



Colorado State Board of Education

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

August 16, 2017 Meeting Transcript - Prt. 2

BE IT REMEMBERED THAT on August 16, 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 MADAM CHAIR: So the next item on the agenda
2 is recognition of Colorado Student Artists. Commissioner,
3 I'll turn it over to you, please.

4 MS. ANTHERS: Thank you, Madam Chair. We're
5 very excited to be having some wonderful student artists
6 here and to congratulate them for their amazing work. I'm
7 going to turn it over to Ms. Cordial to introduce the
8 student artists we have here today.

9 MS. CORDIAL: Thank you. Today we will honor
10 student artists who epitomize the talent and commitment of
11 hundreds of artists students in our state. It is my
12 privilege today to introduce each of the multi-talented
13 students to you. This recognition became an annual
14 tradition through the collaborative partnership established
15 with our congressional representatives in providing their
16 second place award winning art from the 2017 Congressional
17 District Art Show Competition, and their artwork will be
18 housed at the Department of Education here in the state
19 boardroom for one year. So I'll start introducing the
20 students. The first I'd like to introduce is Rebecca Suhr?

21 MS. SUHR: Yes.

22 MS. CORDIAL: Okay. From the 1st
23 Congressional District and she will share a brief statement
24 with you while you view her acrylic piece titled, Notes.

25 MS. SUHR: Hi, my name is Rebecca. This is



1 the painting that I did for a 2D art class. The assignment
2 was to make a collage and then pick a section of the collage
3 to paint on a big canvas and I really love music so I chose
4 album covers and music related photos, and made a collage
5 and so I picked this one, which had some of my favorites.
6 Taylor Swift, Wayward Mack and Selena Gomez, and other
7 things, so that's kind of about the piece.

8 MS. ANTHES: Tell us about your school and
9 your art teacher, please.

10 MS. SUHR: Oh. So I went to Bishop Machebeuf
11 High School and I just graduated in May.

12 MS. ANTHES: Okay.

13 MS. SUHR: My art teacher is Diana Montano,
14 she's over there, and it was a great -- it was a great time.
15 I had a couple of different art classes. They were
16 relatively small which was great. We got to sort of
17 collaborate more together and it was just a great
18 environment to --

19 MS. CORDIAL: Thank you very much.

20 MADAM CHAIR: Lizzie, do we know what school
21 she attended?

22 UNIDENTIFIED VOICE: Yes, Bishop Machebeuf
23 High School.

24 MADAM CHAIR: Bishop Machebeuf.

25 MS. CORDIAL: The next student is Kendra Yun



1 (ph) from the 3rd Congressional District. Kendra will also
2 share a brief statement about her photography work titled,
3 Wild Roots.

4 MS. YUN: Thank you. Hi, I'm Kendra Yun from
5 District 8. I go to Creede High School. I work in a ranch
6 down in Del Norte, Colorado. This is a picture of my dad's
7 horse. He's the guy in the gray shirt back there with my
8 mom, Sonny, and -- his name is Kent Chubbient (ph). This is
9 a picture of my Uncle Bobby riding his horse, Strings. We
10 were at a branding. We were branding some cattle down at
11 the ranch and I was taking photos and taking notes for the
12 tags and whatnot, and I just so happened to take a picture
13 at the right time. My uncle Bob is having a blast at this.
14 I would consider this rather counterphy (ph) or digital art.
15 What I did was I turned it black and light, whatever was
16 dark. Okay. I turned this black and white and then I
17 decided to add some more contrast to the picture, and I
18 brightened my whites, and I darkened my darks to add that
19 intensity in my photograph.

20 MS. ANTHES: We lost her mic again. Looks
21 like she's having some difficulties.

22 MR. COTTONSTEADY: It happens to the best of
23 us.

24 MADAM CHAIR: Technology.

25 MR. COTTONSTEADY: You know if we had all



1 that money we asked for in the beginning.

