



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
October 13, 2016, Part 2

BE IT REMEMBERED THAT on October 13, 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 UNIDENTIFIED VOICE: The Spoke Committees,
2 and there are multiple Spoke Committees that are going to
3 be working on this issue because obviously it crosses a
4 variety of areas. So the Spoke Committees will make the
5 recommendation to the Hub Committee. The Hub Committee, in
6 my understanding is we'll make the recommendation to you.
7 And so essentially, I think if this -- the Board has a
8 direction, you're gonna share that direction with us, and
9 we're going to move forward. If you don't have a direction
10 at this point in time, we're still gonna be having, and
11 engaging in those conversations because we know that that
12 is a decision point that we are obligated to provide to the
13 Hub, and the Hub is obligated to provide to you.

14 UNIDENTIFIED VOICE: Is it kind of circular?
15 But Steve, and I -- Steve, and I both agree that it would
16 be helpful to start thinking about this now, particularly
17 if there's some very strong feelings one way, or the other.
18 So there -- there's just some level of communication rather
19 than a surprise project.

20 UNIDENTIFIED VOICE: And I -- sorry.

21 UNIDENTIFIED VOICE: This choice amendment.

22 UNIDENTIFIED VOICE: I just have a quick
23 question, Dr. Scheffel brought up a few months ago, I'm a
24 little confused on, I thought kindergarteners had to take -
25 -



1 UNIDENTIFIED VOICE: They don't take the
2 PARCC.

3 UNIDENTIFIED VOICE: So the CMAS, PARCC ELA
4 assessments start in Grade three.

5 UNIDENTIFIED VOICE: So -- so when we talk
6 about grade, these three years, are we talking about
7 starting in third grade?

8 UNIDENTIFIED VOICE: Correct.

9 UNIDENTIFIED VOICE: Oh, okay. I'm sorry, I
10 missed that part of it.

11 UNIDENTIFIED VOICE: It's pretty easy to
12 confuse actually.

13 UNIDENTIFIED VOICE: I'm always confused.
14 I'm still confused on this.

15 UNIDENTIFIED VOICE: I don't think the READ
16 Act comes into our ESSA deliberations at all.

17 UNIDENTIFIED VOICE: READ Act is state
18 legislation.

19 UNIDENTIFIED VOICE: And isn't it true that
20 we'll be making -- you'd be doing this research, and coming
21 up with guidelines based on how students perform on the
22 Access, and some -- maybe some other test but at least that
23 test. Because we know that the readability on the park is
24 at a certain level. So they have to have the language
25 comprehension orally at that level at least at a threshold



1 level to feel like the results would be valid, or reliable.
2 Otherwise, then they probably should wait. So I mean I
3 think even though it sounds really complicated, there's
4 good data to drive, are you ready to at least gain some
5 benefit for teachers by taking the PARCC.

6 UNIDENTIFIED VOICE: So that's some
7 feedback. Obviously the guidelines, and all that sort of
8 stuff we'd love to hear about, and what the different
9 potential measures are whether it's just Access, or
10 somebody else has another brilliant idea. Thank you, and
11 safe travels.

12 UNIDENTIFIED VOICE: Thank you.

13 UNIDENTIFIED VOICE: Thank you Joyce. And
14 thank you for suggesting that was discussed today.

15 UNIDENTIFIED VOICE: Well, and which kind,
16 and bring back other things as we think of them. I don't
17 think Steve, and I were quite tuned into that. Oops,
18 sorry. Of how we could be effective coming, giving you
19 guys a report, and then I don't think we thought carefully
20 enough about our giving feedback, back to folks if in fact
21 we have some concerns. But let's make sure we do that. I
22 think it will be helpful to everybody, and I think it's a
23 respectful way to treat all these folks who are working
24 extremely hard. They've got meetings, they've given us
25 reports. The Colorado Education Community, and the broader



1 community is definitely stepping up to this. I was at a
2 meeting this morning where ESSA was also a topic, and they
3 are getting ready to host another listening tour come
4 January. So I think we have a lot of support even in the
5 business community for interaction, and feedback. Sorry
6 Patrick, go ahead.

7 MR. PATRICK: No problem. So next to on our
8 agenda is Coleen O'Neill, she might look a little familiar
9 to you. And then also with her is Jennifer Simmons, who's
10 our State Title 2 Coordinator, ESSA Title 2 Coordinator.
11 And they're gonna --

12 UNIDENTIFIED VOICE: So describe Title II to
13 those of us who don't walk around with this permanently
14 tattooed.

15 MR. PATRICK: It's a fairly large ES
16 Elementary, and Secondary Education Act Program for
17 Colorado, we receive around \$25 million annually. The
18 majority of that flows to school districts. The intent is
19 that it supports quality teachers, and principals, moves
20 them to effectiveness, and professional development
21 activities.

22 UNIDENTIFIED VOICE: Right. So it's not the
23 part the money -- it's not the part of the money that's for
24 the kids directly so much as it is for the districts to
25 support quality teaching.



1 MR. PATRICK: It supports teachers in their
2 efforts to increase their ability to provide effective
3 instruction to all students.

4 UNIDENTIFIED VOICE: Okay. And there is
5 going to be a test in February regarding Title I, Title II.
6 Right, Patrick?

7 MR. PATRICK: You got it.

8 UNIDENTIFIED VOICE: You're the only ones
9 who are gonna pass it?

10 MR. PATRICK: Yeah. Maybe a screener would
11 be helpful. So with no further ado, here's Coleen, and
12 Jennifer on Effective Instruction, and Leadership.

13 MS. O'NEILL: Good afternoon. I think we've
14 transitioned to afternoon outside of this morning. So we
15 do -- I'm gonna talk a couple of things, about a couple of
16 things on the process first, and then how we came to the --
17 some recommendations that we are talking a little bit about
18 with the ESSA Hub, and then we open it up for a lot of
19 feedback that we can take back to our Spoke Committee
20 tomorrow as well. So very first piece of this is in the
21 ESSA State Plan Development is really around how -- how did
22 we form this particular group, which I think is important.

23 So we are tasked with really again, the
24 educator kind of talent piece of ESSA, and I think it's
25 important to know that we're looking at provisions that



1 were formerly known, and I keep saying that it's like
2 Prince, the artist formerly known as Prince, but provisions
3 formerly known under title as highly qualified provisions
4 that were associated with No Child Left Behind. And so
5 we'll get a little bit more deeply into that. But as we
6 have our conversation today, I really wanna frame that
7 because I think it's really important that you understand
8 that there is a transition here between highly qualified,
9 which were the provisions under No Child Left Behind that
10 very clearly stated that all of our teachers had to
11 demonstrate content in field, or content expertise in some
12 way, or another, and not necessarily associated with a
13 license but content expertise were the highly qualified
14 provisions.

15 So what we'll be talking a little bit about
16 is the formerly known pieces of highly qualified. Our
17 Spoke Committee very specifically, I'll click through
18 really quickly because I think you understand the Hub, and
19 Spoke concept that was developed, so I'll go through it
20 very quickly. This Spoke actually is it consists of
21 multiple entities from the Colorado Education Association
22 to district level representation to teacher level
23 representation. This is not a Spoke Committee that was
24 already formed. It came together solely for the purpose of
25 reviewing the ESSA provisions that are in front of us for



1 effective leadership provisions associated with that. So
2 we have met, we started meeting at the beginning of August,
3 August 4th, to be exact. We've been able to have two large
4 group meetings, and then two working groups. So this
5 particular Spoke broke off into three -- three individual
6 working groups in order to kind of tackle the big questions
7 with regards to ESSA that we were working on. We have
8 another meeting tomorrow, and then another meeting
9 scheduled for November with some flexibility within that.

10 And again, this is a group from across the
11 State. We have a superintendent on board as well. And
12 they are all tasked with coming together, having the
13 conversation, and then going back to their constituents,
14 having the conversation with them, and then bringing it
15 back to the table. So I wanted to talk a little bit about
16 the outreach of this Spoke Committee too. With that, I
17 will go ahead, and get straight into what the effective
18 instruction, and leadership key points were with ESSA.

19 Again, keep in mind some -- a little bit of
20 a frame around the former provisions of Highly Qualified.
21 So under the Every Student Succeeds Act, we are tasked in
22 this Spoke very specifically, with some very clear
23 definitions around three items. Number one is experienced,
24 and inexperienced teachers. What is the Colorado
25 definition, or the recommendation for a definition around



1 what an experienced teacher is, and what an inexperienced
2 teacher is. In the next couple of slides, I'm gonna go
3 through exactly what kind of the recommendations have been
4 to this point. Some unintended consequences, unintended
5 consequences of that, and then I would like to open it up
6 for just conversation around what that means as the
7 recommendations so we can take it back to the Hub.

8 So experienced, inexperienced, the other one
9 that has been a little bit more controversial than any of
10 the other pieces have actually been in field, and out of
11 field. Again this is really the essence of highly
12 qualified that's transitioning over into ESSA. In field,
13 and out of field is very clearly identified as in public
14 reporting for the United States Department of Education.
15 It is very clearly says that we need to identify educators
16 who are not teaching in this subject area, or field for
17 which the teacher is certified, or licensed, that is a very
18 important direct quote from the ESSA Law. So when we
19 report, when we talk about in field, and out of field
20 teachers, we are very clearly talking about people who are
21 teaching in the subject, or a field in which the teacher is
22 not certified, or licensed. Okay.

23 So and we'll talk a little bit about what
24 licensing actually means as well for us. We are also
25 tasked with defining effective, and ineffective educators.



1 That one was a little bit easier for us to have a
2 conversation about because we have Senate Bill 191, and the
3 definition of effective educators. There are four other
4 items that this group is working on, and these are more --
5 these are not as clear definitions that we needed but these
6 are more regulatory in nature with regard to the supports
7 that the Colorado Department of Education offers, and that
8 is CDE was asked, or CDE identified use of Title I, and two
9 in support of districts to strengthen teachers.

10 This is really when we talked about the
11 title definition that Pat just talked about. It's really
12 about strengthening teachers, principals, and leaders, and
13 their ability to identify, and support students with
14 learning needs. So that's really about increasing our
15 educator's ability to meet student needs. It's also about
16 identifying the use of Title I, and Title II funds. I
17 switched those on the PowerPoint. I apologize.

18 Title I, and Title II funds in support of
19 districts. Again, really about educator talent, and the
20 support around that. And then CDE support of local
21 districts to implement the educator evaluation systems, and
22 the conversation again is around how does CDE provide those
23 supports. So those are the recommendations that this Spoke
24 is coming back with. Are they similar to the way that we
25 do it today, or is it a little bit different with some



1 nuances? And then the Spoke was also tasked with the
2 definition of Paraprofessional Standards, and the
3 demonstration of meeting those standards.

4 Today, you will not hear a lot about the
5 paraprofessional standards because this is something that
6 the Spoke is still really grappling with.
7 Paraprofessionals in the State of Colorado, there is no
8 licensing requirement for paraprofessionals. It has always
9 fallen underneath, not always, but since the early 2000,
10 it's fallen underneath No Child Left Behind, and the highly
11 qualified provisions that basically said that our
12 instructional paraprofessionals in our title schools needed
13 to demonstrate additional content knowledge by either
14 taking some college classes, and or passing the Work Keys
15 Assessment to be able to be in a title school. ESSA
16 basically has remanded all of those provisions including
17 the paraprofessionals, and the educators back to Colorado
18 State Law regarding teacher licensure.

