



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
February 11, 2016, Part 1

BE IT REMEMBERED THAT on February 11, 2016,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: Okay. We're starting just
2 -- just a little late. We apologize. So -- so let's --
3 let's go ahead if the State Board of Education will please
4 come to order and Ms. Burdsall, will you please call the
5 roll.

6 MS. BURDSALL: Of course. Board Member
7 Flores.

8 MS. FLORES: Here.

9 MS. BURDSALL: Board Member Goff.

10 MS. GOFF: Here.

11 MS. BURDSALL: Board Member Mazanec.

12 MS. MAZANEC: Here.

13 MS. BURDSALL: Board Member Rankin.

14 MS. RANKIN: Here.

15 MS. BURDSALL: Board Members Scheffel.

16 MS. SCHEFFEL: Here.

17 MS. BURDSALL: Board Member Schroeder.

18 MS. SCHROEDER: Here.

19 MS. BURDSALL: And Chairman Durham.

20 CHAIRMAN DURHAM: Here. Quorum is present.
21 We will proceed to item 3, Legislative Update. We are on a
22 tight schedule, and I know there's a lot of conversations
23 about this, let's say of issues, so feel free to join us,
24 and tell us everything we need to know about what's going
25 on across the street.



1 UNIDENTIFIED VOICE: In five minutes or
2 less. Right?

3 CHAIRMAN DURHAM: Yeah.

4 UNIDENTIFIED VOICE: Chairman Durham, Board
5 Members, Commissioners, it's lovely to see you all again.
6 I will do my best to get through a lot of material in a
7 short period of time. Perhaps we should start with the --
8 the bills that your legislative contacts have recommended
9 you take a position on. So I'm just gonna dive right into
10 that.

11 The first bill is Hospital 1121. This is
12 titled Performance Evaluation of National Board Certified
13 Teachers. It is sponsored by Representatives Jenny Arndt,
14 and Dave Yang, and Senators Michael Merrifield, and Nancy
15 Todd. This bill would allow districts to exempt National
16 Board Certified Teachers from annual performance
17 evaluations for a period of up to three years. Your
18 legislative contacts are both recommending in a post
19 position on this legislation. And -- and I -- we -- we
20 didn't really talk ahead of time. Would you like to -- do
21 you want me to try to articulate why you're expressing
22 that, or would you all like to address your colleagues?

23 MS. GOFF: You're doing faster.

24 CHAIRMAN DURHAM: Ms. Goff, you wanna, or
25 (inaudible).



1 UNIDENTIFIED VOICE: Okay. So I didn't mean
2 to put you on the spot. I know it's early. And so if I
3 don't get it right you all correct me. But -- but the
4 conversation we had in our meeting was that well National
5 Board Certification is certainly a -- a great
6 qualification. It certainly speaks to our teachers to --
7 to great teaching. It is not the same as the performance
8 evaluations that are conducted under Senate that are
9 required under Senate Bill 191. And so it's not an
10 appropriate substitute for those. And I think that's the
11 reason why your colleagues think that this is -- this
12 proposal is not appropriate.

13 CHAIRMAN DURHAM: Okay. Any of the
14 Committee Members wish to add anything to that explanation?
15 Ms. Goff?

16 MS. GOFF: Yes. How long -- that was only
17 two days ago, right? No, not even that long. I -- I don't
18 know when we talked. One -- one thing about it is, it is
19 specific to National Board Certified Teachers. We do have
20 a certain number of administrators, school principals,
21 other -- other professional -- professionally certified
22 license people in the state. So I'm thinking that is the -
23 - while the focus is on the teachers, I'm thinking that at
24 some point we can hopefully look at this according to there
25 -- according to the uniform in a good way.



1 That word is used. Sense of the evaluation
2 process, and the rubrics, and the -- the other criteria
3 that we have setup through 191, that would be -- I -- I
4 would say that there needs to be -- if we're talking about
5 National Board Certified, we have several professionals in
6 addition to the teachers that would fall under that
7 category. So that -- that was my primary. Hopefully in
8 the future we will address the -- the whole National Board
9 Certified group completely, and thoroughly for what they
10 bring to performance, and student achievement.

11 CHAIRMAN DURHAM: Commissioner.

12 MR. ASP: Thank you, Mr. Chair. And
13 speaking similarly, the one thing the National Board brings
14 is -- is a level of professionalism to the -- to the -- to
15 the profession. I've seen several states who put together
16 an incentive package when they're out of money. I've
17 worked in some low income states, and so they'll say
18 licensure, you get a break on licensure whether it's fees,
19 reduction in -- in the teacher evaluation process during a
20 certain period. But whether this bill is -- is it, or not
21 is not my conversation but I would love for the State Board
22 to be thinking about as district stopped paying for
23 national Board. And I -- I -- it could be a -- it's
24 expensive lengthy process. What can we do though? What --
25 what's errors can be in our quiver to help the incentivize



1 becoming National Board Certified with the goal that it
2 would be awesome to have a National Board Certified teacher
3 in every single school in Colorado rural, or urban called.
4 But I -- I'm very much open to your ideas, and would love
5 your opinions.