2 MS. ANTHES: Nice try.

3 MS. YUN: Is it working? Okay.

4 MR. COTTONSTEADY: Increase the battery
5 budget. Okay, we're good.

6 MS. YUN: All right. This is my piece. I
7 took second, pretty cool. Thank you, for your time.

8 MS. CORDIAL: Thank you. The next student is
9 Johann Sebastian Ramirez from the 6th -- from the 6th
10 Congressional District. He will also share a brief
11 statement with you, as you view his painting titled, The
12 Diverse Colorado Soul.

13 MR. RAMIREZ: Hello everyone. Well, this is
14 my piece. It's called Colorado Soul, The Diverse Colorado
15 Soul. My name is Sebastian Ramirez. I'm from Colombia and
16 I'm 18 years old. I've been here in Colorado for four
17 years. Art for me is a way to express my ideas to the
18 world. When people ask me what inspires me to create art, I
19 like to think that there are few things. Sometimes visual,
20 another time sensations or emotions that I want to become --
21 feelings, I want to show -- that I want to show on the
22 canvas. The moment that I can express freely whether it's
23 inspiration and when the idea is complete in my mind, but
24 also music, color, nature, people, and culture. Finally,
25 the simple art of making marks on the canvas. Sometimes



1 emotion have a hold and it will come out. The painting that
2 I want to talk about today. Well, it's called The Diverse
3 Colorado Soul. I painted it when I was 17 years old and I
4 thought about different names for it because I think names
5 are important to describe the art for me. But I finally --
6 the first idea was The Colorado Soul, but I felt that it
7 needs something else to representing my culture and the
8 diversity of Colorado. This painting was the -- was to
9 describe -- this painting was designed to represent the
10 experience that I have in America while empowering my
11 Colombian culture. Since I think it's very important for my
12 work, but also showing the beauty of Colorado and the
13 diversity that you can find here; the beautiful colors, and
14 the landscapes, and also to remember my identity and to be
15 proud of it. Personally, I con -- I consider Colorado as my
16 new home. In this painting, I use my sister as a model, and
17 the costumes of indigenous people of the town of Colombia
18 that my grandma is part of. It's called what to see and as
19 you can see there is Colombian symbols. It means power and
20 happiness. The Colorado flag showing love for the
21 experiences that I have been living here. You can see in
22 her hands, they look old but her face look young. I wanted
23 to -- I did it with the intention of representing experience
24 and knowledge, while also remembering that there's things to
25 learn as well. There's a lot of things to learn.



1 She's wearing a black dress and a gold --
2 she's wearing a black and gold dress meaning stability and
3 comfort. Also you can see the Rocky mountains in the
4 background. I painted it colorful so people will feel
5 happy, feel sensations with all those colors in them. It is
6 oil on canvas and then I'm -- I'm not sure how to call my
7 style. I like to think that my art is influenced by varied
8 styles. I don't like to limit myself to one. I like to
9 experience the beauty of art in different forms. In some
10 parts, you can see a brush paint because I like to play with
11 the -- I like to play with the texture, and yeah, that is my
12 painting. I like -- I like to think that texture make
13 people more interested in -- in the painting so they can
14 look everywhere in the painting, not just like boring.
15 Finally, I'm thankful for this opportunity. Art is -- art
16 is my passion, and I will do it for the rest of my life. I
17 like to think art is like my journal in life, and I also
18 want to thank my parents; my dad, that they always have been
19 there for supp -- for me, supporting me. That they're the
20 ones who buy the supplies to express myself. So thank you.
21 Gracias Mama; Gracias Papa que estan un alli para apoyarme
22 siempre. Los quiero mucho. Thank you.

23 MS. ANTHES: And finally we have artwork from
24 Emily Stroke in the 7th Congressional District, but
25 unfortunately she was unable to attend today. But Denise is



1 showing you her artwork which is a digital photography tit--
2 titled, Neon Ink.

3 MADAM CHAIR: Thank you. I just want to
4 congratulate each of you for your tremendous talent. It's
5 so rewarding for the state board to hear from students such
6 as yourself and to see the work that you're doing in
7 schools. We're pleased that you've shared your art with us.
8 We'd be-- we will be honored to have it hang through the ne--
9 - for the coming year in our boardroom. I'd also like to
10 express thanks to the art teachers in Colorado and to our
11 kids' parents. I want to thank the parents for encouraging
12 your children to pursue your artistic endeavors. I know
13 that parents are an integral part of your success through
14 encouragement and your support. So on behalf of the board,
15 I want to thank you very much. At this time I'd like to
16 call up each of you individually to receive a cer--
17 certificate and have your picture taken. First of all
18 Rebecca Suhr from CD-1, please.