19 Again, Colorado has no licensure
20 requirements. Other States do actually have licenses for
21 their paraprofessionals. Colorado does not. We have
22 relied solely on the essence of highly qualified for those
23 provisions. Today, you will not hear much about that
24 because this Spoke group is still grappling a little bit
25 with what does that mean as we go forward with this work



1 under ESSA. As it stands today, these are the
2 recommendations that the spoke is seeking feedback on with
3 regard to the critical questions that we just put in front
4 of you about inexperienced, effective, and out of field.
5 The recommendations today say that we would define
6 inexperienced as educators with a zero to two years of
7 teaching experience in any educational setting. As we look
8 at it today, or as we report it, it's really three years of
9 teaching experience which is our initial teacher license,
10 have it for three years. You need to take induction to be
11 able to move to a professional license. The course of the
12 conversation with zero to two has very much been focused on
13 there is a difference between inexperienced, or brand new
14 teachers to the profession, early career teachers, and
15 professional teachers who are a little bit more veteran,
16 who have professional licenses, who have been in the -- in
17 the teaching arena for a longer period of time. So right
18 now, the Spokes' recommendation going forward is we don't
19 think that -- that a zero to three, that a zero teacher
20 meaning, I'm brand new, and I'm two months into the school
21 year, is the same as a third year teacher that a zero to
22 two is more equitable, and then really talking about early
23 career teachers.

24 The support systems, and the mentoring, and
25 the systems within the educational setting are clearly very



1 different in our Spokes minds around zero to two, three to
2 five, which is the early career span, and then five, and
3 upwards trajectory for our veteran teachers. So as it
4 stands today, that is the recommendation as how we would
5 define it for Federal Reporting to the United States
6 Department of Education. And I think it's important to
7 note that this is about how are we reporting to the United
8 States Department of Education under the ESSA Law about
9 experienced, or inexperienced educators.

10 MS. SIMMONS: Can I add some additional?

11 MS. O'NEILL: Please.

12 MS. SIMMONS: So some additional context to
13 these terms that we're charged with defining, and how they
14 will be used specifically. These three here of
15 inexperience, and out of field, and ineffective are used to
16 meet the requirement that states, and allies ensure that
17 low income, and minority students specifically are not
18 taught at disproportionate rates by these teachers who meet
19 this definition of either inexperienced, or out of field,
20 or ineffective. So Coleen had mentioned earlier that we do
21 already have a requirement in the law to report teachers
22 who are teaching out of the field, or subject area in which
23 their license are endorsed.

24 This other term of out of field which sounds
25 very similar is used a little differently in ensuring that



1 equitable access to teachers. So this is where we get the
2 flexibility to define that differently if we wish, or to
3 use it the same way that it is for the reporting of
4 licensed, or endorsed in that subject area. So just some
5 context on how we would be using these terms once we define
6 them. I don't think we made it very clear in the slides.

7 UNIDENTIFIED VOICE: Okay. Thank you.
8 Perfect.

9 MS. O'NEILL: Okay. So with that context,
10 I'm gonna move on to the definition of in field, and again
11 the recommendation right now is the Spoke is seeking
12 feedback on. And I'm gonna go right back really quickly to
13 that reporting requirement that says that these individuals
14 as we define in field, it's about teachers not teaching in
15 the subject area for which the teacher is certified, or
16 licensed. Because of that statement, very clearly, and of
17 much debate within the Spoke about what this means.

18 Infield right now is the recommendation is that we define
19 infield as holding a license with an endorsement in the
20 subject area in which the teacher is assigned to teach.

21 So I always try to give my example of
22 Colleen O'Neill, the licensed and endorsed English teacher
23 teaching even one section of Math, I would be considered
24 out of field because I do not have an endorsement in Math.
25 Now, there are multiple pathways to seek an endorsement



1 including 24 credit hours by degree by content assessment
2 under Colorado State Statute as it stands today. So that
3 recommendation today is that we would define them as
4 individuals who are licensed, and endorsed. Dr. Scheffel?

5 MS. SCHEFFEL: Do you -- how does this
6 affect people that are coming into teaching as a second
7 career, and may have, other words, they will still be
8 viewed as inexperienced even though maybe they're an
9 engineer, and they've done a lot with Math, and they've,
10 they're alternatively licensed, or they're working on it,
11 or something, or they're working in a charter, and they
12 don't have to be licensed.

13 MS. O'NEILL: Thank you very much for the
14 question. There's -- there's, I think there's two
15 different answers to that. One is that it was defined for
16 inexperienced zero to two experienced teaching in any
17 educational setting. And we define that kind of broadly
18 for a reason because we do have many charter school
19 teachers that come to us that do not have a license, and or
20 some other form of educational experience. I think there's
21 more conversation to be had around that as well. But there
22 would be -- they would fall into that category of zero to
23 two. As it stands today, they also fall into that category
24 of inexperience. So it would be actually make it a little
25 bit smaller because now it's zero to three that they would



1 fall into the category. We would be making that category
2 just a smidge smaller with a zero to two.

3 UNIDENTIFIED VOICE: Oh I should --

4 UNIDENTIFIED VOICE: No. Nothing wrong. I
5 just want to add something to that, and that. So this
6 zero-two would be determined locally as the ALA makes the
7 decision as looking at this person's record how many years
8 of experience they really have, and what they choose to
9 count. So it's not tied to how long they've held the
10 license, we collect this data in the human resources
11 collection in the ALA, and puts it themselves, so they make
12 the decision of whether, or not they want to count years of
13 teaching in a private school. They could make that
14 decision or they could decide not to count those years. It
15 would be up to them.

16 MS. SCHROEDER: Go ahead.

17 UNIDENTIFIED VOICE: But what if they're
18 like an engineer, and they've worked in a corporation, and
19 they've done corporate training, or something, I suppose
20 you could count that is it -- but let's say they haven't.
21 I mean, are they still going to be put in a bucket of
22 inexperienced, is there a way to have a caveat saying, or I
23 don't know, professional experience. I mean, you know,
24 it's different if you're dealing somebody who's 20, and
25 they're -- haven't had that much life experience. Somebody



1 that's been in the military, and did a lot of things, and I
2 hate to see them dubbed inexperience.

3 UNIDENTIFIED VOICE: And I think -- thank
4 you for that comment. I think we need to take it back to
5 the Spoke, and have a conversation around that. I'll be
6 very honest in educator licensing. We do use that
7 experience, and especially for career, and technical
8 education expertise, and then adjunct, and or any of our
9 junior ROTC educators. We definitely use that. So I think
10 it's well worth the conversation to go back, and say "When
11 we say educational setting, how do we define that? And
12 there could be guidelines. We're not required to submit
13 that into the ESSA plan, exactly what those guidelines
14 could be."

15 But we can absolutely come back, and kind of
16 define that from the Colorado Department of Education
17 standpoint of "Hey by the way, when you determine, let's
18 say, at a local education level, here are some of the
19 guidelines that you can use to determine what an
20 educational setting truly is." We have the same experience
21 with actually our early childhood educators who are
22 teaching in preschools that they not have to have a license
23 but have had 15 years of teaching in a preschool setting.
24 So thank you.



1 MS. SCHROEDER: That doesn't mean they can't
2 teach. It's just a matter -- it's a matter of equity for
3 kids, so that poor children don't disproportionately have
4 inexperienced, ineffective, out of field teachers. It
5 doesn't say that they're not gonna be allowed to teach. I
6 sort of went down the wrong rabbit hole on that one from a
7 while too till I realized it was about balancing that out
8 among our students rather than saying "You can't, you can't
9 teach poor kids, or something like that."

10 UNIDENTIFIED VOICE: Thank you very much for
11 saying that because I think that brings us back to -- we
12 have that Hub. We had this conversation with the Hub. And
13 I think it's really important to distinguish between these
14 two things, and we have some incredibly talented team
15 members that are sitting behind me, Mary Bevans, and Dr.
16 Karen Martinez who also were at the Hub. And Mary pointed
17 out to that team that this is not about hiring. Nothing in
18 this work that the Spoke is doing is about who you can
19 hire. That is not the case at all.

20 So if I was the chief human resources
21 officer in Greeley again, I could hire an individual that
22 did not have an endorsements in math, I could do that.
23 This is about the reporting to the United States Department
24 of Education in order to ensure equitable access --
25 equitable access. Jennifer has it memorized better than I



1 do, and the exact quote about ensuring equitable access.
2 So I think really important to distinguish the two. So
3 thank you for bringing that up.

4 UNIDENTIFIED VOICE: I have the same
5 problem.

6 MS. MAZANEC: It's about reporting.

7 MS. SCHROEDER: Pam, go ahead. Sorry.

8 MS. MAZANEC: Thank you. Here's my concern.
9 I mean, I appreciate what you're saying. You're trying to
10 -- you're trying to make sure that we understand that this
11 doesn't mean we don't want teachers that don't have
12 licenses. But that is exactly what I'm concerned about
13 because if the DOA want -- the DOE wants to know how many
14 schools are not providing equitable access, if that is
15 being defined as not having infield teachers, I am
16 concerned about that. I think we have charter school -- we
17 have charter schools, we have rural, and small schools that
18 are really struggling to find teachers, and they do need to
19 hire that local pharmacist to teach the science class. And
20 for that school to then be put in the bucket of not
21 providing equitable access, I don't think that's -- I don't
22 think that's the road we want to go down. For instance,
23 you know charter school teachers, or they don't even have a
24 license, but maybe they have a bachelor's degree in
25 engineering.



1 MS. SCHROEDER: They're probably infield.
2 They're probably (inaudible)

3 MS. MAZANEC: I want to make sure that we
4 are going to build a definition that provides for that kind
5 of flexibility. Even though they don't have a license.

6 UNIDENTIFIED VOICE: Thank you.

7 MS. MAZANEC: That's -- that's my concern.

8 UNIDENTIFIED VOICE: Yes. And we definitely
9 hear that concern, and we're taking back to our Spoke
10 Committee on Friday sort of this topic again to kind of
11 explore an additional menu of options. Do we really want
12 to just have this one definition, do we want to have an
13 alternative definition in different context, or do we want
14 to give everyone the same menu of options similar to a
15 highly qualified offerer? I don't think we went down that
16 road in that direction when we first had this discussion
17 with them, and it's something that we still need to explore
18 with the Spoke Committee.

19 MS. SCHROEDER: Thank you. Joyce.

20 MS. RANKIN: So let me get this straight.
21 We have a requirement by the federal government through
22 ESSA to provide these labels. Is that correct?

23 UNIDENTIFIED VOICE: To provide the
24 reporting. Yes.



1 MS. MAZANEC: To provide the reporting of
2 labels for these teachers. Basically, that's the bottom
3 line. So even if we don't have that, does this only apply
4 to Title 1, Title 2 schools? Title 1, Title 2 teachers?
5 If it's a school that doesn't have those students, then
6 they don't get labeled. Is that correct? Is it just the
7 teachers in those specific situations that have the labels?

8 UNIDENTIFIED VOICE: So it's actually in any
9 district that accepts the funds.

10 MS. MAZANEC: Okay. So everybody gets the
11 label?

12 UNIDENTIFIED VOICE: Yes.

13 MS. SCHROEDER: I'm starting to get a handle
14 on this. I have to go back to what Board Member Mazanec
15 just said. I mean, the flexibility that we have already
16 built in -- in Colorado. I see maybe not right now, but it
17 looks like to use your words, that rabbit hole, and that is
18 very disturbing to me because of rural Colorado, and
19 because of what we are strapped, I mean, look at DPS, 900
20 teachers they have to hire. I can't imagine that. But out
21 in Dove Creek, one teacher, it's just a serious to get a
22 new teacher as it is for 900 here in DPS. So this is
23 extremely concerning to me at the rural, and charter school
24 level.



