



Colorado State Board of Education

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**TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO**

**September 13, 2017 Meeting Transcript - PART 2**

BE IT REMEMBERED THAT on September 13, 2017,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board Members:

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



1 UNIDENTIFIED VOICE: There we go.

2 MS. SCHROEDER: The next item on the agenda  
3 is consideration of Pueblo District 60's innovation  
4 application on behalf of Heroes K-8 high- Academy and  
5 Bessemer Academy. Before we begin discussion, is there a  
6 motion on the table please?

7 UNIDENTIFIED VOICE: Heads up motion.

8 UNIDENTIFIED VOICE: I move to affirm the  
9 innovation school application from Pueblo District 60 on  
10 behalf of Heroes K-8 Academy and Bessemer Academy.

11 UNIDENTIFIED VOICE: I second it.

12 MS. SCHROEDER: That's a proper motion; thank  
13 you for the second. Commissioner, is staff prepared to  
14 provide an overview?

15 MS. ANTHERS: Yes, thank you. I'd like to  
16 turn it over to Bill Kottenstette and -- our Executive  
17 Director of Schools of Choice and Innovation and Alyssa  
18 Pearson our Associate Commissioner, just to give you an  
19 overview of this week. We told you a little bit about it  
20 this morning but just to set the context.

21 MR. KOTTENSTETTE: Great. Thank you. Thank  
22 you, Katy. So, thank you and it's great to see you all  
23 again for my second meeting. Glad to be here and we have  
24 with us today from Pueblo School District Superintendent  
25 Macaluso, Assistant Superintendent Maury and Ted Johnson who



1 is overseeing the innovation work in the district.

2                   And so they'll be here today to answer any  
3 questions that you have about the plans within CDE. The  
4 reviews that we have is that the innovation team has  
5 reviewed the application to ensure that it's complying with  
6 the requirements of the innovation plan submission. We have  
7 confirmed that the district has met all the requirements for  
8 submitting the plan.

9                   There was supplemental materials that were  
10 provided to you including the analysis of the licensure  
11 waiver and I have Alyssa here as well if there are any  
12 questions about the context leading to the plan at a high  
13 level, the plan's submission follows the work that has been  
14 happening with the two schools and -- over the past year.  
15 And so one of the last requests was to come with the updated  
16 innovation plan for the -- for the board and so the plan is  
17 here for you today.

18                   MS. SCHROEDER: Thank you. Superintendent,  
19 do you have some comments you'd like to make?

20                   MS. MACALUSO: Sure. Good afternoon, Madam  
21 Chair Schroeder, Commissioner Anthes, members of the Board  
22 of Education, it is our pleasure to be in attendance with  
23 you today as we re -- request approval of the innovation  
24 plans for specifically Bessemer and Heroes Academy.

25                   As you know that we came before this board a



1 few months ago, a couple of months ago, in conjunction with  
2 the CDE accountability hearing and I know that you are all  
3 well-read and at that time you received copies of the  
4 innovation plan and we presented an in-depth presentation  
5 with details regarding those plans in conjunction with the  
6 performance management plan. And so at this time we don't  
7 specifically have a presentation so to speak but I do have,  
8 as Mr. Kottenstette indicated, I do have Suzanne Maury here  
9 who is my Assistant Superintendent and also Ted Johnson who  
10 is Executive Director of Continuous Improvement and  
11 Innovation. And Ted will be able to speak to any elements  
12 or components regarding the innovation plan and Mrs. Maury  
13 is prepared to talk to you about our Performance Management  
14 Plan partnership that we have with Achievement Network and  
15 how that's going. And we are in full operation and had a  
16 great start to the school year so, if you have any specific  
17 questions or request any additional information, we're happy  
18 to provide that information to you at this time.

19 MS. SCHROEDER: Thank you very much.  
20 Colleagues, do you have questions? Mr. Kottenstette, thank  
21 you for being more detailed about the licensure case.

22 MR. KOTTENSTETTE: Sure thing.

23 MS. SCHROEDER: That was my concern. Would  
24 you be good enough to call the vote?

25 MS. CORDIAL: Of course. Board member



1 Durham.

2 MS. SCHROEDER: He's excused.

3 MS. CORDIAL: Okay. Board member Flores.

4 MS. FLORES: Yes.

5 MS. CORDIAL: Board Member Goff.

6 MS. GOFF: Yes.

7 MS. CORDIAL: Board member Mazanec.

8 MS. MAZANEC: Yes.

9 MS. CORDIAL: Board member McClellan.

10 MS. MCCLELLAN: Yes.

11 MS. CORDIAL: Board member Rankin.

12 MS. RANKIN: Yes.

13 MS. CORDIAL: Board member Schroeder.

14 MS. SCHROEDER: Yes.

15 UNIDENTIFIED VOICE: Thank you for coming and

16 thank you very much.

17 UNIDENTIFIED VOICE: Thank you. Thank you.

18 UNIDENTIFIED VOICE: Thank you.

19 (Pause).

20 MS. SCHROEDER: You remember we went to

21 Pueblo.

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: You're gonna be here

24 tomorrow?

25 UNIDENTIFIED VOICE: No. I'm just saying



1 that you're gonna drive tomorrow.

2 UNIDENTIFIED VOICE: Thank you guys for  
3 coming.

4 UNIDENTIFIED VOICE: All right. No worries.

5 MS. SCHROEDER: Next item on our agenda is a  
6 notice of rule making for the Rules for the Colorado School  
7 Counselor Corps Grant Program 1CCR301-74. Is there a motion  
8 on the table, please?

9 MS. RANKIN: This just starts the process  
10 right?

11 MS. SCHROEDER: Yes. Apparently we -- go  
12 ahead Joyce.

13 MS. RANKIN: I move to approve the notice of  
14 rule-making for Rules for the Colorado School Counselor  
15 Corps Grant Program 1CCR301-74.

16 MS. SCHROEDER: That's a proper motion is  
17 there a second?

18 MS. GOFF: Second.

19 MS. SCHROEDER: Jane.

20 MS. GOFF: Thank you. Yes, it's second.

21 MS. SCHROEDER: Commissioner, is staff  
22 prepared to provide an overview?

23 MS. ANTHES: Yes. Thank you. I'll turn this  
24 over to Misti Ruthven Director of Postsecondary Readiness --  
25 Executive Director of Pathways.



1 MS. RUTHVEN: Thank you, Commissioner Anthes.

2 MS. ANTHES: Sorry.

3 MS. RUTHVEN: It's all good. Good afternoon,  
4 everyone. So before you today is the notice of rule-making  
5 for School Counselor Corps Grant. The reason why this is in  
6 front of you today is because of the change to the Senate  
7 bill 17068 that requires the department to add additional  
8 grantee eligibility to include elementary schools.

9 So this is the only change to this rule to  
10 these rules in front of each day. And so where previously  
11 it referenced secondary schools is the addition of all  
12 schools. So that's that's what's before you.

13 MS. SCHROEDER: Any questions, colleagues?  
14 Board member Rankin.

15 MS. RANKIN: Could you just briefly describe  
16 what that counselor program is?

17 MS. RUTHVEN: Sure. Thank you so much board  
18 member Rankin. So the School Counselor Corps Grant was  
19 established in 2008 and it was established to increase the  
20 availability of school counselors and secondary schools  
21 originally and for the purpose of increasing the number of  
22 students that are prepared for the next step beyond high  
23 school specifically call it going into college.

24 And at that point the sc -- counselor school  
25 counselor student ratio in our state was about 550 to 1.



1 The recommendation is about 250 to 1 and since since that  
2 time the counselor ratio in our state has been reduced to  
3 about 400 or 450 to 1 over the past seven years or so.

4 The other the other purpose of the grant is  
5 to ensure that hi- the highest need schools for counselors  
6 in secondary schools at that point in our state had  
7 available counselors that they could add to their staff and  
8 to organize the students specifically for career and college  
9 counseling.

10 MS. RANKIN: So how now that we have them in  
11 elementary school how does that relate to career counseling?

12 MS. RUTHVEN: Sure. So, several other states  
13 have career school counselors in all levels as some -- some  
14 states are required, some states are voluntary and in those  
15 other states they do have standards essentially for school  
16 counselors associated with college and career readiness.

17 And so that's something that we would be  
18 looking at as staff in order to help provide districts  
19 guidance in these areas and really look at some of those  
20 other career and college counseling areas for their  
21 counselors focus on and on actually.

22 MS. RANKIN: So as a grant, an elementary  
23 school would apply for that if they wanted a counselor in  
24 their school?

25 MS. RUTHVEN: Yes.





1 MS. SCHROEDER: Board member Mazanec.

2 MS. MAZANEC: But it's supposed to be for  
3 career planning, career and school planning. This grant.

4 MS. RUTHVEN: Career and college counseling,  
5 correct.

6 MS. MAZANEC: Elementary school.

7 MS. RUTHVEN: So the Senate bill directed us  
8 to add elementary schools to rules .

9 MS. MAZANEC: Yep. Can you, can you give us  
10 any background on that? What was the thinking behind adding  
11 elementary schools for career counseling?

12 MS. RUTHVEN: Sure, Madam Chair. So my  
13 understanding is that, we heard, from several districts,  
14 that there was an interest and their- they saw this as an  
15 opportunity to also add elementary school counselors and  
16 Counselor Corps, has been acknowledged as a high performing  
17 grant program and that this -- they saw this as a great  
18 addition to, and a way to add elementary school counselors  
19 potentially.

20 MS. MAZANEC: I have some follow-ups.

21 MS. SCHROEDER: Please, go ahead.

22 MS. MAZANEC: First of all, what's the source  
23 of this grant? Who provides the monies?

24 MS. RUTHVEN: These are state funds.

25 MS. MAZANEC: State funds. So as directed by



1 our legislature right? And these counselors don't provide  
2 just academic career counseling, either. Isn't that  
3 correct? Don't they also provide mental, social counseling  
4 as well?

5 MS. RUTHVEN: The -- the purpose of the grant  
6 of the school counselor corps grants for this purpose is  
7 college and career counseling and that's the type of support  
8 that we provide school counselors in the grant program.  
9 School counselors generally so, for example, in licensure,  
10 have three domains that focus on college and career  
11 readiness, academic supports and social emotional supports.

12 MS. MAZANEC: So I mean so, so therefore a  
13 elementary school could request one of these counselors,  
14 primarily use them for the -- the third support reason, the  
15 social emotional. Or do they have to prove that they're  
16 using them for academic and counseling.

17 MS. RUTHVEN: They don't. Yes.

18 MS. MAZANEC: And one more question. This,  
19 this is the program, so it's kind of a separate issue but  
20 the, I want to, I want you to remind me that the application  
21 process when schools apply for this grant, they have to  
22 agree to participate in the Healthy Kids survey. Correct?

23 MS. RUTHVEN: So this is a -- madam ch --  
24 this is a, different grant program.

25 MS. MAZANEC: This is a separate --



1 MS. RUTHVEN: Yes.

2 MS. MAZANEC: So the other one is called  
3 what?

4 MS. RUTHVEN: The other one is called School  
5 Health Professional Grants.

6 MS. MAZANEC: Okay. School Health  
7 Professional.

8 MS. RUTHVEN: And this one is School  
9 Counselor Corps and I can see how it'd be confusing because  
10 this edition of elementary was added to both grants.  
11 However, they are very different grant programs and  
12 different from one another.

13 MS. MAZANEC: Okay. Thank you.

14 MS. RUTHVEN: Yes. Thank you.

15 MS. SCHROEDER: Board member Flores.

16 MS. FLORES: I just want to ask another  
17 question but I'd like to add to that in that, there's a lot  
18 of research to show that clubs really help kids, in the idea  
19 of formulating what they wanna do later in life. It used to  
20 be that the research said that it was.

21 It started in middle school but now the  
22 research says that, states that it's really up as early as  
23 elementary that kids start formulating and having ideas  
24 about what they wanna do. So. I think it's it kind of goes  
25 along with that. The question I wanted to ask is, is this



1 any part of what the governor of the -- of the counselors,  
2 the monies that went for counseling, that the governor  
3 appropriated or the legislature appropriated that 9.8  
4 million dollars is this, this is this part of it?

5 MS. RUTHVEN: Thank you for your question.  
6 So I -- so I hear that there's two things that might seem  
7 related that aren't being discussed that have been talked  
8 about now in August and September with you.

9 So in August we did bring forward the School  
10 Health Professional Grant which also has had a new infusion  
11 of resources part to the 9.8 million dollars and that is  
12 separate from the School Counselor Corps Grant. There have  
13 not been additional dollars added to the school prog --  
14 School Counselor Corps Grant and the original appropriation  
15 was made in 2008.

16 MS. FLORES: Thank you.

17 MS. MAZANEC: Maybe in the future we could do  
18 this both at the same time.

19 MS. SCHROEDER: Without, that's okay. Yeah,  
20 yeah. Confusion is confusion that probably doesn't happen  
21 with us.

22 MS. MAZANEC: No, but if they are both in  
23 front of us then we, you know.

24 MS. SCHROEDER: Board member Goff.

25 MS. GOFF: Thank you. Again forgive me if



1 you've said this today the original School Counselor Grant  
2 for high schools primarily, the schools needed to meet  
3 certain criteria as to at risk rates and all that that goes  
4 into when you're talking about post secondary matriculation  
5 and/or barriers that those kids have faced.

6 I -- I've tried to find it in here Misti and  
7 I couldn't but I -- it could be there. What -- does the  
8 same criteria apply for the elementaries? In other words  
9 does there, is there a minimum number of rate of high risk  
10 kids at risk that have to be present in the general in this  
11 elementary level?

12 MS. RUTHVEN: Sure. So thank you for your  
13 question board member Goff. So part of the statutory  
14 guidance to the department ,as far as the administration of  
15 the grant is three pri -- criteria that are used to them  
16 prior -- prioritize a good priority.

17 So that's a percentage of free and reduced  
18 lunch, percentage of the students that need remediation and  
19 percentage of the students that go on to higher education.  
20 So if those are at or below the state average then there is  
21 a priority given for those schools in the process for those  
22 districts in the process.

23 One of the things that we have seen, and not  
24 seen yet cause this isn't in place but we have talked to  
25 districts about is, thinking through how they might



1 implement this and how they see it is really looking at  
2 their feeders with their elementary, middle, and high school  
3 and not necessarily thinking of it as independent  
4 elementaries that we'd be applying. However, in partnership  
5 with their feeder middle and high schools,.

6 MS. GOFF: That -- that would have been my  
7 next question was not that because we haven't im --  
8 implemented this part of it yet would possibly, would there  
9 be a look at how many of the -- feeder area or articulated  
10 high schools already have a Counselor Corps Program and then  
11 bring some of these elementaries in the same area into it.

12 I -- I -- I mean, it could happen but I guess  
13 my interest today is, is that a priority, would it be a  
14 priority? Would the -- the department think that that might  
15 be something that could be separately studied even or  
16 followed from -- from a whole community viewpoint rather  
17 than individual schools.

18 MS. RUTHVEN: So we could certainly take a  
19 look at that and get -- bring that information back to you  
20 when there is a hearing with additional information. What  
21 I'm hearing you say is that you'd like to know how many  
22 elementary schools might be able to be served that are  
23 currently participating at -- have their districts currently  
24 participating. Right. They would meet the criteria.

25 MS. GOFF: I don't wanna throw a wrench in



1 current rule making and writing, but just a thought about  
2 the whole idea of more cohesiveness perhaps, opening up that  
3 possibility for the areas to do that.

4 MS. RUTHVEN: Abs -- and so we would be happy  
5 to add that as it edit if that's something that you all like  
6 to do.

7 MS. GOFF: Possible further study, further  
8 research. I'm sorry. I don't want it, I'd -- like I said I  
9 don't wanna throw any wrenches in this but it's a -- just  
10 thoughts.

11 MS. SCHROEDER: Yeah there's questions. So  
12 folks this is a notice of hearing, rulemaking hearing, so  
13 are there any objections? Since there are none, proceed. I  
14 just asked for you -- whether anyone rejected whether  
15 (indiscernible).

16 UNIDENTIFIED VOICE: (Indiscernible).

17 MS. SCHROEDER: Okay. Good. So we're  
18 rolling on to 13.03. Next item is notice of rulemaking for  
19 the rules for the administration with waiver of statutes.  
20 Before we begin our discussion is there a motion on the  
21 table? Board member McClellan.

22 MS. MCCLELLAN: I move to approve the notice  
23 of rule making for Rules of the Administration of the Waiver  
24 of Statute 1CCR301-35.

25 UNIDENTIFIED VOICE: I second that.



1 MS. SCHROEDER: Thank you. Commissioner, is  
2 staff prepared to provide an overview?

3 MS. ANTHES: Yes, thank you. I'll turn it  
4 back over to Bill Kotten -- is stette?

5 MR. KOTTENSTETTE: Yeah.

6 MS. ANTHES: I always get that last part  
7 right, Kottenstette, Executive Director of Schools of  
8 Choice. Give us an overview.

9 MR. KOTTENSTETTE: All right, hi everyone,  
10 good to see you again. Yes. So this action item is just to  
11 begin a notice of rulemaking for a waiver by Charter Schools  
12 and automatic- or I'm sorry, a waiver- I guess waiver from  
13 state statute, and the purpose and the reason for coming  
14 forward with this is to implement one part of House Bill 17-  
15 1375, which was on mill levy . This doesn't really talk  
16 about mill levy equalization, but as part of that piece of  
17 legislation, there was a section that said, one, there are  
18 two parts of statute that are no longer eligible to be  
19 automatic waivers. The list of automatic waivers is in this  
20 part of rule make -- of the rules. And so, the notice is to  
21 say remove those two statutes as automatic waiver options.  
22 And then one other part of the statute says that the dis --  
23 school districts have to post their waivers online and  
24 charter schools have to post their waivers online. And so  
25 it clarifies into this area because this part of rulemaking





1 talks about district waivers and charter waivers. So  
2 there's a clause that's added that says both districts and  
3 charter schools cannot waive this part of statute.

4 MS. SCHROEDER: All right, thank you.  
5 Questions? Miss Mazanec?

6 MS. MAZANEC: So this is maybe more of an --  
7 a question about the statute. The district waivers, the  
8 2.04(b) where it requires a school district of 3000 or more  
9 princ -- pupils, but they have to provide signatures  
10 demonstrating that they have the consent of the appropriate  
11 number of the accountability committees, a majority of the  
12 affected licensed administrators and a majority of the  
13 affected teachers, and shall indicate how they were  
14 determined. And this applies to only waivers in those two  
15 categories?

16 MR. KOTTENSTETTE: So that --

17 MS. MAZANEC: Or does it apply to all  
18 waivers?

19 MR. KOTTENSTETTE: Yeah 2.0 is, that is  
20 talking specifically to waivers that are requested by the  
21 district. So I know we have a -- like a crosswalk that  
22 shows the -- the three different types of waivers that can  
23 be requested. One is when the district is requesting a  
24 waiver. One is when an innovation school is requesting  
25 waiver and one is when charter schools.



1                   And so the part that you're talking about  
2 with the different approvals that need to be in place only  
3 applies to the district waiver when the district has  
4 requested.

5                   MS. MAZANEC: Right. But like what I'm  
6 wondering about is, what kind of district waivers might make  
7 it difficult for the district to meet those like a school  
8 teacher licensure, do districts ever ask for those kinds of  
9 waivers so no -- to be able to hire teachers that are non-  
10 licensed?