6 CHAIRMAN DURHAM: Dr. Schroeder. Excuse me.

7 MS. SCHROEDER: I've -- I'm baffled by this
8 bill simply because the teachers who go for National Board
9 Certification demonstrate a commitment to continuous
10 improvement. And to suggest that they wouldn't want the
11 feedback from a colleague, and from a principal over
12 someone else doesn't really match the National Board
13 Certified folks that I've known. And we have a lot of them
14 in boulder, and they really care about their craft, and
15 they would want to have the feedback. This is not
16 punishment. Evaluation is not a punishment. And that's
17 what this kind of sounds like, and it goes -- in -- in my
18 mind it goes completely contrary to the philosophy that
19 these folks who don't now I spent a lot of money, they
20 spend more amount of time. To think about, and reflect on
21 your craft. And so I -- I agree with incentives. But
22 that's -- that's a contrary incentive. That's sort of
23 saying "I don't really respect the kind of professionalism
24 that you've already exhibited by going through all this,"



1 and if I'm not mistaken they renew their certification as
2 well over time. So this is an ongoing --

3 UNIDENTIFIED VOICE: My understanding is
4 National Board Certification last for a period of actually
5 up to 10 years.

6 MS. SCHROEDER: Is that long?

7 MS. BURDSALL: Now the bill again
8 specifically allows the exemption allows districts does not
9 require to exempt them only for a three-year period of
10 time.

11 MS. SCHROEDER: Well the truth is it's just
12 a neck, and 191. It's not anything substantive I'm sorry
13 to be, so frank this morning.

14 CHAIRMAN DURHAM: How many -- how many bills
15 do we have as recommendations on?

16 MS. BURDSALL: We have four bills that have
17 recommendations on.

18 CHAIRMAN DURHAM: Then why don't we take
19 these one at a time. Is there a motion to oppose -- what's
20 the bill number I'm sorry?

21 MS. BURDSALL: Eleven twenty one.

22 CHAIRMAN DURHAM: House Bill 1121. Ms.
23 Mazanec moves, it's been seconded by Dr. Scheffel, is
24 there objection to the adoption of that motion? Anybody
25 wish to be recorded as voting, no? Going once, going



1 twice. That motion is adopted. We will oppose House Bill
2 1121.

3 MS. BURDSALL: Thank you Mr. Chair. The
4 next bill for your consideration is House Bill 1131.
5 Public education standards, and assessments. This one is
6 sponsored prime -- the primary sponsor on it is
7 Representative Terry Carver, Republican. The bill does
8 four main things as introduced. So as you all know
9 Colorado has participated as a governing Board Member in
10 the Park Consortium. Several years ago legislation was
11 passed statute was enacted that required that participation
12 in that statute it ended it after a two year period of
13 time.

14 MS. SCHROEDER: Excuse -- excuse me,
15 Jennifer along those lines you said Terry Carver,
16 Republicans sponsored this one. Who sponsored the National
17 Board Certified?

18 MS. BURDSALL: That was Rabson of Jenny
19 Arndt, and Dave Young, and senators Maryfield, and Todd,
20 all of them are Democrats.

21 MS. SCHROEDER: Thank you.

22 MS. BURDSALL: So you know, this -- it's --
23 it's a little bit tricky but essentially what this bill is
24 doing on this topic is just striking through some language
25 that's in statute that is no longer applicable anyway



1 because the timeframe for which that language applied has
2 expired. So it's not a substantive change to how our state
3 interacts with Park at this point. The second thing the
4 bill does is give you all the authority to request from the
5 Department. A plan to allow for the use of multiple
6 assessments statewide to meet accountability standards.

7 Now the -- the -- the -- the important
8 caveat in this language is that you all can ask your staff
9 to do that. If that is consistent with federal law. At
10 the moment, that would require a change in federal law. So
11 even under the new ESCA the feds do not allow for a
12 multiple statewide assessments to count towards all of
13 these things. So again this is kind of future looking if
14 federal law were to change then you all are given super
15 active authority to -- to move down that path. As you know
16 in House Bill 1323 last year, the department was directed
17 to do an RFP to choose the 10th, and 11th grade exams.
18 That happened. As -- as you know I'm sure you've heard a
19 little something about this. That SAT ONE not RFP. What
20 this language does is simply, it doesn't change anything
21 about the existing decision that's been made. But the next
22 time that has to be made, which under current statute is
23 every five years. It gives the Board the authority to make
24 that decision as opposed to the department. The final
25 thing the bill does is --



1 MS. SCHROEDER: What? Wait a minute, what?
2 The department didn't make the choice.

3 CHAIRMAN DURHAM: Yes they did.

4 MS. BURDSALL: Yes they did.

5 MS. SCHROEDER: They had pointed --

6 MS. BURDSALL: Well the department -- so I
7 think I understand that the department did involve
8 stakeholders, and there was a -- a group of people that
9 represented a district in making that choice --

10 MS. SCHROEDER: Only fact that they chose
11 the -- the group rather than the Board.

12 MS. BURDSALL: Yes. And I think from a
13 legal perspective it was the department running the RFP,
14 and making me official decision of course they did that
15 with the input of that committee that they put together.
16 This would statutorily change that, so that it's your all
17 explicit authority to make that decision. Finally, and I
18 know you all have had lots of conversations over the last
19 year about waivers, and with ESCA this new pilot program
20 that the feds are allowing, and whether, or not Colorado
21 participate in it, this language says that if you -- if you
22 all do decide you want to participate, and if you are
23 accepted. It's -- it gives you the statutory authority to
24 reduce the amount of testing -- in -- in alignment with
25 whatever that pilot looks like. So if that pilot as you



1 all know, if you decide as you negotiate with the feds,
2 talks about reducing testing. This gives you statutory
3 authority to do that. So those are the four components of
4 the belt. We have a split recommendation from your
5 legislative contacts on this. Dr. Scheffel is
6 recommending a support position, and Jane Goff is
7 recommending a monitoring session.

8 MS. SCHROEDER: I would recommend oppose.

9 CHAIRMAN DURHAM: All right. So do we --
10 anybody -- any discussion from the Board is there a motion
11 on this piece?