1 UNIDENTIFIED VOICE: Thank you. We've heard
2 that very clearly. We've had, we have a very clear 50/50
3 split on this one. I'll be very honest in the field in all
4 of that as a tour, and feedback that we've heard as well as
5 the multiple groups that we've gone to the kind of a 50/50
6 split. I do want to make note that when we talk about
7 licensing, it is alternative license pathways, and it is --
8 what you could have -- would consider more traditional four
9 year licensure pathways. And I think that has not been
10 incredibly clear to folks either. So there is still
11 absolutely a mechanism to bring individuals in through the
12 alternative license. Alternative licenses simply require
13 you to have a bachelor's degree, and then demonstrate a
14 content knowledge through 24 credit hours assessment, and
15 or degree. And so this does not prohibit again. It's not
16 a hiring requirement.

17 MS. MAZANEC: It's a labeling. It's a
18 labeling.

19 UNIDENTIFIED VOICE: So here is what I would
20 like to know. You say it's kind of a 50/50 split. The 50
21 percent who would like to define these teachers as out of
22 field, they think that makes sense to call all those
23 charter school teachers who don't have a license, and
24 although rural to rural, and, you know, that don't have a



1 license but are qualified to teach that subject. They are
2 okay with calling them out of a field.

3 UNIDENTIFIED VOICE: so yes, and no. I
4 mean, I will take it back to the Spoke, and listen more
5 clearly to what their description of it is. What they're
6 looking at it through is the equity lens. And again, is
7 everybody on the same playing field? So has the learning,
8 professional learning been the same for individuals coming
9 in with the pedagogy, and the content knowledge? And have
10 they been able to demonstrate the content knowledge needed
11 just for a little data purposes? We have approximately
12 4000 charter school educators. Of that, about a quarter of
13 them are licensed. Does that mean is the opposite way?
14 Thank you. Three quarters of them are like "Wait a minute,
15 that's not right." It's the opposite way.

16 About approximately three quarters are
17 actually license. So a lot of times we've been trying
18 really hard to get data in front of our Spoke as well. So
19 that there is not anomalies, or outliers that we are
20 targeting the general population of our educators, and then
21 what pathways do we have to bring educators in because we
22 definitely know that we, as we described this, and as this
23 focus have the conversation, the rural conversation in the
24 context has been predominant conversation definitely. So
25 we'll take that back.



1 MS. MAZANEC: So are you telling me though
2 that they're saying because there's three quarters of them
3 are already licensed? Are you telling me that the thinking
4 is well the quarter that isn't, they can go an alternative
5 route?

6 UNIDENTIFIED VOICE: Actually, would I -- I
7 think I did not clarify that well. I'm doing a really good
8 job today. I'm gonna take licensing off of the plate
9 because Colorado statute says that all educators will have
10 a license. So I'm gonna take licensing off of the plates
11 because that is what statute. So we function very clearly
12 under statute, provisions, and then if there's
13 recommendations, the waivers can come outside of that. And
14 so we pulled licensing out because we felt like the
15 conversation was more about should we be hiring license
16 teachers rather than endorsed, or content demonstrated
17 content teachers?

18 So I think there's -- there's a conundrum
19 associated with that is that we're requiring from statute
20 all educators to be licensed, which then requires them to
21 have an endorsement. So therefore, when we look at the
22 definition of not teaching in the subject, or field in
23 which the teacher is certified, or licensed, there is a
24 conundrum associated with that, and a real push pull
25 because then there's a waiver statute that says I can -- I



1 don't have to hire a licensed teacher. And there's
2 multiple pathways to bring them in under a license
3 including the alternative pathways. So I think the Spoke
4 has more to struggle with, and we'll take back that
5 conversation. And then of course the Hub has more to
6 struggle with, and our general population as we start to
7 define these, I think have more to struggle with. And the
8 recommendations that will come out.

9 MS. MAZANEC: So may I suggest another
10 scenario?

11 UNIDENTIFIED VOICE: Yes.

12 MS. MAZANEC: Small school district. Small
13 school districts has three high schoolers who want to take
14 calculus, and they take an online calculus course, and that
15 course is being taught by a not licensed, but experienced,
16 effective in content area teacher for that course. And
17 then there's also a teacher on site. How are we in -- you
18 know, what do we expect them from that onsite teacher, what
19 credentials does that individual have to have in order to
20 be mentoring, and helping the kids interacting with the
21 real online teacher? In other words, we are having, in my
22 opinion, we're having this conversation as though we are
23 continuing to teach the way we've always taught which is
24 that there's a teacher in the classroom. And yet we know
25 that even in large districts, we have different scenarios.



1 But certainly in our rural school districts,
2 I think we believe that we can give a very high quality
3 education to all our kids because we can personalize, we
4 can use online in the same way our teachers who need more
5 content, who are rural can pick it up online. In other
6 words, it's a different, and it should be a different
7 environment so that we really raise the opportunities for
8 kids.

9 And now we're trying to figure out well what
10 credential -- what kind of identify credentials do we want
11 to have? This is a bigger picture than ESSA. ESSA is
12 about equity, but we're not even -- I'm not that sure we're
13 really sure what are the -- what are the needs for the
14 people with a pulse who are with our kids in addition to
15 the highly qualified educators who are putting together
16 these -- some of these fantastic courses for kids that are
17 super engaging, and not (inaudible).

18 UNIDENTIFIED VOICE: So this actually, I
19 appreciate that you brought this up because this was
20 already coming up as we were continuing to enforce highly
21 qualified, because there would be questions from rural
22 districts as to essentially how to code these people in the
23 human resources collection, and -- and I think it is an
24 equity question because if you are giving those students
25 access to an experienced effective instructor, virtually



1 that isn't an employee of the district, we have no way of
2 showing that because we are only asking them to report to
3 us who the employees are.

4 State law would say that the person with the
5 poles in the room has to have a license, and that it
6 doesn't matter what their endorsement is, or anything like
7 that because I would tell them encoding them that they're
8 essentially a study hall teacher. They're not teaching
9 that calculus course. The person, you know, across the
10 state, or across the country is. But I think you're right.
11 I think we need to have a way of showing when districts are
12 getting creative about how to provide the equitable access,
13 and giving them access to experts in the content area, and
14 we don't currently have that. And I think that could be a
15 discussion --

16 MS. MAZANEC: Some of those -- some of those
17 folks are not really City Hall teachers. They are
18 definitely somewhere beyond there. This gets a little
19 simpler for elementary teachers but nevertheless, I think
20 we need to think differently, and where -- who's been
21 messing with this idea of how to -- how to identify, you
22 know, the right word is how to identify, classify these
23 folks.

24 UNIDENTIFIED VOICE: And I, we agree. And
25 we'll take it back to this folk have more conversation. I



1 think it is a larger conversation for sure about how -- how
2 are we looking at, for lack of a better term, highly
3 qualified educators. And what does that mean, and our
4 statutes. So I think there is a much larger conversation
5 just around educators, and educator pathways. And I think
6 -- I think Ms. Goff actually made a reference to this
7 earlier even about the Educator License Act 1991. So we
8 will put that on the table for another conversation.

9 MS. GOFF: Yes. We have to have a plan
10 focus.

11 MS. MAZANEC: I'd like to really -- I'd like
12 to really encourage flexibility for this flexible new ESSA.

13 UNIDENTIFIED VOICE: Yeah, yeah. I thank
14 you very much for definitely --

15 UNIDENTIFIED VOICE: Equity is maintained.
16 The problem with flexibility has been a lack of equity, and
17 we are trying to -- we're trying to look around that.

18 MS. SCHROEDER: Were there more comments
19 back here?

20 UNIDENTIFIED VOICE: Is it better to
21 entertain this concept of defining experience in field, and
22 effective, and then outside of those parameters by default
23 is inexperienced either ineffective as opposed to defining
24 it this way, inexperienced? Because it just seems too
25 black, and white. I mean somebody -- why -- why zero to



1 two years? Why not zero to one years, or zero to six
2 months. I mean, it seems it would be better to, if we're
3 gonna get the richness of what these words could mean.
4 Experience means this, or this, or this, or this, or two of
5 six things, or something. Is it too complicated?

6 UNIDENTIFIED VOICE: It is absolutely not.
7 It's absolutely not too complicated. We landed on this
8 because ESSA, in, and of itself, talks about the antithesis
9 instead of the other side. So we talk about it as
10 inexperienced, and effective, out of field, and it is
11 throughout the ESSA conversation as we actually have
12 conversations in our Spoke. We talk about it the opposite
13 direction, and then kind of go back, and define it. It was
14 -- it was part of the early career conversation as well.
15 Is it really about inexperienced, or is it early career?
16 Everyone starts a career somewhere, and we don't define
17 everybody as inexperienced. We define them as novice, or
18 beginning professionals, or something along that line. We
19 are stuck with the ESSA conversation around the verbiage
20 itself but not the concept at all. So -- so thank you.

21 UNIDENTIFIED VOICE: So maybe we could land
22 on what do we want to see for experienced, field effective
23 teachers, and then the converse of that by default is
24 someone who doesn't meet that threshold.



1 UNIDENTIFIED VOICE: Okay. We'll take that
2 one back to --

3 UNIDENTIFIED VOICE: That way, we could
4 build in flexibility because we could say there are five
5 different ways of showing experience.

6 MS. O'NEILL: Appreciate that. Thank you.
7 Okay.

8 MS. SCHROEDER: Thank you. Keep going.

9 MS. O'NEILL: Okay. I'm gonna drop to, very
10 quickly run over this, and hope that it works out. The --
11 in -- in the definition of effective is the standard
12 definition.

13 MS. SCHROEDER: We can make sure it doesn't.

14 MS. O'NEILL: As Senate -- as Senate Bill
15 191, I need -- I think I need the chocolate over here. I -
16 - I'm not sure. Okay.

17 MS. PAT: You want some?

18 MS. O'NEILL: Thanks Pat. I appreciate it.
19 Okay. I wanna set Thursday afternoon just to get a little
20 -- just at least it makes -- it just makes me feel better
21 to know that it's closer. Okay. So we have defined our
22 definition of effective, ineffective today as this
23 definition of Senate bill 191 of less than effective
24 educators. Outside of that I -- I want to be conscientious
25 of time. I would really like to be able to kind of skip a



1 little bit to our unintended, and intended consequences of
2 at least the three big things that we've talked about
3 because then I'd -- I'd really like to kind of wrap up
4 with, are there any other things that we really need to be
5 thinking about in more detail as we go forward with the
6 Spoke, and especially with our conversations tomorrow?

7 So some potential unintended consequences,
8 and I think you've already brought several of these up to be
9 perfectly honest about our infield educators is we have a
10 couple of questions around because we have a statute that
11 says all teachers will be licensed, all educators will be
12 licensed. That means our teachers, our special service
13 professionals, and our principals, it does not apply to our
14 superintendents. What do we do with the out of field? And
15 I think that was already brought up earlier, the out of
16 field with regard to the waivers of Charter Schools, and or
17 districts.

18 So something for us to grapple with
19 continuing. The discussion question that we really have is
20 should we be identifying a unique definition, or a waiver
21 for those individuals? So the question has come forward if
22 we define out of field, or infield as an endorsed licensed
23 educator, then should we also be going back, and saying
24 what does it mean when you have waived so that there are
25 not unintended consequences associated with the reporting?



1 Because remember again, this is not about hiring. I can
2 hire whomever I think is the best fit for my kids at the
3 local education agency level. This is about reporting so
4 that the question is if we were to define infield as
5 licensed, and endorsed, and we have -- we know for a fact
6 we have individuals that have waivers in which licensing
7 does not apply nor does endorsement apply, then is there
8 another way for us to report that so that there is not a
9 negative connotation associated with those individuals?