11                   MR. KOTTENSTETTE: I'm -- I'm not familiar --

12                   MS. MAZANEC: Or is that usually just for  
13 schools?

14                   MR. KOTTENSTETTE: I -- I can go back and  
15 research that. I'm not familiar if a district has ever  
16 requested that waiver, but --

17                   MS. MAZANEC: But this rule though is already  
18 in statute, right? It's not negotiable anyway?

19                   MR. KOTTENSTETTE: Yeah, this process is  
20 specified in the statute, yeah.

21                   MS. SCHROEDER: Board member Mazanec, I think  
22 just recently, a few districts have requested this, or  
23 within the innovation waiver, have requested this, you know,  
24 the licensure waiver.

25                   MS. MAZANEC: Well, and we might -- but it



1 was always attached to the innovation plan, right? I was  
2 just wondering if we might see more of that kind of thing,  
3 considering the teacher shortage issue. But this could make  
4 it difficult.

5 MS. SCHROEDER: Board member Flores.

6 MS. FLORES: I guess I don't understand. The  
7 waiving of -- for competitive bidding and accepting gifts.

8 MR. KOTTENSTETTE: Okay. Yeah. Those were  
9 both called out explicitly in House Bill 1375.

10 MS. FLORES: So, if a district is going to  
11 accept gifts --

12 MR. KOTTENSTETTE: So yeah, the way that this  
13 was put in as an automatic waiver is that that part of  
14 statute says that the district will adopt a policy for  
15 receiving gifts, grants, and donations, and competitive  
16 bidding. And so when charter schools request that waiver,  
17 they say delegating that to the charter school to establish  
18 those policies.

19 MS. FLORES: Okay.

20 MR. KOTTENSTETTE: And so this would still --  
21 like charter schools would still do that. But rather than  
22 having it automatic, they would have to propose a rationale  
23 for it.

24 MS. FLORES: And that would be for the state  
25 board and then they bring it to us and?



1 MR. KOTTENSTETTE: Yeah, so in the -- in the  
2 -- sorry. In the charter school application, they would  
3 say we're requesting the following automatic waivers in  
4 addition to the automatic, well, request that these waivers  
5 and they may choose to request those waivers as non-  
6 automatic moving forward.

7 MS. SCHROEDER: Go ahead.

8 MS. FLORES: I -- this is a second question.  
9 And maybe it's just a concern that I have, that the public  
10 will know only when it is posted on the website.

11 MR. KOTTENSTETTE: Okay.

12 MS. FLORES: And I have problems with that  
13 because I know that there's lots of people who have problems  
14 with that or may not have a computer and may not know. So  
15 it is not really tell -- letting the public know seriously  
16 that it's -- it's almost a -- a little hold up your hand. I  
17 think it should be in -- in -- in a local paper. I think  
18 there should be -- certainly there's these committees that  
19 school districts have, like the, the school improvement and  
20 accountability councils and such.

21 And these people would be able to -- I think  
22 it should be told to them, and then find a way to -- to make  
23 it known to the community. There should be meetings and  
24 such. But putting it up, I know this is legisla -- the  
25 legislature did that, but I don't think it's right. I think



1 that there needs to be more.

2                   And I don't know, Steve, what -- I don't know  
3 if you would agree but I -- I just think that more needs to  
4 be done about accountability, letting the public know that  
5 this is going on. And we do it for so many other things  
6 where they have to place it in newspapers.

7                   I mean, then I was thinking about, oh another  
8 one, I think that we had here, where they had to place it  
9 four times or eight times in the newspaper. And I'm  
10 thinking, "Boy, that's gonna cost a lot of money." But  
11 there's also community, community papers and there's all,  
12 all kinds of ways to, to let the community know the  
13 neighborhood associations and such that I think need to  
14 know.

15                   I mean, they -- Denver Public Schools. It's  
16 -- it's like trying to get -- trying to get gold out of a,  
17 an old well or something because they won't give you any  
18 information. And the public -- and -- and I -- I mean, I  
19 hear it all the time, that they just didn't know that this  
20 was available or -- or this was going to happen, especially  
21 when the closure of schools. And only a small segment of  
22 the population knows and then everybody gets upset. And  
23 guess who gets the phone calls?

24                   MR. KOTTENSTETTE: Okay.

25                   MS. FLORES: And it's -- I think that they



1 need to do a better job. And if it means going back to the  
2 legislature and making it -- making them -- making it more  
3 forceful, I think, to -- to put it out into the public, to  
4 state it, because I -- I don't think this is enough. I'm --  
5 I'm sorry.

6 MS. SCHROEDER: Board member Goff.

7 MS. FLORES: I know it's not the department's  
8 fault, I understand that. But I'm wondering if there is  
9 some way that we can be up-front in -- in telling the  
10 legislature that this is just not enough.

11 MS. SCHROEDER: Board member Goff.

12 MS. GOFF: Mr. Kottenstette, what -- what  
13 we're being asked to do today is to say yes on having a rule  
14 making hearing --

15 MR. KOTTENSTETTE: Yes.

16 MS. GOFF: -- as it applies to the two new  
17 parts --

18 MR. KOTTENSTETTE: Yeah. So --

19 MS. GOFF: -- and by whatever bill number I  
20 forgot what that was.

21 MS. FLORES: 1713.

22 MS. GOFF: So what -- what we're talking  
23 about here in up forthcoming rules to vote on, is the new  
24 language around gifts grant -- to make non-automatic two --  
25 two waivers that have been automatic up to this point.



1 MR. KOTTENSTETTE: Yeah.

2 MS. GOFF: And so all we're being asked to do  
3 today is just say, "Yes, let's have a hearing."

4 MR. KOTTENSTETTE: Correct. Yes. To open up  
5 rulemaking on 35.

6 MS. GOFF: Okay.

7 MR. KOTTENSTETTE: Yes.

8 MS. GOFF: But overall the general content of  
9 the current legislation on waivers, automatic waivers will  
10 stay the same except for the removal of these two parts of  
11 it from the automatic list.

12 MR. KOTTENSTETTE: Correct.

13 MS. GOFF: Is that accurate enough?

14 MR. KOTTENSTETTE: Yeah, yeah.

15 MS. GOFF: Okay.

16 MR. KOTTENSTETTE: Our -- our intention is  
17 just to update the rule to align to statute.

18 MS. GOFF: Okay.

19 MS. SCHROEDER: Thank you, Ms. Goff.

20 MS. GOFF: Then, Dr. Flores, future  
21 conversations can be held around what kind of new, new  
22 language and or new legislation we could, should we would  
23 like to have considered.

24 MS. FLORES: Well, I'm just putting it on the  
25 table because --



1 MS. SCHROEDER: Yes, that's a good idea. So,  
2 does anyone have an objection to the notice of hearing?  
3 Board member Durham.

4 MR. DURHAM: This is the, is the method of  
5 notification that is -- the method of notification and is on  
6 publishing and on the website is up prescribed in statues up  
7 prescribed in rule?

8 MR. KOTTENSTETTE: I'm pretty sure it's  
9 prescribed in statute. The notification prog -- method  
10 would be consistent with --

11 MR. DURHAM: So that's --

12 MR. KOTTENSTETTE: -- any time we do notices.

13 MR. DURHAM: So that -- that's the  
14 legislature's deemed that to be adequate notice. So, I see  
15 Julie.

16 UNIDENTIFIED VOICE: It is, it's in statute.

17 UNIDENTIFIED VOICE: Yeah.

18 MR. DURHAM: Sorry. I mean, I -- I think  
19 personally, don't believe that's adequate notification but  
20 that's --

21 UNIDENTIFIED VOICE: Thank you, Steven.

22 MR. DURHAM: That issue has been  
23 unfortunately dealt with by higher authorities.

24 UNIDENTIFIED VOICE: All right. But I think  
25 we did -- we do appreciate your concerns. Thank you. We





1 can talk about it, when we talk about rules. Are we ready  
2 to go under 14? Right now.

3 MR. KOTTENSTETTE: All right.

4 MS. SCHROEDER: Thank you, sir.

5 MR. DURHAM: Yeah.

6 MS. SCHROEDER: Next item on our agenda is  
7 consideration of the three research requests per student PII  
8 personal identifiable information. Is that correct?

9 UNIDENTIFIED VOICE: Yes.

10 MALE SPEAKER: Right.

11 MS. SCHROEDER: Before we begin, I would  
12 appreciate a couple of motions, please.

13 MS. ANTHES: Madam Chair, can I have a  
14 clarification before you read the rest of the motion?

15 MS. SCHROEDER: Thank you.

16 MS. ANTHES: The staff have determined that  
17 we would like to take more time on option two, before it  
18 goes before a vote as you all have asked for more  
19 information and as we reviewed that information, that's  
20 something we would like to dig into a little bit more. So  
21 we're not prepared to recommend that to you right now.

22 MS. SCHROEDER: Uh-huh.

23 MS. ANTHES: So, we would like to take that  
24 one off the table, so you would really only have two  
25 research requests to be dealing with today and Miss Bohannon



1 can clarify any of that if I got it wrong.

2 MS. BOHANNON: You didn't, you got it quite  
3 right.

4 MS. SCHROEDER: Please go ahead.

5 MS. BOHANNON: Thank you.

6 MS. SCHROEDER: Yeah, I did want a motion and  
7 this is gonna be a little clumsy, so I would like a motion  
8 for the Mackrell request please and a motion for the  
9 Colorado Youth for a Change request. Am I correct?

10 MS. CORDIAL: That is correct.

11 MS. SCHROEDER: Okay. Some -- do I have a  
12 motion there? Ms. Mazanec, do you want to make those  
13 motions?

14 MS. MAZANEC: Which one are you? 14.0.

15 MS. SCHROEDER: Mackrell. And Colorado  
16 Youth for Change.

17 MS. MAZANEC: I move to deny the research  
18 requests from Northwest BOCES and Mackrell International to  
19 use student PII for research on the evaluation of the system  
20 for educator effectiveness and development.

21 MS. SCHROEDER: Is there a Second? Do you  
22 want to explain the motion?

23 MS. MAZANEC: I don't find the research  
24 compelling or the need of personal PII.

25 MS. SCHROEDER: Ms. Flores.



1 MS. FLORES: First of all, I think that, I do  
2 believe that teachers and educators, principals,  
3 administrators, they are very important in schools. I mean,  
4 they're just so important to the lives of -- of -- of  
5 schools that I can't imagine having denying a motion, for  
6 more research in this area and we have already talked about  
7 PII and what they asked is not it -- it will be filtered and  
8 we're not going to give PII that they shouldn't have. So I  
9 -- I think this should be a positive. But I understand that  
10 we need to possibly the department to look at it some more  
11 but I -- I can't go along with the not -- motion of denying  
12 it at this point.

13 MS. SCHROEDER: Board member McClellan.

14 MS. MCCLELLAN: I just wanted to confirm my  
15 understanding that the students in question that their  
16 families have given consent for this information to be  
17 released. Am I understanding correctly?

18 MS. BOHANNON: That's correct. It's an opt,  
19 it's an opt out consent.

20 MS. MCCLELLAN: Okay. Thank you.

21 MS. SCHROEDER: Can we call the vote, please?

22 MR. DURHAM: Madam Chair?

23 MS. SCHROEDER: Yes.

24 MR. DURHAM: A clarification; we're dealing  
25 only with request one; is that correct?



1 MS. SCHROEDER: Only with request one.

2 MR. DURHAM: Okay.

3 MS. FLORES: Uh-huh.

4 MS. SCHROEDER: And if you vote yes, then you  
5 move to deny and if you vote no, then we move on to a  
6 different motion, okay.

7 MS. FLORES: Now, would you say that again  
8 please?

9 MS. SCHROEDER: If you vote yes on this  
10 motion, it means you want to deny it.

11 MS. FLORES: Oh no. If you say no-

12 MS. SCHROEDER: If you say no, then we can  
13 move on. If it doesn't pass, we can go to a different  
14 motion.

15 MS. FLORES: Okay. Thank you.

16 MS. CORDIAL: Board member Durham.

17 MR. DURHAM: Yes.

18 MS. CORDIAL: Board member Flores.

19 MS. FLORES: No.

20 MS. CORDIAL: Board member Goff.

21 MS. GOFF: No.

22 MS. CORDIAL: Board member Mazanec.

23 MS. MAZANEC: Yes.

24 MS. CORDIAL: Board member McClellan.

25 MS. MCCLELLAN: No.



1 MS. CORDIAL: Board member Rankin.  
2 MS. RANKIN: Yes.  
3 MS. CORDIAL: Board member Schroeder.  
4 MS. SCHROEDER: No. So I now need a  
5 different motion on this, please.  
6 UNIDENTIFIED VOICE: We are skipping the  
7 second option?  
8 MS. FLORES: Well, no.  
9 UNIDENTIFIED VOICE: We're not there yet.  
10 MS. FLORES: Can I read that?  
11 UNIDENTIFIED VOICE: Yes.  
12 UNIDENTIFIED VOICE: Motion to  
13 (indiscernible).  
14 MS. SCHROEDER: Proper motion. Is there a  
15 second?  
16 MS. FLORES: I second.  
17 MS. SCHROEDER: Do you want to call the roll,  
18 please?  
19 MS. CORDIAL: Board member Durham.  
20 MR. DURHAM: No.  
21 MS. CORDIAL: Board member Flores.  
22 MS. FLORES: Yes.  
23 MS. CORDIAL: Board member Goff.  
24 MS. GOFF: Yes.  
25 MS. CORDIAL: Board member Mazanec.



1 MS. MAZANEC: No.

2 MS. CORDIAL: Board member McClellan.

3 MS. MCCALLEN: Yes.

4 MS. CORDIAL: Board member Rankin.

5 MS. RANKIN: No.

6 MS. CORDIAL: Board member Schroeder.

7 MS. SCHROEDER: Yes. So now if I could have  
8 a motion, please, for Colorado Youth for a Change request.

9 Do you have a comment? Okay. Board member Flores.

10 MS. FLORES: I move to approve the request  
11 from the American Institute for -- or is that the one that  
12 we're not doing?

13 MR. DURHAM: No, we are not doing that.

14 MS. FLORES: Okay.

15 MS. SCHROEDER: It's the one on page --

16 MS. FLORES: So page --.

17 MS. SCHROEDER: -- page three.

18 MS. FLORES: Thank you. I move to approve  
19 the research request from the Colorado Youth for a Change to  
20 use student PII for research on the evaluation of a Colorado  
21 Youth for a Change -- a chance initiative.

22 MS. SCHROEDER: It's a proper motion. Is  
23 there a second?

24 MR. DURHAM: Second.

25 MS. SCHROEDER: Comments, questions? Could



1 you please call the roll?

2 MS. CORDIAL: Board member Durham.

3 MR. DURHAM: Yes.

4 MS. CORDIAL: Board member Flores.

5 MS. FLORES: Yes.

6 MS. CORDIAL: Board member Goff.

7 MS. GOFF: Yes.

8 MS. CORDIAL: Board member Mazanec.

9 MS. MAZANEC: No.

10 MS. CORDIAL: Board member McClellan.

11 MS. MCCLELLAN: Yes.

12 MS. CORDIAL: Board member Rankin.

13 MS. RANKIN: No.

14 MS. CORDIAL: Board member Schroeder.

15 MS. SCHROEDER: Yes. Our next item is the

16 update on the Every Student Succeeds Act ESSA state plan.

17 Commissioner?

18 MS. ANTHERS: Thank you. I will be turning

19 this over to Pat Chapman, executive director of Federal

20 Programs and Alyssa Pearson. And we may have some other

21 folks Mary Hudston (ph) and Nazie Mohajeri-Nelson (ph).

22 And this is the ongoing communication around our federal

23 Every Student Succeeds Act plan and the feedback we have

24 received from the U.S. Department of Education and

25 presenting some options to you moving forward based on that



1 feedback. So, I'm now turning this over to you, Pat, first.

2 MR. CHAPMAN: Okay. All right. We're right  
3 here, aren't we? Perfect for a discussion.

4 MS. MAZANEC: Is that making you  
5 uncomfortable?

6 MR. CHAPMAN: No, it's -- it's actually  
7 really nice.

8 MS. MAZANEC: Would you like to move back a  
9 little?

10 MR. CHAPMAN: Maybe just a half a foot.

11 So we are here today to provide some  
12 clarifying information regarding the feedback we received  
13 from the US Department of Ed, regarding our ESSA state plan,  
14 and that plan approval process. And then, to share some  
15 options with you with regard to how best to move forward  
16 after receiving their feedback.

17 Just to ground you a little bit in -- oops,  
18 that's -- okay. To kind of round you and where we are in  
19 the- the process. As you know, we submitted our plan on May  
20 9th in mid August. On the 9th and the 11th, we received  
21 feedback from the US Department of Education both in a phone  
22 call and in writing. They requested that we submit a  
23 revised plan within 15 days. We felt given the feedback  
24 that it would be best to request an extension to submit our  
25 revised plan.





1                   We did that on August 24th. We received  
2 confirmation from them, that they received that request, and  
3 they were okay with us taking some additional time to work  
4 with the board and stakeholders in -- in identifying how  
5 best to respond to their feedback. And they said okay.

6                   We -- we indicated that we would be in a  
7 position to submit our revised plan in late -- in late  
8 October. So today, we're here to share some additional  
9 information with you. It's a little bit deeper information  
10 with regard to the -- the nature of the feedback that we  
11 received on the 21st. Alyssa and Nazzy and Marie will be  
12 convening the accountability work group, the ESSA  
13 accountability spoke committee along with the Hub Committee,  
14 to talk in detail about the feedback that we have received  
15 and to -- to put to -- pull together some feedback that we  
16 will share with you at your October meeting, and then, we'll  
17 go from there.

18                   Just a little bit about the areas that we  
19 receive feedback on. It was primarily related to  
20 accountability, the -- how we calculate the achievement  
21 indicator and participation for the accountability  
22 achievement indicator. They -- during a phone call I  
23 believe with Alyssa and the US Department of Education, they  
24 raised the issue of K2- K1 and K2 schools. How we will  
25 calculate and what we will use for accountability for those



1 schools. Some information about our long term achievement  
2 goals and the interim targets. So those are the areas that  
3 we will be looking to -- to you guys to provide direction.

4 And then there are also a couple of other  
5 areas that we will discuss more in more detail over time.  
6 That is the other indicator that we're allowed to utilize  
7 under the new ESSA statute and then long term goals and  
8 interim targets for English language proficiency.

9 And so with that, I'm going to turn it over  
10 to Alyssa and others to go into -- oops, to go into detail.  
11 Sorry.

12 MS. PEARSON: Thank you. Okay. You all I  
13 know it's the afternoon, it's hitting, isn't it? We're  
14 gonna wake everybody up with ESSA. All right. Or help you  
15 with a nap time, one of the two.

16 Before we go any further into the details, I  
17 just wanna do a little bit of framing because I think as we  
18 start talking about the US Department of Ed requesting or  
19 telling us, giving us direction that we need to go in a  
20 certain direction to be approved federally, there's been  
21 confusion about state versus federal systems and how well  
22 aligned they are already.

23 Already with what we wrote in our plan, we  
24 have distinct state and federal identification. We were  
25 able to bring our state and federal system together quite



1 closely through the waiver process when we had an NCLB  
2 waiver. Not entirely, but the closest that it's ever been.

3                   With the ESSA plan that we submitted, it was  
4 already a bit distinct. Remember, we talked about those, we  
5 had those kind of this kind of a Venn diagram circles, and  
6 that we showed that there's not a perfect overlap in an  
7 identification of schools under ESSA and schools under the  
8 state system.

