC: Yes.

2 MS. CORDIAL: Board Member Rankin?

3 MS. RANKIN: Yes.

4 MS. CORDIAL: Board Member Scheffel?

5 MS. SCHEFFEL: Yes.

6 MS. CORDIAL: Board Member Schroeder?

7 MS. SCHROEDER: Yes.

8 MS. CORDIAL: Chairman Durham?

9 CHAIRMAN DURHAM: Yes. That motion is  
10 adopted by a vote of seven to nothing. Let's move on to  
11 15.01 which is -- which is the disciplinary proceedings.  
12 Yes. Oh, I'm sorry. In 15.01, is there a motion to  
13 reconsider the Board's action at the last-- at the -- at  
14 it's last meeting to -- the effect of the motion was to  
15 deny the license to the applicant. So is there a motion to  
16 reconsider?

17 MS. SCHROEDER: So moved.

18 CHAIRMAN DURHAM: It's moved and seconded to  
19 reconsider. Is there -- that requires two-thirds. Is  
20 there objection to the adoption of that motion? So now the  
21 motion to reconsider is adopted unanimously. Now to the --

22 MS. SCHROEDER: I'm sorry. Do you wanna  
23 read the next motion?

24 CHAIRMAN DURHAM: The motion. Okay. Dr.  
25 Schroeder.



1 MS. SCHROEDER: So concerning disciplinary  
2 proceedings, OAC case number ED2015-0009, I move to affirm  
3 the ALG's decision and approve the applicant's license.

4 CHAIRMAN DURHAM: Okay. Is there a second  
5 to that motion? To approve the -- Ms. Goff? Okay. Would  
6 you call the roll -- is there a discussion? I'm sorry.  
7 Ms. Cordial, would you call the roll on that motion,  
8 please?

9 MS. CORDIAL: Board Member Flores.

10 MS. FLORES: Yes.

11 MS. CORDIAL: Board Member Goff?

12 MS. GOFF: Aye.

13 MS. CORDIAL: Board Member Mazanec?

14 MS. MAZANEC: Aye.

15 MS. CORDIAL: Board Member Rankin?

16 MS. RANKIN: No.

17 MS. CORDIAL: Board Member Scheffel?

18 MS. SCHEFFEL: Yes.

19 MS. CORDIAL: Board Member Schroeder?

20 MS. CORDIAL: Yes.

21 MS. CORDIAL: And Chairman Durham.

22 CHAIRMAN DURHAM: Yes. That motion is  
23 adopted by a vote of seven to nothing.

24 MS. CORDIAL: Oh, six to one.



1 CHAIRMAN DURHAM: I'm sorry. Who voted on  
2 oppose? Thank you. I'm sorry. I promise to pay closer  
3 attention in the future. Item 15.03, different  
4 disciplinary proceedings. Dr. Schroeder, do you have a  
5 motion on it?

6 MS. SCHROEDER: Regarding disciplinary  
7 proceedings concerning a license charge number 2015EC-1576;  
8 dismiss the charge and direct the state attorney general's  
9 office to move to dismiss the pending agency adjudicatory  
10 proceeding Colorado Office of the Administrative Courts  
11 Case number ED2016-0003.

12 CHAIRMAN DURHAM': Is there a second to that  
13 motion? Dr. Flores seconds that motion. Is there a  
14 discussion of that motion? Ms. Cordial, would you call a  
15 roll or Ms. Cordial, would you call the roll on that  
16 please?

17 MS. CORDIAL: Board Member Flores?

18 MS. FLORES: Yes.

19 MS. CORDIAL: Board Member Goff?

20 MS. GOFF: Aye.

21 MS. CORDIAL: Board Member Rankin --  
22 Mazanec. Sorry. Mazanec, sorry.

23 MS. MAZANEC: Aye.

24 MS. CORDIAL: Board Member Rankin?

25 MS. RANKIN: Yes.



1 MS. CORDIAL: Board Member Scheffel?

2 MS. SCHEFFEL: Yes.

3 MS. CORDIAL: Board Member Schroeder?

4 MS. SCHROEDER: Yes.

5 MS. CORDIAL: And Chairman Durham?

6 CHAIRMAN DURHAM: Yes. That motion is  
7 adopted by a vote of seven to nothing. Item 15.04,  
8 disciplinary proceedings concerning license charge number  
9 2016 EC 123. This was the issue of disciplining --  
10 discipline of a child. Dr. Schroeder, do you have a  
11 motion?

12 MS. SCHROEDER: Well, I'll make a motion  
13 then, then we'll go from there.

14 CHAIRMAN DURHAM: Okay.

15 MS. SCHROEDER: Regarding disciplinary  
16 proceedings concerning a licensed charge number 2016 EC  
17 123, Direct Department Staff and the state attorney  
18 general's office to prepare the documents necessary to  
19 require a formal hearing for the revocation of the holder's  
20 license pursuant to Section 22-60.5-108 CRS.

21 CHAIRMAN DURHAM: It's a proper motion, is  
22 there a second? Ms. Rankin? Any seconds? Discussion on  
23 that motion? Would you please call the roll, Ms. Cordial?

24 MS. CORDIAL: Board Member Flores?

25 MS. FLORES: No.



1 MS. CORDIAL: Board Member Goff?  
2 MS. GOFF: No.  
3 MS. CORDIAL: Board Member Mazanec?  
4 MS. MAZANEC: No.  
5 MS. CORDIAL: Board Member Rankin?  
6 MS. RANKIN: Yes.  
7 MS. CORDIAL: Board Member Scheffel?  
8 MS. SCHEFFEL: No.  
9 MS. CORDIAL: Board Member Schroeder?  
10 MS. SCHROEDER: Yes.  
11 MS. CORDIAL: And Chairman Durham.  
12 CHAIRMAN DURHAM: Yes. That motion is  
13 passed by -- or is defeated by a vote of four to three.  
14 UNIDENTIFIED VOICE: Four to three?  
15 CHAIRMAN DURHAM: Four no, three yes. Such  
16 that motion is lost?  
17 MS. SCHROEDER: Correct.  
18 UNIDENTIFIED VOICE: Can somebody else make  
19 a motion?  
20 CHAIRMAN DURHAM: Is there another -- so no  
21 other motion is required, is that correct?  
22 MS. SCHROEDER: No. No other motion will be  
23 required basically.  
24 CHAIRMAN DURHAM: All right. So that issue  
25 then is disposed. Item 15.05, disciplinary proceeding



1 concerning application charge 2016 EC 387. This was the  
2 credit card issue. Dr. Schroeder.

3 MS. SCHROEDER: Regarding disciplinary  
4 proceedings concerning an application charge number 2016 EC  
5 387, direct -- I move to direct the department staff to  
6 issue a notice of denial and appeal rights to the applicant  
7 pursuant to Section 24-4-104 CRS.

8 CHAIRMAN DURHAM: It's a proper motion, is  
9 there a second? Ms. Rankin seconds. That would be a  
10 motion to --

11 UNIDENTIFIED VOICE: Can we ask for a  
12 repetition on that?

13 CHAIRMAN DURHAM: Would you like a  
14 clarification?

15 UNIDENTIFIED VOICE: Yes.

16 CHAIRMAN DURHAM: Dr. Schroeder, could you -  
17 -

18 MS. SCHROEDER: Read it again?

19 CHAIRMAN DURHAM: Yes.

20 MS. SCHROEDER: Regarding disciplinary  
21 proceedings concerning an application charge number 2016 EC  
22 387, I move to direct the department staff to issue a  
23 notice of denial and appeal rights to the applicant  
24 pursuant to 24-4-104CRS.





1 CHAIRMAN DURHAM: The effect of that motion  
2 is to deny the license, correct Ms. Cordial?

3 MS. CORDIAL: Correct.

4 CHAIRMAN DURHAM: That's the effect of the  
5 motion on the -- the credit card question, Ms. Cordial, do  
6 you like to call the roll? A yes vote would deny the  
7 motion or would deny the -- the license, okay?