10 That is something that we're continuing to
11 grapple with, and quite honestly, we don't know what will
12 work for the United States Department of Education as we go
13 forward with that but that was part of the conversation,
14 and the discussion questions for the Spoke which would
15 honor a little bit of both of those sides. I think we have
16 more conversation that has come from the board at this
17 point as well. So I'm going to pause for just a second,
18 and get any reaction, or responses to that of can we define
19 it a little bit differently for two different groups?

20 MS. SCHROEDER: Joyce.

21 MS. RANKIN: Let me get one thing real
22 clear.

23 MS. O'NEILL: Sure.

24 MS. RANKIN: This infield, and out of field
25 are not our terms, those are the USDE terms right?



1 MS. O'NEILL: Those are the terms that are
2 used in ESSA. Yes.

3 MS. RANKIN: Okay. So are there other
4 States grappling with this that we could call, and say, how
5 are you handling this, and might that give us another --

6 MS. SCHROEDER: Give us the answer. Call on
7 the States they give us the answer?

8 MS. O'NEILL: We -- we -- we actually did.
9 I was hoping another State had already solved this for us.
10 The -- the difference is many other States already have
11 unlicensed in their Colorado Revised, not their Colorado
12 Revised Statute, so that would have solved the problem for
13 us. But in their statutes that it is actually licensed,
14 and endorsed, and it's a hiring qualification. So many
15 other States actually are not grappling with the same
16 conversation that we're having because they actually
17 already had it in law as ESSA remanded it back to the law.
18 We are grappling with it a little bit differently because
19 of that, and also some States do have waivers where there's
20 no licenses required, Utah is an example today, and there
21 are other States where there is absolutely no waiver
22 applicability at all nor Charter Schools, so South Dakota
23 has no Charter Schools. So it's -- it's a little bit all
24 over the map, and the continuum.



1 MS. RANKIN: But no -- there's no one that
2 has this.

3 MS. O'NEILL: Not --

4 MS. RANKIN: We're -- we're making this as
5 we do.

6 MS. O'NEILL: -- quite the nuances because
7 if they do not have it in their law, they don't have
8 waivers.

9 MS. RANKIN: I see. Okay

10 MS. O'NEILL: So you see that --

11 MS. RANKIN: -- that, yeah, it's a little
12 bit of a -- of a mixture. Thank you.

13 MS. O'NEILL: Okay.

14 MS. SCHEFFEL: But we don't have to define
15 infield as holding a license, and endorsement, right?

16 MS. RANKIN: We don't have to, we have to
17 report it as such. So this is the catch, and -- and this
18 is a -- a little bit of a new conversation, and that is the
19 problem right? So the phrase -- the phrase, go for it.

20 UNIDENTIFIED VOICE: So it -- this comes up
21 in -- in two different places in the law. So in one place
22 in the law it -- it requires States to report a -- a -- a
23 number of things about teacher qualifications, you know,
24 percent of teachers on emergency licensure, and then
25 there's one requirement of -- of reporting teachers who are



1 teaching out of the subject area in which they are
2 licensed, or certified as how it's worded. But then in the
3 other place in the law where it talks about equitable
4 access to teachers, it uses the term out of field when
5 we're talking about ensuring that low income, and minority
6 students are not taught at disproportionate rates by these
7 labeled teachers of ineffective, out of field,
8 inexperienced, and so that's where it's not -- so when it
9 talks about reporting the -- the percentage of -- of
10 teachers who are not licensed in their subject area, that's
11 very clear, and the way it's worded it has to be on
12 endorsements.

13 But then in this other place where it -- it
14 obligates States, and districts to ensure that equity is in
15 place, basically we have an opportunity to define it
16 differently, to maybe make it more flexible, to give that
17 menu of options, or we can be consistent, and just say it's
18 an endorsement. So far that's been the recommendation from
19 the Spoke Committee but I think all these additional
20 concerns that have been raised are ones that maybe they
21 haven't considered, and we wanna continue that conversation
22 with them.

23 MS. RANKIN: Because I think that just
24 historically when you look at an entity with as much
25 influence as the Federal government, you know that these --



1 these metrics though they may seem innocuous, and we're
2 just reporting turn into a ding, you know, like where
3 you've got x number of percent of teachers that are just
4 out of field, and they're not licensed. Well, so we want
5 to be able to say well, right if you define experience, and
6 infield merely as a license, but we have these other four
7 ways that we believe, I mean, you know, so we're trying to
8 accomplish equity but we're also trying to say a license
9 doesn't guarantee a person's grade of teaching, we know
10 that. And so to use that as a proxy I think puts us in
11 kind of a bad position because people may use it against
12 us. So I think we need to look down the road, and say how
13 might they use this metric if we just kind of fall into
14 that?

15 MS. O'NEILL: Agree, and -- and we have some
16 evidence that already speaks to that it's about the equity
17 gaps. So if they do define it then it is about
18 achievement, and the gaps in achievement. So if there is
19 low achievement, and we see that it's inexperienced,
20 ineffective, out of field that's where it becomes a -- a
21 little bit of a -- of a conversation. So I think it makes
22 sense to define differently.

23 MS. GOFF: Yeah. It seems like we could
24 meet their need to ensure equity while still meeting our
25 need to say these categories, we don't want them to define



1 what we're doing here if we can show experience, and
2 infield experience, and effectiveness.

3 MS. SCHROEDER: Yes Pam.

4 MS. MAZANEC: Remind me when the plan we'll
5 -- we'll have another opportunity to talk about this, or
6 several opportunities.

7 MS. SCHROEDER: Multiple.

8 MS. MAZANEC: Multiple?

9 UNIDENTIFIED VOICE: Multiple.

10 MS. SCHROEDER: We have a long ways to go
11 before the state --

12 MS. RANKIN: Are we thinking January?

13 MS. SCHROEDER: Are you guys going to give
14 up your holidays, and just right, right, right?

15 CHAIRMAN DURHAM: That's the way it's
16 shaping up.

17 MS. RANKIN: Jane just said, which year?

18 MS. O'NEILL: So I guess the discussions
19 I've heard, I guess it was at the Hub Committee meeting, is
20 that it's unlikely that we'll get an extension of time to
21 submit plans. There's just a possibility that they'll all
22 allow for a year for implementation, is that -- is that
23 what you're hearing also? I mean there were 20,000
24 responses to the rules.



1 CHAIRMAN DURHAM: Yeah. I think there's a
2 chance that what they'll say is we just need to submit
3 assurances by March -- by March, or July, and that we will
4 have additional time to submit our full blown plan, or that
5 they might break it up into parts that we need certain
6 parts by certain dates. But I do think that there is a
7 chance that -- that there will be a delay in what we need
8 to submit, and by when we need to submit it.

9 MS. SCHROEDER: But in the mid -- go ahead.

10 UNIDENTIFIED VOICE: That isn't fair so --

11 CHAIRMAN DURHAM: But we're still sort of
12 operating on the assumption that we need to submit.

13 MS. RANKIN: But we did hear from -- from --
14 Steve, our chair who said that he wanted it by March. So
15 that's kind --

16 MS. SCHROEDER: Well, that's a bit of
17 insurance, and -- and I -- I think that I find that very
18 reasonable that we should shoot for that. Yeah.

19 MS. O'NEILL: So we will definitely be back.
20 We will take this back to the Spoke, if we need to add
21 additional meetings we will be adding additional meetings.
22 We are slated to go back to the Hub as well, and I think
23 we're looking at potentially December to go back to the
24 Hub, and there was a lot of feedback, and we want folks to
25 be able to send this out to their constituency, I wanted --



1 we need to hear from the hiring managers, and from the
2 teachers, and from the Rural Alliance, and -- and from the
3 team members that are out in the field more aggressively.

4 MS. SCHROEDER: Joyce.

5 MS. RANKIN: I just have a quick question
6 are all of our districts Title I, or Title II, or
7 combinations, are there any that fit outside of this?

8 CHAIRMAN DURHAM: We have a couple that are
9 not Title I. I think all districts are now eligible for
10 Title I. We have one, or two that decline.

11 MS. RANKIN: Okay. So this is going to
12 affect.

13 MS. O'NEILL: It's really is everyone.

14 MS. RANKIN: I just wanted to double check.

15 MS. O'NEILL: It really is everyone. Okay.

16 MS. SCHROEDER: Jane.

17 MS. GOFF: I would -- I would suggest that
18 we be as clear as we can after each one of these Spoke
19 conversations, who this applies to because we have a -- we
20 have a huge Title I, Title II coming up for whatever the
21 newer one is titled conversations, and how they apply. But
22 I'm, you know in respect -- respectful of any clarifying
23 questions today from us too, does this apply teacher wise,
24 educator wise only to Title I, Title II schools statewide,
25 or otherwise, and or is this general teachers in this case,



1 or educator labels? Better word to use today than that. I
2 don't like it but that's the word. But -- but it is, and -
3 - and that's when I think it's going to be really
4 important, and maybe we all should make a point for every
5 conversation we start, not only these that are broadcast,
6 and recorded, and kept but in our -- in our communities,
7 and everywhere, you know, just a couple little high point,
8 talking point reminders that this work applies to all of
9 us, you know, we got public schools, and general, K-12, and
10 Charter, that includes our Charter Schools, you know, or --
11 or other entities, and particularly today -- today's point
12 is the teacher thing. We are talking about only Title I,
13 Title II, or are we, you know, we're -- we're on the big
14 broad level here with certain parts of these Spoke topics.
15 So I would appreciate that. Thank you for the work. I --
16 I did listen to the entire Hub Committee meeting the other
17 day, and appreciate all of your inputs, and the
18 conversations are really, really good.

19 MS. SCHROEDER: Colleen could you flip to
20 the next -- to the next one because I think that's -- this
21 is -- this is what we should be thinking about, right?

22 MS. O'NEILL: Yes. This is -- this is why
23 we've asked the Hub, and -- and you all to think about.

24 MS. SCHROEDER: As you're sitting about over
25 the weekend pondering of what to think about, bring --



1 aren't they weekends? Anyway these are some of the things
2 that I think that we wanted to provide feedback, please.
3 Thank you very much.

4 MS. O'NEILL: Yes. Very much. Okay.

5 MS. SCHROEDER: Forward.

6 CHAIRMAN DURHAM: All right.

7 MS. SCHROEDER: As usually we never give you
8 any time at all. Patrick.

9 MR. PATRICK: So thank you very much Colleen
10 and Jennifer. It's very good. Next on our agenda is a
11 discussion about -- of the notice of proposed rulemaking
12 related to supplement not supplant, and for that I would
13 ask that Ms. O'Neill, Mazanec, and Allyson come to the
14 table.

15 MS. SCHROEDER: Pam, where are you going?

16 MS. MAZANEC: I just want to ask this
17 private question.

18 MS. SCHROEDER: Okay. We're gonna carry on
19 without you.

20 MR. PATRICK: Many of you have heard about
21 this. Several weeks ago the USDE released a notice of
22 rulemaking related to supplement not supplant. We've had a
23 -- a group of folks in the department who are looking at
24 this issue, looking at the proposed rules, and they -- as
25 it comes to you today with some recommendations, some



1 thoughts related to the rules, and wants to share with --
2 those with you now. Oh, sorry.

3 UNIDENTIFIED VOICE: Hi.

4 MR. PATRICK: And just to clarify we do have
5 -- how much time do we have? Because we have a quite a bit
6 more content. We can sort of to have a target of how long
7 toward the vote to each of the issues?