9                   So ESSA requires identification of  
10 comprehensive lowest 5 percent of schools. And we've able -  
11 - been able to iden -- align, I'm sorry. We've been able to  
12 align that identification with our state system. But then,  
13 ESSA also looks for schools that have low graduation rates,  
14 and that are identified based on the performance of  
15 individual disaggregated groups. And those are targeted in  
16 additional targeted.

17                   And those areas, those kinds of  
18 identifications, are identifying important challenges that  
19 schools have, but they are not aligned with how our state  
20 system all the time identifies schools and districts. So we  
21 are already at this place where we know we're gonna have  
22 different identification.

23                   The way we wrote the ESSA plan to begin with  
24 was so that we could use the baseline data. That same data  
25 that we use for the school performance frameworks, to alig -



1 - to identify schools federally. So, to use those same  
2 calculations. I think where we're gonna get into the  
3 conversation today is that base calculation level. There's  
4 an option to looking at that differently.

5           So it will veer it off or it could have the  
6 potential to veer things up a little bit more. But we are  
7 not at a place right now anyway with the ESSA plan that were  
8 in perfect alignment state and federal. So I just wanted to  
9 kind of start with that.

10           We're gonna go probably spend the majority  
11 depending on how you all wanna spend time on the achievement  
12 and participation calculation. I think it's where you all  
13 have the most interest. But, you know, if -- if you don't  
14 have a lot of questions, we can move through that more  
15 quickly.

16           Mr. Durham's questions about the  
17 participation rates and the kind of the distributions of  
18 those. We just wanted to follow up and show that here  
19 before we get into the details so you can know what the data  
20 looks like a little bit more. Oh, that's super teeny.  
21 Sorry. Thanks, Mikey (ph).

22           I'll read it out loud, but it'll also be up  
23 there bigger in a moment. We looked at the English Language  
24 Arts participation rates for schools. Just used English  
25 Language Arts as a kind of a -- as an example.



1                   Two hundred eighty nine schools in the state  
2 had participation rates below 85 percent in English Language  
3 Arts in 2017. About almost 16 percent of our schools.  
4 There were 393 schools or about 21 percent, that had  
5 participation rates between 85 and 95 percent. So they'd  
6 have that kind of low participation flag there or indicator  
7 but they weren't as low as you know, below 85 percent. And  
8 then, we had 1,900 or 1,097 schools, about 60 percent of our  
9 schools, that are at or above 95 percent. So it's kind of  
10 the high level distribution. There's 57 schools and sized  
11 as too small to report what that participation rate was.

12                   So that's kind of the distribution of what  
13 we're looking at in terms of where our schools are falling  
14 in terms of percent of the students participating. That's  
15 high level. We can get you more nuanced if you guys want  
16 more nuanced data. But thought that would help. Thank you,  
17 Mikey.

18                   Thank you. So we, after we talked with you  
19 all in August, we told you we were -- we were going back to  
20 the US Department of Ed to get some real solid clarification  
21 from their perspective about what -- what they saw was the  
22 need for us to fix or to change in order to have an approved  
23 plan. What they told us is that when we calculate  
24 achievement for purposes of identifying schools for those  
25 ESSA categories, we can't exclude parent excusals those from



1 the denominator. We can't exclude anybody like from that  
2 denominator calculation.

3                   Basically, once you exceed that five percent  
4 of students not participating, they have to be in the  
5 denominator. They have to count as a non-proficient reading  
6 in some way or another. So they were very clear about that.  
7 So it's about the identification of schools under ESSA.

8                   We have flexibility as a state and how we  
9 report the results and our state accountability system. So  
10 according to what they shared with us, this is about ESSA  
11 identification of schools. We have flexibility with  
12 reporting and with our state accountability system.

13                   So I think a good way to kind of show all  
14 these components is to do a little crosswalk. Thank you,  
15 (Indiscernible). Like you got to screen right here. You  
16 don't need to look up.

17                   So the -- there's a federal component, and  
18 there's a state component, and there's thinking about  
19 achievement calculations that, you know, proficiency kind of  
20 measurement and participation. I'm gonna walk through the  
21 different requirements and where we're at currently.

22                   So in terms of achievement for the -- for the  
23 federal law. Again, when we exceed that five percent of  
24 students counting as -- as nonprof -- nonparticipants, they  
25 have to be counted as non-proficient. That's what the US



1 Department has said. So again we -- I think we went through  
2 this example in August. If you had 100 students in the  
3 school, 50 tested, 50 didn't, what the Feds say is the  
4 calculation would be 50 divided by 95 because you can have  
5 your five percent non-participants. You'd have a part -- an  
6 achievement rate of 52.6 percent. And we would use that not  
7 necessarily for reporting, but for calculating which schools  
8 get identified under ESSA.

9                   So currently, you know, for the state, we do  
10 things differently. In our mean scale score calculations, w  
11 e only use students that actually have a valid score on the  
12 assessment for our calculation. So, a kid that didn't test  
13 for whatever reason, we have the participation rate, and  
14 it's very clearly marked right next to the achievement. But  
15 when we calculate what that mean scale score is, we're only  
16 including kids that actually have a score.

17                   So again, it needs to be taken into  
18 consideration. You've got to look at that. You know, if  
19 you got half your kids tested and 100 percent are  
20 proficient, you have to know that half of them did not test.  
21 So, we know how half of the students did, we don't know what  
22 the other half did. So you still need to, you know, look at  
23 the data carefully.

24                   In terms of the participation requirement,  
25 the US Department of Ed confirmed or clarified for us that



1 the -- their minimum requirement for how states hold their  
2 schools and districts accountable district schools  
3 accountable for participation, is by doing what's in that  
4 achievement, the federal achievement square. That's all we  
5 need to do is do that calculation the way they want.

6                   When there were regs in place before the regs  
7 got removed, there was all these different options of what  
8 we needed to do. Those regs have been removed. They are  
9 not in place and they've clarified that the only -- the  
10 minimum par -- minimum requirement is just to do the  
11 calculation the way the -- the law is going to do the  
12 calculation.

13                   Currently in our state plan, in our ESSA plan  
14 that we submitted, we have some other ways that we included  
15 because at that point, we thought we needed to do more, so  
16 we included requirements around improvement planning,  
17 reporting, communication tools the state would provide, and  
18 program reviews, specifically around the accountability  
19 participation rate when we remove the parent excusal. So  
20 not the overall participation rate, just that accountability  
21 participation rate.

22                   And then finally, in terms of our state  
23 system, what we do for accountability, and we talked about  
24 it a little bit earlier, is we lower the rating one level if  
25 schools or districts don't meet the 95 percent





1 accountability participation rate. That's what the choice  
2 is, you know, that we've made as a state to do there.  
3 Again, we also add the descriptors that we talked about this  
4 morning.

5                   So for purposes of today, what's in this  
6 yellow-orange color, that's what we need to address for the  
7 U.S. Department of Ed. That's what they're telling us. In  
8 our state plan, we need to respond to this concern about how  
9 we're calculating achievement and what we're doing there.

10                   MS. SCHROEDER: Let me --

11                   MS. PEARSON: Yeah.

12                   MS. SCHROEDER: May I just clarify?

13                   MS. PEARSON: Yes.

14                   MS. SCHROEDER: So the option that we had  
15 earlier of just lowering the accreditation rating, that was  
16 a state option.

17                   MS. PEARSON: Uh-huh.

18                   MS. SCHROEDER: And the Feds even then  
19 required a zero, or did our waiver allow us to do that for  
20 NCLB?

21                   MS. PEARSON: The -- the language around the  
22 95 -- like when you exceed the five percent participation,  
23 that is new language. That was not in NCLB.

24                   MS. SCHROEDER: Okay.

25                   MS. PEARSON: So this is a new requirement,



1 or a new way of holding everybody accountable.

2 MS. SCHROEDER: Right.

3 MS. PEARSON: In NCLB, what there was though  
4 before the waiver when we had adequate yearly progress or  
5 AYP, if a school didn't make -- or district didn't make 95  
6 percent participation overall or for even in one individual  
7 of disaggregated group, it did not make AYP. So, there was  
8 this very, you know, all or nothing.

9 MS. SCHROEDER: Right. And they -- the --  
10 the scores were counted as zeros.

11 MS. PEARSON: The scores of the non-  
12 participants were not counted in zeros. They were counted  
13 in the participation rate as a nonparticipant. When we  
14 calculated the percent partially proficient or above, for  
15 AYP, the nonparticipants were not in that calculation.

16 MS. SCHROEDER: Thank you.

17 MS. FLORES: So, I know you didn't answer  
18 this. May I?

19 UNIDENTIFIED VOICE: That's about it.

20 MS. SCHROEDER: Do you have a question?

21 MS. FLORES: I do.

22 MS. SCHROEDER: Okay.

23 MS. FLORES: I know that last time I had  
24 asked about the Fed rule, which was that parents have the  
25 right to say no if they chose that their kids not take the



1 test. Okay. That was -- and then we followed and then our  
2 legislature followed. Meaning, when we followed, the same  
3 rule that was when we voted and then legis -- our  
4 legislature voted that they would not be counted or schools  
5 would not be censured for -- for what parents -- the  
6 decision that parents had made.

7 Okay. But that was the -- the order. So now  
8 they're saying that that doesn't go. I mean, even, even if  
9 our legislature says that --

10 MS. PEARSON: So, let -- can I clarify a  
11 little bit? The -- the -- kind of the old -- the policy path  
12 that we were on. And, Joe, feel free to jump in if I -- if  
13 you want to better explain this. You all made a motion in  
14 February of 2015 that said CDE don't hold districts  
15 accountable if parents choose to opt their students out.

16 MS. FLORES: Well, I think we said don't  
17 censure.

18 MS. PEARSON: Yeah.

19 MS. FLORES: Don't censure.

20 MS. PEARSON: Don't hold them liable --.

21 MS. FLORES: Do -- don't hold them liable for  
22 what parents, for the decision their parents made.

23 MS. PEARSON: Yes. Yes.

24 MS. FLORES: And that's because there was a -  
25 - a -- a federal law still on the books when we, when we



1 made that decision that -- that was -- that was Federal.  
2 The State did the same thing.

3 MALE SPEAKER: So, there's still a, a law in  
4 ESSA in the federal -- the federal statute that says that  
5 parents have the right to opt out, or rather, that federal  
6 law does not change state law on parental rights to opt out.  
7 But the federal statute and US DOE's position is that that  
8 question of parents' rights doesn't control the question of  
9 what happens as a consequence to districts and schools.

10 And on that particular question, I think the  
11 statute is quite clear that US DOE's position is not  
12 ambiguous here or the statute's not ambiguous. They're  
13 pretty clearly right.

14 MS. FLORES: But our state statute is not  
15 ambiguous.

16 MS. PEARSON: So, can I clarify on our state  
17 statute and then --.

18 MALE SPEAKER: Uh-huh.

19 MS. PEARSON: So that -- hat we have in state  
20 statute is not around school and district accountability,  
21 it's around having a policy so that students can -- so  
22 parents can know how if they want their students not to take  
23 the test, what that -- how they do that.

24 And then it goes on to say, you know, schools  
25 and districts cannot put an undue burden on students that



1   wanna take the test, nor can they, nor th -- nor can they  
2   encourage students not to take the test.   What am I  
3   forgetting?

4                   UNIDENTIFIED VOICE:   They can't --

5                   MS. PEARSON:   So it's about student and  
6   parents.   Yeah.   They can't penalize students who do choose,  
7   whose parents choose to opt them out of the state  
8   assessment.   But it's all about students.   It does not talk  
9   about the school or district consequence at that level.  
10   It's just silent on it.

11                  MS. SCHROEDER:   Board member Durham?

12                  MR. DURHAM:   Thank you, Madam Chair.   Is I --  
13   am I correct that we would, for purposes of -- of  
14   distribution of funds and that sort of thing, we would -- we  
15   would use the federal rule and use that now in terms of  
16   assessing -- assessing -- treating those scores as zero and  
17   then assessing and the aid would go that way.

18                  The only -- the only thing our current policy  
19   does is prohibit us downgrading a school's performance  
20   rating one mark if they fail to meet 95 percent.   And that's  
21   really -- that's really the only thing at question is  
22   whether or not we impose that penalty.   Is that a fair  
23   statement that wouldn't change distribution of funds from  
24   current methodologies?   Is that correct?

25                  MS. PEARSON:   So I think that's helpful for



1 me to hear you say because I think that's been an area that  
2 we haven't totally clear on exactly where you all mean in  
3 terms of liability.

4 In terms of -- if you're asking in terms of  
5 if we took the federal policy and put that into place, what  
6 would happen? Is that what you're asking?

7 MR. DURHAM: Well, have we ever changed  
8 really? I mean, haven't we -- have we always calculated  
9 which schools and districts are entitled to -- are -- are  
10 entitled to funding? I- it doesn't, and maybe it doesn't  
11 affect funding at all. This doesn't, this is just a penalty  
12 question. In fact, it doesn't affect Title 1 funding as to  
13 the distribution?

14 MS. PEARSON: Yeah. So it doesn't affect any  
15 state funding. None of our state accountability --

16 MR. DURHAM: Right.

17 MS. PEARSON: -- affects state-based funding.  
18 And in terms of federal, it doesn't impact the, the general  
19 Title 1 Funds that go to the districts. We get about \$10.5  
20 million dollars in school improvement funds from the Feds to  
21 direct to those, to the schools that are getting identified.  
22 And so based on -- and we can talk about this options more -  
23 - but based on how we identify those schools, it may -- we  
24 may get some schools in that identification that we wouldn't  
25 have otherwise.



1                   What the US Department of Ed has said to us  
2 is that when we -- when we run our comprehensive lowest five  
3 percent list with the calculations they way -- they want, we  
4 can differentiate the schools that are in that list because  
5 of participation from the ones that aren't. And then we can  
6 have different supports for them.

7                   So we could say, "Yeah, you 20 schools fell  
8 on this list because we don't know how your kids did.  
9 You're not the priority for the funding to support  
10 improvement because we just don't know how you're doing.  
11 We're going to prioritize the funding for the schools over  
12 here that we know, based on participation, we know kids are  
13 struggling."

14                  MR. DURHAM: So there's at least no reward  
15 for non-participation.

16                  MS. PEARSON: There's no reward for non-  
17 participation.

18                  MR. DURHAM: In other words, you -- you've  
19 actually, since they're not under consideration because they  
20 have low performance.

21                  MS. PEARSON: I think that that is up to our  
22 discretion to say if we want to prioritize the funding to  
23 them or not to them based on why they're identified.

24                  MR. DURHAM: I don't think there should be a  
25 reward, I just don't think there should be a penalty. But



1 nothing -- nothing really has changed other than -- or  
2 nothing really has changed in that the federal law  
3 recognizes a student's -- a parent's right to opt out.  
4 State law represe -- recognizes a parent's right to opt out  
5 and goes one step further, that says that there are no  
6 penalties that can be imposed by the district to the school.

7 UNIDENTIFIED VOICE: That's our rule. That's  
8 not the law.

9 MR. DURHAM: No, that's the State.

10 UNIDENTIFIED VOICE: That's the state.

11 MS. PEARSON: On the student. On the  
12 student, yeah.

13 MR. DURHAM: That's the legislature and ours  
14 then says you can't penalize the district for that which  
15 they cannot control. And so -- so nothing fundamentally is  
16 changing other than the only thing that would change is that  
17 we would impose a downgrade of one -- of -- of one  
18 performance rating, we would reduce it one mark, which would  
19 then incentivize all the school districts to violate the  
20 statute and try and penalize students for not participating.

21 MS. FLORES: Which they're -- they already  
22 are.

23 MR. DURHAM: Which they already do, but at  
24 least we've minimized it to some extent. Is that a -- is  
25 that a fair outline of the issue?





1 MALE SPEAKER: Well, we don't have to do that  
2 for the state calculations.

3 MS. PEARSON: Like the decrease in the  
4 participation.

5 Yeah.

6 MS. PEARSON: Your Board Rules have a  
7 requirement that participation is taken into account in the  
8 overall rating but not in the percent of points. So you've  
9 got something in your current state Board Rules. You all  
10 clearly have authority over that. You can change that if  
11 you want to do that. But right now, it's -- your decreased  
12 rating is around the accountability participation rate.

13 MR. DURHAM: Right.

14 MS. PEARSON: So you're not making anybody  
15 accountable for the parent excusals.

16 MR. DURHAM: Right, and that's -- and so it  
17 alr -- if we maintain that, we're being -- we're being -- if  
18 we -- if we refuse to hold districts or if we refuse to  
19 penalize districts for that of which they have no control,  
20 then we're -- they're threatening to withhold funds. That's  
21 really the bottom line. Because we can't get an approved  
22 plan, if we can't get improved plan, they're threatening to  
23 withhold funds.

24 MS. PEARSON: If you interpret the  
25 calculating those students as non-proficients -- non-



1 proficient as holding the district liable. I think it's --  
2 it's your interpretation. So if your interpretation of  
3 holding the district liable is downgrading the rating, the  
4 Feds are not telling us we have to do that. All the Feds  
5 are saying that we have to do is count those students as  
6 non-proficient.

7 MR. DURHAM: So that -- but that then has the  
8 -- that will certainly have the effect of, could have the  
9 effect of downgrading them more than one.

10 MS. PEARSON: For the federal -- for the  
11 federal identification, not for the State. They -- they're  
12 not telling us anything about our state system. They're  
13 telling us for those federal comprehensive and targeted iden  
14 -- additional targeted identifications. That's how we have  
15 to calculate things. You all are still, everything in green  
16 is up to you all.

17 MR. DURHAM: So do those get re -- do those  
18 getting reported any place? In the federal?

19 MS. PEARSON: We have control over the  
20 reporting. We will let -- we definitely need to let  
21 districts know schools that are identified. Do we have to  
22 report a list of the schools identified?

23 UNIDENTIFIED VOICE: We have to, yes.

24 MS. PEARSON: Okay. But we can differentiate  
25 on that list those identified by -- because of



1 participation, and those that are not identified for the  
2 other reasons from actual performance.

3 MS. SCHROEDER: But. Just a minu -- one  
4 moment.

5 MS. RANKIN: Madam Chair.

6 MS. SCHROEDER: Board Member Rankin.

7 MS. MAZANEC: Sorry.

8 MS. PEARSON: This is not real clear to me.

9 MS. MAZANEC: Okay. No. But, let me just  
10 look at an example. Let's say a school or district even,  
11 the top kids opted out. So, their scores are lowered,  
12 they're non-proficient, so more Federal money gets directed  
13 -- earmarked that school as being -- and then those top kids  
14 are back in the classroom, but the money is going where?

15 MS. PEARSON: So we have discretion on  
16 whether or not we send the additional money to those schools  
17 that are identified, because of students not taking the  
18 test.

19 UNIDENTIFIED VOICE: So, even -- so, but ESSA  
20 Federal money --

21 MS. PEARSON: Sorry, we have discretion --

22 UNIDENTIFIED VOICE: -- is still our  
23 discretion?

24 MS. PEARSON: Yes. Yes.

25 MALE SPEAKER: Yeah. It -- it might render



1 some schools eligible for School Improvement Funding that  
2 otherwise wouldn't be eligible. But we in the awarding and  
3 --

4 UNIDENTIFIED VOICE: But we can step in.

5 MALE SPEAKER: -- allocating of those funds,  
6 we can take that into consideration and direct the funds to  
7 those that have been, I guess, more correctly identified for  
8 improvement.