8 MS. FLORES: For substitute authorization.

9 CHAIRMAN DURHAM: Yes, for substitute  
10 authorization.

11 MS. CORDIAL: Board Member Flores?

12 MS. FLORES: No.

13 MS. CORDIAL: Board Member Goff?

14 MS. GOFF: Aye.

15 MS. CORDIAL: Board Member Mazanec?

16 MS. MAZANEC: No.

17 MS. CORDIAL: Board Member Rankin?

18 MS. RANKIN: Yes.

19 MS. CORDIAL: Board Member Scheffel?

20 MS. SCHEFFEL: Yes.

21 MS. CORDIAL: Board Member Schroeder?

22 MS. SCHROEDER: Yes.

23 MS. CORDIAL: Chairman Durham.

24 CHAIRMAN DURHAM: Yes. That motion is

25 adopted by a vote of five to two. Okay. Then Item 1506,



1 disciplinary proceedings concerning a license charge 2016  
2 EC 556. Dr. Schroeder. This is the one providing drugs to  
3 students.

4 MS. SCHROEDER: Regarding disciplinary  
5 proceedings concerning a license charge number 2016 EC 556,  
6 I move to issue an order to summarily suspend the license.

7 CHAIRMAN DURHAM: Is there a second to that  
8 motion? Dr. Flores? Is there objection to the adoption of  
9 that motion to issue the summary suspension of the license?  
10 Seeing none, that motion is adopted by a vote of seven to  
11 nothing. Okay. Thank you very much. That concludes the  
12 Item 15. Now we're at Item 17.01.

13 MS. SCHROEDER: Oh, Mr. Chair.

14 CHAIRMAN DURHAM: Yes.

15 MS. SCHROEDER: May we take up the Item  
16 16.01 through 16.04? That--

17 CHAIRMAN DURHAM: Oh, that's right. Those  
18 were removed from the consent agenda. So who will be --  
19 who's on first for that one?

20 MS. FLORES: This was Denver Public School.

21 MS. SCHROEDER: Joe Amondson with DPS.

22 CHAIRMAN DURHAM: Please join us and state  
23 your name if you would please.

24 MR. AMONDSO: Thank you for inviting me.

25 My name is Joe Amondson, I'm a school design manager with



1 Denver Public Schools that supported these schools with  
2 their innovation plans. Can you hear me now?

3 UNIDENTIFIED VOICE: We can hear you now.

4 MR. AMONDSO: You want me to say it again?

5 CHAIRMAN DURHAM: No. I think we all -- we  
6 all heard it. Yes Ms. Rankin?

7 MS. RANKIN: Well, no -- do you want me to  
8 go forward?

9 CHAIRMAN DURHAM: Yes, please.

10 MS. RANKIN: Okay. I read over these  
11 applications and they're very similar. The one thing that  
12 disturbs me and I know you can probably explain it, is the  
13 innovation budget for these schools is five years. Now  
14 when I looked at some of the ratings of these schools, some  
15 of them have been on priority improvement or turnaround for  
16 two years. Two especially that -- stand out. If we vote  
17 for innovation and agree to that and then after this --  
18 this is going on for five years and in three consecutive  
19 years we're on a turnaround. How is that going to affect  
20 your program in your district or multiple schools or small  
21 amount of schools? Have you talked about that and how is  
22 that gonna be handled?

23 MR. AMONDSO: So one of the things we wanna  
24 to make sure we're doing with schools that are going  
25 through an innovation school planning process is that



1 they're designing for sustainability over a long period of  
2 time. We find that we do a one or two or three year  
3 budget, that's -- I mean, and all of these are planning  
4 budgets. There's nothing in here that's set in stone. We  
5 do this just so schools are able to align resources to  
6 their mission and vision and priorities that are in the  
7 innovation plan. So recognizing every year they have to go  
8 back through a budgeting process and if a school is open or  
9 closed, that would -- that would be determined by you all  
10 through the turnaround policies. But the purpose of this  
11 innovation planning process for these schools was actually  
12 to try to get them out of turn around. So we worked with  
13 the turnaround department here at CDE, public impact,  
14 national partners, really using this innovation planning  
15 process as a way of trying to do some pretty radical school  
16 improvement out these schools during this time, so that we  
17 would be able to sustain over a long period.

18 MS. RANKIN: And do these -- do these  
19 innovation plans come before the Board yearly at least for  
20 additional input especially when some of them are so close  
21 to being on turnaround?

22 MR. AMONDSO: So the statute requires every  
23 three years that they come back for renewal. Schools in  
24 DPS are tiered for Intensive Supports and these schools  
25 that are tiered for Intensive Supports have our department.



1 The tiered school support team that is providing additional  
2 supports and they will get an -- a school quality review  
3 every year as long as they're intensively tiered to get  
4 feedback on the innovation plan.

5 MS. RANKIN: Okay. I feel my questions are  
6 answered but with this new situation that's coming up I  
7 think we need to bring to light some of these and I believe  
8 what we're talking about is the difference between state  
9 and -- and local what is going on and -- and I appreciate  
10 your time and consideration for coming.

11 MR. AMONDSOHN: Thank you.

12 CHAIRMAN DURHAM: Thank you Ms. Rankin. I  
13 think a good point and-.

14 MS. SCHROEDER: So you wanna make some  
15 motions?

16 CHAIRMAN DURHAM: You can do them all at  
17 once if you would.

18 MS. RANKIN: I would -- I would -- I have --

19 CHAIRMAN DURHAM: Yes, Dr. Flores?

20 MS. FLORES: One of the question here is, I  
21 mean, we'd be granting five years -- three years.

22 CHAIRMAN DURHAM: Three years.

23 MS. FLORES: Three years. Okay. They are -  
24 - they're already on two and so if we grant three years,  
25 that's five years if -- if you know, things don't go well.



1 MR. AMONDSOSON: Sure. I think we're talking  
2 about two different processes. You're saying that should  
3 the school get innovation status they'll have it for three  
4 years? If there is ever a reason that the turnaround clock  
5 was to be implemented for the schools and they weren't able  
6 to get out of turnaround, separate process that you could  
7 use a different process for identifying a pathway for the  
8 school or closure.

9 MS. FLORES: Thank you.

10 CHAIRMAN DURHAM: Okay, good.

11 MS. SCHROEDER: Again, thank you for coming  
12 in today.

13 MR. AMONDSOSON: Of course.

14 MS. SCHROEDER: So I would move to consent  
15 to 16-01 approved Denver Public Schools innovation  
16 application on behalf of Goldrick Elementary School is set  
17 forth in the published agenda 16-02 approved Denver Public  
18 Schools innovation application on behalf of International  
19 Academy of Denver at Harrington as set forth in the  
20 published agenda 16-03 approved Denver Public Schools  
21 innovation application on behalf of Schmidt Elementary  
22 School as set forth in the public -- published agenda 16-04  
23 approved Denver Public Schools innovation application on  
24 behalf of Bella Verde Elementary School as set forth in the  
25 published agenda and one more thing, I'd like to commend



1 Boulder Valley 16-05 because I did read theirs on the early  
2 college designation. I thought it was an excellent point  
3 and I -- I really liked that and again thank you so much  
4 for coming in today.

5 CHAIRMAN DURHAM: Great. Okay, it's been  
6 moved and seconded that item 16.01 through 16.05 be  
7 approved as -- as submitted in the published agenda. A  
8 motion is subject to severance, any body? Any request to  
9 sever the motion? Seeing none, is there objection to the  
10 adoption of the motion? Seeing none then motion is adopted  
11 by a vote of seven to nothing. Thank you very much.

12 MR. AMONDSO: Thank you. Good to see you  
13 Dr. Flores.

14 MS. FLORES: Thank you.

15 CHAIRMAN DURHAM: Thank you. All right now  
16 we're at 17-01. Commissioner are you introducing this  
17 maybe says Ms. Emm? Yes there she is and you can see your  
18 shoes.

19 MS. EMM: Yes. Thank you. Leanne Emm,  
20 Colorado Department of Education. This is a discussion for  
21 the Board to consider revising the eligibility criteria for  
22 Multi-District Online Schools to participate in the current  
23 Title I Party Allocation Pilot. Do I -- I control, right?

24 UNIDENTIFIED VOICE: Yes.

25 UNIDENTIFIED VOICE: Okay.



1 MS. EMM: So first of all the goals for  
2 today are first to review the eligibility criteria, and  
3 then to potentially discuss any options and impacts of  
4 revising the criteria. We do have a slide here for  
5 acronyms that you might see in here and we have -- just so  
6 you can refer back the biggest one that you probably will  
7 see is the MDOLS, Multi-District Online School.

8 MS. SCHROEDER: Thank you for that.

9 MS. EMM: You're welcome. Some background  
10 and context for this was that the existing methods for  
11 allocating the Title I - A, do not always accurately  
12 reflect where students are being served. The way that the  
13 allocation currently works is that poverty is measured on  
14 the district's residents and therefore if you have a Multi-  
15 District Online School that is serving students from within  
16 outside their boundaries, then the allocation for funds do  
17 not follow those students and the pilot is then used to  
18 look at the statewide impact of revising this method.