12 MS. SCHROEDER: Well let me -- let's hear
13 from the --

14 CHAIRMAN DURHAM: Or yeah, any -- any
15 comment?

16 MS. SCHROEDER: Go ahead Debora.

17 MS. SCHEFFEL: I just think there are
18 several features of that that I think will be helpful to
19 us, so I recommend. That we support.

20 MS. SCHROEDER: I second that (inaudible).

21 CHAIRMAN DURHAM: We'll -- yeah we'll take a
22 motion in just a second. Ms. Goff do you wish to --

23 MS. GOFF: Well I'm -- I'm just in my --
24 it's not necessarily -- necessarily cautious. It's more
25 than a watchful end depending on what might transpire



1 possibly before the end of the session around the federal -
2 - our federal work. Anything around the ESSA, and the
3 pilots that are being developed here if any. So that I'm
4 just monitoring. I agree with -- I do agree with the
5 support position, and that there are several points in
6 there that -- that need some more discussion. They deserve
7 some more discussion possibly. I'm just not ready to say
8 one way, or the other where we go with this. I appreciate
9 the fact that the state board is given some authority in
10 the -- in the choice of the exams but I don't know that --
11 that's necessary. I don't know, just --

12 MS. FLORES: Oh.

13 CHAIRMAN DURHAM: Yes Dr. Flores.

14 MS. FLORES: I mean I think if we are going
15 to be responsible, and we are responsible, then we should
16 take -- then we should take responsibility for something as
17 significant as a test that is going to. Well that is so
18 important for kids, and I -- I don't know about you all but
19 I certainly had been listening to people about which one
20 because I -- I actually thought it might be our decision to
21 make. And so when I read in the paper, and from this --
22 from the department that a choice had been made, and then
23 the telephone started ringing. I just was appalled. You
24 know that we -- we didn't even know that this was even
25 coming down. And I think we -- we have a big stake in



1 that. And we should be responsible for it. Certainly we
2 go out in the field, and ask for opinions but ultimately it
3 should rest with this body.

4 CHAIRMAN DURHAM: Yes. Ms. Rankin.

5 MS. RANKIN: I just -- I just would like to
6 second what Bill said.

7 CHAIRMAN DURHAM: All right. Is there a
8 motion for -- on this. Yes Dr. Scheffel. Pardon me.

9 MS .SCHEFFEL: I'll make a motion that we --
10 we support this legislation.

11 CHAIRMAN DURHAM: Is there a second to that
12 motion? It's been moved, and seconded. Ms Mazanec is a
13 second. Is there objection to the adoption of that motion?
14 Would you please call a roll, Ms. Burdsall.

15 MS. PEARSON: Board Member Flores?

16 MS. FLORES: Yes.

17 MS. PEARSON: Board Member Goff?

18 MS. GOFF: No.

19 MS. PEARSON: Board Member Mazanec?

20 MS. MAZANEC: Yes.

21 MS. PEARSON: Board Member Rankin?

22 MS. RANKIN: Yes.

23 MS. PEARSON: Board Member Scheffel?

24 MS. SCHEFFEL: Yes.

25 MS. PEARSON: Board Member Schroeder?



1 MS. SCHROEDER: No.

2 MS. PEARSON: And Chairman Durham.

3 CHAIRMAN DURHAM: Yes. That motion is
4 adopted on a vote of 5 to 2. So as you talked to people
5 about that bill just make sure to note the -- the vote on
6 that. So that they know it's not unanimous.

7 MS. BURDSALL: Absolutely Mr. Chairman.
8 Thank you.

9 CHAIRMAN DURHAM: Thank you.

10 MS. BURDSALL: The next bill for
11 consideration is Senate Bill 45. This is in addition to
12 the financial literacy standards. So in current statute.
13 Statute is much more directive in the area
14 of financial literacy standards than it is in other
15 standards in our state, but that's -- that's the status
16 quo. This bill doesn't create that. What it does do, is
17 add to that rather directive standard language in statute,
18 as specific requirement that -- that our K-12 system
19 educate students about college loan, and student loan debt,
20 and those financial issues. So it's taking an existing
21 rather specific directive making it even more specific.
22 Your legislative contacts have the same recommendation on
23 this one, and that is to oppose. They can obviously speak
24 for themselves, but our discussion was that this is a level
25 of minutia that is unnecessary in statute. That the



1 statute already allows, and -- and could be read even as
2 encouraging schools to do this, and this just doesn't seem
3 necessary.

4 MS. FLORES: And to do what? I'm sorry.

5 MS. BURDSALL: Well, the statute already
6 says that in the financial literacy standard you have to
7 talk about debt, and -- and all of that. So you know,
8 there's nothing prohibiting schools from talking about
9 student loan debt right now. And if they're implementing
10 the financial literacy standard, I bet they are at some
11 level, so I think. And again, I'm just trying to
12 characterize the discussion, my opinion doesn't really
13 matter. So that's -- that's your recommendation.

14 CHAIRMAN DURHAM: Yes. Dr. Flores.

15 MS. FLORES: But I think that Bill also
16 discusses life skills such as, just debt in general, and
17 you know, credit cards, and all that.

18 MS. BURDSALL: Dr. Flores, that's the
19 existing statute. Yes. So you're right. That -- the --
20 right now, the statute says you have to do life skills, and
21 credit card debt, and debt, and all of that, right.

22 UNIDENTIFIED VOICE: So this is just starts
23 a little co-motion?

24 CHAIRMAN DURHAM: Yes. Is there a
25 discussion, and or a motion on this?



1 MS. SCHROEDER: Just a move to oppose.

2 CHAIRMAN DURHAM: Okay, it's been moved. Is
3 there a second -- second to Dr. Schroeder? All right. Is
4 there objection to the adoption of that motion to oppose?
5 Seeing none, that motion is adopted unanimously. Ms. Okes?