19 (Pause)

20 MADAM CHAIR: So the next item on our agenda,
21 I believe is to go backwards? Is that right?

22 MS. ANTHERS: Yes, to item 12.05.

23 MADAM CHAIR: 12.02.

24 MS. ANTHERS: We're going to do 12.05 first.

25 MADAM CHAIR: 12.05 first.



1 MS. ANTHES: And then go to 12.02.

2 MADAM CHAIR: Sure, which is a waiver request
3 from state statute for Colorado High School Charter and I
4 believe -- was this pulled from consent and Mr. Durham had a
5 question?

6 MS. ANTHES: No.

7 MADAM CHAIR: Sorry.

8 MR. DURHAM: Yeah. No problem.

9 MADAM CHAIR: Did we talk about it? I don't
10 have 12.05.

11 MS. ANTHES: Steve pulled it.

12 MS. ANTHES: Yeah.

13 MS. ANTHES: And Steve disappeared?

14 MS. ANTHES: He's coming.

15 MS. ANTHES: Okay.

16 MADAM CHAIR: Mr. Durham, we have item 12.05
17 the charter request for Colorado High School Denver.

18 MR. DURHAM: Thank you Madam Chair.

19 MADAM CHAIR: I believe you pulled it.

20 MR. DURHAM: Yes, I did. So I'd move that we
21 grant the waiver request from state statutes by School
22 District 1 Denver on behalf of Colorado School -- Colorado
23 High School Charter.

24 MADAM CHAIR: Is there a second?

25 MS. ANTHES: I second.



1 MR. DURHAM: And I'd like to ask -- I'm
2 sorry, I'm not sure how to pronounce your name.

3 MR. COTTONSTEADY: Cottonsteady.

4 MR. DURHAM: I'll work on that.

5 MR. COTTONSTEADY: You can say it really any
6 way and someone in the family probably pronounces it that
7 way.

8 MR. DURHAM: I'll work on that. The only
9 question I had is there any change? Do you contemplate any
10 changes in the way you review these waivers and I just
11 pulled the first one --

12 MR. COTTONSTEADY: Okay.

13 MR. DURHAM: -- for the charter schools so,
14 you're new in the job, and is there any reason that we might
15 have to worry about changes or expect any changes in the
16 current review standards?

17 MR. COTTONSTEADY: Sure. So no, not really.
18 The only thing that I can speak of that has been part of my
19 on boarding is that there were two statutory changes. So
20 there was 1375 which removed two automatic waivers that now
21 have to be requested by the schools.

22 MR. DURHAM: And which ones are those, do you
23 recall?

24 MR. COTTONSTEADY: Yeah. So there in the
25 memo. It's 22 32 109 1B and 110 1Y. One is around gifts,



1 grants and donations and the other one is on, I believe
2 purchasing rules --

3 MR. DURHAM: Okay.

4 MR. COTTONSTEADY: -- and those are both
5 where the duties are delegated to school districts and so it
6 would just be requesting the waivers so that schools could
7 establish their own policies. So we're providing feedback
8 to schools that now they have to request those with
9 rationale replacement plans, and then actually, I think
10 that's the -- oh, and then we have been offering feedback to
11 schools around the licensure waiver and with the board
12 determination on infield/out of field, and so as schools,
13 historically have requested replacement plans that said will
14 meet highly qualified, we say since highly qualified,
15 technically, doesn't exist. We'd like a little more
16 clarity, in terms of, what -- what policy you'll follow, in
17 terms of establishing who gets to teach in your school and
18 who doesn't. So just asking for more clarity.

19 MR. DURHAM: And this is for charter schools?

20 MR. COTTONSTEADY: Correct.

21 MR. DURHAM: Thank you. Okay.

22 MADAM CHAIR: Any objection? Thank you.

23 MR. COTTONSTEADY: Okay.

24 MADAM CHAIR: All right. Now we can go to

25 12.02. Okay.