19 In -- in May of 2014, the -- the State Board  
20 requested that we do look at the potential for implementing  
21 a pilot program and determine the financial impacts and  
22 then in June the State Board did approve moving forward  
23 with the pilot and at that time Hope Online Learning  
24 qualified to participate in the pilot. Then in January of  
25 2016, the State Board continued the pilot using the





1 established criteria through the 18-19 school year. This  
2 is the listing of criteria that is currently being used in  
3 order to determine -- determine eligibility for the pilot  
4 and one of the things that I wanna point out is -- that  
5 we'll get to in a little bit is one of the criteria  
6 currently in existence is that the school must have a  
7 significantly higher free lunch percentage compared to the  
8 LEA, the district's percentage, and the current criteria  
9 defines that is two times as high.

10                   So if a school's -- if a school's free lunch  
11 percentage was 50 percent and the district's was 25 percent  
12 that would -- they would meet that criteria. That criteria  
13 is also measured on the October count in the preceding year  
14 of the allocation year. So 16-17 is the allocation year  
15 we, would look at the October count from 2015. Another  
16 criteria that we'll look at is that the -- the school must  
17 currently being -- be served using Part A funds. So for  
18 instance, schools being served in 15-16 would meet the  
19 criteria for 16-17. That's how that is measured.

20                   But currently since we go -- since we run  
21 through the eligibility criteria in the year -- in the year  
22 before the allocation, that's what that current means. So  
23 that in the 2016-17 pilot, again Hope Online was the only  
24 school that was eligible to participate using the 16-17  
25 established criteria and that the preliminary estimates



1 we're going to provide an additional \$722,000 of funding  
2 that went to Douglas County and then Douglas County would  
3 need to go through a rank order of their schools on how  
4 they were going to serve the schools with highest poverty  
5 in -- in their district. The allocations will be adjusted  
6 to the final amounts based on the final information from  
7 USDE. I understand that we're currently in that process  
8 right now of updating those final allocations.

9                   So a question for the State Board is should  
10 the criteria remain the same or if it would -- were to be  
11 revised, what are the implications? Number one, what would  
12 the implications be for change in the free lunch percentage  
13 to less than the twice as high criteria and also  
14 potentially change in the criteria that the school needed  
15 to be served in the year preceding that allocation year?  
16 So again the allocation year is 16-17, we ask were this --  
17 was the school served in 15-16 for that -- for them to meet  
18 that criteria?

19                   So option number one is we were looking at  
20 the free lunch criteria. Should it be twice as high as the  
21 district's free lunch percentage? One option that the  
22 Board could consider is reducing that to just state that  
23 the school's free lunch percentage must be higher than the  
24 district's free lunch percentage or you could put in some  
25 percentage, 10 percent higher, 20 percent, eliminate the --



1 eliminate that criteria. We wouldn't necessarily recommend  
2 that based on how the funds flow but this is one of the  
3 options. And then again the year if measurement is that  
4 free lunch percentage of the year preceding the allocation  
5 here.

6                   Option number two that we -- we wanted to  
7 look at is the year the Title I school being served  
8 criteria. So potentially, well right now the criteria  
9 states that the school must have been served in order to  
10 participate in that -- in that next year's allocation. So  
11 served in 15-16 would make them eligible to participate  
12 potentially if they met all the other criteria in 16-17.  
13 So one thought would be that we could change this criteria  
14 to state that they either must have been served or the  
15 school must have been in existence utilizing that same  
16 school code for the two years preceding the allocation  
17 year. So for example, if the school operated in 14-15 and  
18 15-16 but maybe it didn't serve the Title I school then  
19 they would meet that eligibility criteria or they could  
20 have been in operation for one year and then served Title I  
21 funds and they would also meet that criteria.

22                   MS. SCHROEDER: Can I ask a question?

23                   CHAIRMAN DURHAM: Yes. Dr. Schroeder.

24                   MS. SCHROEDER: I'd -- I'd be grateful if  
25 you'd -- if you'd clarify that for me.



1 MS. EMM: If you haven't been eligible for  
2 this allocation that we're talking about this specific one  
3 to have been served in that case would mean that the  
4 districts in -- the district in which the Multi-Online  
5 District is housed or are -- are --

6 MS. SCHROEDER: Authorized?

7 MS. EMM: Authorized. Thank you. They have  
8 Title I funds and they allocated a portion of those to that  
9 school, is that what you mean by served?

10 MS. SCHROEDER: I'm more confused about you  
11 haven't been eligible but you've been served -- you've been  
12 served but it's been a whole lot less than based on the  
13 number of kids you're -- you -- you are educating.

14 MS. EMM: Or -- or potentially the district  
15 received funds in 15-16 for Title I -- for Title I funds  
16 and for whatever reason they chose not to have served that  
17 particular school for their whatever reason.

18 MS. SCHROEDER: Thank you.

19 UNIDENTIFIED VOICE: What if the school was  
20 operating for two years?

21 MS. EMM: Yes. Yes.

22 MS. FLORES: Right.

23 CHAIRMAN DURHAM: Dr. Flores?

24 MS. FLORES: Yeah. Why would a school,  
25 that's online get twice as much as any other school?



1 CHAIRMAN DURHAM: I don't think they do.

2 UNIDENTIFIED VOICE: They're not.

3 MS. EMM: Correct. Mr. Chair. The school  
4 would not necessarily receive twice as much funds as the  
5 other schools. Currently the eligibility criteria states  
6 that if the school's free lunch percentage is twice as high  
7 as the district, then they meet that eligibility criteria  
8 to participate in the pilot. I think --

9 MS. FLORES: So kids wouldn't go hungry on  
10 this?

11 MS. EMM: No.

12 MS. FLORES: If they needed it they get it?

13 MS. EMM: If -- if -- if the Multi-District  
14 Online School met all of the eligibility criteria to  
15 participate in the program, then the district would receive  
16 the Title I funds, and then the district would go through a  
17 -- their typical ranking order process and that Multi-  
18 District Online School would potentially be eligible.  
19 Well, they would be eligible to receive funds from the  
20 districts.

21 MS. FLORES: Okay. Thank you.

22 MS. EMM: Okay. So the last slide here just  
23 to kind of look at the potential implications, the State  
24 Board could -- you have choices obviously. You could apply  
25 any of the revised criteria to the pilot and allocations



1 for this current year, and we would need, if you selected  
2 to choose only change in the free lunch criteria, there  
3 would be no additional schools in 2016-17. If you did both  
4 the free lunch criteria, and expanded the -- the served  
5 criteria then, Elevate Academy and buyers would become  
6 eligible to participate in the program, and there would be  
7 some adjustments to district allocations which would  
8 decrease their funding and buyers would increase. The  
9 amount of funding is -- is ranges from 136,000 at Aurora to  
10 very minor amounts to very, very tiny amounts in other  
11 districts.

12 We did contact the districts that could  
13 potentially be impacted with the larger dollar amounts, and  
14 there was not significant heartburn over making this  
15 adjustment to this current year. In addition, you could  
16 choose to apply any of the revised criteria to the pilot  
17 program going into 17-18. And again, you could change  
18 either the free lunch or the served criteria or both. And  
19 one thing that I also want to point out is that we are  
20 looking at the implications for rolling this out state wide  
21 under ESSA and potentially being able to not have this be a  
22 pilot program anymore and it would be a state wide roll  
23 out. We're hopeful that we can build this and because it's  
24 something that needs to be dealt with on a state wide  
25 basis. So with that, I'd entertain any questions.



1 CHAIRMAN DURHAM: Questions from Members of  
2 the Board? Yes, Dr. Schroeder?

3 MS. SCHROEDER: How many Multi-District  
4 Online Schools do we have?

5 UNIDENTIFIED VOICE: We have, I believe, 30?

6 UNIDENTIFIED VOICE: Between 20 and 30  
7 maybe. I -- I don't know about.

8 UNIDENTIFIED VOICE: Okay. Thank you,  
9 Eliza. We will find out.

10 MS. SCHROEDER: And do they all serve Title  
11 I kids? Do you know?

12 UNIDENTIFIED VOICE: There are -- there will  
13 be students that are considered at risk at each one of the  
14 online schools. But some of the online schools do not have  
15 significant numbers of at risk students.