9 UNIDENTIFIED VOICE: Okay. That was --

10 MS. FLORES: How do we know?

11 UNIDENTIFIED VOICE: I think we would -- we  
12 would say we know the ones that are struggling, that have  
13 the participation right there. The ones that don't have the  
14 participation, we don't know if there are enough, right? So,  
15 it's really about, there are some unknowns. We may be  
16 identifying them, we may be misidentifying them, we don't  
17 know. But, the ones that do have the participation rate, I  
18 think we feel pretty confident that we know they -- that  
19 they've got challenges.

20 MALE SPEAKER: I think one of the -- the  
21 things that they, the feedback that we got from the USDE is  
22 that how you do state accountability, or State  
23 Accountability System, is up to the State. But for the  
24 purposes of implementing the Federal Statute, those are --  
25 these are the rules.



1 UNIDENTIFIED VOICE: Yeah.

2 MS. ANTHES: Reporting?

3 MALE SPEAKER: Reporting, and to count those  
4 non-participants, the parent refusals as zeros in effect,  
5 and then those kinds of things. So, that's what's stated in  
6 the statute.

7 MR. DURHAM: Miss Chairman, is that reporting  
8 to the Federal Government, or reporting generically?

9 UNIDENTIFIED VOICE: Steven, you are next.

10 MALE SPEAKER: Publicly reporting --

11 MALE SPEAKER: Publicly?

12 MALE SPEAKER: -- the results.

13 UNIDENTIFIED VOICE: Everything in green, up  
14 on the slide, is where you all have some discretion and  
15 ability to change things. And, the U.S. Department of Ed  
16 is not telling us to do anything on that. That's all of  
17 what you all wanna do, what's in statute and rule too, but  
18 that's where we have got discretion. It's really just the  
19 yellow-orange section that, that's where we're getting the  
20 feedback in the U.S. Department of Ed.

21 MS. FLORES: The question -- the question I  
22 wanna ask, and actually I'm -- I'm -- I'm asking, is this  
23 true? And I'm gonna make your district a comparison to my  
24 district.

25 MS. SCHROEDER: Go right ahead.



1 MS. FLORES: Okay. So, there's Denver Public  
2 Schools and then there's Boulder. There -- Boulder, of  
3 course, has a large number of white students that opt out.  
4 Denver has a large number of students, especially minority  
5 students, that don't opt out. So, that would mean that  
6 priority would be given possibly to Denver because Denver  
7 has a good rate of, of kids taking the test, whereas,  
8 Boulder, does not.

9 So, priority would be given -- and there's a  
10 need too, the big need that Denver has a larger number of --  
11 of minority students. And the need is there and they score  
12 lower than do the kids in Boulder. So, would I -- would I  
13 be right in my assumption?

14 MS. PEARSON: Yes. So, I think when we run  
15 the results, we'll be -- if we run the results the way the  
16 U.S. Department of Ed is asking us to, and we, we are  
17 working on it. We're not there yet. So once we have the  
18 data, we can be a little bit more informed on all of this.

19 Run the results the way the U.S. Department  
20 of Ed wants us to. We will look at, you know, the  
21 calculations that we do now, the way we do it, and then the  
22 way they want us to go with the non-participants counting as  
23 zeroes. We'd pull out the schools that are identified in  
24 the categories because of the zeroes. Like if they're  
25 identified there, but not there -- identified because of our



1 normal calculations, and look at the difference.

2                   So if Boulder schools are popping up on the  
3 lowest 5 percent list just because kids aren't taking the  
4 test, and we don't know how they're doing, we would have  
5 that -- we'd move them to one pile. We'd keep the schools  
6 that would be identified based on the actual performance and  
7 actual participation in another pile, and then we can  
8 prioritize the ones that their actual per -- performance is  
9 low and warrants support, and put those supports there.

10                   MS. SCHROEDER: The dilemma is-

11                   MS. FLORES: So my last -- my last question-

12                   MS. SCHROEDER: Let me just addre --

13                   MS. FLORES: My last question -- please, let  
14 me finish. So, my last question is, that Colorado would  
15 still -- would still get the monies for ESSA. Those are not  
16 -- are not going to be taken away. The -- the monies are  
17 not in question.

18                   MS. PEARSON: We need an approvable plan.

19                   MS. FLORES: Okay.

20                   MS. PEARSON: With the U.S. Department of  
21 Ed.

22                   MS. FLORES: On -- on that issue?

23                   MS. PEARSON: On -- yeah. There's -- on the  
24 -- the, you know, there's a few issues that they have.

25                   MS. FLORES: Right.



1 MS. PEARSON: This is the one that's somehow  
2 hardest to resolve.

3 MS. FLORES: But that -- on -- but on that,  
4 if we work it out it's okay.

5 MS. SCHROEDER: The dilemma, Ms. Flores, is  
6 that Boulder and a number of other districts that have very  
7 high achieving students, they also have Title I schools  
8 where 60 percent to 80 percent of the kids are on free and  
9 reduced lunch. And when they don't have the kind of  
10 participation, that -- for the particular schools, that  
11 information is lost and those resources are lost for those  
12 students.

13 So it -- the -- the -- the dilemma is in the  
14 -- the groupings of kids within the districts. And that is  
15 all I believe, all over the State and in several -- several  
16 of the other high achieving districts that also have  
17 congregated poor kids.

18 MS. FLORES: Okay. I was just --

19 MS. SCHROEDER: And that's what we lose.

20 MS. FLORES: I was just making a -- a gross  
21 kind of --

22 UNIDENTIFIED VOICE: Can I ask a question?

23 MS. FLORES: -- assumption. And also, I  
24 think there are statistics that -- metrics that you could  
25 use to show that it was kids who score high, usually,





1 because of past grades and past years, that would show that.  
2 And I'm not saying that I'm being -- that I want that to  
3 happen-

4 MS. SCHROEDER: I'm just pointing out the  
5 fact that when you look at it globally, this is why we  
6 disaggregate and why we look school to school. Because if  
7 you just look at the big picture of the districts, you don't  
8 --

9 MS. FLORES: That's what I'd --

10 MS. SCHROEDER: -- get -- get the detailed  
11 information.

12 MS. FLORES: And exactly, I'm saying the same  
13 thing. We're talking about the same thing.

14 MS. SCHROEDER: Ms. Mazanec.

15 MS. MAZANEC: Is it possible, either for you  
16 Pat, or Alyssa, or whoever, to explain this? The -- the DOE  
17 wants us to report that way, which has an effect on the  
18 funding. Correct? But, if I'm hearing you right, and this  
19 is what -- this is what I'm hearing and I would like you  
20 guys to put it into a nicer package that makes more sense.

21 But I'm also hearing that the state has some  
22 ability to parse those numbers out, so that they know how  
23 much of that non-participation is because of opt out, and  
24 how much is just non-participation. And based on what we  
25 know statewide, you know, as a state, we may be able to



1 direct the monies in the right. So, I just wanna know if  
2 that's what I'm hearing, that regardless of what the  
3 Department of Ed is asking for, does the state have pathways  
4 and ways to make sure those funds are directed to the right  
5 place? And, is that -- is the problem that we don't think  
6 that, that the Department of Ed will approve our plan? Or  
7 what is that plan?

8 MS. PEARSON: Let me move forward because I  
9 think we'll get to it. But, let me just clarify the  
10 beginning of what you said. What the U.S. Department of Ed  
11 is saying it's not about reporting. It is about identifying  
12 schools under ESSA for support, that we have to do the  
13 calculations the way they are saying.

14 MS. MAZANEC: But, the reporting determines,  
15 right?

16 MS. PEARSON: We can report the data in -- in  
17 ways to be more clear and transparent about it, about what  
18 it's actually reflecting. We don't have to report the  
19 individual calculations. I mean, it doesn't make a lot of  
20 sense. You'd want to report the data that's behind the ide  
21 -- the identification.

22 But when we are talking about, when we put  
23 out our achievement reports and we can -- we can report  
24 achievement by showing here are the percent of kids that  
25 participated, here's what the ones that did participate,



1 what their scores are. We can do that the way we want. We  
2 don't have to give this misleading piece of information when  
3 we report the part -- the achievement rates of 52 percent of  
4 kids are a benchmark, when actually 100 percent of the kids  
5 that tested are meeting expectations.

6 MS. MAZANEC: Okay.

7 MS. PEARSON: So, we -- we don't need to do  
8 that for reporting. We just need to do that for like, for  
9 identifying schools for support under ESSA. Does that make  
10 a little more sense?

11 MS. MAZANEC: Okay, and keep going. So --

12 MS. PEARSON: Okay. So let me --

13 MS. MAZANEC: -- we identify --

14 MS. PEARSON: Yeah. If I can go through the  
15 options, I think were gonna get to the rest of your  
16 questions.

17 MS. MAZANEC: Okay.

18 MR. DURHAM: Let -- let me clarify one thing  
19 before we do. I think --

20 MS. SCHROEDER: Board member Durham.

21 MR. DURHAM: -- I think it's important to  
22 note that -- that because of the situation you describe, Dr.  
23 Flores, where in Boulder, generally high performing students  
24 don't test and their rating might be lowered. And in  
25 Denver, there is -- that they may very well meet 95 percent



1 if not, they're close --

2 MS. FLORES: Right.

3 MR. DURHAM: -- because everybody--  
4 essentially everybody tests. Because of that particular  
5 issue, no money that should go to Denver, flows to Boulder.  
6 And that's currently true and would be -- and I think would  
7 continue to be true that regardless of whether or not we  
8 take any action.

9 So there's -- there's not money flowing to  
10 places where it doesn't belong. This is -- this is issue --  
11 the only place money comes into play in the entire  
12 discussion of this issue, is you have to believe that for  
13 the first time in recorded history the US Department of  
14 Education would withhold funds if we don't dance to the tune  
15 they want to play. That's -- that's really the issue.

16 I don't personally happen to believe that  
17 that's going to occur. Whether we take all the action they  
18 want or whether we take none of the action they want.

19 Now, everybody can have an opinion on that  
20 but at least historical perspective is certainly on the side  
21 of likely not seeing any funds withheld because of the --  
22 the pure politics and optics of -- of that and I think it's  
23 much less likely now than it would have been a year ago.

24 So that's really the only issue. All this  
25 debate is really about whether or not we're gonna have an



1 approved plan. And -- and if -- if whether or not we have  
2 an approved plan really affects anything, I -- I -- I'd like  
3 to find out.

4                   Because I don't -- I don't think it does.  
5 And I think we ought to -- we ought to manage -- we ought to  
6 manage what goes on in Colorado in the best interest of our  
7 students. And the legislature has made it clear that it's  
8 in the best interest of our students not to be penalized if  
9 their parents opt them out of testing. That they shouldn't  
10 be held up to ridicule, denied the opportunity to  
11 participate in extracurricular activities or any of those  
12 things.

13                   That's really the issue. And the issue is  
14 are we gonna uphold the intent of the legislature, who I  
15 think clearly has the basic authority in Colorado education,  
16 or are we going to allow Washington to dictate what I  
17 think's a very important policy? And I think that's really  
18 all it boils down to.

19                   And -- and -- and perhaps the saddest part of  
20 this is the policy -- when you go to the meetings where  
21 there are Federal people, they tell you the reason for the  
22 policy is they believed that school districts, in order to  
23 raise their scores would discourage free and reduced lunch  
24 students from taking the test. Obviously that hasn't  
25 happened.



1                   What's happened is, parents who are very  
2 concerned about whether or not their students benefit from  
3 this test, have decided they should not take. So, the --  
4 even the intent of what -- of what the Federal Statute was -  
5 - the intent of the Federal Statute is not being violated by  
6 this policy because there is no evidence whatever that  
7 anybody is encouraging poor kids not to take the test. If  
8 anything it's quite to the contrary. So, I -- it's the pol  
9 -- the Federal policy is bankrupt on several levels.

10                   That being the most sig -- and I think that  
11 being the most significant. The policy is completely  
12 useless because it -- it tries to deal with a problem that  
13 does not exist. And I don't think they were ever concerned  
14 about good students opting out, as -- as- as it's -- has  
15 been made clear in a number of meetings I've attended, where  
16 the Federal officials have said in no uncertain terms, we  
17 really don't care about -- about white students in Boulder,  
18 this is a Civil Rights Act. It doesn't have a darn thing to  
19 do with that.

20                   Well, the Civil Rights Act -- the civil  
21 rights of all these students are being protected by the  
22 existing law. No one is encouraging a violation to  
23 encourage those people not to test. So the question is, are  
24 the parents gonna have the right to make the decision they  
25 believe is in the best interest of their kids?



1                   And I -- and I appreciate what you all are  
2 trying to do in trying to avoid a confrontation, but I don't  
3 -- as long as the legislative -- I mean, I -- if -- if we're  
4 going to take some action we ought to notify the legislature  
5 that -- that the -- the Statute they've passed not allowing  
6 a penalty is creating a problem and whether or not they  
7 wanna con -- reconsider that. And if they reconsider, we  
8 should reconsider. But until that happens, I don't think we  
9 should reconsider our existing policy. Thank you.

10                   MS. SCHROEDER: So, Mr. Durham, I'm gonna  
11 say this one more time. Boulder does not have a 100 percent  
12 high achieving kids. And my point was that when sta -- our  
13 staff has the opportunity to distinguish between schools  
14 that should have the funding for free and reduced lunch kids  
15 or low achieving kids or in particular special ed kids,  
16 which by the way, there are efforts to keep them from taking  
17 the test. Your information is not 100 percent correct  
18 there. It makes it really difficult because we really are  
19 not seeing the picture. That's all. I'm not suggesting any  
20 kind of changes --

21                   MR. DURHAM: But I don't --

22                   MS. SCHROEDER: -- but it's not as ideal as  
23 you describe it.

24                   MR. DURHAM: But I don't -- I don't think  
25 that the -- the staff is still al -- is misallocating funds.



1 I think they are --

2 MS. SCHROEDER: I think they're doing the  
3 best they can with the information that we provide.

4 MR. DURHAM: Well, and I think they're  
5 getting more than enough information to make those  
6 decisions.

7 MS. SCHROEDER: Go ahead.

8 MS. PEARSON: Okay. So, let me talk through  
9 the high level -- these are kind of big categorical options.  
10 Clearly, there's gonna be a lot of nuance within these and  
11 other -- a lot of other options. More kind of nuanced  
12 options out there. But we wanted to pull together like the  
13 three big ones that we saw and then let you all have a  
14 conversation about that.

15 So, this -- one, we could adjust the  
16 achievement calculations for Federal purposes only. So that  
17 one checks at section do what the US Department of Ed is  
18 telling us we need to do on that and do that only for our  
19 Federal calculations. You all could do that for Federal  
20 calculations and then choose do it for state calculations  
21 too. It's an options you have.

22 Or the third option is stay firm on our  
23 calculation policy, don't make adjustments to our ESSA plan,  
24 and then see where things go from there. And then  
25 additionally, clearly you all know, all that green section,





1 you have flexibility if you want to do anything with the way  
2 we do any of that you can, that's just not anything you need  
3 to do for ESSA.

4 UNIDENTIFIED VOICE: Ms. Pearson, can I jump  
5 in just --

6 MS. PEARSON: Yeah.

7 UNIDENTIFIED VOICE: And Board member  
8 Mazanec, I don't know if this helps but, I'm just trying to  
9 clarify- I'm trying to simplify option one which is all the  
10 stuff we just talked about, and my team will jump in if I  
11 get this wrong, is that for ESSA, they want to cal -- they  
12 want us to calculate -- they want us to calculate using  
13 students as a zero if they don't participate, just for the  
14 identification of the lowest performing schools. It does  
15 not mean we need to change our ratings.

16 UNIDENTIFIED VOICE: Right.

17 UNIDENTIFIED VOICE: Okay. So I -- I kept  
18 hearing people jumping on ratings, like lowering a rating  
19 level or lowering. Option one, going back one slide is,  
20 would not mean that we would have to change our  
21 accountability framework ratings, all the things you saw  
22 earlier today. All it would mean is, how we put the pool of  
23 schools and districts into a support pool, and then we could  
24 identify the criteria with your help, if you'd like, to say  
25 how that money is allocated.



1 UNIDENTIFIED VOICE: I think --

2 UNIDENTIFIED VOICE: Does that help?

3 UNIDENTIFIED VOICE: I think that is what I  
4 was trying to say that I thought I was hearing.

5 UNIDENTIFIED VOICE: Yes. I think and I just  
6 want to be sure because --

7 UNIDENTIFIED VOICE: So it wouldn't have  
8 anything to do about the -- our accountability rating.

9 UNIDENTIFIED VOICE: Yeah.

10 UNIDENTIFIED VOICE: Okay. Yeah. Right.  
11 This is not about -- and this is where --

12 UNIDENTIFIED VOICE: Yeah, the purpose of it  
13 versus the effect of it.

14 Yeah.

15 UNIDENTIFIED VOICE: And how we can make  
16 those decisions.

17 UNIDENTIFIED VOICE: Right. So, the ratings,  
18 our accountability ratings, are not in this mix.

19 UNIDENTIFIED VOICE: Right.

20 UNIDENTIFIED VOICE: Thank you.

21 MR. DURHAM: Excuse me, I -- I just -- I  
22 don't -- I mean, is the claim from staff -- is the claim  
23 that there'll be nothing published that will cause the  
24 public at large or the residents of a parti -- particular  
25 school district, to believe their students performed worse



1 than they actually performed, because you used in the  
2 calculation you have, you gave 50 students a zero.

3 UNIDENTIFIED VOICE: That's correct.

4 MR. DURHAM: And the answer is, there is --  
5 there are going to be publications that contain this  
6 information. The districts are not going to like that kind  
7 of publicity. And they're going to try and do something  
8 about it, probably in violation of the law, which forbids  
9 them from penalizing students. Because frankly, even with  
10 no penalties, I get reports on a very, very regular basis of  
11 coercion and -- and penalties to students.

12 And problem is, the legislature didn't --  
13 didn't make it a misdemeanor or a felony to violate that  
14 law. So the only option is to find a parent with enough  
15 money to see if they can spend two or \$300,000 suing their  
16 school district. So, we're the only protection they have.

17 UNIDENTIFIED VOICE: Yeah. So, you're  
18 correct, and I was -- all I was saying was that the rating  
19 on the accountability framework --

20 MALE SPEAKER: Right.

21 UNIDENTIFIED VOICE: -- would be lowered.

22 MR. DURHAM: Right.

23 UNIDENTIFIED VOICE: But there would be other  
24 places that they could find the information with this  
25 calculation.



1 MR. DURHAM: Correct. And -- and you can bet  
2 they're going to be -- that information's going to be well-  
3 publicized.

4 MS. SCHROEDER: But Mr. Durham, wouldn't a  
5 school board that allows parents to opt out, simply explain  
6 that different calculation? And say, based on the  
7 preferences of our parents, this is a -- this is a whole  
8 different measure, this is not accountability measure.  
9 Based on that, this is a measure in order to identify -- to  
10 help identify students who seek federal -- from whom we seek  
11 federal funds for additional money. I don't know -- I don't  
12 see that districts will get all or rather about it, if it's  
13 explained well.

14 MR. DURHAM: Well, I guess we could find out  
15 by seeing if there are some funds or grants we could make  
16 people ineligible for if we receive complaints about them --  
17 about them treating students and violating their rights  
18 under the statute. I suspect that will -- plea would if I  
19 were to make those motions and bring those rules forward  
20 would not get a majority vote on this board. So, the answer  
21 as to what the district will and won't do, is I think pure  
22 speculation.