6 MS. OKES: Thank you. Okay. So we're on
7 our last bill to -- in terms of consideration of positions.
8 This is Senate bill 72 which would increase the annual best
9 Leetch(ph), sorry, lease purchase payment cut. Leetch(ph),
10 I don't know that's interesting.

11 UNIDENTIFIED VOICE: That was interesting.

12 MS. OKES: You know, I will confess to you
13 all that I know nothing about bonds, and the bonding
14 market. And for some reason, this session I have had to
15 deal with multiple bills on this topic. So I called Leanne
16 last night, she helped me make sure I understood this bill,
17 and I'll do my very, very best to explain it to you. Right
18 now, there is a statutory cap of 40 million that's the
19 maximum amount a state can spend on COP payments annually.
20 Those COPs essentially, are you know, it's debt that we
21 enter into in order to deal with capital -- school capital
22 construction, and maintenance issues. This bill increases
23 that cap over time.



1 UNIDENTIFIED VOICE: Jennifer, on a district
2 by district basis, is that what this is? There's a cap at
3 the district level that you can only.

4 MS. OKES: One of my sure, I should -- this
5 is referring just to the state cap. So districts do also
6 participate in -- in some of the bonding.

7 UNIDENTIFIED VOICE: State?

8 MS. OKES: Under the best programs.

9 UNIDENTIFIED VOICE: Under the best program.
10 These districts have COPs on their own, right?

11 MS. OKES: Absolutely. And this is not --

12 UNIDENTIFIED VOICE: That is not where we
13 are.

14 MS. OKES: Correct. This is specific to the
15 best program that is in statute right now. So essentially
16 that's what we're saying, is we could -- the best Board
17 would be able to incur additional debt through certificates
18 of participation in order to build more, construct more,
19 fix more, and they have a well-established existing process
20 for how they prioritize all of that. As I confessed early,
21 not a financial expert, I am assured that people who are
22 financial experts believe that the revenue source through
23 the State Land Board, and the other revenues that come into
24 this program are sufficient to allow for that higher level



1 of annual debt repayment. So you know, the -- the experts
2 let me think that there's enough money there.

3 CHAIRMAN DURHAM: Ms. Mazanec.

4 MS. MAZANEC: So I'm not a financial person
5 either. This may be a question for Ms. Emm. I just wanna
6 say the divine, Ms. Emm every time I refer to you.

7 MS. EMM: I would agree with that. I would
8 make a motion, and second.

9 MS. MAZANEC: Could you explain what COPs
10 are? COPs aren't they -- ?

11 MS. EMM: Not the kind that stops you on the
12 road.

13 MS. MAZANEC: Right. I understand that.
14 But I -- as I understand it they're a way to provide funds
15 without taxpayer approval. Is that correct?

16 MS. EMM: Thank you Mr. Chair.
17 Certificates of Participation are a debt instrument that
18 when you raise, the repayment can be made out of general
19 funds, and any sources of funds that are available to a an
20 entity. Whereas if you enter into a bond issue typically
21 you are doing bonds, and seek mill levies in order to
22 create the funds to repay that debt.

23 MS. MAZANEC: The voters don't vote on
24 those, right?



1 MS. EMM: Not necessarily on Certificates of
2 Participation.

3 MS. MAZANEC: Not necessarily sometimes they
4 do?

5 MS. EMM: They -- I have seen times where
6 potentially a district, or another entity will do a mill
7 levy override in order --, and that may be one of the
8 sources of revenue that is used to pay Certificates of
9 Participation back, or something like that. But typically
10 they do not increase issue Certificates of Participation
11 because they are lease obligation. The other thing that
12 goes along with those lease obligations, is that they are
13 always subject to appropriations. So that if a taxing
14 entity entered into a Certificate of Participation, they
15 must put that clause in there that it's on an annual
16 renewal basis, subject to appropriation. Therefore the
17 entity could potentially default on those COPs if they
18 chose. If there was not enough appropriation, or available
19 resources, and that has happened actually in the city of
20 Sheridan. That happened back in the 90's.

21 MS. OKES: The other component of this bill
22 that I think is relevant for your discussion is when it was
23 in it's first Senate Committee, it passed out of two Senate
24 Committees at this point, and it is on it's way to the
25 Senate floor but it was amended to -- the status quo is



1 that charter schools must wait five years before they can
2 apply to the best program for funding. This removed that.
3 So now charter schools could reply, excuse me, apply in the
4 first year of their existence for best grants. Now again,
5 there's a process that the best Board goes through to
6 approve, and prioritize all that. So it's not a guarantee
7 of anybody getting money but at least it allows any charter
8 school to apply when they see fit. So those are -- that's
9 the basics of the bill. You have a unanimous, well,
10 unanimous from your two left contacts, a unanimous group of
11 two have recommended that you support this bill.

12 CHAIRMAN DURHAM: Okay. Do we have any
13 further discussion? Is there a motion on what's in the
14 bill number --

15 MS. FLORES: May I ask --?

16 CHAIRMAN DURHAM: Yes.

17 MS. OKES: 72.

18 MS. EMM: I would like just to add
19 something. Is there any specification within the bill that
20 states that the buildings if they are bought by charter
21 school, company or whatever, that -- that school stays
22 within the common good of the state, or the district?

23 MS. OKES: Dr. Flores, no. I don't believe
24 this bill addresses that issue. I would defer to Leanne to



1 see if there's other existing statute, or best policies
2 that address that issue.