16 MS. SCHROEDER: That's right. They had to  
17 have at least 10. Is that right?

18 MS. EMM: There had to have been 10 -- 10  
19 students that were residing outside of the district. So  
20 that was one of the criteria.

21 MS. SCHROEDER: I think I'm trying to get my  
22 -- wrap my hands around how complex this is going to get,  
23 or is there a computer algorithm that you're gonna be able  
24 to develop so this is -- you just pop in the numbers and  
25 it's gonna spit out you allocation.



1 UNIDENTIFIED VOICE: Manually by hand.

2 MS. SCHROEDER: No, that's not what I said.

3 UNIDENTIFIED VOICE: But it will, it would  
4 be, you know, to Leanne's point, I think it would be fair  
5 if we were to implement this statewide as opposed to  
6 district.

7 MS. SCHROEDER: I -- I am in complete  
8 agreement with that.

9 UNIDENTIFIED VOICE: So it's worth the extra  
10 effort.

11 MS. SCHROEDER: It would be fair. Is there  
12 a way to develop a program?

13 MS. EMM: So currently the way we're doing  
14 it right now for individual schools through the pilot  
15 program, if we were to roll the pilot out the way --

16 MS. SCHROEDER: Now were just doing it for  
17 one's.

18 MS. EMM: We're doing it for one school,  
19 HOPE right now.

20 MS. SCHROEDER: Right.

21 MS. EMM: This would take it to two schools  
22 and it is -- it's going through many iterations of  
23 allocations in order to spit out the final number. But we  
24 do believe that if we did it on a statewide basis, similar  
25 to how we're doing CSI, that we could --





1 MS. SCHROEDER: That's right. We are  
2 already given. Okay.

3 UNIDENTIFIED VOICE: And foresee a  
4 (inaudible) school for the deaf and the blind also.

5 MS. EMM: Right.

6 MS. SCHROEDER: Okay. So we have a  
7 precedent for this. We know the math. So we probably  
8 could develop something that makes this less cumbersome  
9 than doing it by hand.

10 MS. EMM: Yes.

11 MS. SCHROEDER: 178 districts is kind of --

12 MS. EMM: It's right, And if were -- if  
13 we're looking at doing it for 30 Multi-District Online  
14 Schools, to 37, the way we're doing it now we're just -- I  
15 think my grants fiscal staff would probably quit.

16 MS. SCHROEDER: Right.

17 MS. EMM: But if we -- if we do it on a  
18 statewide basis, we believe that we can get there.

19 MS. SCHROEDER: Get there. Okay.

20 MS. EMM: Yeah. And I -- I would also not  
21 recommending doing that on a statewide basis this year. I  
22 think we're too late in the year to do that. I think we  
23 can handle revising the pilot criteria, we know we can  
24 handle that. But doing it statewide this late in the year  
25 without necessarily having final blessing from USDE to do



1 it statewide, I would be a little nervous to do that this  
2 year.

3 MS. SCHROEDER: What we're going to be  
4 voting on is that going to go for this year?

5 UNIDENTIFIED VOICE: I think that's one of  
6 the decisions that you need to make to implement for  
7 Elevate in 16-17 or 17-18.

8 MS. SCHROEDER: This is 16-17 isn't it?

9 UNIDENTIFIED VOICE: Yeah.

10 MS. SCHROEDER: I lost a few months sorry.  
11 I can't remember that's already -- we're already in that  
12 year I'm still in 15-16 but my apologies. Thank you.

13 CHAIRMAN DURHAM: Okay. Further questions?  
14 Seeing no further questions is there a motion Ms. Rankin?

15 MS. RANKIN: I move to amend the eligibility  
16 criteria for participation in the multi district online  
17 pilot program as follows: The Multi-District Online  
18 School must have a free lunch percentage higher than the  
19 free lunch percentage for the schools authorizing district  
20 as reported in the October pupil count in the preceding  
21 school fiscal year. The multi district online school must  
22 have been served with Title I funds in the preceding year  
23 or must have been in existence utilizing the same school  
24 code for the two previous school fiscal years. All other  
25 criteria would remain the same as those adopted by the



1 Board previously for the Title I multi district online  
2 pilot. And I move that the fiscal year 2016-17 Title I  
3 district allocations be adjusted to provide funding for  
4 those Multi-District Online Schools who are eligible under  
5 the amended criteria.

6 CHAIRMAN DURHAM: Is there second to that  
7 motion? Yes. Dr. Schroeder, second to that motion.  
8 Further discussion of that motion? Seeing none, Ms.  
9 Cordial, could you please call the roll?

10 MS. CORDIAL: Board Member Flores?

11 MS. FLORES: Aye.

12 MS. CORDIAL: Board Member Goff?

13 MS. GOFF: Aye.

14 MS. CORDIAL: Board Member Mazanec?

15 MS. MAZANEC: Aye.

16 MS. CORDIAL: Board Member Rankin?

17 MS. RANKIN: Aye.

18 MS. CORDIAL: Board Member Scheffel.

19 MS. SCHEFFEL: Yes.

20 MS. CORDIAL: Board Member Schroeder?

21 MS. SCHROEDER: Yes.

22 MS. CORDIAL: And Chairman Durham?

23 CHAIRMAN DURHAM: Yes. The motion is  
24 adopted by a vote of seven to nothing. Thank you very  
25 much for your presentation.



1 UNIDENTIFIED VOICE: Excuse me.

2 CHAIRMAN DURHAM: Yes?

3 UNIDENTIFIED VOICE: So I have a question.

4 So if we we're gonna expand this statewide, that's  
5 something we're going to do later?

6 CHAIRMAN DURHAM: In the ESSA. Hopefully in  
7 the ESSA, in the plan.

8 UNIDENTIFIED VOICE: In the plan? Thank  
9 you. I just want to clarify that.

10 UNIDENTIFIED VOICE: (Inaudible).

11 CHAIRMAN DURHAM: Okay. All right. Item  
12 18.01. Commissioner, would you like to introduce 18.01, I  
13 hope that's on your -- please?

14 MS. ANTHES: Thank you, Mr. Chair. This is  
15 going back to the administrative procedures for the State  
16 Board accountability actions. This is an action item today  
17 and I will turn it over to Alyssa Pearson and Brenda Bausch  
18 to walk us through.

19 MS. PEARSON: Good afternoon everyone.  
20 Thank you again, for your time today. So what we wanted to  
21 do today is we've revised the administrative procedures for  
22 the potential hearings for the accountability clock at year  
23 five. Based on the information and feedback we got from  
24 you at the study session, so wanna walk through those  
25 revisions with you and then hopefully have a vote. So



1 we'll walk through the revisions that we've made to those  
2 procedures based on the feedback we've gotten, and then  
3 have a vote with you all if you feel ready to vote on that  
4 today. Okay?

5 UNIDENTIFIED VOICE: Okay.

6 MS. PEARSON: And then if you have  
7 additional questions about other related things, we can  
8 have that conversation too. I'm gonna turn it over to  
9 Brenda to really talk through process and where the  
10 revisions are.

11 MS. BAUSCH: Okay. Thank you, Alyssa.  
12 Thank you, Mr. Chair. This is just a brief overview of the  
13 process that we did discuss the last meeting, both had the  
14 study session -- had the study session September 26 and at  
15 the last official word meeting, regularly scheduled  
16 meeting. As we envision the process occurring, the  
17 Commissioner's recommendation will come forward to the  
18 State Board prior to a accountability hearing where the  
19 district and the local Board will be invited to come to a  
20 hearing where they would present their proposed action or  
21 pathway. The Commissioner's recommendation would be  
22 considered at that time as well as the state review panel's  
23 recommendation. Then, at another meeting, is when the vote  
24 would actually occur on the action.



1                   So the process that this flowchart  
2 demonstrates is what's written up in the administrative  
3 procedures. Based on the feedback that we heard from you  
4 at the special session on September 26, we made a few  
5 edits. The edits were to the time allocated to each party  
6 at the hearing. So we have written into this draft that is  
7 before you now, that the district will have the opportunity  
8 to present for 30 minutes. The department will present the  
9 Commissioner's recommendation for up to 30 minutes. And  
10 there will be up to two hours for the State Board members  
11 to engage in questions and discussion with the department  
12 in the districts. So it could be a potential for up to  
13 three hours for the hearing.