1 MR. COTTONSTEADY: Thank you.

2 MADAM CHAIR: Thank you.

3 MR. DURHAM: Madam Chair, may I request we go
4 out of order for 12.06 to--

5 MADAM CHAIR: You're making me nuts today --

6 MR. DURHAM: No, wait a minute; not 12.06.

7 MADAM CHAIR: -- but that's okay, I don't
8 have to (indiscernible - simultaneous speech).

9 MR. DURHAM: This is the disciplinary
10 proceedings and I don't think it's 12 06.

11 MS. ANTHES: It's 12.06.

12 MS. ANTHES: Yeah. So the disciplinary --
13 the disciplinary matter that was called --

14 MR. DURHAM: 20.06.

15 MS. ANTHES: -- is 20.06.

16 MS. ANTHES: Oh, 20.06.

17 MR. DURHAM: Could we have-- I have the
18 motion?

19 MS. ANTHES: Yes. Please go ahead. You're
20 right.

21 MR. DURHAM: Okay. Regarding disciplinary
22 proceedings concerning a license and authorization charge in
23 216 -- 2016 EC 1569 to issue an order of summary suspension
24 of the credentials holder's license, teacher's license, and
25 authorize and author -- and direct the Chair to sign the



1 board order.

2 MADAM CHAIR: Proper motion, do I have a
3 second?

4 UNIDENTIFIED VOICE: Second.

5 MADAM CHAIR: Any objections to that motion?

6 MS. ANTHES: I object.

7 MADAM CHAIR: Oh, would you please call the
8 roll?

9 MS. ANTHES: Board member Durham.

10 MR. DURHAM: Yes.

11 MADAM CHAIR: Board member Flores.

12 MS. FLORES: Yes.

13 MADAM CHAIR: Board member Goff.

14 MS. GOFF: Yes.

15 MS. ANTHES: Board member Mazanec.

16 MS. MAZANEC: Yes.

17 MS. ANTHES: Board member McClellan.

18 MS. MCCLELLAN: Yes.

19 MS. ANTHES: Board member Rankin.

20 MS. RANKIN: No.

21 MS. ANTHES: Board member Schroeder.

22 MADAM CHAIR: Yes.

23 MADAM CHAIR: Mr. Durham, where would you
24 like to go next?

25 MR. DURHAM: Thank you. I think we're back



1 to nor -- to normal order?

2 MADAM CHAIR: No.

3 MR. DURHAM: No?

4 MADAM CHAIR: We -- we--

5 MS. ANTHES: Yes.

6 MR. DURHAM: 12.02 I thought.

7 MADAM CHAIR: -- we did five.

8 MR. DURHAM: We did five.

9 MADAM CHAIR: We did 20.06 --

10 MS. ANTHES: I asked if there were any
11 objections.

12 MADAM CHAIR: 12.02?

13 MR. DURHAM: I think that's normal order now.

14 MADAM CHAIR: Yes.

15 MS. ANTHES: What about 16.02?

16 MR. DURHAM: I love normal order.

17 MS. ANTHES: Have we covered 16.02?

18 MS. ANTHES: We do need to go back to 16.04.

19 MS. ANTHES: Yeah, we have 12.02.

20 MR. DURHAM: Yeah. that's next. Just 12.02.

21 It's -- that's regular order. The emergency rules.

22 MADAM CHAIR: Ms. Cordial, I'm counting on
23 you to help us stay --

24 MS. CORDIAL: I am.

25 MADAM CHAIR: I'm lost. You're 12.02 now?



1 MS. CORDIAL: Yes we are on. So the item
2 that we are currently on to go back in order is to take up
3 item 12.02 which is the emergency rules.