8 MS. SCHROEDER: You've about 30 minutes.

9 CHAIRMAN DURHAM: So you need -- so we need
10 to be --

11 MS. SCHROEDER: You have 25 minutes.

12 CHAIRMAN DURHAM: Okay. So we need to be
13 definitely done by then.

14 MS. SCHROEDER: Is that okay? Does that
15 work?

16 CHAIRMAN DURHAM: Yes.

17 MS. SCHROEDER: I know we cut you off at the
18 Hub meeting, big time.

19 CHAIRMAN DURHAM: That's okay.

20 MS. SCHROEDER: He is gonna be down here at
21 the end of December I can see this already. Go ahead.
22 Thank you.

23 UNIDENTIFIED VOICE: Thank you. So in
24 response to your request, I'm here to talk about the Title
25 I provision under the statute for supplement not supplant,



1 and this provision, well, Title I as a whole, the purpose
2 of Title I is to ensure that all children receive an
3 opportunity for -- receive a significant opportunity for a
4 fair, equitable, and high quality education. There are
5 numerous ways within this statute that States can
6 demonstrate how we're ensuring that we're meeting this
7 objective of Title I. There was the whole rich
8 conversation around how we ensure equitable access to
9 teachers with -- with certain qualifications.

10 The fiscal requirements is another way that
11 we can ensure that students have that fair, equitable
12 access to high quality education. There are three
13 different fiscal requirements that help us achieve this
14 objective, or help us ensure that LEAs are meeting this
15 objective. Those are supplement not supplant maintenance
16 of effort, and the comparability provisions within the
17 statute. The supplement not supplant serves the purpose of
18 ensuring that Title I schools receive a fair, and equitable
19 share of the State, and federal -- State, and local funds
20 that they would have received minus Title I funds, and that
21 federal funds are not used to replace those funds.

22 The maintenance of effort ensures that
23 before any federal funds are distributed to local education
24 agency, or a school that they have maintained, or received
25 at least from the prior years sources, the same resources



1 90 percent were provided to them from the same sources. So
2 it's maintaining that level of funding from similar sources
3 across the years to ensure that the -- there is a fair
4 distribution of those funds for those schools.
5 Comparability is to ensure equitable access to resources in
6 that it -- it allows us to look at the services that are
7 received by Title I schools, and ensuring that they are
8 comparable to non Title I schools. Colorado currently uses
9 the full time employee method, and the per pupil
10 allocations methods to check for comparability.

11 UNIDENTIFIED VOICE: Under the statute the
12 requirement for, the next couple of slides are the
13 statutory language is presented on Burgundy slides, so that
14 we have the context of what it says in statute before we
15 start talking about what it says in the proposed rules.
16 The statute requires, just like I said, the requirement
17 stays the same from No Child Left Behind, the statute also
18 under the Every Student Succeeds Act continues to require
19 that Title I funds are used to add to, and not replace any
20 state, and local funds. Under No Child Left Behind, the
21 provision, this is where there's a change in statute, the
22 provision used to be that each item, or each expense had to
23 be demonstrated to be supplemental, and there were three
24 tests that the state could use to test whether schools are
25 meeting this requirement. The first was to ensure that all



1 services, to ask the question, were the services that are
2 paid for by Title I required under any other federal state,
3 or local laws?

4 So in other words, are the funds being used
5 to meet federal ESEA requirements, or NCLB requirements, or
6 are they being used to pay for things that are required
7 under another statute. Were services paid for with non-
8 federal funds in the previous year, so now are we replacing
9 the funds with Title I from previous year that some other
10 funding source paid for. Or are the same services, or
11 programs paid by non-federal funds for other schools within
12 the same district?

13 So it's that comparison of how are your
14 state, your local funds being distributed to ensure that
15 then federal funds are being supplemental, and it used to
16 be item by item. Under the Elementary, and Secondary
17 Education Act, LEAs just now have to demonstrate that
18 they're meeting this requirement by demonstrating how they
19 are allocating state, and local funds. That requirement
20 for the individual expenses to be supplemental is no longer
21 there. And that provision was, the statute was written to
22 reduce the burden on LEAs in having to demonstrate item by
23 item it's taken the whole pot of money, and looking at it
24 together to demonstrate that supplementness.



1 UNIDENTIFIED VOICE: Just to quickly insert,
2 so we already have provisions in place for things that we
3 do to look at district level, so is the district
4 maintaining it's level of effort with regard to state, and
5 local funds? We do comparability at the school level to
6 make sure that each school receives it's equitable share of
7 state, and local funds.

8 When school districts apply for Title I,
9 Title II funds, we've spent a lot of time in the past
10 looking at individual proposed expenditures like computers,
11 or classroom materials, and really quickly getting into the
12 weeds, and going, engaging in a back, and forth like, are
13 you sure that's supplemental, and that's not supplanting?
14 This provision in the law is sort of freeing. It gives us
15 the liberty to kind of take us out of that game at the
16 individual, and instead look at sort of the broad use funds
17 across Title I, Title II, Title III together with IDEA, so
18 looking at sort of their general approach to these funds,
19 and what they're using them for as opposed to really
20 getting down to micromanaging how they're spending each,
21 and every dollar.

22 UNIDENTIFIED VOICE: So the statute is
23 written such that it would allow us that flexibility, and
24 that opportunity to minimize, or lower their burden on
25 schools. The statute requires that if, because the



1 language in the statute was changed under supplement not
2 supplant, the USDE has the authority to write rules around
3 this, and their statute requires that that rule, they have
4 a -- they hold a negotiated rule making which they did,
5 however, there was lack of consensus as a result of that
6 negotiated rule making, and so now they're having to use
7 that secondary process of doing a notice of proposed rule
8 making with a 60 day comment period, which is what we're
9 under right now, and what we're going to be talking about
10 the blue slides will represent the actual rules that have
11 been proposed, and our reaction.

12 And our reaction is based on, across the
13 peramental (ph) team of folks that have studied the
14 statute, that have studied the rules, we've met with
15 stakeholders through our committee of practitioner, and
16 went through the process with them to see what their
17 reactions were to the rules, and this includes their
18 feedback, and their concerns as well. The first part of
19 the rule, our comments are due back to the USDE by November
20 7th. So the reason we're here today is to share those
21 comments with you, and to get your reaction to them as
22 well. The proposed rules, the first thing that they tackle
23 is compliance, and how do you demonstrate compliance. They
24 basically restate that LEAs have to demonstrate that
25 they're using state, and local funds in an equitable way.



1 However, they add the language the LEAs must annually
2 publish their methodology. The words in red on this,
3 sorry, there we go, the words in red are, thank you, are
4 additional words that increase the responsibility, and
5 burden on the LEAs. so in addition to requiring that they
6 demonstrate to the ESEA how they're expending state, and
7 local funds, they are now having to publish that
8 methodology in a very public way, and do it annually.

9 And so we feel that this is an overreach of
10 the USDE's authority to write regulations around these
11 proposed rules. They're increasing the burden when the
12 statute's intention was to reduce the burden. So our
13 comments back to them around their compliance requirements
14 are that they need to remove, or we are requesting that
15 they remove that requirement of annually publishing the
16 methodology. The next section, they have written rules
17 around are the LEA options, and they very specifically have
18 added terminology that we have concerns that is changing
19 the meaning of the statute.

20 They have added language that says, "To
21 demonstrate compliance, the local educational agencies must
22 distribute almost all state, and local funds available to
23 the LEA using four particular options." Those options
24 include; distribution of state, and local funds based on
25 characteristics of students within the school, so the



1 percentage of students that are qualified for free, or
2 reduced lunch would be part of the formula that would be
3 used to determine how to distribute state, and local funds.
4 The second part is using a method, or a formula based on
5 personnel, and non-personnel resources.

6 The third is the, LM, the state educational
7 agency has the opportunity to develop methodology that they
8 would like to use, and for a compliance test, and those
9 have to be approved by the USDE, and peer reviewed, we
10 don't have to develop such a, under the rules we don't have
11 to develop, we'd have to take advantage of that option.
12 Even if we do, our districts do not have to use that
13 option, they still have the option of using one, two, or
14 four. The fourth option is a special rule that allows for
15 use of per pupil formulas to demonstrate the state, and
16 local fund distributions.

17 We have several concerns in regards to these
18 four options that are itemized. The first of which is
19 around the language distribute almost all state, and local
20 funds, by virtue of adding those, we are concerned that the
21 USDE if these rules become codified, we'll be in a position
22 to require a specific amount of those state, and local
23 funds. The statute itself was not designed, or written to
24 ensure that a certain amount of state, and local funds were



1 distributed, it's just that the amounts that are -- are
2 equally distributed between schools.

3 UNIDENTIFIED VOICE: Do you think that the
4 feds are concerned that some states might use the funds in
5 such a way, such that it doesn't travel down all the way to
6 students? That -- that may be happening maybe not in this
7 state, but in another state?

8 UNIDENTIFIED VOICE: That's a really good
9 question, and we'll come back to that if you don't mind,
10 when we talk about the cost benefit analysis that the USDE
11 has done, because they address that very notion. So that's
12 our first concern is by adding that language. The second
13 concern is that within the rules they have written rules of
14 construction, that indicate that nothing in this section
15 shall be construed to require an LEA to transfer of school
16 personnel, or require equalization of spending, or adoption
17 of a specific methodology, nor is any part of this statute,
18 or rules supposed to alter, or otherwise affect local
19 decisions such as memorandum of understanding, or
20 collective bargaining agreements. However our concern is
21 by virtue of itemizing those four options, that there might
22 be occasions where by using one of those four options LEAs
23 will not have a choice, in order to be in compliance with
24 one of those options they might have to alter memorandum of
25 agreement, so our recommendation, and our request would be



1 to make those options available through non regulatory
2 guidance, and don't put them into the regulations.

3 When the USDE submits proposed rules they're
4 required to, itemize the, explain the purpose of their
5 proposed rules, and within this particular proposed rules
6 their explanation is that their intention is to provide
7 clarity on how to demonstrate compliance with ESSA in less
8 burdensome manner than was previously available under the
9 No Child Left Behind statute, and the statute already has
10 reduced the burden on LEAs, and providing clarity is very
11 critical, and important, but again, we felt that -- that
12 clarity would be better suited for non-regulatory guidance
13 than writing them into rules that then become codified as
14 regulations, and carry the weight of the statute, or the
15 weight of the law.

16 The second purpose that they list is that,
17 it's intended to provide LEAs the flexibility to implement
18 supplement not supplant requirements in a manner that
19 accounts for local needs, and circumstances, while
20 respecting the core purpose of the statute, we feel that
21 protecting the, -- or respecting the core purpose of the
22 statute is extremely critical, however, by providing those
23 four options, they have created a situation that if a local
24 educational agency is using a methodology that is very
25 effective for ensuring equity, but is not one of those four



1 then the LEA would be considered out of compliance. So
2 it's very restrictive, and is taking away our flexibilities
3 that were afforded us under the statute.

4 The cost and benefits analysis that they've
5 conducted in order to be able to propose these rules is
6 that, the USDE has estimated that 90 percent of LEAs would
7 already be in compliance with the statute. so in other
8 words they're saying that their indication is that 10
9 percent of the LEAs, or they gave actually very specific
10 numbers, they say that a 1,500 LEAs, and 5,750 schools
11 would be out of compliance which leads us to believe that
12 they already know who those schools, and districts are,
13 because of how specific those numbers are. They're not
14 telling us, somewhere between 5,500, and 6,000 schools
15 might be out of compliance, they're saying 5,750 will be
16 out of compliance. so our response to them is, allow the
17 state agencies without regulations that specify those four
18 methodologies to know who those schools, and districts are,
19 and allow us to work with our districts to then ensure
20 compliance with the statute, as opposed to requiring
21 regulations for 100 percent of the schools, and districts
22 based on 10 percent being potentially out of compliance.