14                   MS. PEARSON: I know earlier, you all are  
15 trying to do the math out of how long this could be and how  
16 much time it would take, based on the preliminary readings,  
17 and again this could change but in the preliminary ratings,  
18 it looks like we may need to have 11 presentations. That's  
19 unique districts with schools or districts on their own.  
20 So there's 15 schools that might be entering this place  
21 after request to reconsider issue that could be less and  
22 five districts. But if you look at the districts, some  
23 districts have schools so it would be up to 11. So 33  
24 hours there or less. So just wanted to just kind of frame  
25 that for you all.



1 UNIDENTIFIED VOICE: Short week.

2 UNIDENTIFIED VOICE: That's a short week.

3 UNIDENTIFIED VOICE: Well, that assumes that  
4 we're really gonna discuss for two hours.

5 MS. PEARSON: I think -- I think what we  
6 were saying was that we didn't want to be constrained.  
7 Sometimes it might be pretty easy, an hour or less, and  
8 sometimes we may have some very differing opinions and that  
9 might be really helpful for us to explain ourselves and  
10 that actually does take a while times seven.

11 MS. BAUSCH: Yes, so that's written in there  
12 as upper limits. So could be shorter.

13 MS. PEARSON: Right. It could be shorter  
14 than that.

15 MS. BAUSCH: At the conclusion of the  
16 hearing, the State Board could ask for proposed written  
17 determinations from the district and or the department.  
18 These would be the formal written determinations you would  
19 vote at and a subsequent -- subsequent meeting. So it  
20 wouldn't -- the first draft had it written where it had to  
21 be the next regularly scheduled meeting. But if there was  
22 a case where perhaps we needed to step back and take  
23 another look at the recommendations or just to consider a  
24 different pathway or action that it might take longer than



1 a month, it could be -- it could, for example, skip a  
2 meeting.

3                   So if they come forward first in February,  
4 maybe you don't come back for -- we don't come back for a  
5 vote until April. So it could -- that just as a potential  
6 scenario under this -- the new revised version. You could  
7 still schedule it for the next regularly scheduled meeting.  
8 And of course, you can call a special meeting at any time  
9 for any of these here. And this -- we did not make any  
10 changes to this section that following the adoption of the  
11 written final determination. There will be an agreement  
12 that the district will enter into with the State Board and  
13 with the department, so that they agree to implement the  
14 pathway.

15                   UNIDENTIFIED VOICE: So allow me to ask to  
16 kind of think out loud here. The reason we need to give  
17 districts some time. I'm gonna use the example that the  
18 trial balloon that we had the last time where we had a  
19 district that really didn't want to have a management, and  
20 we convinced them that we thought that would be helpful.  
21 We would then need to give them time to probably interview  
22 different organizations to figure out which group of folks  
23 would be a fit for them to work together with, and that  
24 that's one of the reasons we have the extra pieces of time.  
25 Because I think the Chair is correct that we don't want to





1 be waiting. Have -- have lots of time between the  
2 presentation and the decision so that we're lobbied  
3 endlessly, and that's not really the purpose of the extra  
4 time. It's more to give the district time in order to look  
5 at some of the options that are being suggested and figure  
6 out what works best for them and come back to us. Does  
7 that -- does that kind of -- do you think that was our  
8 thinking in the last time?

9 MS. SCHROEDER: Sorry about that.

10 UNIDENTIFIED VOICE: I -- my (inaudible).  
11 So my understanding was that it was to allow for perhaps a  
12 full revision of a recommendation. So, if we came to the  
13 hearing with our recommendations management, but we really  
14 felt that maybe innovation or charter were better. We  
15 needed to take time to step back and do a re-review of all  
16 the evidence and write up a new recommendation to come  
17 back. I think some of the implementation pieces like  
18 issuing an R5 for management partners or a call for new  
19 schools. I think some of that can happen regardless of  
20 when votes occurred.

21 MS. SCHROEDER: That could be subsequent.

22 UNIDENTIFIED VOICE: That could be  
23 subsequent, yeah. Or it could be concurrent.



1 MS. SCHROEDER: But reaching some agreement  
2 and some comfort level for all the parties might take some  
3 extra time. And that's why we're putting that in there.

4 UNIDENTIFIED VOICE: I think it was -- if  
5 you all really thought -- had an idea that wasn't on the  
6 table already and really wanted another pathway explored  
7 that wasn't explored and he wanted us to take some time to  
8 do that. But that was what that was, more about. That was  
9 my understanding.

10 UNIDENTIFIED VOICE: Right. But that makes  
11 sense from the district's side too, to have them have time  
12 to figure out what that would look like.

13 MS. SCHROEDER: Thank you.

14 CHAIRMAN DURHAM: Yes. Ms. Rankin.

15 MS. RANKIN: On that second part, CDE will  
16 monitor implementation until the school moves off the  
17 accountability clock like add in an item or I mean after  
18 they could have been priority improvement and then, you  
19 know, went down. Are you gonna keep us abreast as to how  
20 it's going? I don't know what we would do but I think we  
21 should try something else after a certain amount of time  
22 passes because I think we should do that. But have we  
23 considered that?

24 UNIDENTIFIED VOICE: Yes. As the  
25 administered procedures are written right now, it has this



1 section and that is broad enough to allow for a variety of  
2 different options of the actor for us to progress monitor.  
3 So the intention is that we will absolutely be monitoring  
4 the progress that these districts will continue to receive  
5 support from their turnaround support managers here at the  
6 department, and that we could come back to you with at  
7 least an annual re-review if they were to remain on the  
8 clock. And then it would be within your discretion what  
9 happens at that time since the -- the statute is currently  
10 silent on what happens beyond then at the five year clock.

11 MS. RANKIN: Yes. Yes

12 UNIDENTIFIED VOICE: That was our current --  
13 was our current thinking. We clearly need to develop out  
14 that some more. We will do that.

15 MS. RANKIN: That's good.

16 MS. SCHROEDER: Okay.

17 MS. BAUSCH: The last section which on your  
18 administered procedures is -- is part B this, so far I've  
19 only gone over the part A of the administered procedures.  
20 The second part is around the hearings per districts that  
21 would appeal a recommendation of accreditation removal and  
22 as a reminder this is reflective of what's already  
23 currently in rule. So the administrative procedures  
24 largely just apply the hearing process to what's already in  
25 rule. So it gives that same time limits. If there were



1 that case to come forward which would be a formal appeal of  
2 accreditation removal, then it would have -- it would  
3 follow a similar structure that already has rules outlined  
4 for that, makes sense. So we didn't -- we didn't change  
5 anything since the study session on that part of the  
6 procedures. Are there any additional questions or concerns  
7 or comments around the procedures?

8 MS. SCHROEDER: So you changed the -- the  
9 draft right? I did not go back cause I didn't realize you  
10 probably had changes in this one.

11 MS. BAUSCH: We did and it was just the time  
12 limits and really that phrase around which is in blue  
13 there, that you would vote at a subsequent Board meeting to  
14 be scheduled by the Chair as opposed to it automatically  
15 being the next regularly scheduled meeting. That and the  
16 time limits were the only changes that were made.

17 CHAIRMAN DURHAM: Ms. Rankin, did you have a  
18 --

19 UNIDENTIFIED VOICE: She has a question.

20 CHAIRMAN DURHAM: Yes. Ms. Rankin.

21 MS. RANKIN: This is a naive question, but  
22 what if a school's accreditation is removed? What does  
23 that mean? What does it mean to the students? What does  
24 it mean to the school? What does it mean to the district?



1 MS. BAUSCH: That is a -- it's a very good  
2 question. So do you really wanna tackle it? I'm gonna  
3 turn this over to Alyssa.

4 MS. PEARSON: I'm looking at Julie. Well  
5 first we -- there's nothing in here about removing a  
6 school's accreditation. So you all, the conversation is  
7 really about a district's accreditation, that's your roles,  
8 the Commissioner's role, and then your role at the clock is  
9 around accrediting school districts. Districts accredit  
10 their schools. So, this doesn't touch the school  
11 accreditation. But in terms of the district accreditation,  
12 that's the big question that we've been working on and  
13 working with Julie and Tony with over the years about what  
14 those implications are. Now, Julie if you wanna weigh in  
15 being the most technically accurate on that than me.