4 MS. ANTHES: I am not Bill.

5 MADAM CHAIR: Are you ready?

6 MS. CORDIAL: I'm ready if you are.

7 MS. ANTHES: Okay.

8 MADAM CHAIR: Go ahead. Okay. We'll figure
9 out what your name is in just a --

10 MS. RUTHVEN: I can also introduce myself.
11 Good afternoon. Thank you Madam Chair, members of the
12 board, Madam Vice Chair, Commissioner Anthes. So my name is
13 Misti Ruthven. I'm Executive Director of Student Pathways
14 here at CDE. Before you today are emergency rules for the
15 school health professional grant, and this is a statutory
16 change from the most recent legislative session which is why
17 we're bringing forward emergency rules. There are grants
18 waiting to be distributed to districts and schools as we
19 speak. The statutory change did not take place until last
20 week, was the effective date which is why it's before you at
21 the August board meeting. So questions about emergency rule
22 making and the purpose?

23 MADAM CHAIR: Well it means it's an emergency
24 and we have to vote on it today.

25 MS. ANTHES: Okay.



1 MADAM CHAIR: Christine, tell the question.
2 Board member Durham.

3 MR. DURHAM: Thank you, Madam Chair. In
4 looking at the emergency rule making, could-- is it
5 appropriate for us to refer to the redline?

6 MS. RUTHVEN: Yes, I believe there's only one
7 change of substance. It's throughout.

8 MR. DURHAM: In the emergency rule or?

9 MS. RUTHVEN: In -- yes.

10 MR. DURHAM: Well, I want to deal with the
11 whole rule since we're adopting it. I want to deal with two
12 items in the emergency rule.

13 MS. RUTHVEN: Okay.

14 MR. DURHAM: It's that -- if it's all right
15 and -- and I'd like to ask our legal counsel if you look at
16 page two, item 2.01, an assurance that the education
17 providers commitment to participate in the Healthy Kids
18 survey and school health profiles. Julie, is that -- Ms.
19 Tolson (ph), is that a statutory requirement that is simply
20 repeated in the rule? And if it's not, is there a specific
21 statutory site that could be used to ensure that it doesn't
22 exceed the legislative grant of authority?

23 MS. TOLSON: Mr. Durham, I am not sure as I
24 sit here. I have not looked and I can pull the statute to
25 see, but I'm also gonna look over at Ms. Ruthven because she



1 may know off the top of her head.

2 MS. RUTHVEN: So Mr. Durham we can go back
3 and check and then get back with you more specifically. So
4 my immediate recollection is that there's an evaluation
5 requirement of this grant and this is one way that schools
6 have been asked to do that. This is something that has been
7 in there for sometime.

8 MR. DURHAM: So this is -- this is
9 essentially staff's interpretation of that statutory
10 requirement. It's not explicitly stated in the statute?

11 MS. RUTHVEN: We can -- we can double check.
12 I do not know off the top of my head.

13 MR. DURHAM: Well, then I would move this lay
14 over until tomorrow so we can have an answer to that
15 question, and long as I'm at it, I'd like to have the --
16 it's on page three of the redline, 201 point -- I think it's
17 two -- 201.3A, which is the education providers need for
18 additional health professionals demonstrated by a local
19 school and communities data, regarding marijuana and the
20 number of marijuana establishments located within the
21 boundary of the school districts. I would-- I'm gonna move
22 to -- actually to pull both these items and -- so that
23 everybody here has time to think about it.

24 Number 1, we've been assured on numerous
25 occasions that -- that pre -- that participation in the



1 Healthy Kids survey was strictly voluntary on the part of
2 districts and all of a sudden, we come along here and find
3 something that has apparently been in the rules for some
4 time that made those particular representations that have
5 been made to this board inaccurate. And secondly, this idea
6 that -- that because a community -- a local government has
7 elected to -- to authorize a number of marijuana facilities
8 makes them -- puts them ahead in this grant money from those
9 communities like the ones that I represent that have not
10 allowed recreational marijuana. I -- I kind of look at it
11 as a -- as rewarding people for bad behavior and so I'm --
12 I'm gonna ask to remove those two unless you can find some
13 statutory reason for that one to be in existence.

14 MS. RUTHVEN: I -- I do have --

15 MADAM CHAIR: Go ahead.

16 MS. RUTHVEN: -- information on this. On the
17 second one that you mentioned about 2.013A. That is direct
18 statutes from statutes and how that is interpreted within
19 RFP, a Request for Proposal for this grant is; we do not ask
20 for the number of dispensaries in the community. What we
21 ask for is for districts and schools to tell us what has
22 been the impact of marijuana on their school and district
23 communi -- and the community. So we do not ask directly
24 about the number of marijuana dispensaries.