23 As part of the proposed rules, they have
24 also extended an invitation to comment very specifically on
25 whether they should expand the flexibility available to an



1 LEA that chooses to use option number four by including
2 other categories of expenditures, and our response, and our
3 comment with some detail back to them will be that, using
4 regulations to expand flexibilities seems
5 counterproductive, and that we- we appreciate the clarity
6 that they've tried to provide with those options, and --
7 and the information that they've put together for us.

8 However, again, those would be better suited
9 for non-regulatory guidance than they would be for
10 regulations, because those regulations by having those four
11 specific options are actually limiting our abilities. We
12 also have some general comments that we would like to
13 provide back in regards to the proposed rules altogether,
14 is that those four methodologies that they've provided rely
15 very heavily on funds-driven approaches, which really
16 restricts the LEAs ability to look at the quality of
17 resources that are being distributed, and to ensure that
18 the quality of resources are also equitable across schools.
19 It restricts the flexibility for local decision making, and
20 making sure that all of their local decisions are used in a
21 manner that allows them to meet the compliance of this
22 statute but not have to be one of those four methods.

23 Then finally, we've heard on federal
24 conversations, or national conversations folks referring to
25 these proposed rules as a backdoor approach to regulating



1 other parts of the fiscal requirements specifically
2 comparability. so the Congress very intentionally did not
3 change any of the wording in comparability, what was in No
4 Child Left Behind was very verbatim carried forward under
5 ESEA Elementary, and Secondary Education Act. We believe
6 that was very intentional on their part because they don't
7 want that regulated. so this, by taking the same
8 strategies that many states use to meet comparability, and
9 making them a requirement under supplement not supplant,
10 our concern is that this is a backdoor approach to trying
11 to regulate comparability for states as well.

12 CHAIRMAN DURHAM: All right. Excellent.
13 Wasn't that good? That's very complicated topic, and I
14 think she did a really nice job. Thank you for clarifying
15 in the limited amount of time. Do you guys have any
16 questions on that before we move to the reporting piece?

17 UNIDENTIFIED VOICE: Go forth with your
18 protest. Oh! I'm sorry. Just do it.

19 UNIDENTIFIED VOICE: I just have a quick
20 question. Remember when you came back right after ESSA was
21 passed, and you had an opportunity to read it, it was a day
22 when your head exploded?

23 CHAIRMAN DURHAM: I was worried that her was
24 going to explode just now but it didn't.



1 UNIDENTIFIED VOICE: This is the type of
2 thing we discussed. How were the other states that are
3 having, they must be having some of the same problems, are
4 they documenting it, and putting forth by November 7th, the
5 similar concerns?

6 CHAIRMAN DURHAM: Yes, I believe they are.
7 I also think that some states have been successful
8 including Senator Lamar Alexander, and Representative Klein
9 in the conversation. Those who were actively involved in
10 the drafting of this law, and they, they too have expressed
11 their concern. That's why the no negotiated rulemaking
12 process kind of broke down to begin with because there are
13 two camps that were diametrically opposed. So they weren't
14 able to agree on the rules. Their concern is -- is that
15 if- if we don't speak up now that these rule, these become
16 rule by default. So they have until the end of November I
17 believe, or they're scheduled to- to make these final by
18 the end of November. But yeah we're not alone. There are
19 a number of groups states, and others who have expressed
20 some concern about this.

21 UNIDENTIFIED VOICE: So are there any, do
22 you see any others coming forward after these go through,
23 things we may have missed that are going to come back to be
24 a real problem for us?



1 UNIDENTIFIED VOICE: You know, as you say,
2 they're gonna become rules if we don't find them. And I --
3 I'm just so concerned about how the department has been
4 able to make these rules so different from what -- what the
5 -- what Congress agreed to.

6 UNIDENTIFIED VOICE: Yeah. It's unfortunate
7 that they didn't. So there was -- there was actually a
8 language change to the supplement not supplant provision
9 but these rules don't even address the actual change. They
10 have written rules about the part of the supplement not
11 supplant that didn't change. So I do think that because we
12 have been doing comparability, because we've been doing
13 maintenance of effort that we should move forward thinking
14 that that's sufficient but when they created these rules
15 there's -- they're not different from what we've been doing
16 under -- under comparability to create problems for us.

17 UNIDENTIFIED VOICE: Thank you for bringing
18 that for me.

19 UNIDENTIFIED VOICE: Don't you guys think
20 that -- that the government, you know, does have the right.
21 I know, I mean I believe in local control but does have the
22 right to look at districts such as Denver public schools
23 that has four times as much as many administrators, you
24 know than does Jefferson County, than does,.



1 UNIDENTIFIED VOICE: Where are we going
2 here.

3 UNIDENTIFIED VOICE: Well, we're going into
4 that the money is not going to students. It's not being
5 spent on students. That it's going for administration, and
6 experimentation, and any other reasons other than for kids.
7 I mean, I'm sure that one of those 1500 districts, one of
8 them is Denver.

9 UNIDENTIFIED VOICE: So I think they adopt.
10 The main thing here is that that non Title I schools, and
11 Title I schools receive basically the fair share. They
12 don't want -- they -- they want to ensure that districts
13 don't remove from funds from Title I schools, and replace
14 them with these federal funds that absent the Title I funds
15 that the non Title I, and the title, and schools are -- are
16 -- are staffed equitably. The per pupil amounts of funds
17 are equitable, or and so that they're not really removing
18 state local funds, and replacing them with the federal
19 funds.

20 UNIDENTIFIED VOICE: So have -- have we
21 shared with Representative Polis this because he came, and
22 spoke to the Hub committee, and I -- I believe he's still
23 engaged since -- since he was on the Compromise committee.

24 UNIDENTIFIED VOICE: Yeah. I was able to
25 talk to him briefly about this. We have as a matter of



1 course have been sending our response to rules to our
2 congressional representatives offices for the record to
3 know that we are responding. And I did talk to him a
4 little bit about this particular one.

5 UNIDENTIFIED VOICE: Great.

6 UNIDENTIFIED VOICE: All right. So --

7 UNIDENTIFIED VOICE: Jane, sorry.

8 UNIDENTIFIED VOICE: Oh, sorry.

9 UNIDENTIFIED VOICE: Oh, thank you. It's
10 just a quick add on comment that yes we are not we know we
11 are not alone in our push back points, and, you know, cost
12 to cost, NASBE members anyway have sure been talking about,
13 this is where everybody's focuses, and NASBE's been
14 present, and active regularly with the PARCC Department
15 personnel one level, or another along with CCS.

16 So the Chief State Chiefs organizations, PTA
17 teachers organizations, and all, they've -- they've all
18 spent a lot of time together making sure that that the
19 messages are not cookie cutter but absolutely in line with
20 what the interpretation of the new law is in, and make sure
21 they're aligned as possible. But a couple of points of
22 I'll just say contention with the proposals were along the
23 single accountability rating that we talked about a lot
24 where there was, I -- I don't remember the explanation of
25 it, but we -- we had -- we had problems with coming up with



1 a single rating when we had been working so hard, and we
2 have what we will change slightly but basically our system
3 of acknowledging growth, and achievement, and other -- or
4 other parts of our system.

5 But that -- but there was -- there was also
6 good healthy conversation too around the assessment. This
7 is -- this is the assessment rule making process, and --
8 and the high points of things that we've acknowledged as
9 well, which are the benefits of the pilot program, and the
10 pilot demonstration authority, part of that. But some
11 other really good points that we do all agree with even
12 though there are 50 different styles of systems for every
13 single one of these points. So by, and large state board
14 members as a group are on the same page in I'd say 90
15 percent of everything.

16 UNIDENTIFIED VOICE: And I do think that,
17 you know, we -- we do share the goal that more the intent
18 that these funds should be supplemental above, and beyond
19 state, and local effort. Just feel that the rules over
20 kind of go beyond the intent of statute, and are attempting
21 to sort of micromanage state local funding decisions in
22 addition to the federal funding decision. So we wanna push
23 back there.

24 UNIDENTIFIED VOICE: Yeah. And when we're
25 not alone. We have company in a constructive way which is



1 good. One other real quick point on that thing. Other
2 things that have been going on concurrently in the -- in
3 the -- in Congress, and at the federal level, the passage
4 of the career in tech, and the Perkins Act is promising,
5 may happen during the lame duck session. So we're -- we're
6 waiting on that. The other big conversation that at some
7 point may tie in with what we can do is the -- the federal
8 budget, the allocation process. Not, can't say anything
9 one way, or the other. It may happen in December. They
10 certainly hope so. The -- the bargaining ground is between
11 the -- the law of the house amount, the high of the Senate,
12 which is as high as a billion dollars. There's -- there's
13 more optimism it will go not at the one billion level but
14 higher than the projected really low possible 300 million
15 which is kind of a drop in the bucket when it comes to
16 federal program money. So we'll see. But that would be
17 December. I'm done.

18 UNIDENTIFIED VOICE: All right. so do we
19 wanna quickly go through reporting, and then skip the last
20 part, or do we wanna, or do we just use the --

21 UNIDENTIFIED VOICE: No, I think we're gonna
22 do 10 more minutes of reporting if that's okay, and then
23 skip the last part. But maybe you guys could read as
24 homework, or pre-work for the next time the title slides
25 'cause that will give you a good grounding for some of that



1 funding but we did wanna at least share a little bit of the
2 reporting, so you're not surprised by that.

3 UNIDENTIFIED VOICE: And then when you do
4 read all that -- that we gave you a number of handouts sort
5 of fact sheets related to the title programs. And then
6 there are some slides in there about the amounts of money
7 that we're talking about. If you have anything, any
8 questions when you read those just let Commissioner Anthes,
9 or Bizy know, and -- and we'll try to incorporate that into
10 our presentation for next month.

11 UNIDENTIFIED VOICE: And if you're having
12 problems falling asleep go through those title things.

13 UNIDENTIFIED VOICE: Yeah. We realize it's
14 not exactly the most exciting but -- and then so Mazy is
15 gonna do the best just kind of skip throughout the
16 highlights, and if your head starts to explode let us know,
17 and where I can take over.

18 UNIDENTIFIED VOICE: Okay. Thank you. Or
19 if -- or if you see anyone nodding off, and going to sleep
20 feel free to jump in. So we had the privilege of coming,
21 and discussing with you our comments back to the USCE in
22 regards to the notice of proposed rulemaking on the ESSA
23 state plan, and accountability, and reporting. So on
24 August 1st, we did submit our comments in response to that,
25 and that part, and those rules included the federal part of



1 federal reporting requirement. That is the public facing
2 reporting. So what we have to report to the -- to the
3 public, and LEAs have to report to the public. What we're
4 here to talk to you today about are the proposed changes
5 for the second part of federal reporting. And that is the
6 -- thank you. And that is the state agencies requirements
7 to report to the federal government.

8 So just really briefly, and basically the
9 structure of this -- this part of the PowerPoint is that
10 the forward facing, or the public reporting requirements
11 are spelled out on burgundy's slides, and the proposed
12 changes are the statutory requirements for the reporting to
13 the USTE are on green slides, and the blue slides are again
14 the proposed changes, and that's what we'd like to talk to
15 you guys about. So we put in the requirements for state
16 reporting, and LEA reporting for the public on the
17 Burgundy's slides for your reference. I'm going to skip
18 those since we've already talked to you guys about that,
19 and have submitted our comments. Under the ESSA statute,
20 we also have to do reporting to the USDE. Any LBA, or any
21 SCA that accepts funds under the Elementary Secondary
22 Education Act has to provide reports to the USDE in regards
23 to -- to demonstrate how we have spent those funds, what's
24 the return on investment, and how have we, what are the
25 accountability results.