16 MS. SCHROEDER: The dirty details.

17 MS. JULIE: Yeah. No. Thanks for that.  
18 It's -- it's a very odd ill defined in statute what it  
19 would mean for the students with -- with your particular  
20 question of like what does it mean? Now for, depending on  
21 one of the things we haven't looked at is NCAA rules for  
22 example, whether, we know our in-state institutions, higher  
23 institutions don't require the diploma to be from an  
24 accredited school. But what I don't know is what other  
25 jurisdictions might say about that or what the NCAA might



1 say about it. Probably the bigger thing and this isn't  
2 students specifically but that's -- would be a big deal  
3 following any removal of accreditation is it triggers by  
4 statute, the School District Reorganization Act which is a  
5 very costly and time intensive process for the school --  
6 for the district and the citizens of the district undergo.  
7 So, that's probably been the biggest beast on the horizon.

8 CHAIRMAN DURHAM: Ms. Mazanec (inaudible).

9 MS. JULIE: But it has nothing to do with  
10 funding. Removing the accreditation does nothing, has no  
11 effect on funding.

12 MS. SCHROEDER: That's right.

13 CHAIRMAN DURHAM: Dr. Flores.

14 MS. FLORES: But isn't it true that other  
15 universities and the student -- If the student went to  
16 another state, I -- I think that other states might not be  
17 as, you know, as reciprocal to allowing students that, you  
18 know, that come from a district that's not certified to be.  
19 And I don't know because I remember a bill that was before  
20 the state legislature last year. I don't know if that  
21 passed but that was the (inaudible) of the bill to allow  
22 students who came from a district that was not certified to  
23 go to any in-state and have in-state tuition and all that.



1 MS. SCHROEDER: I do remember. Thompson  
2 kids are accepted at higher institutions. There's not a --  
3 I'm not sure that's the most critical.

4 MS. FLORES: It is. I mean I've been on --  
5 on committees where, do you, you look, will you admit the  
6 student at universities, so that is important.

7 MS. SCHROEDER: But it isn't the  
8 accreditation, it's the transcript.

9 MS. FLORES: I'm sorry. It is whether they  
10 come from an accredited school. That is important to other  
11 states. Now I don't know if that bill passed last year  
12 because we, you know the Legislature was thinking about,  
13 you know, passing that if it came to that then students  
14 could go to our in-state schools. So -- and I know that  
15 for out-of-state, that's one of the critical things.  
16 That's why we have accreditation of schools.

17 CHAIRMAN DURHAM: Yes. Ms. Rankin.

18 MS. RANKIN: So let me see if I have this  
19 straight and I'm sure I don't, but a district can lose  
20 accreditation but a school cannot if we are looking at  
21 turnaround, correct? That's what we just said. So, we  
22 have to be looking at the district but I see some districts  
23 that could be on turnaround status let's say and half their  
24 schools are doing quite well. It's just the other half  
25 that are doing quite -- quite poorly. So if -- if the



1 district loses accreditation, that also affects the higher  
2 performing schools in that district. Is that correct?

3 MS. PEARSON: I think it would depend on how  
4 -- what the effect is, right? Like what -- what are we  
5 saying the impact is of accreditation or what the action is  
6 coming from the state Board. So I think when you're  
7 looking at pathway for a district that's on the clock that  
8 has some schools on and some schools aren't. And when we  
9 write a recommendation we're gonna look at that and make  
10 sure that the recommendation is tailored to where the needs  
11 are within the district.

12 MS. RANKIN: So it could in essence be the  
13 schools that are doing poorly get the same loss of  
14 accreditation that the district gets but the other schools  
15 do not? You can have, I'm confused.

16 MS. PEARSON: So we will never, we don't  
17 remove accreditation from schools. So that's all the  
18 district. That the district chooses not to accredit a  
19 school, that's the district's decision.

20 MS. RANKIN: So, the schools could all still  
21 be accredited?

22 MS. PEARSON: The schools could also be  
23 accredited. Yeah. I think this is another area that --





1 MS. SCHROEDER: Do we have an example of a  
2 district that removed a school's accreditation? That you  
3 can remember?

4 MS. PEARSON: I don't know of that but I do  
5 know there's districts that are clearly -- closing schools  
6 for a variety of reasons but some reasons because of  
7 performance. And I think that's probably what it looks  
8 like when you remove accreditation as you close the school.

9 MS. SCHROEDER: That's essentially the same  
10 thing. Thank you.

11 MS. BAUSCH: Or you don't reauthorize the  
12 charters or something like that.

13 MS. MAZANEC: One more question.

14 CHAIRMAN DURHAM: Yes, Ms. Mazanec?

15 MS. MAZANEC: Just to confirm though.

16 Removing the accreditation from a district would  
17 automatically trigger reorganization.

18 MS. BAUSCH: Yes.

19 MS. MAZANEC: Maybe we need a summary as  
20 soon as possible, it's not urgent, but as soon possible on  
21 what that means.

22 MS. FLORES: I -- I think that would be  
23 worth having available to all of us.

24 UNIDENTIFIED VOICE: (Inaudible).



1 MS. MAZANEC: What does that mean? If we're  
2 gonna consider that we need to know what it means.

3 MS. SCHROEDER: When they reorganize, don't  
4 they have to go to a statewide vote?

5 CHAIRMAN DURHAM: District-wise.

6 MS. JULIE: Yeah. I think it's district-  
7 wise, I couldn't remember as I sit here but it is a process  
8 right of a committee and a proposed reorganization plan and  
9 a public vote and we have had a statewide vote to go from  
10 176 districts to 178. I'm pretty sure that some time ago  
11 it maybe in something else. They spun off. Yeah it might  
12 be really helpful to look into that. Absolutely. It was  
13 not good and it passed but it required a lot of  
14 communication with the voters statewide as to why this was  
15 just fine.

16 CHAIRMAN DURHAM: Yes. Dr. Scheffel?

17 MS. SCHEFFEL: So we might have already  
18 addressed this but it seems to me if these schools have  
19 issues, long term, intractably flat, or diminishing data.  
20 Right? And the plan they put together with all kinds of  
21 input from commissioner's recommendation and so forth.  
22 Attempts to base a plan based on root causes. Why is this  
23 the case? And that plan gets implemented and then a number  
24 of actions could be taken. What happens when that plan  
25 gets put in place? CDE continues to monitor that school or



1 district based on what, so if they can get out of this  
2 bucket that they're in.

3                   Because it might be that somebody -- a  
4 district or schools put together a very elaborate plan  
5 based on as much information as they can possibly think of.  
6 And they put leadership, training in place, an embedded  
7 coaching and more progress monitoring, and a host of other  
8 things. And based on the best practices, there's nothing  
9 more anybody can think of. But it's not working at least  
10 initially, or it needs more time to work, otherwise where  
11 does that school end up once that plan gets put in place?  
12 Does that start the clock over? Do they have one year to  
13 kind of see if it moves the data at all? I mean, how do  
14 they get out of this situation?

15                   MS. BAUSCH: Yeah. So our goal would be to  
16 get them off them, the accountability clock by earning a  
17 plan type of improvement or higher as soon as possible.  
18 But we recognize that there may be time for that -- that  
19 plan or action to get implemented to have that effect on  
20 student data especially as measured by the state. So we --  
21 we would definitely take that into consideration and  
22 continue to monitor them. We would continue to assign a  
23 turnaround support manager to that district or school until  
24 they were off accountability clock. So they continue to  
25 receive support from CDE and we could come to you all on an



1 annual basis to re-review the case, to provide updates and  
2 it would be at your discretion to -- to take it from there.

3 MS. SCHEFFEL: So do they have to show,  
4 within the algorithm more growth and more static  
5 achievement for two years and then they are off or what is  
6 the timing?

7 MS. BAUSCH: There's no set timeline past  
8 the five year clock that's in statute. So it's in our  
9 frameworks released every year, so that every year is an  
10 opportunity for an annual checkup, to see how they moved on  
11 their data every year on the performance framework,  
12 supporting the student achievement into growth. And so we  
13 can use those indicators to see what progress they're  
14 making. In terms of certain pathways, some of the pathways  
15 would result in restart, I'm not saying restart the clock.  
16 But if you were to close the school, clearly you're closing  
17 that school as a pathway option, then that's no longer on  
18 the clock. Oftentimes opening a new charter school,  
19 converting a public school to a charter school results in a  
20 new school.

21 MS. SCHEFFEL: So that would start the clock  
22 over?

23 MS. BAUSCH: So that would they would have a  
24 new school code and a new, yes a new clock would start for  
25 them. So, it does depend on the pathway option too.