3 MS. EMM: Right now, the statutes do require
4 that the buildings are either owned by a district, or that
5 the charter school owns them. That -- so right now, there
6 is no provision to allow a -- a -- a private owner of a
7 building that the charter school is renting from, or
8 something like that, that they could not seek a grant to
9 improve that private-owned property. So right now, the way
10 I understand it, and I'm not the expert on -- on this, but
11 that the -- the buildings either have to be owned by the
12 state, the district, or the charter school in order to be
13 eligible for the grant.

14 MS. FLORES: But if it's owned by the
15 charter school isn't that a private -- isn't that private?

16 UNIDENTIFIED VOICE: Charter school is a
17 charter public --

18 MS. FLORES: I don't know. They're a
19 501(c)(3). They're a public -- private entity.

20 MS. EMM: They're run by 501(c)(3).

21 MS. FLORES: Okay. But -- but if -- if
22 it's- if there is money to fix that building then it
23 becomes a common good. It becomes the state. In -- in
24 other words, I don't think it's fair for the public to be
25 paying monies on a -- schools, even fixing them, if they're



1 not -- if they're not going to stay within the domain of
2 the state, and or the district.

3 UNIDENTIFIED VOICE: I think that's what
4 you're saying, isn't it? That they have to be district-
5 owned before they -- they don't have access to those funds.

6 MS. EMM: So that charter school can apply
7 to the program.

8 MS. FLORES: To grant, or to fix but it
9 stays within the domain of the state, and the district. I
10 mean that's -- I'm asking a very -- I think is -- I -- I
11 don't think we wanna spend monies for -- public monies to
12 give to private entities. That's my concern.

13 MS. EMM: And the charter schools being
14 either part of the -- the charter schools are authorized by
15 the district so they are a school within the district, and
16 the fund -- all the taxpayer funds that go to the district
17 are also supporting that charter school. And so the best
18 program can either support charter schools, or the publics
19 -- the neighborhood schools, I'll call them the
20 neighborhood schools within the district, but they're all
21 supported with the public -- with public funds.

22 MS. FLORES: And they're owned by the
23 public, by the district, or the state?

24 MS. EMM: Yes.

25 CHAIRMAN DURHAM: Correct.



1 MS, FLORES: So I would like to hear from
2 the legislative lease on.

3 CHAIRMAN DURHAM: Dr. Scheffel, do you
4 wanna comment quickly?

5 MS. SCHEFFEL: I guess I tried to do a
6 little more research even after we met. And I feel a bit
7 more equivocal at this time than I did at the time when we
8 met about whether, or not we should support it, or monitor
9 it. And it's just because there's a lot of nuances, and
10 some of them had changed a bit since we met. Is that
11 right?

12 MS. OKES: No, actually that -- has bill had
13 been amended as I've described it to you before you met.
14 And it's probably good to say that part of our procedures,
15 our policies are that if you've taken a position on a bill,
16 and amend bill changes significantly, I will bring that
17 back to you as alleged contacts, and you can then -- you
18 may wanna recommend a change of position, or not but that
19 is absolutely part of my job. Is to make sure that if, you
20 know, use 11-21, for example, that you guys have just
21 decided to oppose, and that bill changes a whole bunch,
22 we're gonna talk about that again if we don't just let that
23 ride.

24 MS. SCHEFFEL: I didn't know if the Chairman
25 had any thoughts on it since you're at the legislature. I



1 mean I tried to understand the nuances, and I understand it
2 to some degree but --

3 CHAIRMAN DURHAM: It's an existing -- it's
4 an existing program that's being expanded. I think the
5 answer to Dr. Flores' question is this remain to be -- is
6 remain public, essentially public property. If say it's an
7 expansion of an existing -- of an existing program, and
8 whether you like COPs, or not is you know, may drive part
9 of how you might view the legislation.

10 MS. SCHEFFEL: And the tax implications that
11 Pam Mazanec alluded to is that --

12 MS. MAZANEC: That's the COP.

13 MS. SCHEFFEL: Right.

14 CHAIRMAN DURHAM: Yeah. I mean that's the
15 debt instrument, it's not -- they are not subject to voter
16 approval. They -- now they can, some districts would
17 probably vote on them. But -- but because they're a
18 contingent liability not for more than one year, and can in
19 fact, be turned back to the bondholders, as opposed to
20 general obligation debt they're exempt from -- they're
21 exempt from essentially provisions of TABOR. They predate
22 TABOR. They go back to 1981. I could give you a long
23 sordid history, but I will have to admit many of my past
24 mistakes to do that. So they go back a long time, and they



1 predate TABOR, and they're exempt from TABOR because of the
2 mechanism they use. Yes, Dr. Schroeder.

3 MS. SCHROEDER: So I'm just remembering all
4 the lectures that we had from Marcia Neal about this -- the
5 lay interest school land trust fund. Are there any
6 provisions in there that make sure that comes out of income
7 as opposed to out of principle? I'm just trying to channel
8 what I thought I learned, and what the concerns were about
9 totally depleting that fund.

10 MS. EMM: The way the -- the way the statute
11 would is curl -- the way the bill reads now is that the
12 Land Board still is obligated to transfer 50 percent of
13 their revenues over to the best program.