1 What are our assessment results? How have
2 we used those funds? We also include things about how are
3 -- which one of our schools are on improvement under the
4 statue. And what are the professional qualifications of
5 teachers, so all of the reporting that was covered in the
6 earlier session.

7 UNIDENTIFIED VOICE: Do you think anybody
8 reads them?

9 UNIDENTIFIED VOICE: Yes ma'am, I do.

10 UNIDENTIFIED VOICE: Okay. Just curious.

11 UNIDENTIFIED VOICE: Yeah. They actually
12 use that information to provide reports to Congress.
13 They're very lagged. But Congress does see the impact of
14 the dollars, and they use that information in making
15 continue with fund -- continued fundings.

16 UNIDENTIFIED VOICE: Okay.

17 UNIDENTIFIED VOICE: Just real quickly, the
18 authority for collecting this data comes from 34 Code of
19 Federal Regulations, which authorizes the USDE to collect
20 performance reports, financial reports, and any other
21 required reports from states, districts, and schools as
22 long as they have approval from the federal office of
23 management, and budget, who we very affectionately call the
24 OMB. The -- our failure to submit the reports as
25 prescribed by the USDE once an OMB package has been



1 approved is considered a -- a violation of the general
2 education provisions act, and could jeopardize our federal
3 funding all of it. So not just ESEA but just all of our
4 federal funding. So meeting these reporting requirements
5 is extremely important, and heavy for two reasons. One, it
6 jeopardizes our funding. Then the latter use of the data
7 to provide back to Congress how states are spending those
8 funds, and what impact they're having with them.

9 UNIDENTIFIED VOICE: Excuse me. Just a
10 little interruption. We just got that report from the US
11 Department of education which cited that if a student, a
12 minority student are forced to live to Jefferson County
13 that student won the lottery in the whole United States.
14 In other words, students in Jefferson County who are poor,
15 who are minority, do better than any other district in the
16 whole country. If they go to school in Jefferson County,
17 which was not, I'm sorry, I'm trying to -- I'm just trying
18 to understand what you're telling us. Well, that if they
19 went --

20 UNIDENTIFIED VOICE: This was the result of
21 this information we really need moving on.

22 UNIDENTIFIED VOICE: Well, it is from the
23 result of this. It was -- it just came out that -- that
24 report.

25 UNIDENTIFIED VOICE: From last year.



1 UNIDENTIFIED VOICE: And so yeah from --

2 UNIDENTIFIED VOICE: I'm not sure that it
3 was last year. I did -- I heard just part of that, but
4 yeah that is the kind of thing that happens with those
5 data.

6 UNIDENTIFIED VOICE: Right, and so that was
7 really outstanding that we have Jefferson County.

8 UNIDENTIFIED VOICE: You can share that with
9 us Patrick when you see it.

10 UNIDENTIFIED VOICE: So that's a nice segue
11 to that federal. So we wanted to give you some context
12 about what does -- that federal reporting look like in
13 practice. What is it that we submit each year to the USDE.
14 We do submit state level, district level, and school level
15 data files to the USDE that include all of our assessment
16 results overall, and just aggregated at the student level
17 because they do track our performance of our students.
18 There are English learners, or minority students are
19 eligible for free, or reduced lunch. We provide our
20 results of our state accountability, and including which
21 schools are identified for improvement.

22 They do monitor how long we keep schools on
23 improvement across the years, and information like that to
24 determine how fast we're moving schools. And they also
25 look at our school improvement strategies, and



1 qualifications of teachers, how we're distributing teachers
2 across our schools, and whether students have been
3 disproportionately -- are being disproportionately taught
4 by any teacher who isn't considered to be effective, or
5 qualified, or experienced. I'm sorry, that was probably a
6 poor choice. That's not their words. That's -- that how
7 we are ensuring that students --

8 UNIDENTIFIED VOICE: Equitable distribution
9 of teachers.

10 UNIDENTIFIED VOICE: Equitable distribution
11 of teachers.

12 UNIDENTIFIED VOICE: There is a provision in
13 the -- there's a provision in the law that does prohibit
14 the US Department of Education from requiring states, or
15 school districts to move teachers around. So there is a
16 little bit of protection there.

17 UNIDENTIFIED VOICE: School boards ask for
18 the same large school district -- large school districts
19 ask for the same information. They want to know that
20 there's some equitable distribution in terms of teacher
21 experience, and teacher degrees, number of hours et cetera
22 across schools. So I do remember that that was the report
23 that we got every year in our school district.

24 UNIDENTIFIED VOICE: So what's being checked
25 for is that are schools that have a higher rate of poverty,



1 or a higher -- higher rate of minority students aren't
2 within a district getting all of the new teachers hired at
3 that school whereas the experienced teachers. So it's not
4 like the stepping stone into getting into that district you
5 work at the high poverty school first, and then get
6 promoted to a different school. So it's protecting against
7 those. So maybe distribution of teachers is poor choice of
8 words on my part it's just ensuring that we're not hiring -
9 -

10 UNIDENTIFIED VOICE: That woke me up.

11 UNIDENTIFIED VOICE: A few years ago --

12 UNIDENTIFIED VOICE: That's what she said.

13 UNIDENTIFIED VOICE: The report said.

14 UNIDENTIFIED VOICE: We have a pause, and we
15 drive her on.

16 UNIDENTIFIED VOICE: Cherry Creek did a
17 better job of doing that than any other district in the
18 state. Not this last year of having an equitable
19 distribution, and experience. Yeah I know --

20 UNIDENTIFIED VOICE: So we do have the
21 number of collections varies by year, and the collections
22 are lagged one year. So we're currently working on a '15-
23 '16 collection, or reporting for next year. We've really
24 sifted through the thousands of pages of proposed changes.
25 This is the USCE efforts to align their collections with



1 the element Every Student Succeeds Act statute, and so they
2 have deleted numerous collections which included anything
3 to do with NCLB, or waiver accountability for example. So
4 AYP collections have all been eliminated.

5 Anything to do with AMAs, or AMOs which were
6 all under NCLB accountability have all been eliminated.
7 They've made revisions to things to fine tune some of the
8 definitions within their collections to align with ESSA.
9 So for example, the students used to be called limited
10 English proficient students, and that was part of the
11 collections. They are now called English learners under
12 ESSA. So those have been the revisions are all about
13 aligning those terminology.

14 The elements that they continue to collect
15 include things like grad rate, and dropout rates which were
16 part of NCLB reporting, and will continue to be under ESSA
17 as well. They are also proposing to add some requirements
18 that were specified in statute. So we are now required to
19 report to the USDE per pupil expenditures within funding
20 sources by federal state, and local, and we are also
21 required to report information about students that are
22 foster children, and students of active military families.
23 So those additions include those new data elements, and
24 data reporting requirements.



1 UNIDENTIFIED VOICE: And homeless too,
2 aren't they?

3 UNIDENTIFIED VOICE: Homeless was always
4 there.

5 UNIDENTIFIED VOICE: Oh, was always there.
6 Oh, sorry.

7 UNIDENTIFIED VOICE: Didn't know that.

8 UNIDENTIFIED VOICE: So we have some general
9 comments that we would like to propose back to -- send back
10 to the USDE, and they center on the sheer volume of the
11 reporting requirements. We're taking advantage of this
12 opportunity that they are trying to align with ESSA to give
13 them feedback, and input on the burden on our local
14 educational agencies as well as the state agency to talk
15 about. Please use this opportunity to review, and minimize
16 any duplication of collections so that it can reduce the
17 burden on our LEAs, and the last point is that the USDE
18 really underestimated the amount of effort, and resources
19 that it takes. As part of their proposed rules, they have
20 to make an estimation of what it costs to collect this, and
21 we feel that their estimation is hugely underestimated.

22 So we'd like to provide back because again
23 we want the OMB to recognize the amount of work that it
24 takes for us to, as a state including our LEAs, meet these
25 reporting requirements. So we're using this opportunity to



1 also provide estimates as to what that burden really is, or
2 that lift is for the state. And in order for us to meet
3 the timelines in the OMB package, we have to start making
4 speculations about what's coming down. The specifications
5 have not been released yet. So in order for us to meet
6 those timelines, we need to build systems now for
7 collecting these additional requirements, and we're kind of
8 taking a guess as to what that's gonna look like, and we're
9 building systems around that, and we're anticipating that
10 once those specifications are released by the USDE, we will
11 have additional work to do. So we want that to be taken
12 into consideration as they move forward. That's additional
13 burden on the LEAs, and the SEAs in meeting these reporting
14 requirements.

15 CHAIRMAN DURHAM: So I think they estimated.
16 This takes one person to do this.

17 UNIDENTIFIED VOICE: For each state agency.

18 CHAIRMAN DURHAM: One person for each state
19 agency to accomplish.

20 UNIDENTIFIED VOICE: 18-20 hours a day
21 maybe.

22 CHAIRMAN DURHAM: So if you guys have any
23 questions, or feedback, any direction that you'd like to
24 give us moving forward on this issue?



1 UNIDENTIFIED VOICE: Yeah. So Jane here's
2 the questions, and feedback you might want to look at this.
3 Over the weekend, when you have your feet up, you're
4 looking for something to think about?

5 MS. GOFF: Yeah. I just have one thing. We
6 -- we don't know what they're gonna require yet. Do we
7 have to figure out how much time this is gonna cost LEAs,
8 and SEAs to provide the information even when we don't have
9 what their requirements are?

10 CHAIRMAN DURHAM: Yeah, it's a little bit
11 difficult. I do think that you have thought about that
12 like you -- she's been trying to estimate what -- what it
13 might be to -- to give that as part of the feedback, that
14 no, it's not just one person. Actually, it's this many
15 people, and this many hours to accomplish.

16 UNIDENTIFIED VOICE: And that's with the
17 requirements that are specified in statute, and the
18 requirements in the proposed rules, not including, and what
19 we'd like to say is that we anticipate that there's gonna
20 be even additional work once the USDE releases those
21 specifications in regards to like the definitions, and the
22 requirements for how to submit this data to them.

23 MS. GOFF: Is that gonna be done after they
24 get all this input on the 7th, and then they sort through
25 that then they give us what? Is there some way that we are



1 going to provide some kind of a template for the districts
2 to ease the burden?

3 CHAIRMAN DURHAM: That's part of what --
4 when someone working with our spoke committees, and
5 stakeholders, and so forth, we're trying to get out with
6 particularly some of the smaller more rural districts, how
7 we can provide support to them, or create templates, or
8 other tools that they can use, or we can use together to
9 help minimize the burden particularly on those districts.
10 But I do think that there's something that maybe we can do
11 with all districts to try to -- to -- to --

12 MS. GOFF: Simplify.

13 CHAIRMAN DURHAM: -- because it is a little
14 bit predictable. We know what we'll have to report, and so
15 how can we ease the -- the burden of this?

16 MS. GOFF: Okay. Good. Thank you.

17 UNIDENTIFIED VOICE: We're trying our best
18 to use existing systems, existing data collections to meet
19 any new additional requirements for the state to do as much
20 calculations as we can, and even the public facing report
21 cards. We are going to try to continue. It has been our
22 practice that we do those LEA report cards on behalf of the
23 districts, and we'd like to continue that practice even
24 though the statute does say that any additional data that
25 the districts would like to add, they can add to their



1 report cards. So we're trying to figure out the best way
2 that we can provide that initial template with the data,
3 and then allow them to add any additional information that
4 they would like to add, but to do that left for them.

5 MS. GOFF: So this administrative burden
6 that the state has, and the local does not come out of the
7 federal funding, is that correct?