23 But -- but the serious reality is, there --  
24 the only place parents have to go for protection is right  
25 here at this board. If a district decides they're going to



1 play hardball with parental opt out, unless you -- unless  
2 you have three or \$400,000 to throw around for litigation,  
3 you're all done and you sit back and take it.

4 MS. SCHROEDER: Board Member Flores?

5 MS. FLORES: Is it possible and -- and didn't  
6 the Department -- U.S. Department of Education offer this,  
7 that we can have a -- we can have a report for them  
8 according to their rules. Our report for us, our state,  
9 according to our rules. So, that's an option.

10 If that's an option, then we should take  
11 that. I mean, say yes, we'll take the option for reporting  
12 for Caesar, what Caesar wa -- you know, what Caesar needs  
13 and wants, and then one for us, for our state, according to  
14 our rules. And would that be just too awful? Would it be  
15 too much work for the Department?

16 MALE SPEAKER: I think that's what we're here  
17 to discuss today.

18 MS. FLORES: Yeah.

19 MALE SPEAKER: Just to Board Member Durham's  
20 point, they -- so, what we're talking about when we were  
21 saying rendering schools eligible for funding, the  
22 calculations that we're talking about lead to the  
23 identification of some schools for comprehensive improvement  
24 and some schools for target improvement. Those schools have  
25 to write an improvement plan and they do need to consult



1 with the parents and the community in the development of  
2 that plan. So they -- it will be known to districts and  
3 schools, that they have been identified for support and  
4 improvement.

5                   So it's -- that may lead to a greater  
6 discussion within the community about why and so forth, and  
7 then that might not be a bad thing. But there -- they are  
8 being identified for both support and improvement, and do  
9 have to write a plan as a result of that designation.

10                   MS. PEARSON: Thank you. So to dig -- dig in  
11 a little bit more on option one. That would be just as Dr.  
12 Flores said, adjusting the calculations for the ESSA  
13 identification, but keeping our state system exactly as it  
14 is. We've received indication from the U.S. Department of  
15 Ed that that will lead to an approvable ESSA plan. It would  
16 also allow us to keep our state system intact in the way we  
17 calculate.

18                   Some cons to that, or concerns about doing  
19 that, is like you talked about, there's gonna be somewhere  
20 where we need to do these calculations and do some  
21 reporting. So, it may re -- misrepresent schools with low  
22 participation of their performance. And it doesn't, you  
23 know, we di -- have -- that's where we make that divergence  
24 from the base calculations between state and federal.

25                   There are some things that we can do to



1 mitigate it like we've already talked about and really think  
2 about we can put those schools that are identified because  
3 of participation into a different category. We can label  
4 them differently. We can talk about them differently. We  
5 can prioritize them for the support funds differently. You  
6 still have to report -- write a plan.

7                   So that's option one of what we can do.  
8 Option two, really gets that when you could change the state  
9 system to. We're just putting all options on the table,  
10 we're not advocating for anything in particular or  
11 something. We just try to, kind of, the big ways that you  
12 all could go.

13                   You could align both, right? You could have a  
14 consistent set of data that's used. We're still going to  
15 have that not perfect overlap of schools and districts but  
16 we'd have -- we'd have consistent data being used. We'd  
17 probably have a approvable ESSA plan based on what the U.S.  
18 Department of Ed -- Ed has said.

19                   Some cons of that is, it does really  
20 compromise the ratings for schools and districts with low  
21 participation. It puts them into this category that we  
22 don't know if they should be there or not. Right?

23                   And then again, resources which we can do  
24 some mitigation of an attention is set to schools that may  
25 not need that. We just don't know if they do or not and we



1 don't see that aligning with the approach in the direction  
2 that you all have given us. Mitigation again, we can we can  
3 do some of that differentiation between the schools for  
4 participation issues as well as for actual performance.

5                   And then finally, the big kind of, bucket of  
6 ideas of options is to stay firm with our policy and send  
7 our plan back to the U.S. Department of Ed with no changes  
8 and saying we're -- we're still sticking with this. That  
9 would uphold your approach and consistency in your approach.  
10 It would ensure that when we report data, it's clear and  
11 transparent this is the percent and this is the actual  
12 achievement of the kids that participated, but here's the  
13 participation rate.

14                   Likely, it means we won't have enough  
15 provable plan. That triggers a full process with the US  
16 Department of Ed which Joe has done a lot of research on and  
17 can talk through what that would mean if we submit our plan  
18 back with no changes and then they decide it's unapprovable.  
19 And then, potentially, who knows what would happen, but  
20 there's potential loss of federal funds on that.

21                   Mitigation for this, is if you all wanted to  
22 explore that more and you could also explore it under the  
23 path of getting an approvable plan first and then going back  
24 and asking for a waiver or an amendment to change what we  
25 have in place and kind of do that. Let's get ourselves





1 approved and then let's go back and revise and try and get  
2 our systems more aligned with each other. So, that's an  
3 option as well.

4 MS. FLORES: So, there's waiver still?

5 MS. PEARSON: There are waivers that you can  
6 still ask for. What the U.S. Department of Ed has told us  
7 though is that they -- they're not considering those until  
8 states have an approved plan. So you've got yourself doing  
9 approved plan and then you can come in have a conversation  
10 with them about.

11 MS. SCHROEDER: Board member McClellan.

12 MS. MCCLELLAN: Thank you, Madam Chair. I  
13 appreciate you mapping out these options for us. And I just  
14 wanted to say that I would be interested in getting the  
15 perspective of Mr. Peters from the Attorney General's  
16 Office with respect to possible ramifications for option  
17 three. And I also would be interested in knowing what  
18 federal funding and for which students in need would we  
19 potentially be placing in jeopardy were we to go with that  
20 radical option?

21 It would help my understanding to know just  
22 what we would be putting at risk and which students would  
23 see their federal funding that they need placed at risk and  
24 how. And I'd also be interested in the financial impact or  
25 the potential financial impact in increased legal fees for



1 the department should we go that route.

2 MS. SCHROEDER: Mr. Peters.

3 MR. PETERS: So, I can't answer anything  
4 specific about legal fees. I haven't done that kind of  
5 math.

6 In terms of possible ramifications, as Ms  
7 Pearson said, there's sort of two different ways to do the  
8 legal fight. If you go and -- and don't -- you know, if you  
9 fight now, in the planning approval process. As a  
10 theoretical matter, all of the tunnel one funds can be  
11 placed at risk. If you lose, that would come at the end of  
12 litigation. And there's a long extensive process that goes  
13 into that.

14 Separate from that, ESSA has another penalty  
15 provision that allows the portion of funds set aside for  
16 state administration to be withheld. I tried to figure that  
17 out, I think it's about a million and a half dollars, but  
18 don't hold me to that. In theory, they can hold that back  
19 without any process whatsoever until they get us to cave.

20 As Ms. Pearson said, there's also a post  
21 approval process. You come back for plan support or for  
22 plan amendment or for a waiver and there would be no money  
23 at risk because you would have an approved plan in place.  
24 You'd be in compliance with their position and try to move  
25 out of it.



1 UNIDENTIFIED VOICE: Madam Chair, can I just  
2 jump on that? And Joe has really very much been the point  
3 person from our office on this and will continue to be, but  
4 one piece I did want to add is -- as to make clear, that  
5 we're not talking about a moment where the board has to  
6 decide at the October meeting whether to jump off a cliff or  
7 not.

8 I mean, this is really -- there is a process  
9 that, you know, if you all wanted to take a last shot at  
10 that proverbial line in the sand and say, "Here's what we  
11 want to do and why." And then if the plan were formally  
12 rejected -- because what we've got right now is more of an  
13 informal feedback process -- there's still an opportunity  
14 fundamentally, to capitulate, for lack of a better term.

15 So there are some intermediate steps if one  
16 of the things I know as board member Durham mentioned is,  
17 your know, a sort of, I think they're bluffing. I guess,  
18 that would be the moment when you would find out.

19 UNIDENTIFIED VOICE: Yeah, and you just said  
20 in theory.

21 UNIDENTIFIED VOICE: Yeah, and it's down the  
22 road.

23 MS. SCHROEDER: Board member Flores.

24 UNIDENTIFIED VOICE: (Indiscernible).

25 MS. SCHROEDER: Oh, sorry. Oh, go ahead.



1 UNIDENTIFIED VOICE: Just as a follow up.  
2 Thank you so much for that information. I would be very  
3 worried about placing all of our Title I funds at risk. And  
4 I also just want to say I think we're all wanting to act in  
5 good faith and recognize that one of the goals of the  
6 accountability system is to help us understand where  
7 improvement is needed. And so having these gaps in the data  
8 leaves those who would benefit from that identification and  
9 the help that it might bring, kind of in the lurch.

10 And certainly, I don't think anyone means to  
11 leave those kids in the lurch. I would certainly hope not.  
12 So, to that end, I think that making these tests as relevant  
13 as we possibly can to the parents who are having the  
14 greatest degree of heartburn, may be a positive step in the  
15 right direction so that, for example, basing some of our  
16 high school tests on a more college preparatory model is  
17 giving some of these parents things that I know where I  
18 live, parents are going out of their way to pay for  
19 privately anyway, so there clearly is a value in allowing  
20 children an opportunity to get comfortable with college  
21 preparatory or college entrance exams, generally.

22 So, I think those moves are taking us, I  
23 hope, in the right direction so that these tests are  
24 relevant, not only to the children who need the help in the  
25 form of federal funds after identification of the need for



1 improvement but also those who are choosing to opt out in  
2 greater numbers. So thank you very much for bringing this  
3 before us.

4 MS. SCHROEDER: Board member Flores.

5 MS. FLORES: Well, I -- I don't think that --  
6 I think that board member Durham is correct. I mean, in  
7 saying that the monies wouldn't be compromised in going to  
8 the wrong people or the wrong kids or the wrong schools who  
9 don't need it, I think you're right because we do know that  
10 it's more white kids who -- it's -- who really do well but  
11 whose parents think they're wasting their time on taking  
12 this test.

13 I think those are the kids that mostly don't  
14 take the test. So, in a way, I think we should -- we  
15 shouldn't even take up your time and go to the Attorney  
16 General and ask for -- for all that time.

17 I mean, I really think that we should go with  
18 option one. And I think that if we think about it right  
19 now, that is basically the wise -- the wise thing to do.

20 I mean, is it possible to take a vote right  
21 now on that issue? Well, I think that parents have the  
22 right.

23 MS. SCHROEDER: Dr. Flores, we're going to  
24 get some input from the Hub committee. There's sort of a  
25 process. We will address it in October, but we're looking



1 for some further input from the folks who've been -- the  
2 accountability folks who've been looking at this --.

3 MS. FLORES: Right.

4 MS. SCHROEDER: -- whole ESSA plan.

5 MS. FLORES: Well --.

6 MS. SCHROEDER: So it wouldn't be appropriate  
7 for us to be voting on this right now.

8 MS. FLORES: Well, we know where they came  
9 from. I mean, these are people that -- that stated that  
10 they didn't want kids to come up --

11 MS. SCHROEDER: Board Member Flores.

12 MS. FLORES: -- to come up to -- to -- to --

13 MS. SCHROEDER: Board Member Flores.

14 MS. FLORES: -- level.

15 MS. SCHROEDER: Let's just let the --

16 MS. FLORES: To grade level. And I -- I -- I  
17 don't know. Maybe I just don't have much respect for a  
18 group that doesn't believe that kids can come --

19 MS. SCHROEDER: Board Member Flores, please  
20 don't do this.

21 MS. FLORES: -- to grade level.

22 MS. SCHROEDER: Please don't do this. I  
23 forgot who's running the --

24 UNIDENTIFIED VOICE: Okay. We're about to  
25 pass things on.



1 MS. SCHROEDER: Okay.

2 UNIDENTIFIED VOICE: So again, like you just  
3 said, Chairman -- Chairwoman Schroeder, we -- we -- this is  
4 just information today. We're going to get more feedback on  
5 the 21st. We'll bring it back to you in October. We would  
6 really appreciate your direction in October. The US  
7 Department of Ed would like us to resubmit by October 23rd,  
8 if we're ready to do that. If we're not ready to do that,  
9 we're not ready to do that and that's okay, but that's the  
10 time line we're, kind of, looking at and hoping for.

11 MALE SPEAKER: Did you say that you're going  
12 to get more feedback from the Hub committee?

13 MS. SCHROEDER: Yes.

14 UNIDENTIFIED VOICE: Yeah, we're on -- on  
15 September 21st, we've got a joint Accountability Work Group  
16 and Hub committee meeting to talk about this and some of the  
17 other issues that we're going through today, just to get  
18 their deeper, you know, we're gonna spend a whole seven  
19 hours with them digging into this. Luckily, you guys  
20 hopefully, you'll have just an hour and a half today.

21 MS. SCHROEDER: Board Member, Goff.

22 MS. GOFF: Thank you. Does this -- does this  
23 jeo -- jeopardize -- I don't want to use that word, but does  
24 it impact our time line for implementation? I mean, the  
25 farther we go back in this fall -- well, on the other hand,



1 if we get a federal.

2 UNIDENTIFIED VOICE: Yeah.

3 MS. GOFF: -- budget, that would -- that  
4 might be big news, too.

5 UNIDENTIFIED VOICE: So --

6 MS. GOFF: We don't have (indiscernible), but  
7 I would just -- for everyone's logistical --

8 UNIDENTIFIED VOICE: Yeah.

9 MS. GOFF: -- piece of mind, well, how are we  
10 doing with that? Because the farther we go, is there an  
11 ultimate drop dead date this has to be approved, or it's  
12 just -- so, we're ready to implement in -- in '18/'19. Is  
13 that all --

14 UNIDENTIFIED VOICE: The US Department of Ed  
15 said this is for the 2018 identification. So starting in  
16 2018, beginning of the 2018/19 school year for identifying  
17 schools based on the -- the data coming out this school  
18 year, that's when, that's when our ESSA plan takes into  
19 effect. We've got some flexibility for what we're doing for  
20 this current school year in terms of support.

21 MS. GOFF: It still seems like it would be a  
22 more amenable situation for us here if this was known. If  
23 we had -- if we had a good handle on schools that needed  
24 comprehensives that we wanna target for either of the two  
25 categories before the year starts, because all of that ties





1 in with not only that, but we've got an assessment season  
2 coming up and the beginning of a new performance framework  
3 ca --

4 UNIDENTIFIED VOICE: I think this --

5 MS. GOFF: -- calendar year.

6 UNIDENTIFIED VOICE: -- we've heard from the  
7 schools and districts that they appreciate knowing what and  
8 how they're going to be held accountable as soon as possible  
9 into the school year.

10 MS. GOFF: Okay.

11 UNIDENTIFIED VOICE: I'd say I've heard  
12 concerns --

13 UNIDENTIFIED VOICE: Yeah, you know.

14 UNIDENTIFIED VOICE: Yeah, so, it's -- just  
15 something that -- for you all to take into consideration.

16 UNIDENTIFIED VOICE: And we're certainly  
17 concerned about parents, too.

18 UNIDENTIFIED VOICE: Yeah. Okay. So, we're  
19 going to move on now. I'm gonna pass the clicker to Marie  
20 and talk about some of the other issues that the US  
21 Department of Ed wanted us to resolve, that we really need  
22 some policy direction from you all. Again, not today, just  
23 to try and get your feedback on it for going for -- or for  
24 your information on it for today if we're going forward  
25 later.



1 UNIDENTIFIED VOICE: Hopefully --

2 UNIDENTIFIED VOICE: But you still want us to  
3 ask questions about it today, right?

4 UNIDENTIFIED VOICE: You -- oh, you can  
5 definitely ask questions. You just don't need to make a  
6 vote or anything on it today.

7 UNIDENTIFIED VOICE: And hopefully these are  
8 not quite such contentious issues that we're going to be  
9 getting into.

10 MALE SPEAKER: But you never know.

11 UNIDENTIFIED VOICE: You never know.

12 MALE SPEAKER: Oh, don't worry. We can -- we  
13 can find a way.

14 MS. MURRAY: So the first one that actually  
15 came as a bit of a surprise to all of us when we were  
16 talking to the USDE was that we need to have a process for  
17 identifying K-2 schools for the comprehensive and targeted  
18 support and improvement.

19 In the past, because of our state system,  
20 mostly looking at data from grades 3 through, you know, 12,  
21 we have not actually given ratings to the K-2 schools. So  
22 this is a bit of an unexpected challenge that we are facing.  
23 So they -- they specified that we do need a mechanism to  
24 identify those K-2 schools.

25 And thinking about the available data that



1 CDE has on K-2 schools, it is pretty limited. But we do  
2 have things like the percent of students identified with  
3 significant reading deficiencies on READ Act assessments,  
4 the percent of students no longer identified as having a  
5 significant reading deficiency on READ Act assessments,  
6 chronic absenteeism or attendance and that we'll be  
7 collected starting in 2017/18.

8 We also have English Language Proficiency  
9 Growth. I mean, it's a pretty limited list. We are, as  
10 Alyssa had said, said, getting the Hub and AWG working group  
11 back together on the 21st, to, sort of, dig into these  
12 different possibilities and to -- hopefully to get a  
13 recommendation for them on what they think would be  
14 meaningful identification for this. I mean, it's a pretty  
15 small number of K-2 schools that we have. There's 15 of  
16 them. So, it is a small very specialized set of schools.

17 UNIDENTIFIED VOICE: So, this is only for  
18 schools that are strictly kindergarten through second grade?

19 UNIDENTIFIED VOICE: Exactly. Sorry. Yes,  
20 so this is only for kindergarten through second grade  
21 schools, because as soon as a school has, you know, third  
22 grade through 12th grade, we have additional data for them.  
23 So this is only for those schools that we really don't have  
24 data that we use in the traditional performance framework.

25 MS. FLORES: And there is 15?



1 MS. MURRAY: Fifteen.

2 UNIDENTIFIED VOICE: We had written our state  
3 plan basically, to say, you know, they don't have the data  
4 that we're using to identify, so they won't be identified.  
5 And the US Department of Ed didn't like that. They said you  
6 can't automatically just say they're not identified. So --

7 UNIDENTIFIED VOICE: Some have been Title I  
8 schools?

9 UNIDENTIFIED VOICE: Yeah, some of them are  
10 Title I schools.

11 UNIDENTIFIED VOICE: So, I get it.

12 UNIDENTIFIED VOICE: Yeah.

13 MS. FLORES: So --

14 MS. SCHROEDER: Board Member, Flores.

15 MS. FLORES: Thank you. So wouldn't it be  
16 easy to identify these students who go to the feeder school,  
17 which is in third grade --

18 UNIDENTIFIED VOICE: Yeah.

19 MS. FLORES: -- and -- and give that option?

20 UNIDENTIFIED VOICE: Now, that would be  
21 another option; that's a good suggestion, that we can just  
22 look at the performance of the feeder school and connect  
23 that back. Sometimes it's not as clean as a single school,  
24 you know, mapping to one other school, but we can look at  
25 that.



1 UNIDENTIFIED VOICE: It's only if they go  
2 directly to one school.

3 MS. FLORES: Right. And usually there are  
4 feeder schools, that's why they're called feeder schools.

5 UNIDENTIFIED VOICE: So, that's something  
6 that we can also include in the -- the discussion that we  
7 have with the Hub and AWG and bring back for you in October,  
8 to see, sort of, what our options are.