14 So if they were to earn a 100 million
15 dollars in any given year it's --

16 UNIDENTIFIED VOICE 2: It's 50.

17 MS. EMM: -- \$50 million. There's no
18 provision in this current bill to increase that 50 percent
19 rate --

20 MS. SCHROEDER: Okay, so the decisions --
21 the decisions that have been made historically whether one
22 agrees with them or not --

23 MS. EMM: Still remains.

24 MS. SCHROEDER: -- by the Land Board
25 continue, and they're the ones who decide, what goes



1 forward, so they're the ones to get mad at if we don't
2 think they're doing --

3 MS. EMM: Correct.

4 MS. SCHROEDER: Or some people get mad at,
5 not me.

6 CHAIRMAN DURHAM: I don't believe you can
7 constitutionally expend the corpus.

8 UNIDENTIFIED VOICE: Correct.

9 CHAIRMAN DURHAM: Only the (inaudible).

10 UNIDENTIFIED VOICE: Correct.

11 MS. SCHROEDER: Yeah, and Marcia's argument
12 was about the -- what do you call those -- those final list
13 payments that people could --

14 MS. FLORES: List purchase.

15 UNIDENTIFIED VOICE: Yeah, the bonuses that
16 are paid but they would be getting. Are they really
17 income?

18 CHAIRMAN DURHAM: All right.

19 UNIDENTIFIED VOICE: This is an -- it's an
20 interesting discussion, not all of which I totally
21 understood but I think --

22 CHAIRMAN DURHAM: And part of this debate
23 might be moot because that fund is dependent on -- on
24 royalties from (inaudible) energy so there has been a
25 significant decline --



1 UNIDENTIFIED VOICE: Sayonara.

2 CHAIRMAN DURHAM: -- on those anyway.

3 UNIDENTIFIED VOICE: Yeah.

4 UNIDENTIFIED VOICE 1: Okay. Okay.

5 CHAIRMAN DURHAM: Further discussion, is
6 there motion of -- Ms. Rankin?

7 MS. RANKIN: I -- I just wanted to ask
8 Leanne the question about, if we go from 40 million, it
9 just raises it to 60 million, correct?

10 MS. EMM: Correct, over a period of five
11 years.

12 MS. RANKIN: Okay.

13 MS. EMM: So --

14 MS. RANKIN: So who is ultimately held to
15 that?

16 MS. EMM: The State would -- the state
17 would, if for instance, there is no revenues coming in from
18 the State Land Board, or anything like that, then the state
19 would be under obligation for that repayment.

20 MS. RANKIN: My -- my concern at this point
21 is, where our budget is now in our state, and because of
22 limits to it. I don't know, if I want to put the State at
23 risk like that, and that's a concern of mine. But at this
24 point, because of the questions that are raised, and the
25 understanding we have, or lack thereof, I would -- and I



1 don't know if this is the way you make the motion on it,
2 but I -- I really would recommend a monitor on this one.

3 CHAIRMAN DURHAM: So move to that.

4 UNIDENTIFIED VOICE: I would -- I would
5 second that.

6 CHAIRMAN DURHAM: That's been moved, and
7 seconded now, that we monitor this piece of legislation.
8 What's the number 17 legislation bill?

9 UNIDENTIFIED VOICE: It's Senate Bill 72.

10 CHAIRMAN DURHAM: Senate bill 72. All
11 right. Is there objection to the motion to just simply
12 monitor Senate Bill 72? Seeing none, that motion is
13 declared adopted. All right. We have one more bill, is
14 that right?

15 UNIDENTIFIED VOICE: We do not have any more
16 legislation to take a position on. We had a couple of the
17 things on the agenda that I could run through just very
18 quickly, because I know I'm over my time.

19 CHAIRMAN DURHAM: Right. And the Lieutenant
20 Governor is waiting, so can you give it to us in about a
21 minute?

22 UNIDENTIFIED VOICE: Well, I certainly -- I
23 hate to -- I know, boy. That's no -- no pressure there.



1 CHAIRMAN DURHAM: I hate to keep the
2 Lieutenant Governor waiting. He is a patient man, but we
3 don't want to test it.

4 UNIDENTIFIED VOICE: He is catching up on
5 his note-taking.

6 UNIDENTIFIED VOICE: Okay. So -- and -- and
7 you all know that you can all call, or email me, if you
8 have questions about this, so just a reminder that the
9 Joint Education, and Joint Budget Committee School Finance
10 Study Meetings are continuing. We sent you that
11 information last week. The speaker has been announced for
12 Wednesday, February 17th, and that is Andrew Reschovsky,
13 PhD.

14 UNIDENTIFIED VOICE 5: Could you spell
15 that?

16 UNIDENTIFIED VOICE: I can. I can't
17 necessarily say it, but I have it in writing here. The
18 topic being how the local property tax supports, and
19 distorts the statewide school finance system. So that
20 sounds interesting.

21 UNIDENTIFIED VOICE: Sounds (inaudible).

22 UNIDENTIFIED VOICE: At your direction, I
23 continue to work on data privacy. At some point, we
24 actually will have a bill with specifics to talk about. At
25 your direction. I am also working on legislation to, right



1 now, when you will grant waivers to innovation schools,
2 those exist in perpetuity. You've asked me to get some
3 legislation moving that would put a time limit on that.
4 Representatives Patterson, and Senator Hill have agreed to
5 -- to carry that, and help us with that. And
6 Representative Patterson assured me last night that the
7 paperwork would get the final okay today, because I told
8 her I wanted to be able to tell you all that, so that
9 helped.

10 And then finally, there are two concurrent
11 enrollment bills out there, I know you guys care a lot
12 about concurrent enrollment. One of them is on third
13 reading in the House today. It's the one that requires
14 high schools to notify parents, and students if the course
15 that they're enrolling in is not transferable. So that
16 bill is moving fairly quickly through the system. The
17 second bill on that is House Bill 1128 by Representative
18 Paul, and Dean. That bill will undergo significant changes
19 from it's introduced version, and so I think perhaps the
20 best course of action, is for me to bring once those
21 amendments are made public, and -- and that's a process.
22 We'll talk about it at our Ledge contact meeting, and then
23 we can work it up through our process.