8 UNIDENTIFIED VOICE: Well we hope that,
9 right?

10 CHAIRMAN DURHAM: Yeah. You mean this
11 reporting that we're talking about right now?

12 MS. GOFF: Yes. Yes. Yes.

13 CHAIRMAN DURHAM: Or you mean our ability to
14 meet it?

15 MS. GOFF: Yes.

16 CHAIRMAN DURHAM: Well. So yeah, we do get
17 -- we get some administrative funding, and the people who
18 are paid with that administrative funding are among those
19 who are helping to produce these required reports.

20 MS. GOFF: Is it a nut for these new --

21 CHAIRMAN DURHAM: I would argue no.

22 MS. GOFF: so can we put that into that
23 November 7th report?

24 CHAIRMAN DURHAM: I think we are trying to
25 capture that point.



1 MS. GOFF: Good.

2 UNIDENTIFIED VOICE: That day I just said
3 that -- I mean yesterday's report, California was kind of
4 up on this on the reporting of the, not assessment but for
5 assessing how much it was gonna cost for them to really do
6 the reporting on how much in assessing universities, and
7 whether they were going to do their work. The US
8 Department is giving them 25 million. They said it was
9 gonna cost them 285,000 just, you know, starting out, and
10 then every year, it was gonna cost so much. So it's back
11 to what ESSA was before where they made the law, but they
12 didn't provide the monies for how much it was going to
13 cost. And I think we need to do a job analysis of all, you
14 know, that is costing, and possibly even estimate a medium
15 sized district, a small district, a large district, and how
16 much, you know, all that is going to cost because they have
17 no idea.

18 MS. GOFF: Oh yeah, the feds don't have it.

19 UNIDENTIFIED VOICE: They do.

20 UNIDENTIFIED VOICE: No. They just wanna
21 leave it, and give it to the states, and let the state
22 spend money which we just don't have.

23 MS. GOFF: It was a good report.

24 UNIDENTIFIED VOICE: Yeah. Excellent report
25 you guys.



1 CHAIRMAN DURHAM: Thanks very much. So read
2 your title information.

3 MS. GOFF: We'll be reading this all weekend
4 long.

5 CHAIRMAN DURHAM: You wanna call me in the
6 middle of the night with questions 'cause you can't get
7 this laid.

8 MS. GOFF: No. No. No.

9 CHAIRMAN DURHAM: We can make it together.
10 Thank you very much you guys.

11 ALL: Thank you very much. We really
12 appreciate it.

13 MS. GOFF: All right. We're on the
14 homestretch. We have one more hearing. And this is rules
15 for the annual inspection, and maintenance of school
16 transportation vehicles. One CCR301-29. The State Board
17 voted to, are you ready, to approve the notice of
18 rulemaking at it's August 10th, 2016 Board meeting. A
19 hearing to promulgate these rules was made known through
20 publication of a public notice on August 25, 2016 through
21 the current register, and by State Board notice October
22 5th. Oh yeah, the State Board is authorized to promulgate
23 these rules pursuant to 22-2-107-1 CCR. Commissioner's
24 staff appeared right over you. By the way, this is
25 Groundhog Day.



1 UNIDENTIFIED VOICE: Correct. This is
2 Groundhog Day.

3 MS. GOFF: I get to four, and I get to talk
4 about my 18 year old again driving --

5 UNIDENTIFIED VOICE: You do. If you would
6 like to.

7 MS. GOFF: No, I'll probably be killed, so I
8 might not.

9 UNIDENTIFIED VOICE: Okay. Thank you Madam
10 Chair. I'll turn it over to Jennifer Okes to remind us
11 about why this is Groundhog Day.

12 MS. OKES: Okay. Jennifer Okes, School
13 Finance. So I'll keep this brief but please let me know if
14 you have any questions. So what we wanna do with this rule
15 making is to repeal in full the 29, and then repeal, and
16 reenact 26 to consolidate these two rules. So one was on
17 preventative maintenance, and one was on annual inspection.
18 And those are very linked together.

19 So we think it's more clear, and concise if
20 they're combined together. We're trying to clarify the
21 rules, and make them more clear for districts to better
22 understand them, and then you'll get better compliance, and
23 then we are also trying to consolidate. And if it's
24 duplicative of statute, we've taken those out. But then
25 what we've done is created the comprehensive resource guide



1 that encompasses everything so that you could look at one
2 place, and see federal requirements, and state law, and the
3 regulations.

4 So there's kind of a one stop shop. So it's
5 just really just streamlined, and clarify. Since it's
6 Groundhog Day but we have a good opportunity, we did find
7 one change that we'd like to propose in doing our outreach,
8 and regional trainings. We had great discussions with
9 districts about really specifics about the details. And a
10 couple of those questions lead us to come back, and meet
11 with the rail transit safety section chief of the Public
12 Utilities Commission, and ask a couple of questions that
13 came up from districts about railroad crossing.

14 And so because of that clarification that we
15 got from her, we would like to make a change, it's to rule
16 1714 in your packet. And what we wanna do is just clarify
17 that there's -- this isn't statute as well. And we did
18 have it in the rules because we want it to apply not just
19 to school buses but the activity buses, and then the motor
20 coach buses. And so it's -- you do not need to stop at a
21 railroad crossing if there's only a red, yellow, green
22 light, and nothing else. And that wasn't clear in the
23 statute.

24 So if there is the -- the double X, the
25 railroad crossing crossbars, or any type of railroad



1 crossing for the tracks, and a red light, you still need to
2 stop, and look to make sure no trains are crossing. If
3 there is no signage except that red, yellow, green, then
4 you can just proceed if the light is green. And so that
5 was a clarification. So we wanna add the word "Only." and
6 then we have some nice little guidance about what does that
7 look like in our resource guide. So we think that's
8 helpful clarification, and then we also wanted to include
9 some words about, you do not need to stop if there is an
10 exempt sign. And that's there's only a handful of railroad
11 crossings in the state that has an exempt sign which is the
12 white sign that says "Exempt", and it has to be on that
13 sign with the crossbars on it. Those have been marked as
14 exempt, and there's a few, probably in the state, that we
15 realized because of these questions that should be, or
16 could be exempted. So we're getting the districts in
17 contact with the proper folks.

18 MS. GOFF: Under what circumstances do you
19 have an exempt railroad crossing? No rail -- no -- no
20 railroad?

21 MS. OKES: So there is --

22 MS. GOFF: No train? That would be when you
23 have the railroad that is still going across the street.
24 But the --

25 UNIDENTIFIED VOICE: (Inaudible).



1 MS. GOFF: Yeah, and in some cases, this,
2 you know, the railroad lines downstream, and upstream from
3 that crossing have been, you know, pulled up, and so it's
4 just abandoned track. But if it doesn't have that exempt
5 sign, even though you know it's abandoned, you still need
6 to stop, and look. But we are getting some of those
7 districts when they know that's the case, and it's not a
8 workable because it's not connected to anything else.
9 We're working with them to get the exempt sign if that
10 makes sense.

11 MS. OKES: Okay.

12 UNIDENTIFIED VOICE: (Inaudible).

13 MS. OKES: The exempt sign, and it's kind of
14 little, but maybe -- so you can see the low crossbars that
15 says "Railroad crossing." This is the exempt sign.

16 MS. GOFF: So that it says, "Exempt."

17 MS. OKES: It says, "Exempt," and it's white
18 which means that's a regulatory, and so that's --

19 UNIDENTIFIED VOICE: We're all going to
20 haunt the state of Colorado.

21 UNIDENTIFIED VOICE: There's only a handful
22 so --

23 UNIDENTIFIED VOICE: That's right. But it's
24 a court.



1 MS. OKES: So we just want to do that
2 clarification.

3 UNIDENTIFIED VOICE: So we expect a list of
4 those locations please?

5 MS. OKES: We can get that for you.

6 UNIDENTIFIED VOICE: I'm so bad but easy.

7 MS. OKES: Then there was some public
8 comments that we also received from Scott Lamm who's the
9 fleet operations a maintenance specialist at academy 20.
10 And his is essentially that he is concerned that we
11 previously, we had a list of all of the items that needed
12 to be looked at during the annual inspection, and we had
13 replaced that with you need to inspect all of the items
14 listed on that form. And it's a form that goes to the IDAC
15 committee. We would recommend not making that change just
16 because it's cumbersome to have two, or three pages of --

17 MS. GOFF: He wants details. He's requested
18 that be put in the rules.

19 MS. OKES: That we put that's listing back
20 into the rules.

21 MS. GOFF: And you're advising against that.

22 MS. OKES: And we think that that's not
23 necessary. We don't think it's gonna change very much, but
24 if technology changes, it's easier to change a form, and
25 present that to IDAC than having to go through rulemaking,



1 and until you go through rulemaking. So we don't
2 anticipate any changes to that really, but it's just a
3 streamlining process. So either way is fine. We just
4 think that this is maybe a more streamlined approach.

5 MS. GOFF: Is it okay for everybody?

6 UNIDENTIFIED VOICE: All right. Well, first
7 we have to hear if there are any, or there aren't any
8 speakers, right? Is there anyone here to speak to these
9 rules, going -- going. Gone.

10 UNIDENTIFIED VOICE: Yes please. I would
11 love to have a motion. I move to repeal the rules for the
12 annual inspection, and preventative maintenance of school
13 transportation vehicles; 1 CCR 301-29.

14 MS. GOFF: Proper motion. Thank you for the
15 second.

16 UNIDENTIFIED VOICE: I second.

17 MS. GOFF: Does anyone object? All right.
18 Thank you.

19 UNIDENTIFIED VOICE: I need to get ready for
20 this next.

21 MS. GOFF: There is no ready. There is no
22 ready for somebody who pounds that thing. It's designed to
23 wake us up. Colorado State Board of Education will now
24 conduct a public rulemaking hearing for the rules for the
25 operation maintenance, and inspection of school



1 transportation vehicles; 1 CCR 301-26. The State Board
2 voted to approve the notice of rulemaking in it's August
3 10, 2016 Board meeting. A hearing to promulgate these
4 rules was made known through the publication of a public
5 notice on August 25th, 2016 through the Colorado register,
6 and by State Board notice on October 5, 2016. State Board
7 is authorized to promulgate these rules pursuant to 22-2-
8 107 1 CRS. Commissioner? Yes Ms. Okes, do you have
9 anything to add?

10 MS. OKES: I don't have anything.

11 MS. GOFF: This is part 2 of what we heard
12 about.

13 UNIDENTIFIED VOICE: Do I say it all over
14 again?

15 UNIDENTIFIED VOICE: No.

16 UNIDENTIFIED VOICE: Okay. Any comments.

17 Is there anyone here to testify? Is there anybody here who
18 dares to testify? And I'm ready for that -- I am ready for
19 that motion ma'am.

20 MS. GOFF: I move to approve the amended
21 rules for the operation maintenance, and inspection of
22 school transportation vehicles; 1 CCR 301-26.

23 UNIDENTIFIED VOICE: I second.



1 UNIDENTIFIED VOICE: Proper motion, proper
2 second. Thank you. Get a vote, and then you can hammer.
3 Ma'am, you gotta vote.

4 UNIDENTIFIED VOICE: Oh, we gotta vote, oh.

5 UNIDENTIFIED VOICE: I'm gonna bring my own
6 from home.

7 MS. GOFF: Does anyone object to that
8 motion? Thank you. You want a hammer? Oh wait a minute.
9 Wait, wait, wait, wait, wait. Does the State Board have
10 any future business to discuss at this time? You guys have
11 been wonderful really. Go. Thank you. We are now in
12 recess until November 9th, 2016.

13 UNIDENTIFIED VOICE: Ninth, yeah.

14 (Meeting adjourned)



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C E R T I F I C A T E

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

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

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

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

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