9 MS. SCHROEDER: We didn't take a break at the  
10 time we had planned because we were ahead of schedule, but  
11 now I'm thinking that people are wiggling in their chairs  
12 and maybe we should have a -- could we keep it to seven  
13 minutes, please?

14 UNIDENTIFIED VOICE: Sure. It's a good break  
15 point.

16 (Break in meeting)

17 MALE SPEAKER: Anyway, we didn't even look --  
18 can we look --

19 MS. SCHROEDER: All right. We stopped at  
20 long term achievement goals and interim targets. I think  
21 were on page 24. I still haven't figured out who's in  
22 charge. I guess it doesn't matter. If somebody will --  
23 Marie?

24 UNIDENTIFIED VOICE: Yeah. For the moment,  
25 I'm -- I'm the presenter.



1 MS. SCHROEDER: Marie, please move forward.

2 UNIDENTIFIED VOICE: Right. So, another  
3 topic that we had discussed with USDE was the long term  
4 achievement goals and interim targets. And so, just to  
5 remind everyone, we did include the ESSA statutory language,  
6 you know, that says we must establish ambitious state  
7 designed long term goals, which all include measurements of  
8 interim progress toward meeting such goals. And then sort  
9 of, you know, some additional details which says that we  
10 must take into account the improvement necessary on such  
11 measures to make significant progress in closing statewide  
12 proficiency and graduation gaps.

13 So, the expectation is that, you know, groups  
14 that are farther behind need to make faster progress in  
15 order to catch up with that piece of it. So, in our initial  
16 ESSA plan submission, we had included normative long term  
17 targets where all student groups were expected to reach a  
18 baseline 53rd percentile of academic achievement within six  
19 years. And so, this wound up creating some quite ambitious  
20 targets for certain groups and then for other groups, they  
21 were not particularly ambitious.

22 So, USDE has clarified with us that the long  
23 term achievement goals do not need to be the same for all  
24 disaggregated groups. That had actually been a requirement  
25 under the now defunct regulations, but when we were having



1 all those original AWG and HUB conversations, those  
2 regulations had been in place and had very much shaped our  
3 thinking. And so, with the rollback of those regulations, I  
4 think we're like, oh, there's new possibilities that we were  
5 not aware of previously.

6                   And so now, we just have to have the same  
7 methodology for creating the long term goals and targets,  
8 and the same time line for all of our groups. So, that  
9 gives us a little more flexibility, you know, time line and  
10 methodology.

11                   So, in our original thinking, we thought that  
12 all of our students had to get to the same end goal within  
13 the same point of time. Now we can create a methodology  
14 where they can -- we're gonna get into the details of this,  
15 say half the distance to the -- to a certain achievement  
16 goal within a certain period of time. So we're gonna get  
17 into some of the details of what they were really meaning.  
18 They were really looking for a gap closure methodology.

19                   So we -- but we did -- we did clarify with  
20 them that we probably do have the option to continue using  
21 the current Colorado targets. Oh, actually I lied. I  
22 skipped ahead, sorry about that.

23                   So this is the slide we just -- we just  
24 wanted to say that, you know, they were critical of some of  
25 our targets, you know, not being too ambitious and others



1 being a little bit too ambitious. And so, this is the  
2 picture that we had originally presented to the hub that  
3 caused some consternation, in that when you were looking at  
4 the Asian and, you know, white students, that they wouldn't  
5 -- would actually go down and still be meeting our long term  
6 achievement goals, and that was, you know, problematic. And  
7 then also when you were looking at the children with  
8 disabilities, that they have an extremely steep, you know,  
9 trajectory that would be basically unattainable, and that,  
10 you know, maybe that is not the best thing for our long term  
11 targets as a state.

12 MS. FLORES: But we are still going to expect  
13 all kids -- we will still expect our kids to -- to get to --  
14 to the academic level that they should be. I mean, we're  
15 still expecting that. Maybe take a little bit more time,  
16 but targeted level of academic --

17 MS. SCHROEDER: Can -- can we get through  
18 this, and then -- and then bring your questions? Because  
19 it's important.

20 MS. FLORES: Well, I -- I think we forget. I  
21 just would like a response.

22 I mean, we're expecting minority kids to get  
23 to a proficient level of academic learning just like  
24 everybody else because they're not, and the gap stays there  
25 and we talk about the gap and closing the gap and such, but





1 we don't do anything. And I think a lot of it has to do  
2 with attitudes.

3 I think many of our -- of our teachers and  
4 many of our administrators and maybe the whole system, does  
5 not believe that kids can get to -- minority kids, kids of  
6 color, Mexican American kids, Latino kids, and black kids,  
7 cannot get to proficient levels. And -- and if we're going  
8 to really give them the opportunity, an opportunity to  
9 succeed, then we need to expect that and we can't be blasé  
10 and say, oh, well, you know, they're minority kids, or just  
11 say, well, all kids can learn a platitude like that. And --

12 MS. SCHROEDER: Dr. Flores, can we finish  
13 this and then we -- I value what you have to say, but --.

14 MS. FLORES: Thank you.

15 MS. SCHROEDER: This is what -- this is what  
16 they want to present to us. It's a process to get all kids.

17 UNIDENTIFIED VOICE: But as a high level  
18 answer to your question that we are absolutely saying that,  
19 that -- that we want all kids to reach the same academic  
20 standard. It's the path and the targets that are reasonable  
21 attainable for them to get to along the way. So, we're  
22 talking about this --

23 MS. FLORES: Well, see, you're already saying  
24 for them, a target for them.

25 UNIDENTIFIED VOICE: For all students, every



1 student.

2 MS. FLORES: Well, yes.

3 UNIDENTIFIED VOICE: And I -- I think --

4 MS. FLORES: But not platitudinous.

5 UNIDENTIFIED VOICE: Yeah, I think also the  
6 differentiation. We all have to think through if it -- this  
7 all makes sense, but this is about system targets, like,  
8 school and districts in state level. It's not about saying  
9 what we want for an individual kid. Clearly, it rolls up to  
10 it, but this is looking at how do we move systems along from  
11 where they are.

12 I think there's a lot that we can do and that  
13 we do doing looking at the purpose of Title I. It is about  
14 individual kids and getting all kids to meeting the - the  
15 standards and the expectations. Especially in Title I,  
16 focusing on the kids that are furthest from getting there,  
17 how do we move them and get them to that level? So, I think  
18 that might be a little bit of a helpful differentiation.  
19 Sorry.

20 UNIDENTIFIED VOICE: Yep. No, it's good.  
21 And I think there -- there is some flexibility in the long  
22 term targets. I think that the minimum target we would have  
23 for all of our students is to get students to proficiency.  
24 The question comes in when you already are proficient on an  
25 -- on average when you're looking at Asian and white



1 students, and finding targets that are also meaningful for  
2 those groups as well.

3 UNIDENTIFIED VOICE: Absolutely.

4 UNIDENTIFIED VOICE: Marie, which -- that  
5 paragraph you just read -- the one you just read,  
6 performance levels allowable by US -- you mean, they have  
7 an allowable achievement level for (indiscernible) students?

8 UNIDENTIFIED VOICE: It's more like what they  
9 -- what they said was allowable was that Asian students have  
10 to maintain or increase performance. That our previous sort  
11 of expectation was that Asian students who were already at  
12 82nd, just needed to be above 53. And they felt that that  
13 was not rigorous enough. The Asian students should stay at  
14 least at the 82nd percentile or increase over time as well.

15 UNIDENTIFIED VOICE: So, I can define that as  
16 what allowable is.

17 UNIDENTIFIED VOICE: Yes.

18 UNIDENTIFIED VOICE: I think --

19 UNIDENTIFIED VOICE: Sorry for choice of  
20 words.

21 UNIDENTIFIED VOICE: What's hard is when we -  
22 - when we were going into this before the- the understanding  
23 was that all students had to be at the same -- same end  
24 point. So, if we said 53rd for -- if we said 83rd for  
25 everybody we would have -- it would be great if we could get



1 everyone there. Clearly we want that. But -- but the  
2 trajectory to get there would be really challenging from  
3 where we currently are with what we currently are doing in  
4 our system. And so, the USDE clarified that no, you don't  
5 need to have that same 53rd for everybody. Those groups  
6 that were already ahead you could do something different for  
7 them.

8 UNIDENTIFIED VOICE: Exactly. You can -- you  
9 can say that they will maintain or also make progress based  
10 upon where they're currently at.

11 So, that is one of the options we have, you  
12 know, specifically for the Asian and white students. And  
13 so, in the handout that we just gave you, the option one top  
14 graph shows you what that would look like. So you can see  
15 that we would still be maintaining those high expectations  
16 and high targets for the groups that are currently below  
17 sort of the state expectation of the 53rd percentile. And  
18 then for the two groups that are already outperforming the -  
19 - the state, they would maintain their current level of  
20 performance. And that would be considered a success and  
21 they would be, you know, reaching their goals.

22 MS. FLORES: That's like no child left  
23 behind.

24 UNIDENTIFIED VOICE: Except no child left  
25 behind is at 100 percent for everybody, right?



1 MS. FLORES: Yeah, that's true.

2 MALE SPEAKER: Within a certain amount of  
3 time.

4 UNIDENTIFIED VOICE: But it did say --

5 UNIDENTIFIED VOICE: Yeah, by 2014.

6 UNIDENTIFIED VOICE: Yes.

7 UNIDENTIFIED VOICE: We're there.

8 UNIDENTIFIED VOICE: So -- so we're not  
9 saying that this is what we have to do. These are sort of  
10 options that are up for discussion. We can also choose, you  
11 know, to have more rigorous targets for Asian students and  
12 for white students. I think that these are kind of all on  
13 the table now. And that's what we're going to have the  
14 conversation with the HUB and the AWG about. But this is  
15 just sort of to conceptually ground you in where the con --  
16 where the conversation is and where we are -- where we think  
17 we're going.

18 And so, then the other methodology, option  
19 two that we have on here is to rework our target setting  
20 methodology to use that gap closure approach, which seems to  
21 be what a lot of other states, have put forward in their  
22 ESSA plans. And so this is an expectation for a  
23 disaggregated group to reduce the gap between their current  
24 achievement and then a target level of achievement.

25 And so the target could be the proficiency



1 rate of another group, such as, you know, White or Asian  
2 students or all students. Or it could be a performance  
3 criteria on the underlying assessment, such as, you know,  
4 the -- the proficient cut score on the CMAS assessments.

5           So, there is -- there is again some  
6 flexibility in some places for us to figure out what -- what  
7 targets we want to be, you know, aiming for. What I will  
8 say is, having looked at some of the other states, we might  
9 need to revise the time line for our goals.

10           Most of the other states have set very --  
11 very ambitious targets but their timelines are also by 2030  
12 or maybe later. So the fact that we had originally, you  
13 know, set a six-year time line, means that sort of getting  
14 to, you know, 100 percent proficiency is probably not going  
15 to happen in six years.

16           So -- so, that's another thing to consider,  
17 you know, in the -- in the conversations we have with the  
18 HUB, is do we want to adjust that time line?

19           So, as we've said, so we are having -- we  
20 have meetings set up for the Spoke and HUB members and we'll  
21 get to revisit all these targets setting conversations. So,  
22 they're going to, you know, review our presented options  
23 discuss these pros and cons and potato -- potential data  
24 impacts. We're gonna spend -- I know -- potato packs.

25           MALE SPEAKER: We wanna avoid those.



1 UNIDENTIFIED VOICE: As long as they're chips

2 UNIDENTIFIED VOICE: It's true and thanks.

3 And sort of think about some of the alternatives that we  
4 might have.

5 You know, if -- if there's something that we  
6 have not thought of or that the other states haven't done,  
7 we are definitely open to alternatives. And then hopefully  
8 from them we can get some recommendations for revisions for  
9 our ESSA plan, that we will then bring back to you at the  
10 October board meeting. That will be a little more specific  
11 instead of just sort of this high level conceptual options.

12 MS. SCHROEDER: Board member Flores.

13 MS. FLORES: So, could we say that maybe 60  
14 percent of Latino kids would be proficient; 60 percent  
15 because not all white or Asian kids are proficient. I mean,  
16 collectively they get to 82 percent. So if we could --  
17 because we know that we can. I mean, I know that we can,  
18 because I've done it. So I -- I -- I think.

19 UNIDENTIFIED VOICE: Yes, there is the  
20 possibility, I think that that's the conversation that we're  
21 going to have with the HUB in terms of do we want to use a  
22 percent -- percent proficient or advanced metric median  
23 scales or mean scales score. Some of the other options that  
24 we have to try to figure out what is most meaningful to  
25 represent all of our students, and -- and their current



1 levels of performance and being able to measure how much  
2 improvement they make over time towards our end targets.

3                   So, I think that those are conversations  
4 we're going to have in more detail with the HUB and the AWG.  
5 So then and sort of the -- the next moving onto are areas  
6 for future conversation. Oh, I -- I'm sorry, I also didn't  
7 notice.

8                   MS. SCHROEDER: Board member Goff.

9                   MS. GOFF: Well, quickly. I'm looking at  
10 this one and at the top, well on each, but there's a  
11 children with disabilities. Is that -- is that looked at  
12 separately from special education? Special needs?

13                   UNIDENTIFIED VOICE: So --

14                   MS. GOFF: Other categories?

15                   UNIDENTIFIED VOICE: The- the children with  
16 disabilities, in this case refers to students who are on  
17 IEPs. So it is a subset.

18                   MS. GOFF: Okay. So -- so this -- would this  
19 or not include kids that are, you know, that are being --  
20 that are- that have special support for dyslexia or if -- if  
21 they are autistic. May not be just -- not -- would not  
22 necessarily have to be with a disability, but they have  
23 some, yeah some other -- some other thing.

24                   And then the other part of that is, what- if-  
25 if it's separated out. What about is this purely or





1 primarily demographic groups? Our sub -- our typical  
2 subgroups. I get -- I'm gonna get asked again and I want to  
3 talk about where are the high achievers? Meaning  
4 specifically the GT kids. And so, what are we doing about  
5 goals for them, as far as achievement levels within the time  
6 frame, whether it matches everyone else or not. It -- it  
7 keeps coming up.

8 UNIDENTIFIED VOICE: Yes.

9 MS. GOFF: And I think it's important we try  
10 to do -- get a start on really where can they go?

11 UNIDENTIFIED VOICE: So, I mean, I think the  
12 challenge that we sometimes have with this is, you know,  
13 within ESSA, it's actually very specific which groups --  
14 which disaggregate groups need to be included in these, you  
15 know, target conversations. And it is, you know, as  
16 economically disadvantaged students, individual race --  
17 race, ethnicity categories, English learners and students  
18 with disabilities.

19 So -- so GT is not included in -- in -- in --  
20 this dis-aggregated group. And we had done some previous  
21 work and continue -- continue to do. So, we sort of what  
22 would be the impact for disaggregated students, and looking  
23 at, you know, their current performance and setting  
24 meaningful targets for that group.

25 I don't -- I would probably not recommend



1 that we include that in our ESSA state plan, but I will  
2 leave that open to someone else up here to clarify.

3 MALE SPEAKER: Yes, I would just say that  
4 there are gifted students in each of these groups.

5 UNIDENTIFIED VOICE: That's true.

6 MS. MARY: It is true. They have been called  
7 that explicitly.

8 MS. GOFF: And at the same time it's -- it's  
9 kind of hard to talk to people about where they can find  
10 that specifically brought out for that particular group of  
11 kids and you know -- you know all this.

12 MS. GOFF: But it must be collected in --

13 UNIDENTIFIED VOICE: We're talking about lots  
14 of other tangential areas as well.

15 MS. SCHROEDER: Must be identified in our  
16 accountability system, because I see data for GT kids all  
17 the time.

18 UNIDENTIFIED VOICE: So, it's reported. We  
19 have quite a bit of reporting for GT students, but it is not  
20 included in the accountability system. Either the state or  
21 the one that we're proposing for the Feds.

22 UNIDENTIFIED VOICE: But we report it --

23 UNIDENTIFIED VOICE: We report the  
24 information. With the achievement results and the growth  
25 results. Absolutely.



1 UNIDENTIFIED VOICE: Okay. District by  
2 district?

3 UNIDENTIFIED VOICE: District by district,  
4 school by school and actually the gifted and talented unit,  
5 CDE has worked with the UIP team and they have a UIP addend  
6 -- addendum. But they've also made a whole data report that  
7 really disaggregates the gifted and talented data. So they  
8 look at gifted and talented overall, but then they also look  
9 at representation by race, ethnicity and FRL and really dig  
10 into it when schools and districts have the -- the  
11 (indiscernible) to be able to do it.

12 UNIDENTIFIED VOICE: I've seen it but I don't  
13 know where I saw it. Do you wanna --

14 UNIDENTIFIED VOICE: We can, yeah.

15 UNIDENTIFIED VOICE: Yes, thank you. That  
16 would be a good. I mean, there's been some great steps  
17 forward made about being more specific to it. And -- and I  
18 think with everything -- like everything else depends on  
19 what your end -- the number is.

20 UNIDENTIFIED VOICE: Yes.

21 UNIDENTIFIED VOICE: So, when you have these  
22 real small communities, it could be that the number of GT  
23 identified kids is a large percentage. But because the  
24 number --

25 UNIDENTIFIED VOICE: Small count.



1 UNIDENTIFIED VOICE: -- a lot of times that  
2 is never well -- really well known. But you're right I  
3 think -- I just wanna keep it in mind, you know.

4 UNIDENTIFIED VOICE: Absolutely.

5 UNIDENTIFIED VOICE: And Jane, I think you  
6 also asked about students with disabilities. So the -- the  
7 students in that category like Mary said, are the students  
8 with an Individualized Education Plan, with an IEP. So,  
9 they're getting services through special education in their  
10 school. It does not include students with a 504 plan, and  
11 that's about as far as I can talk. But Pat may be able to  
12 get into more detail if you need more detail.

13 UNIDENTIFIED VOICE: That's all right. Leave  
14 it to him.

15 UNIDENTIFIED VOICE: Okay, yeah.

16 UNIDENTIFIED VOICE: We have to get --

17 UNIDENTIFIED VOICE: But definitely if -- if  
18 a student is getting services because they've -- they're  
19 autistic and they -- they've been identified with needing an  
20 individualized education plan then they would be included in  
21 that reporting.

22 UNIDENTIFIED VOICE: So IE -- IEPs, what  
23 about severe special needs?

24 UNIDENTIFIED VOICE: Those students would  
25 have an IEP, yeah.



1 UNIDENTIFIED VOICE: Those are under IEPs.

2 UNIDENTIFIED VOICE: Okay. So, now moving on  
3 to the areas for future conversation.

4 English language proficiency, long term goals  
5 and targets. So at the August State Board of Education  
6 meeting, you, the board indicated that a planned study  
7 session on English learners will provide better context for  
8 reviewing the work for you guys, and in the meantime, the  
9 board was comfortable with CDE staff reworking the targets  
10 based on historical data and then including language in the  
11 ESSA plan that the board will be revisiting the -- these  
12 goals and targets in the coming year so that we can update  
13 the historical data with, you know, the -- the new data that  
14 we have.

15 So we are sort of working on doing that right  
16 now. We're bringing back together the culture and  
17 linguistically diverse education stakeholder group and they  
18 will provide recommendations for revising our current  
19 English language learner target -- targets in the ESSA plan  
20 using historical data.