24 CHAIRMAN DURHAM: Yes, Ms. Rankin?



1 MS. RANKIN: If -- if someone's interested
2 in listening to those education meetings with Finance, can
3 they link auditorily through that through the CDE?

4 UNIDENTIFIED VOICE: What an excellent
5 question?

6 MS. RANKIN: Thank you.

7 UNIDENTIFIED VOICE: I actually don't know
8 the answer to that. You know, most hearings --

9 UNIDENTIFIED VOICE: So let me fill you in
10 on --

11 MS. O'NEILL: Oh, please? Okay, I don't --
12 how about that my response be, "I don't know, what do you
13 know?"

14 UNIDENTIFIED VOICE: I'm -- I'm sorry, I --
15 I thought you might know.

16 UNIDENTIFIED VOICE 2: Bizzy, looks like it
17 might involve her.

18 UNIDENTIFIED VOICE: No, it is not on CDE
19 but it is on www.leg.state.co.us.

20 UNIDENTIFIED VOICE: Okay.

21 UNIDENTIFIED VOICE: And they -- they are
22 also archives, so if someone is interested in that, and
23 this is it, they're all online.

24 UNIDENTIFIED VOICE: So the one we missed
25 already, we could go back to --



1 UNIDENTIFIED VOICE: Absolutely, absolutely.

2 MS. O'NEILL: And if you like, we will send
3 you the link, yes. Yes.

4 UNIDENTIFIED VOICE: Could you find that?
5 That would be great.

6 MS. O'NEILL: So Megan Wagner, who works in
7 our firm, I'll have her send you all an email with that
8 link for future, and for past.

9 UNIDENTIFIED VOICE: Perfect. Thank you.

10 CHAIRMAN DURHAM: Thank you very much, Ms.
11 O'Neill.

12 MS. EMM: On that, is -- although I know
13 they are considered public meetings, but is the
14 participants are really the legislators and the -- well,
15 leaders. What is this? Is there a certain kind of
16 understanding about who is in the room to participate?
17 People in the outside just --

18 UNIDENTIFIED VOICE: It's stakeholder
19 meeting, and I -- I have to say, Jane, I -- I thought the
20 same way you did. I thought I would go in there, and
21 everybody would be up front, and I'd be the only -- well,
22 and of course, Ms. Mellow would be out there too, and the
23 room was full.

24 MS. EMM: Sure.



1 UNIDENTIFIED VOICE: And so people are
2 interested, people are coming in, and of all types. And so
3 I think the more we get that out, that you can hear it
4 online, the more -- and I have gotten that up to my
5 (inaudible).

6 UNIDENTIFIED VOICE: They're absolutely open
7 to the public. They're -- they're conducted with kind of a
8 normal legislative committee process in terms of questions,
9 and all of that. So you've got the legislators kind of
10 sitting, where you all are sitting right now in that
11 setting. But I also want to really emphasize that the
12 legislators who have really been spearheading this, have
13 very, very consciously, and insistently reached out to the
14 Department and to the Board and -- and -- and really want
15 to be partners with you all in all of this. So I hope
16 there's no sense of exclusion, and if so then you can blame
17 me for not communicating it properly. But there absolutely
18 is a willingness, and a desire to have this be -- they want
19 your perspective, and they want your involvement.

20 MS. EMM: Well, I -- I guess my -- my
21 question is a picture of the -- the situation, is it like a
22 town hall? People -- the public has been asking me, "Can
23 we go and --" Do they have a role?

24 UNIDENTIFIED VOICE: So they're not -- they
25 have not set one up for public comment at this point. At



1 this point, they have been, so kind of like, like I'm
2 sitting here presenting to you all, the legislators are up
3 on -- on their dias, and they have a speaker who's been
4 presenting to them. Now, future meeting -- the agenda
5 hasn't been determined for all of the meetings, and I
6 wouldn't be surprised if one of them becomes open for
7 public comment, but I -- I can't give you a guarantee of
8 that at this point.

9 CHAIRMAN DURHAM: When we, if we can
10 (inaudible) we are late, and we're keeping the Lieutenant
11 Governor late, so we can perhaps revisit this at the next
12 meeting, Ms. Mellow.

13 MS. MELLOW: Of course, Sir.

14 CHAIRMAN DURHAM: Thank you.

15 MS. MELLOW: Thank you all.

16 CHAIRMAN DURHAM: Thank you very much.

17 Let's welcome Lieutenant Governor Garcia, and we apologize
18 for the delay, and hope it doesn't upset your schedule too
19 much.

20 MR. GARCIA: Thank you, Mr. Chair. I do
21 have to get to another event, a literacy event out at a
22 school, out in Lakewood, so I'll try to move pretty
23 quickly. I do appreciate as always, the time that you give
24 me to come, and talk to you about the -- what the



1 administration is working on, as well as what Department of
2 Higher Education is working on.

3 I also want to take this opportunity to
4 really to tell you how much we're looking forward to
5 working with Commissioner Crandall, and we've already met
6 with him, and his senior staff, and things are going very
7 well. We're trying to continue that open communication
8 between the Department, and the administration in this
9 Department going forward as we had previously. So thank
10 you, and welcome, Commissioner. And also want to thank
11 Commissioner Asp, the Interim Commissioner for all of his
12 service to CDE, to the Department of Higher Ed, for all the
13 students in the State, really to the entire Colorado
14 education community. So really appreciate what he has done
15 in terms of working with us.