1 MS. SCHEFFEL: Do have any kind of a  
2 spreadsheet showing that? It's because certain actions  
3 have different implications as far as how they are able to  
4 --

5 MS. BAUSCH: That's correct.

6 MS. SCHEFFEL: -- begin again.

7 MS. SCHROEDER: Especially innovation, does  
8 that start you over?

9 MS. BAUSCH: No.

10 MS. SCHROEDER: Yeah. Probably helpful to -  
11 - to identify what starts you over and what does not.

12 MS. BAUSCH: I think that'll be very  
13 helpful. Yes we're happy to put that together.

14 UNIDENTIFIED VOICE: I do think that it  
15 would probably be at the Board's discretion to ask or to  
16 tell us what criteria you would like us to bring to you in  
17 terms of progress monitoring. Because as Brenda said we  
18 have that one year check which is based on the criteria  
19 that's in the performance frameworks already. But we know  
20 that districts have a lot of interim assessments and a lot  
21 of other school culture measures and other things and you  
22 could -- you could put that in your recommendation is my  
23 understanding. Alyssa or Julie or Brenda can correct me.

24 MS. BAUSCH: Yup. No, that's correct.



1 MS. SCHEFFEL: I mean, as I think about the  
2 domino effect this year, it's like 28 school or districts,  
3 am I right?

4 UNIDENTIFIED VOICE: We're still coming to  
5 conclusion on that.

6 MS. PEARSON: Yeah. It'll be less than  
7 that.

8 UNIDENTIFIED VOICE: And then the year in  
9 additional, next number of schools or district, I mean it  
10 sounds like.

11 MS. SCHROEDER: Some of them are getting  
12 off, not the ones that are at five but the ones that are at  
13 three and four are in a better situation. So it's -- it's  
14 hard to predict actually until we get the information for  
15 this year. I know in the past we looked at some districts  
16 and saw well, in a couple of years they're gonna be here as  
17 opposed to right now. But I think there's some progress in  
18 some of those situation.

19 MS. PEARSON: Absolutely.

20 CHAIRMAN DURHAM: Yes, Ms. Goff.

21 MS. GOFF: Thank you. There was a comment  
22 made recently by I think one of our public commenters  
23 through a letter. I'm not sure where it was. Who  
24 mentioned that -- that the hopes of coming off the clock  
25 were high, good and that -- that they weren't sure they



1 would need to present a pathway. So I'm curious as to  
2 what, how is that defined? What would not having a  
3 pathway, which is really the vocabulary we're using for all  
4 of these options. How does that work? Is that, am I  
5 correct in interpreting that? As this just means you have  
6 moved into improvement or better?

7 MS. PEARSON: Exactly.

8 MS. GOFF: So that there would be, there's  
9 no, I'm not gonna say there is no, but the district or the  
10 school sees no need to talk about. We need a full blown  
11 intervention plan. We need innovation plan. We need a  
12 full blown charter planning, outside management connection  
13 kind of thing. So I just wanna know what that means and  
14 what you might know of how that's being interpreted by the  
15 field. As to what that means and what -- how that might  
16 present another body of option in which we maybe should be  
17 concerned about setting criteria for, or your certain  
18 checklist of what does that have to be. I don't know.

19 MS. PEARSON: I think what that means if  
20 they have earned their way off the clock and into  
21 improvement of performance, that means that that's where  
22 your role is in a different, you have a different kind of  
23 responsibility. You don't have that responsibility of  
24 directing a pathway forward because they've earned off,  
25 they're not -- they haven't hit their five. District



1 clearly is still responsible for looking at performance for  
2 all students and encouraging continuous improvement and  
3 they still need to do a -- a unified improvement plan and  
4 look at how they're gonna get better overtime. But your  
5 role is not involved once they've run their way off the  
6 clock.

7 MS. GOFF: So I guess I have -- I have to  
8 process this a little bit.

9 MS. PEARSON: Yeah.

10 MS. GOFF: So that means that depending on  
11 if we recommend or to say you will, we look forward to you  
12 doing an innovation plan now, right? Versus if we say to  
13 district obviously you use a district, go forth, and do  
14 your best and good luck. If they choose no pathway, that  
15 takes us completely off the responsibility hook? For  
16 monitoring, for support? Frankly, does that -- does that  
17 relieve the department's responsibility to provide some  
18 support for them?

19 MS. PEARSON: Do you mean for the ones that  
20 are no longer priority improvement or turnaround?

21 MS. GOFF: Well, I maybe on, I don't wanna  
22 complicate today, I really don't. But at the point where a  
23 district says we think we can do this without a pathway.

24 MS. PEARSON: Even if they're still on the  
25 accountability clock?





1 MS. GOFF: Yeah. To me, if you are still on  
2 an improvement plan they're still on the clock, right?  
3 Because that's been their pathway or that's their chosen  
4 pathway. (Inaudible).

5 UNIDENTIFIED VOICE: Well, while they are  
6 moving toward it. Maybe it's been a week or so.

7 MS. PEARSON: Yeah.

8 MS. GOFF: So while they're trying to do.

9 MS. PEARSON: So if they've seen kind of an  
10 upward, I mean let me see if I got this right. If they've  
11 seen in like an upward trajectory, if they're making  
12 progress on the accountability clock, they haven't yet come  
13 off prior the improvement, stay they're still on. If they  
14 come to you and say, we don't think we need a pathway, we  
15 think we're gonna get there on our own. What is your role  
16 then? So if -- if -- if they're still officially prior the  
17 improvement they're still on the clock and you need to have  
18 a role. You all have flexibility when it comes to  
19 districts in terms of the action.

20 So there's the actions and law that gives  
21 you more flexibility so you could say, "Look you've been  
22 on, you've been doing this kind of work. It's showing  
23 results. We think if you continue to do X, Y, and Z  
24 because that's what you've been doing and leading to  
25 successful outcomes, that's what we want you to continue to



1 do." I think you all, Angela will correct me there, I  
2 think you all have the authority to do that. And then you  
3 can monitor them and see if it really does get them off and  
4 if it doesn't, we've got to figure out interpretation. But  
5 I think you could come back and say no, that wasn't enough.  
6 We need something else. But that -- that -- that's where  
7 the law is quiet about what happens later.

8 MS. GOFF: So in the -- in a year or so.  
9 Prior to them actually coming and moving into improvement.  
10 What is the department's, the Board's, anyone's, implied or  
11 otherwise obligation to them? So should CDE feel just as  
12 equally compelled to offer support as is happening now on  
13 the normal business or not? If a -- if a district says  
14 we're not, we're finding it unnecessary to choose a  
15 particular pathway, we're just gonna do this on our own,  
16 could -- can CDE just say, you know, be -- brace yourselves  
17 or (inaudible) forever.

18 The organization of service and support to  
19 CDE still have the option of being optional about that. So  
20 if CDE still wants to offer support, services, training,  
21 visits, we can do that, but is there the same kind of  
22 obligation to do that as there would be with another  
23 district that is on a monitored innovation or other kind of  
24 plan? It's really rhetorical. Like I'm sure it comes  
25 across that way, it's just all of this possibility of what



1 are -- what are people saying when they use certain words?  
2 That's always my first question. And then what -- what  
3 does this really mean down the road for everybody's  
4 obligations towards something? That's really what I'm --  
5 I'm struggling there.

6 CHAIRMAN DURHAM: Dr. Flores.

7 MS. FLORES: One of the things that I'm  
8 concerned about and -- and I -- I guess that last night  
9 looking at the report dealing with how much money Colorado  
10 provides per student, that was -- that was really stunning.  
11 Stunning and I mean my heart just kind of fell because if  
12 you're looking at \$2,700 less than other states around us,  
13 I mean Colorado is spending much less than other states  
14 around us. Couldn't a district just come back and say  
15 look, you took our accreditation away but the reason you -  
16 - you took our accreditation away is because we just don't  
17 have the money. We don't have the money that could support  
18 teaching a student well, and it could come to that. I mean  
19 I'm very concerned about that. What I'm -- I'm -- I'm  
20 looking straight at you and --.

21 MS. JULIE: You're looking at me and I'm  
22 thinking, I don't have an answer for that. But in a way  
23 that's what we've heard on the English Language Learner  
24 deal, right. Its districts are struggling.

25 MS. FLORES: That's right.



1 MS. JULIE: In that case because of a  
2 shortage of direct training and so they are looking to the  
3 department and saying help us do something.