21 The accountability spoke and -- and the hub  
22 group will review CLDE recommendations at that September  
23 21st meeting, and then CDE is planning to update our ESSA  
24 plan with recommendations based on this historical data for  
25 resubmission to USDE, and then have our study session with



1 you guys in October and it will incorporate discussion of  
2 these ESSA EL targets as appropriate in that conversation.  
3 And then in the future we can revise and update our ESSA  
4 plan if, you know, the state board would like to adjust the  
5 goals and targets that we have put forward.

6                   So it's kind of we're -- we're -- we're in  
7 this gradual process of -- of making incremental changes and  
8 sort of getting information available and making everyone --  
9 sure everyone's on the same page. But we do know that it is  
10 going to take a little bit of time.

11                   So then I'm going to pass this back over to  
12 Alyssa to do the final components that will talk about with  
13 USDE.

14                   MS. PEARSON: So this is another  
15 conversation, an area you have some flexibility, and we --  
16 we don't need to make any decision now at all or with the  
17 resubmission of the state plan either. But the US  
18 Department of Ed has indicated that for the academic  
19 achievement indicator that is only English, language arts,  
20 and Math. That's how they define it, and how it's defined  
21 in statute. So science, we can include in our -- in our  
22 calculations, but it needs to be listed as an other  
23 indicator.

24                   So based on that, then we have some options  
25 with our other indicator. We can continue to use science



1 along with chronic absenteeism and dropout rates which is  
2 how, you know, we've started to redraft the plan. We just  
3 kind of moved science around and the points around and it  
4 won't change how we do anything at all, it's just how we're  
5 writing and presenting it in the plan.

6                   We could do science instead of chronic  
7 absenteeism, the elementary and middle and high school are -  
8 - are elementary and middle level where we have chronic  
9 absenteeism. So we've got that option. We can continue  
10 working on those longer term options for additional  
11 measures. If there's other additional measures, we want in  
12 there. So there's just some flexibility there, it's just  
13 something to think about. We'll talk with the  
14 accountability work group about this.

15                   They also -- they've been thinking a lot  
16 about those longer term options, that was something that we  
17 wrote into the ESSA plan that we would be continuing to have  
18 those conversations and figure out if there really are other  
19 measures we'd want to build out long term in Colorado for  
20 accountability.

21                   MS. SCHROEDER: Board member Flores.

22                   MS. FLORES: Yes. I -- I'm -- I'm just very  
23 concerned when we add absenteeism, especially concerning one  
24 of my districts which is Denver, which has choice and no  
25 transportation. So there are -- this is -- these are real



1 cases, and Sunday, I just kind of almost wanted to do this  
2 because, you know, there were all these parents who're  
3 saying, "I have to take my kid to this school, this kid --  
4 this school and this school. And you know, there's only two  
5 of us, like two parents, and how are we going to take three  
6 kids to three different places."

7                   So I mean, choice does present a problem in  
8 Denver when transportation is not provided for kids. So  
9 it's a double whammy. So I wouldn't even think that -- and  
10 I would imagine that that may be a case in other places, but  
11 particularly in -- in Denver. And we hear this -- not only  
12 do I hear this personally, but we read about it and I just  
13 think that science is important. Absenteeism, I -- I -- I  
14 think that would be a kind of a double negative on -- on  
15 poor -- poor kids.

16                   MS. PEARSON: And that's something for you  
17 all to discuss whether you wanna keep that in there or not.  
18 And we'll get feedback for you from the accountability work  
19 group in the hub conversation and then that's something you  
20 all have plenty of time to think about, discuss whether --  
21 where you want to go with it.

22                   MS. SCHROEDER: Is that group looking at the  
23 -- what -- what's often referred to the California model?  
24 Where -- the way I understand it is that they are looking at  
25 a lot of indicators sort of a dashboard to be presented to





1 families, and that part of the dashboard information is what  
2 actually goes into their accountability measure and then the  
3 other parts are things that, in fact, the district has  
4 control over that they want to share with the parents, but  
5 because it's -- it may not be in every district or it may be  
6 very difficult, it may be a very sub -- subjective measure  
7 et cetera, it's still disclosed, but it's also a part of the  
8 same report that goes to parents.

9                   Joyce and I had a chance to hear -- I think  
10 you were there, too -- to hear from the chair of the State  
11 Board in California and they've been working on this for  
12 some time.

13                   He did say they really are struggling with  
14 figuring out the weights to give the items in their  
15 accountability measure, but they're still working on it,  
16 something to watch, but I think there's some folks here in  
17 Colorado that have the same -- have a similar vision and I'm  
18 not sure if they're organized and if they've joined the --

19                   MS. PEARSON: The work group.

20                   MS. SCHROEDER: -- the work group.

21                   MS. PEARSON: We definitely -- the student  
22 centered accountability project which is --.

23                   MS. SCHROEDER: That's it. That's it.

24                   -- probably the most organized in the state,  
25 is -- they have membership on the accountability work group



1 and have shared what they've been doing and they shared that  
2 as we've been talking about other indicator.

3 I think what's challenging with the federal  
4 aspect of this is the -- what's in statute requires the same  
5 measure for every school across the state.

6 MS. SCHROEDER: Right.

7 MS. PEARSON: So if we -- what we're hearing  
8 a lot from the state is we want some choice. We want to  
9 talk about our local priorities and have that highlighted.  
10 I think that's something we can talk about as a state.  
11 Federally, they're saying nope, you've got to have the same  
12 thing across the board.

13 MS. SCHROEDER: Right. Right. So but while  
14 we're during the federal, we ought to be able --

15 MS. PEARSON: Yes.

16 MS. SCHROEDER: -- to have the conversation  
17 because I think there are people who -- who believed that we  
18 could have different measures for different districts. And  
19 that's become a great frustration to them. That doesn't  
20 mean that we can't figure out a way to allow districts to  
21 share with their communities --

22 UNIDENTIFIED VOICE: Absolutely.

23 MS. SCHROEDER: -- items that they think are  
24 really important. And most of them are inputs rather than  
25 outputs, but nevertheless, they're seen as being very valid



1 information.

2 MR. DURHAM: Madam Chair?

3 MS. SCHROEDER: Oh, Board Member Durham?

4 MR. DURHAM: Before we conclude, can I ask a  
5 few background questions? The -- Mr. Chapman, when we're  
6 talking about the potential federal funds that -- that we  
7 might conceivably lose, we are talking about Title I funds,  
8 is that correct, or is it broader than that?

9 MR. CHAPMAN: We're -- we're talking about  
10 funds that -- all the funds that are a part of the elem --  
11 every student succeeds act. So, Title I, Title II, Title  
12 III, Title IV.

13 MR. DURHAM: Okay. Can you --

14 MR. CHAPMAN: The -- most of the requirements  
15 reside in Title I, but all funds are --

16 MR. DURHAM: Can you tell me approximately  
17 how much money that is in Titles I through IX?

18 MR. CHAPMAN: Title I is about 152 million,  
19 Title II is about 23 million, and Title III is around nine  
20 million, and then Title IV is around four million. And --  
21 oh, IDEA, I think that's around 150 -- there's multiple  
22 parts of IDEA, and I'm kind of looking back at folks, I  
23 think that the main IDEA Part A is -- it's around \$150  
24 million. So, and then I think there's another \$50 million  
25 part of money for C or something like that. But it's around



1 200 million.

2 MR. DURHAM: So, total?

3 MR. CHAPMAN: Two hundred million for IDEA  
4 and around 200 million for ESSA.

5 MR. DURHAM: Oh, so -- so, 150? So, that's  
6 \$350 million in those particular federal grants?

7 MR. CHAPMAN: No, it's -- it's around 200  
8 million for ESSA, and around 200 million for IDEA. So  
9 around 400 million.

10 MR. DURHAM: Four hundred million?

11 MR. CHAPMAN: Yeah.

12 MR. DURHAM: So, we have 400 million at  
13 stake. Now, according to the US Census Bureau of 2013,  
14 Public Education Finance Table One, the federal contribution  
15 to Colorado Education is -- is 6 -- 896 million or -- or  
16 7.93 percent of -- of all the money that is spent in  
17 Colorado on -- on students. Forty two percent of the money,  
18 42.06 percent of the money is State, 50.01 percent is local.

19 So, of the \$896-million, rough -- a little  
20 less than half of that, a little less than half of the  
21 essentially eight percent, would be jeopardized. So we're  
22 talking something less -- right around three percent give or  
23 take of all -- of all state funding would be in play.

24 MR. CHAPMAN: And just to clarify, I don't  
25 know that -- I think we -- it might be possible for us to be



1 in -- in compliance with IDEA and not -- and out of  
2 compliance with ESSA.

3 MR. DURHAM: So -- so, you know, talking  
4 maximum numbers to -- to appease Ms. McClellan. So, we're  
5 talking -- we're talking maybe three percent maximum of  
6 state -- of -- of all funds that are spent on the state.

7 Now, would you say that the State Department  
8 of Education spends at least three percent of its resources  
9 trying to comply with this?

10 MS. SCHROEDER: You get money.

11 MR. CHAPMAN: Well, I think that certainly  
12 this plan development process has been lengthy. I -- I  
13 would -- I would --

14 MR. DURHAM: On an ongoing basis, we have 500  
15 employees, three percent of that would be what 15 if my math  
16 is right. So, you think we use the equivalent of 15 FTE in  
17 all departments, a lot of the accountability work is -- is  
18 related at least in part. So, three percent, fair estimate?

19 MR. CHAPMAN: I -- I would think it -- it --  
20 I guess --

21 MR. DURHAM: Be a little more than that but -  
22 -

23 MR. CHAPMAN: -- it kinda depends on how you  
24 def --

25 MR. DURHAM: Yeah.



1 MR. CHAPMAN: -- define being in compliance.  
2 So, I think that developing our plan and getting that plan  
3 approved is separate from being in compliance with the law.  
4 Once the plan is approved --

5 MR. DURHAM: But all of the -- all of the  
6 monitoring, all of the reporting --

7 MR. CHAPMAN: But there has certainly have  
8 been some fair amount of time spent on big parts.

9 MR. DURHAM: It wouldn't be -- it wouldn't be  
10 outrageous saying more than three percent. Do you think if  
11 you went -- went to a big district like Denver, do you think  
12 that they might answer the question that they spend three  
13 percent of their resources attempting to comply with all of  
14 the things that are put on them by ESSA and its predecessor  
15 acts?

16 MR. CHAPMAN: I -- I -- what you account for  
17 that --

18 MR. DURHAM: You wouldn't wanna speak for  
19 them? But --

20 MR. CHAPMAN: Yeah. I would not.

21 MR. DURHAM: -- it wouldn't -- it wouldn't be  
22 a completely outrageous --

23 MR. CHAPMAN: But I do think that there is a  
24 fair --

25 MR. DURHAM: Yeah.



1 MR. CHAPMAN: -- there's a feeling that that  
2 there's a fair amount of time devoted to being in compliance  
3 with federal requirements.

4 MS. SCHROEDER: But they're getting the money  
5 for it from the Feds.

6 MR. DURHAM: Yeah. Well, and -- but --

7 MS. SCHROEDER: Right? So --

8 MR. DURHAM: -- but -- but if it's a break  
9 even proposition which is where I'm going, Dr. Schroeder.  
10 If it's a break even proposition, one would question whether  
11 all of this effort might be better spent trying to actually  
12 teach children something as opposed to comply with the  
13 federal law.

14 And I simply, I think -- I -- I -- I think  
15 the statistics and the numbers are- are a lot more valuable  
16 in analyzing the value of a federal program than a motion  
17 that's attached to oh, my God, we might lose some money.

18 I -- I've talked to a few administrators over  
19 time who would be happy to give up the money in exchange for  
20 not having to do all of the things.

21 MS. SCHROEDER: Yeah.

22 MR. DURHAM: And I think -- I wouldn't be  
23 surprised if every member of the board hasn't heard that at  
24 one time or another from one or more districts. So, I think  
25 when we -- when we lament -- when we lament the lo --



1 potential loss of federal funds, I just like to keep one  
2 thing in mind, there is no free lunch and if I'd be willing  
3 to make a bet that we could accurately count -- if we could  
4 accurate -- accurately calculate compliance costs throughout  
5 the system, that taking this federal money is a losing  
6 proposition for Colorado students. Thank you.

7 MS. SCHROEDER: Thank you.

8 MS. SCHROEDER: Board Member, Rankin.

9 MS. RANKIN: I -- I wanna to go back to the  
10 slide on 34, where it says, "USDE has clarified that the  
11 academic achievement indicate a limited to English,  
12 Language, Arts, and Math." And I -- I -- I know we work at  
13 our academics and we test kids on the- on the SAT test which  
14 is evidence-based reading and writing and -- and supposedly,  
15 this test, the SAT that we use, is based on -- on the  
16 standards that we have.

17 How does this work in with the English  
18 Language Arts and Math or --

19 UNIDENTIFIED VOICE: And that's a good  
20 question. I -- we would need Joyce to get into the details  
21 of what's in the assessment, and unfortunately she's not  
22 here. But, I think that evidence-based reading and writing  
23 it's just how SAT calls English Language Arts contents.

24 MS. RANKIN: I know. But the -- the -- the -  
25 - it interests me that they include writing. I mean, we





1 include writing there, which must be part of our standards.

2 UNIDENTIFIED VOICE: It interests us, too.

3 Yeah.

4 MS. RANKIN: And that -- that they don't have  
5 that there in it. To me that kind of goes together but --

6 UNIDENTIFIED VOICE: That the US -- that the  
7 federal law doesn't say writing? I think when generally,  
8 Melissa you help me out, English Language Arts is considered  
9 those reading and writing skills.

10 MS. RANKIN: So this definitely, I mean, we  
11 can use a lot of our information from what we already have  
12 for -- to meet this requirement?

13 UNIDENTIFIED VOICE: Yeah. So, we are -- our  
14 -- our state assessments is CMAS, English Language Arts and  
15 Math assessments absolutely meet this requirement.

16 MS. RANKIN: Okay.

17 UNIDENTIFIED VOICE: That -- the  
18 differentiation is just that, you know, when we look -- when  
19 you look at the school performance framework, they're just a  
20 performance fra -- frameworks, under achievement, we have  
21 English Language Arts, Maths, and Science, right? They're  
22 saying you can't -- when -- when they talk about their  
23 category, science doesn't go there, science goes in their  
24 other indicator category instead.

25 MS. RANKIN: Oh, yeah.



1 UNIDENTIFIED VOICE: It doesn't change how we  
2 are gonna do our calculation.

3 MALE SPEAKER: It's just -- it's partly just  
4 a technicality with regard --

5 UNIDENTIFIED VOICE: Yeah.

6 MALE SPEAKER: -- to how the statute is  
7 written. That it clearly states English Language Arts and  
8 Math.

9 UNIDENTIFIED VOICE: And to go back, just --  
10 just a little bit from what --

11 MALE SPEAKER: Yeah.

12 UNIDENTIFIED VOICE: -- we talked about  
13 earlier with K-2, I -- if -- if reading and -- and math are  
14 our key focus, all of those tests assessments that we give  
15 up to that, they should meet the requirements of ESSA,  
16 should they not?

17 UNIDENTIFIED VOICE: That -- which side?  
18 Which assessments? That they're through eighth grade?

19 UNIDENTIFIED VOICE: The -- the K2. Remember  
20 we were having a hard time evaluating?

21 UNIDENTIFIED VOICE: Yes.

22 UNIDENTIFIED VOICE: But we do have  
23 assessments there in reading.

24 UNIDENTIFIED VOICE: We don't have a single  
25 state line assessment.



1 UNIDENTIFIED VOICE: Okay.

2 UNIDENTIFIED VOICE: Right.

3 UNIDENTIFIED VOICE: Yeah.

4 UNIDENTIFIED VOICE: So --

5 MS. SCHROEDER: Yeah. Because in reading,  
6 the -- the district picks. Board member McClellan.

7 MS. MCCLELLAN: Thank you, Madam chair. I  
8 had a very small technical question. I know that on this  
9 sampl -- supplemental handout and the accompanying chart  
10 within our packet, that children with disabilities includes  
11 children with an IEP. Does that also include children with  
12 a 504 plan?

13 UNIDENTIFIED VOICE: No. Only --

14 MS. MCCLELLAN: It does not?

15 UNIDENTIFIED VOICE: Only students with an  
16 IEP --

17 MS. MCCLELLAN: Okay.

18 UNIDENTIFIED VOICE: -- is what -- how it's  
19 been defined.

20 MS. FLORES: 504, please remind me.

21 UNIDENTIFIED VOICE: You guys are -- can I --

22 MALE SPEAKER: It's -- you can qualify for a  
23 504 without having an IEP, but I- I was trying to find stuff  
24 on the Internet and I -- I couldn't, I couldn't get enough  
25 information. So we'll have to get back --



1 UNIDENTIFIED VOICE: And students -- students  
2 may be exited from an IEP and instead of just being fully,  
3 you know, year off in general, having no support they may be  
4 exited to a 504 plan, which is more monitoring but not as  
5 quite in-depth as having a whole full in the Individualized  
6 Education Plan. Is that- you wanna add to --

7 UNIDENTIFIED VOICE: It -- It can include an  
8 accommodation such as extra time for testing, if a child has  
9 a, a focus challenge, for example.

10 UNIDENTIFIED VOICE: Thank you.

11 UNIDENTIFIED VOICE: You wanna wrap it up?

12 UNIDENTIFIED VOICE: Yeah. So, this is time  
13 line like we've talked about. Next week we'll have that  
14 joint accountability work group, hub meeting for those that  
15 can attend. There was a challenge with scheduling because  
16 we were trying to have that meeting soon enough that we  
17 could get feedback back to you for the October materials.  
18 The K superintendents meeting starts that same day. But the  
19 superintendents that are involved I've reached out to and  
20 let them know that we'd be happy to have a conversation with  
21 them separately. And we'll have the board meeting with you  
22 all and looking for your direction so that we can resubmit  
23 the plans by the 24th- 23rd.

24 MALE SPEAKER: It's 21st to 24th of November.

25 UNIDENTIFIED VOICE: It's 23rd I thought we



1 had initially, so the 20 -- right around then, so, after  
2 that board meeting, we'll write like mad hopefully, and  
3 then, get it back to them.

4 UNIDENTIFIED VOICE: Thank you very much.

5 MALE SPEAKER: Thank you.

6 UNIDENTIFIED VOICE: Thank you.

7 UNIDENTIFIED VOICE: Thank you for all your  
8 hard work.

9 MS. SCHROEDER: Appreciate it. Thank you.

10 Next time on our agenda is consideration of our 2018 regular  
11 state board meeting dates. I'd like to have a motion,  
12 please.

13 MR. DURHAM: Move we adopt the dates  
14 published in the agenda.

15 MS. SCHROEDER: Thank you.

16 MR. DURHAM: (Indiscernible) meeting.

17 UNIDENTIFIED VOICE: I second that.

18 UNIDENTIFIED VOICE: Right, thanks. Is there  
19 any discussion? I'm sure you all looked at him. Do you see  
20 any problem? All right. Is there anyone opposed to this  
21 motion? All right. We have 2018 dates.