16 I want to mention a couple of things
17 quickly. One is that, I want to reiterate a point you all
18 heard the Governor's mention of the state -- of the state
19 about testing. We do know that last year, we had a
20 bipartisan legislation that resulted in a reduction in
21 testing by about 30 hours in order to support additional
22 instructional time, and I mean, that is a reasonable
23 approach. We certainly understand the need to not over
24 test, need not to -- to avoid taking way too much
25 instructional time.



1 On the another hand, you also heard the
2 Governor emphasize his support going forward for continued
3 ninth grade assessments, so I really think those are
4 critical as we try to balance the need for instructional
5 time, and the opportunity for local teachers, and building
6 administrators, and local school boards to make decisions.
7 But we also recognize that we need to measure the progress
8 of our students at some point, in some consistent way, so
9 we can ensure that all kids from all school districts, all
10 zip codes, all backgrounds have the opportunity to get a
11 very good education.

12 We also want you to know that we are
13 continuing to work at the Department of Higher Ed on
14 closing the attainment gap, and supporting post secondary
15 students success, and so we have been working at the
16 Department, and with the commission, in certain initiatives
17 that do impact your students. One is around prior learning
18 assessments. We want to make sure, as we think about how
19 we ensure that students move through the post secondary
20 system, and earn a credential, and do it without taking on
21 too much cost, that they get credit for what they already
22 know.

23 One of the things that's been very helpful
24 over the years, of course, is the IB tests, the IB courses,
25 and tests and the AP courses, and tests that so many



1 secondary students take. But as you know, that not all
2 institutions of higher education give credit to those
3 students based on the same cut scores. So we've been
4 working with all our institutions, and we have at the most
5 recent Commission on Higher Education meeting approved an
6 AP cut score of a three, and an IB score of a four, on
7 really all of our GT Pathways courses, and the goal here
8 again is to make sure that students know when they take
9 these tests, and they take those courses, and they put in
10 the effort, that they are going to be credited, if they go
11 to a public institution in Colorado. This is particularly
12 important again, as we want to ensure that we move students
13 through their post secondary career more quickly.

14 We have one of the things that most drives
15 cost in debt as students can't graduate in four years, and
16 sometimes takes -- it often takes five, or six, so we want
17 to redress that. And a go -- again, the goal here is
18 simply consistency, and transparency. We also at the
19 commission meeting approved the post secondary workforce
20 readiness definition, and that is that "Colorado High
21 School graduates demonstrate the knowledge, and skills,
22 competencies needed to succeed in post secondary settings,
23 and to advance in career pathways as lifelong learners, and
24 contributing citizens."



1 And we think that's useful to us, and to the
2 institutions of higher education as we look to expand our
3 work regarding workforce readiness. You all very focused
4 on post secondary, or post secondary readiness, we are as
5 well, but we want to make sure that again, students come
6 into the post secondary environment, whether it's into an
7 educational setting, or the workforce, that those students
8 are well-prepared. We also just completed our Educator
9 Preparation report. And this year, we -- our report
10 highlights some of the concerns that we know you shared,
11 the fact that impact you dramatically, and that is we have
12 a teacher shortage, and we know that it impacts certain
13 parts of our State, much more dramatically than others.

14 And the bad news is that when we look at the
15 students enrolled in our colleges, and the universities in
16 Teacher Prep programs, it's down 6 percent this year, and
17 23 percent compared to where we were five years ago. That
18 has an incredible impact, especially on our rural schools,
19 so we're gonna continue to work with this department, with
20 both of these groups, alternative providers in our
21 institutions of higher education to help remedy the
22 situation, but it's going to remain an area of significant
23 concern for all of us. We also just released our Talent
24 Pipeline report, and that is to help us understand as a



1 State whether we are producing enough graduates in the
2 right areas to meet our workforce needs.

3 What we saw very clearly is kind of an
4 extension of the attainment gap we see in higher education,
5 because it impacts not just our institutions, and students
6 but are our -- our employers, and so we're seeing in our
7 business in industry areas, very low numbers of students of
8 color, graduates of color whether African-American, or
9 Latino, or Native Americans available to fill jobs in
10 health care, IT, and business, and finance. We need to get
11 more of our students enrolled more in those programs, and
12 more graduating.

13 The report went on to identify 20 core
14 skills that are necessary for Colorado's workforce. Some
15 of these are a little harder to assess than others, and
16 certainly, not all of our students are coming out with the
17 skills in critical thinking, and creativity, and self
18 direction in high management, self advocacy. Those are
19 things that are important, not just to students, but of
20 course, to employees, and employers.

21 So last, I want to just mention very
22 quickly, we want to lay to rest any concern. I know some
23 folks have raised it with us about a possible switch, or an
24 eventual switch from using the ACT as the standard to the
25 SAT, whether that's going to do anything to our higher



1 education institutions, and I want to be very clear, our
2 institutions of higher education have long accepted both,
3 of course, of those assessments because we have students
4 applying at our universities, and colleges from all around
5 the country. So the use of SAT, and ACT, are both
6 specifically addressed in our remedial policy, and in our
7 admissions policy, and so we don't view it anyways
8 disruptive of anything that we are doing in higher
9 education. That's my report, Mr. Chair, and I'm happy to
10 take any questions.

11 CHAIRMAN DURHAM: Questions to Lieutenant
12 Governor, or comments? Getting off easy today.

13 MR. GARCIA: Thank you, Mr. Chair. I
14 appreciate the time.

15 CHAIRMAN DURHAM: Thank you very much for
16 coming. We appreciate it.

17 (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
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Certified Vendor and Notary Public

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