4 MS. FLORES: Exactly.

5 MS. JULIE: But you know, in terms of school  
6 finance, I mean the formulas reasonably equalized through  
7 the state. So to say that the failures in a particular  
8 district or at a particular campus are just about  
9 disparities in funding, I don't -- would be born out by the  
10 -- by the facts or by the -- by the evidence. But the --  
11 the you know, the statutory model anticipates other kinds  
12 of remedies not just going to throw more money at it and  
13 for nobody reasonable believe this statute is not valid,  
14 so.

15 MS. FLORES: But we do have, and we are  
16 getting more students that are poor. And I mean it's --  
17 it's growing. And I have a feeling that because I guess  
18 the idea of Colorado being in such good shape economically  
19 that we may be getting you know, more people coming and  
20 looking for work. And it may be those individuals or those  
21 families who -- who really do need you know, or -- or who  
22 are below poverty levels and you know, and -- and that we  
23 may have a problem here. I guess it was just so stark.  
24 Maybe it was late last night when I looked at it and then  
25 it just, so that's a concern.



1                   CHAIRMAN DURHAM:  Anyone?  Okay.  Any other  
2  comments or questions on this.  Seeing none.  I do -- I do  
3  have, I'm sorry.  Could it be appropriate to, let's presume  
4  that the Board was in agreement on let's say the  
5  Commissioner's recommendations.  Is there any reason why  
6  that couldn't be acted on that same meeting and it would  
7  appear that this procedure precludes that?  Does that, do I  
8  understand the -- the writing of this correctly?

9                   MS. BAUSCH:  You do.  Yes, I think we would  
10 might want to add in a little bit of language to allow for  
11 that to happen.  I -- Julie, do you think there's any  
12 reason to not add such language?

13                  MS. JULIE:  Probably not.  But I'll tell you  
14 where that language the way it's written in there came  
15 from, because that was one of the, I mean they did such a  
16 thorough detailed job on these things I didn't contribute  
17 much, but the piece that you're asking about I did.  The  
18 issue is that if we were in a situation where we were going  
19 to wind up in a judicial review and litigation over this,  
20 there'd be some specific findings that you all would have  
21 to make.  You know, we would have to outline it, sort of  
22 like the orders you adopt -- adopt in these licensing  
23 cases.  And that's why I said well we could have the  
24 parties submit proposed, you know, findings and conclusions  
25 sort of proposed orders and the Board could adopt it next



1 meeting. There's nothing magic about the delay other than  
2 that we would need to be sure that whatever you all adopt  
3 is -- is documented in such a way that it demonstrates the  
4 statutory compliance.

5                   CHAIRMAN DURHAM: That's good reason. With,  
6 in this month long period then I would guess if that's  
7 whether really the point of which the ex parte  
8 communication rules would be at their (inaudible) and that  
9 the districts couldn't contact us so we shouldn't receive  
10 any information. We shouldn't discuss it with any people  
11 during that month, because you clearly in a deliberative  
12 mode and any evidence provided after the hearing would be  
13 out of bounds. So it would be incumbent on us not to have  
14 conversations with the parties or with third parties that  
15 are substantive to the decision to be made. Is that  
16 correct?

17                   MS. JULIE: Mr. Chairman I would agree with  
18 that and one place no one compromise might be you could  
19 deliberate at the meeting at which you held the hearing and  
20 in terms of a general disposition you could get a -- a vote  
21 whether it's you know, public or private management in any  
22 of your charter or whatever it's gonna be. But that --

23                   CHAIRMAN DURHAM: Final vote.

24                   MS. JULIE: -- final vote and final order  
25 could, you know, you could direct frankly, you could direct



1 our office to prepare an order of memorializing the  
2 deliberations and it would be submitted for a vote at the  
3 next meeting.

4                   CHAIRMAN DURHAM: That would seem more  
5 likely to you if you're worried about having an  
6 appropriately written order with the necessary facts or  
7 findings to back up the order, then you'd want to have that  
8 deliberation prior to your drafting the order and prior to  
9 then the final vote. Right? Okay. Apparently not Ms.  
10 Goff.

11                   MS. GOFF: Well, along with that, and in  
12 reference to the thing I brought up earlier about the whole  
13 communications appropriately, is there anything whether  
14 it's in statute or -- or anywhere else that says, that  
15 includes a block of time when ex parte is in force, should  
16 be in force. Because it seems like from the time that  
17 these briefs were filed, the hearing is filed, the hearing  
18 dates are put forward. The briefs start coming in and the  
19 responses, all of that. It seems that -- that date to the  
20 conclusion of the final written agreement or whatever  
21 that's called final written agreement, right? It just  
22 seems like there should be a block of time in there when ex  
23 parte applies, across the Board, uniformly, all the way  
24 over. That's where my concern is, just how long into this  
25 and -- and beyond it should we be talking to the districts



1 that we represent? Which in my mind could create a  
2 possible situation for conflict of interest in other  
3 things, so.

4 MS. SCHEFFEL: I'm sort of, can I just, I'm  
5 assuming the ex parte doesn't really, time or time frame  
6 isn't really relevant to it for the most part. Usually ex  
7 parte just has to do with the relationship between parties,  
8 right?

9 UNIDENTIFIED VOICE: And yes you also, said  
10 that though when you get it I mean it's just, you know  
11 trying to find the right thing for me.

12 MS. SCHEFFEL: You know, where we find a  
13 timeline and say okay, now you need to stop talking to me.  
14 I'm not sure that the.

15 MS. FLORES: There will be a time in this  
16 process when you'll be functioning quite side judicially.  
17 You'll have two opposing sides and this end is coming for  
18 you and taking a position on this issue and submitting  
19 materials and for you to deliberate and decide. So once we  
20 get into that process, once hearings are set and got  
21 deadlines for written submissions. If you approach the  
22 best practice would be to say, that's coming to us for a  
23 hearing in two months or next month, but until we are  
24 postured that way and -- and if it'd be helpful, you know?  
25 We can send something out, even say folks I think you know,





1 we've hit the point at which, but best practice, prudent  
2 practices to tell folks you can't, we'll continue to  
3 engage.

4 UNIDENTIFIED VOICE: But they can contact us  
5 with letters that go to all of us, right? Ex parte just  
6 means we can't do the one on one, or can they not interact  
7 with the Board at all?

8 MS. FLORES: Well, if they -- if they set  
9 something in connection with the case it's sort of like  
10 people who write their unsolicited opinions to judge us and  
11 that happens, just be sure that it gets into the -- the  
12 file where we're maintaining the record of the proceeding,  
13 you know? And PS, these -- these extra materials came in  
14 randomly from the public to everybody.

15 UNIDENTIFIED SPEAKER: They should come  
16 through these?

17 MS. FLORES: And ideally come through these  
18 so yes.

19 MS. CORDIAL: Okay.

20 CHAIRMAN DURHAM: Well, then ideally we  
21 would not entertain that particular public comment on any  
22 of those things during our public comment period. We would  
23 try to stop that. All right. Any other further questions  
24 from the Board? Is there a motion?

25 MS. CORDIAL: Indeed.



1 CHAIRMAN DURHAM: Okay.

2 MS. CORDIAL: I move to approve the proposed  
3 administrative procedures for State Board Accountability  
4 actions which will be used to guide the Board and how it  
5 ministers, how it administers and conducts the  
6 accountability hearings for schools and districts at the  
7 end of the accountability clock.

8 CHAIRMAN DURHAM: Who is seconding that  
9 motion.

10 MS. FLORES: I second it.

11 CHAIRMAN DURHAM: Dr. Flores seconds the  
12 motion. Is there objection to the adoption of that motion?  
13 Seeing none, that motion is adopted by a vote of seven to  
14 nothing. Thank you very much. I think we're now ready for  
15 the final order of business which is public participation.  
16 Do we have anyone signed up, Ms. Cordial?

17 MS. CORDIAL: We do not.

18 CHAIRMAN DURHAM: We do not. Okay. Any  
19 other business coming before the Board? Hearing none, we  
20 will stand adjourned till 9:00 a.m. tomorrow morning.  
21 Thank you all very much.

22 MS. CORDIAL: Have a good trip.

23 CHAIRMAN DURHAM: Thank you.

24 MS. CORDIAL: We need this last information  
25 (inaudible).



---

1 MS. FLORES: So ESSA is tomorrow.

2 CHAIRMAN DURHAM: Getting behind the table.

3 MS. CORDIAL: A lot of pictures

4 MS. FLORES: Steve won't be here.

5 (Meeting adjourned)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

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

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

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

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public  
  
Verbatim Reporting & Transcription, LLC  
1322 Space Park Drive, Suite C165  
Houston, Texas 77058  
281.724.8600