22 UNIDENTIFIED VOICE: Thank you.

23 MS. SCHROEDER: So we can publish them now?

24 UNIDENTIFIED VOICE: Yes.

25 MS. SCHROEDER: For folks?



1 UNIDENTIFIED VOICE: Yep.

2 MS. SCHROEDER: Believe it or not, there are  
3 people who wanna know.

4 UNIDENTIFIED VOICE: I know.

5 MS. SCHROEDER: They are not in this room.

6 UNIDENTIFIED VOICE: I tend to see --

7 MS. SCHROEDER: The next items are all  
8 consent items, so we're on item 18?

9 UNIDENTIFIED VOICE: Yes.

10 MS. SCHROEDER: The last item on our agenda  
11 is a discussion on student safety and parental notification.  
12 Board member Durham, since you requested that this item be  
13 placed on the agenda, would you like to begin the  
14 conversation?

15 MR. DURHAM: Thank you, Madam Chair. I do  
16 have a motion actually, and I'll start with the motion which  
17 is to --

18 MS. SCHROEDER: This is not -- this is an  
19 information item today, sir.

20 MR. DURHAM: Well, maybe I'll just make it a  
21 request then of the attorney general to -- to review the  
22 statutes that have -- have been enacted by the General  
23 Assembly relative to student safety and the responsibilities  
24 of this board to provide information relative to student  
25 safety and see if any of those acts would lend itself to



1 rulemaking authority that would allow us to do something  
2 similar to the -- to the rule that was passed on -- I forget  
3 the year 2000-

4 UNIDENTIFIED VOICE: Eleven.

5 UNIDENTIFIED VOICE: Eleven, '10?

6 MR. DURHAM: -- 2011. And -- and just to --  
7 the -- there's a copy of the rule in your board packets, but  
8 just as a quick reminder, it says after consulting with the  
9 charging or arresting criminal justice agency, the -- the  
10 school board or -- or charter school shall notify all the  
11 parents of the stool -- school -- in a school in which an  
12 employee or former employee of the local board is charged  
13 with one of the following offenses. And those are then on  
14 page 3.

15 While that list is a little more exhaustive  
16 than I probably would personally support, there are  
17 certainly some of those things that I think merit that.  
18 And I think given some of the recent issues that have come  
19 up particularly in, in Cherry Creek Schools that the lack of  
20 notification has come to the attention of --.

21 MS. SCHROEDER: Yes.

22 MR. DURHAM: -- of a number of us and I think  
23 it's appropriate that the board take a look and see whether  
24 or not it might be time to revisit this issue. And I will  
25 say that in lieu of that, I believe there's likely to be



1 legislation on this topic to -- that would probably get us  
2 to the same place that we were. And I think that given the  
3 recent events, that legislation will be much harder to  
4 defeat than it was after the 2011 incident.

5                   So, I would request that the attorney general  
6 conduct that review and see if there's any rulemaking  
7 possibility for us in that regard. Thank you.

8                   MS. SCHROEDER: So we will bring that back  
9 again as an information item or, if you feel that we have  
10 some leeway, perhaps draft a rule that you think would  
11 withstand evaluation. Does that sound right, colleagues?

12                   MR. DURHAM: Thank you. Yes.

13                   UNIDENTIFIED VOICE: Yes.

14                   UNIDENTIFIED VOICE: Does that mean we would  
15 use this -- this new rule up until the time legislation is  
16 passed to change it?

17                   MS. SCHROEDER: This is not a rule. It's a  
18 repeal.

19                   UNIDENTIFIED VOICE: The one that we were  
20 just -- you were just talking to her about. That's my  
21 question.

22                   MS. SCHROEDER: I think it's based on -- on  
23 your recommendation actually, Ms. Tolson (ph).

24                   MS. TOLSON: Okay.

25                   MR. DURHAM: Yeah, if we have the authority





1 then we could -- we could proceed. If we don't, then we  
2 would rely on the legislature to enact the appropriate  
3 statute.

4 MS. SCHROEDER: Good. Any other questions,  
5 comments about this topic? All right. We are rolling. So,  
6 at this time, state board member reports. Do I have folks  
7 who wanna make a report? Ms. Mazanec?

8 MS. MAZANEC: I just want to say that we are  
9 meeting in Burlington because Burlington is in -- in the  
10 fourth congressional district and since my time on the  
11 board, and I represent the fourth district. Since my time  
12 on the board, we have had a couple of meetings in Grand  
13 Junction in Miss Rankin's district -- Director Rankin's  
14 district. We have another one in Pueblo, also in your  
15 district and I -- I have been nagging for a few years,  
16 haven't I, that we need to have a meeting in the fourth  
17 district and preferably on the eastern plains --

18 UNIDENTIFIED VOICE: Good for you.

19 MS. MAZANEC: -- at a small or rural  
20 district. So, I am very pleased that we are finally here in  
21 the fourth district, and thank Burlington Superintendent  
22 Satterly, and their board. They've been very helpful in  
23 getting this set up. And -- and I -- and I feel a little  
24 bit like I'm at home 'cause I grew up about an hour east of  
25 here in northwest Kansas, so this feels a lot like home.



1 So, anyway, that's my report. I'm really pleased to be  
2 here.

3 MS. SCHROEDER: Thank you. Board member  
4 Goff, do you have a report?

5 MS. GOFF: Well, I would like to invite  
6 anyone who would like to come to CB seven and have a state  
7 board meeting there.

8 MS. MAZANEC: Where is CB seven? What is it,  
9 Lakewood?

10 UNIDENTIFIED VOICE: Denver.

11 MS. MAZANEC: We could find a place.

12 MS. GOFF: I would love it there. I -- In  
13 addition to the mention I made earlier today about Kearney  
14 middle school and the Adams 14.

15 MS. MAZANEC: Speak up.

16 UNIDENTIFIED VOICE: Is it not on? Oh I know  
17 and you're right. Kearney Middle School Adams 14 made great  
18 -- making and the beginning of a great road ahead for them  
19 in improvement.

20 They have recently held a nice big  
21 celebration ceremony with their whole community to observe  
22 the movement from priority improvement school and  
23 improvements steadily upward toward performance. So, for  
24 Adams 14 it was one piece of very encouraging news for them  
25 to receive and with the promise that other schools are about



1 ready to jump to that on that level as well and continue on.  
2 I have been out and about in -- in Adams County quite a bit  
3 which is usual and som- somewhat more lately in Jeffco  
4 observing the start of the school year. There seems to be a  
5 good healthy motivated optimistic tone out there in our  
6 schools.

7                   And as far as communities coming together  
8 and, and appreciating what hard work there is to be done  
9 right now, it feels generally like we're --we're all on a  
10 good track for moving some things ahead. I will be speaking  
11 next couple of weeks to -- to different types of groups  
12 about general terms of what's going on with the state, what  
13 is the state board doing these days and what some thrust of  
14 our work is, but also some of the most important issues for  
15 Colorado in education.

16                   So any time for anyone, feel free to just  
17 throw out a thought to me at any time and I'm -- I'd really  
18 like to be able to incorporate what I hear from everyone  
19 about each person's picture of what is a very important  
20 thing we're talking about now kind of bring it all together  
21 a little bit. So, that's primarily it.

22                   MS. SCHROEDER: Thank you. Board member  
23 McClellan?

24                   MS. MCCLELLAN: I just wanted to -- to say a  
25 special thank you to our staff for helping to get me



1 prepared for a speaking engagement. I gave an update to  
2 stakeholders in which they asked me to report on what's been  
3 happening on the board and what we're going to be covering.  
4 And I was speaking for an hour including questions.

5           So as you can imagine I wanted to make sure I  
6 had lots of information so that I wouldn't be repeating let  
7 me get back to you on that if they asked me questions at the  
8 granular level. So thank you very much. It went well and I  
9 was able to answer questions without having to, to be vague  
10 or tell them I was going to get back to them.

11           So that went well and I appreciate it. I  
12 also wanted to reiterate my congratulations especially to  
13 Aurora Public Schools, to Superintendent Munn and all the  
14 way down to the classroom level teachers who worked hard to  
15 make a difference in achieving their progress and  
16 improvement. And so, I congratulate that district on  
17 getting off the clock. That's terrific.

18           And then all of that information that was  
19 shared with me by staff, which I so appreciate, is going to  
20 come in handy because I will be giving an update at my  
21 regional CASB meeting next week, not for an hour I'm sure.  
22 And I also look forward to joining Commissioner Anthes this  
23 month when we meet with stakeholders in Aurora.

24           So thank you for joining us out in my  
25 district in the Sixth Congressional. And also, Ms.



1 Mazanec, if you would extend our thanks for the hospitality  
2 here in Burlington, especially for the baked goods, that  
3 really made it all the more special to visit your district.  
4 Thanks.

5 UNIDENTIFIED VOICE: Board Member Rankin.  
6 Thank you.

7 MS. RANKIN: The first thing I'd like to  
8 bring up is something I've brought up in the past and that  
9 is our financial transparency icon on our CDE website. I've  
10 been trying to promote that throughout the district. I  
11 think it's so easy for parents to get on and understand some  
12 of the finance and if, if you need more information you can  
13 auger into the site.

14 I met with Bright Bytes the other day to talk  
15 about some other things and tell them how excited I was  
16 about the site that we have. Before it was bur -- when it  
17 first came out, it was on the front page, the home page of  
18 CDE website. It now is buried more in the finance area and  
19 I would love to see that icon come back to the front page  
20 until people get very familiar with it and how to find  
21 things within CDE.

22 So I would recommend that CDE does that, it  
23 would be very helpful. I also want to again give a shout  
24 out to Superintendent Mike Upright at West End Schools for  
25 the improvement he has on the performance frameworks and the



1 celebration he's gonna have in his district which I plan to  
2 attend.

3                   And then I -- I have a slide up here to- to  
4 show you an opening September 31st, an open house and ribbon  
5 cutting for the ring for school districts. Neher School,  
6 Neher School, Riverview and I think there were probably 200  
7 parents and students that came.

8                   It's a project based school dual language and  
9 it was really an interesting layout for a school and it can  
10 be incorporated for other uses in the community. Very  
11 interesting and I wish them all the best of luck and I'll be  
12 keeping up with that. It was part of a \$122 million bond  
13 issue that was passed in 2015.

14                   UNIDENTIFIED VOICE: Wonderful.

15                   MS. RANKIN: And then I'd like to move to De  
16 Beque and this is part of a, a trip I took down there and I  
17 wanted to show you their log cabin school house.

18                   UNIDENTIFIED VOICE: I love this.

19                   MS. RANKIN: It's located at High Lonesome  
20 Ranch in De Beque outside of Grand Junction and their plans  
21 are to turn it into a museum. Back in the 1800s, W.A.E- Dr.  
22 W.A.E. De Beque was looking for a location for a ranch and  
23 the town itself of De Beque was historically a location  
24 where wild horses were prevalent in the surrounding lands  
25 and they were rounded up and sold. And that was in the late



1 1800s. It's a great, great area, I recommend anyone to  
2 visit De Beque, it -- it's good.

3                   There are also noted in 2014, it was the  
4 first incorporated town in Mesa County to approve the retail  
5 sale of recreational marijuana.

6                   Next slide is, the inside of the schoolhouse  
7 and that's one of the desks just here and the old potbelly  
8 stove where the kids kept warm, kind of fun. And then I  
9 just have to digress on just a little bit. This is a dude  
10 ranch now and we stayed there for two days and my husband  
11 and I did a little fishing and I just have to bribe just a  
12 little bit. This is a 20 -- 23 inch block.

13                   MS. SCHROEDER: Wow.

14                   UNIDENTIFIED VOICE: You called?

15                   MS. RANKIN: Trout that I caught and if you  
16 know anything about fishing, this is on an Adams 16 fly. I  
17 tie flies this one is so small, it's like half the size of  
18 your little fingernail and that big guy just -- and it is  
19 catch and release. People keep asking me how it tasted and  
20 this -- this is not what this is for. This is just fun in  
21 catching them, so.

22                   Which is why it got that big. It's probably  
23 been caught a lot of times.

24                   MS. RANKIN: I had to -- I just had to share  
25 this. This is the guy that helped -- he was trying to show



1 me how to hold it but it just kept falling on the ground,  
2 but anyway --.

3 UNIDENTIFIED VOICE: Great picture.

4 UNIDENTIFIED VOICE: And slippery.

5 UNIDENTIFIED VOICE: Good thing you didn't  
6 show us dropping it.

7 MS. RANKIN: I know. That's why.

8 MS. SCHROEDER: Thank you. Board member  
9 Durham, do you have a report?

10 MR. DURHAM: Yeah. I had -- the fish I  
11 caught was this big. I did have the opportunity about a  
12 week and a half ago to -- I was invited to speak to a number  
13 of officers of the Colorado National Guard about education  
14 issues. It was -- it was really a great opportunity to all  
15 of them -- almost all of them have families with children in  
16 Colorado. They're all very concerned about education.

17 Obviously, they have significant duty  
18 sometimes that take them outside the state, and it was a  
19 great opportunity to hear their concerns about Colorado  
20 education and to answer questions about where the state's  
21 headed and what kind of progress we might be making.

22 So that's probably the -- the best  
23 opportunity I've had to relate to people that I think do a  
24 lot for the state of Colorado about what we're trying to --  
25 to do to help them.





1 MS. SCHROEDER: Thank you. Board member  
2 Flores.

3 MS. FLORES: I had a chance to speak to a  
4 social justice committee group, which is interested in  
5 looking into the confinement of children in jail or special  
6 jails for juveniles, and were surprised to learn that 10-  
7 year-old kids and 11-year-old kids were confined. And I  
8 think that there was enough interest that there are several  
9 committees, I think, within Denver that are -- where people  
10 are looking into this.

11 And I -- I -- I think we need to really  
12 consider this whole issue of kids who are placed in  
13 detention centers because they cannot attend schools, given  
14 the problems that exist for transportation, and also giving  
15 -- giving mind to parents who can't really attend court --  
16 court hearings to help represent their kids and because of  
17 their -- they're immigrants and they're scared.

18 And there's a lot of fear out in -- in many  
19 of our communities because of this. And so, I just can't  
20 tell you enough how -- how sad it is that- that, for  
21 instance, that kids are put in detention centers and for a  
22 parent to -- to feel so helpless that, you know, but know  
23 that there might be repercussions for attending and  
24 representing their child in court. So, anyway, that's --  
25 that's it for me. Thank you.



1 MS. SCHROEDER: Thank you. I had attended --  
2 attend -- I attended an interesting presentation by Donald  
3 Kay educating - educator housing summit and what they've  
4 done is - what they did was invite a number of different  
5 organizations that are working to help provide affordable  
6 housing for teachers. Some of it was rural.

7 So, in some cases, it was providing housing  
8 with reduced rents, and in other cases, it was housing where  
9 either there was a grant for a part of a down payment or a  
10 less expensive housing opportunity that's basically  
11 affordable housing. So that when they -- the teachers move  
12 out, the appreciation is limited just as typical affordable  
13 housing is done so.

14 But I thought it was kind of impressive that  
15 around the state, school districts are attending to the  
16 challenges of providing housing for teachers because they  
17 really can't aff -- can't afford it.

18 What I found interesting is that many school  
19 districts, of any kind of size, do have excess land, and  
20 they're now working in partnership with the banks in their  
21 communities, businesses in their communities, to really put  
22 together the funding in order to provide the opportunities  
23 for either rental properties or purchase properties or in  
24 some cases both.

25 Roaring Fork has done -- has a pretty



1 extensive effort. Custer County has some apartments that  
2 they are finishing. And -- and one of- I think it was  
3 Custer County example, the students, the high school  
4 students, are actually finishing a building that was -- that  
5 they happened to acquire or was given to them. They're  
6 turning it into four different apartments as part of their  
7 career curriculum.

8                   It was very encouraging. We -- one of the  
9 joys I think of local control is that pretty soon you just  
10 roll up your sleeves and figure out some way to address your  
11 most critical problem. And housing is definitely one of the  
12 most critical problems for our rural communities because  
13 there isn't very much housing, period. And what is  
14 affordable is too expensive, particularly not-- really not  
15 just in the resort areas, but there are so many retirees who  
16 are moving to Colorado, to these small towns, that they too  
17 are essentially raising the costs of the housing that's  
18 available and so our teachers can't afford it.

19                   It was -- it was a great presentation. You  
20 might want to look on Donald Kay website if you want to  
21 learn more about it. I did attend the first CASB regional  
22 meeting, and as I hope I wrote you, I was on the fly asked  
23 to talk about the State Board and what we were doing and  
24 answer questions.

25                   There were -- yeah, it was a yikes, but it



1 was fine. There was a lot of interest in the opt out.  
2 There's some concern more -- I think there's more awareness,  
3 all of a sudden, among school board members that the  
4 information, you know, their -- their staff made them or  
5 gave them a presentation on the results of the assessments.  
6 But they were frustrated by the lack of conclusions that  
7 they could reach by some of them -- some of them.

8 I also heard a number of kudos to the  
9 department for the kind of support. The -- the -- the one  
10 that I attended had both fourth CD and second CD school  
11 board members. And so, I have a -- I have a hunch there  
12 were some Greeley folks there, I'm not sure, but there were  
13 some -- a lot of compliments that came specifically to Ms.  
14 Pearson and the Field Services Department and to Katie as  
15 well.

16 So, I think we are -- I think the department  
17 is definitely being recognized as something other than  
18 purely a regulatory agency, which has taken a long time.  
19 Katie and I attended the Colorado Rises launch yesterday as  
20 she presented. What I'm here to tell you is that Deb  
21 Scheffel sends her greetings. She was there.  
22 Superintendent Munn was there, and boy was he cheerful and  
23 friendly and happy.

24 So, one of the nice things about, in addition  
25 to hearing a little bit about the -- the launch was also to



1 see a number of people who are really dedicated to Colorado  
2 kids. So, and Deb looked great and introduced me to some of  
3 -- we actually had a consent item today on our agenda for a  
4 program, so I met some of her colleagues or one of her  
5 colleagues, I should say. It was a great presentation.

6 I guess the one other comment I would make in  
7 response to Board member Rankin's comment about financial  
8 transparency. I have used that when folks have said to me,  
9 well, such and such school spends money or gets money. And  
10 I've said, well, let's go look and look it up.

11 And I agree with you, I expected it on the  
12 front page. I'm not the best about going through stuff, and  
13 I also had to go to the finance. And so I would -- I would  
14 second that request that it be on the top because it really  
15 inspired the few -- the few people that I did this with to  
16 go, oh, I didn't know I could do this. And then I actually  
17 had to write out for them the process to get into that. It  
18 would be nice -- it would be probably easier if it were just  
19 were on the front page. Okay. Great. Thank you.

20 MS. FLORES: We're gonna put you in jail.  
21 We're gonna put you in jail because of what you did,  
22 discussing an item that was to be decided.

23 MS. SCHROEDER: What?

24 UNIDENTIFIED VOICE: We approved it.

25 MS. SCHROEDER: What?



1 UNIDENTIFIED VOICE: We already approved it.

2 MS. SCHROEDER: We already approved it.

3 UNIDENTIFIED VOICE: Oh, I had to check.

4 MS. SCHROEDER: So, the next part of --

5 MS. FLORES: Couldn't help it.

6 MS. SCHROEDER: I don't know what you're  
7 talking about, but we'll talk about that later. It's not  
8 new. So, we have another session of public participation.  
9 Do we have any? In that case, I would --

10 MS. MAZANEC: Well, I think this is the  
11 caterer walking in and we can all applaud him for --

12 MS. SCHROEDER: Yes. Thank you.

13 (Applause)

14 MS. SCHROEDER: Thank you. Thank you, Ms.  
15 Mazanec. Yeah. The food's been great. So we'll stand  
16 an adjournment until tomorrow morning at 9:00 a.m. Thank  
17 you, folks.

18 (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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