25 MR. DURHAM: Demonstrated by the local school



1 and communities data regarding marijuana and the number of
2 marijuana establishments. So it would appear on a plain
3 reading in the rule that the number of establishments is a
4 factor in the grant reward process. Maybe I'm not reading
5 that correctly.

6 MS. RUTHVEN: I -- I can tell you we -- we do
7 not -- we do not ask specifically about that information.

8 MR. DURHAM: Maybe we could have some re-
9 wording on that to see if we could.

10 MADAM CHAIR: We'll check --

11 MS. RUTHVEN: To see what's in the statute.

12 MR. DURHAM: Should check the statute, I
13 mean, if that's -- if that's lifted directly from the
14 statute then that's certainly not our problem, but if it's -
15 - if there's any embellishment on the statute then we ought
16 to try and clean that up.

17 MS. RUTHVEN: We can double-check.

18 MR. DURHAM: So I'd move we lay this over
19 until tomorrow, till we can check those two things.

20 MADAM CHAIR: Any other questions around this
21 level?

22 MR. DURHAM: Those are the two I had.

23 MADAM CHAIR: Right, just to make sure that
24 there aren't any other questions, so we can --

25 UNIDENTIFIED VOICE: I have the same first



1 question as Dr. Durham about the Healthy Kids survey. When
2 is the next Healthy Kids survey scheduled? Is it off years
3 or -- isn't it every two years?

4 MS. RUTHVEN: I believe it's happening right
5 now. This year.

6 UNIDENTIFIED VOICE: At the beginning of the
7 school year?

8 MS. RUTHVEN: So well--

9 MADAM CHAIR: No.

10 MS. RUTHVEN: -- I can -- I can get you exact
11 but this -- this is the year.

12 UNIDENTIFIED VOICE: I would also like to see
13 the instructions that are given to students around the
14 Healthy Kids survey. I'd also like to -- to remind parents
15 out there that their child is not required to take the
16 Healthy Kids survey and can opt out. Healthy Kids survey
17 has a lot of intrusive questions, and I'm not talking about
18 just sexual activity. I'm talking about their diets. It's
19 intrusive. The questions they ask. So no child and no
20 parent should feel as if they need to take this survey to
21 provide data to people. It's just not necessary. So -- and
22 I would like to see those instructions for certainty. Thank
23 you.

24 MS. ANTHERS: Do you mind if I ask a question?

25 MADAM CHAIR: Please Commissioner.



1 MS. ANTHES: Julie, we may just need
2 clarification too on emergency rules and what -- because I
3 think there are different rules. I don't see the Meli --
4 oh, Melissa is in the audience. There might be specific
5 rules around what we can change on emergency rules versus
6 what we can't change, so we just may need to clarify that by
7 tomorrow too.

8 MS. TOLSON: Okay. Thank you.

9 MS. ANTHES: Thank you.

10 MADAM CHAIR: End of day tomorrow or I'm
11 wondering if -- since we're gonna begin at 10, we don't know
12 how long that first item, but maybe after we do the ESSA.

13 MS. ANTHES: Okay.

14 MADAM CHAIR: You think that's reasonable?

15 MS. ANTHES: Yeah, or we could start that a
16 little bit earlier and or leave ESSA at 10 o'clock and in
17 the morning start the board meeting a little more on time
18 nine or 9:30 and address these items that are being laid
19 over.

20 MADAM CHAIR: How many did we just lay over?

21 MS. ANTHES: Well, I think -- does that mean
22 you want to lay over the notice of rule making as well?

23 MR. DURHAM: Uh-huh.

24 MS. ANTHES: Okay. So that's two. I mean
25 there --



1 UNIDENTIFIED VOICE: What about 12.04?
2 MS. ANTHES: -- are so much, and then the
3 grant -- and the grants.
4 MR. DURHAM: and the grants.
5 MS. ANTHES: So --
6 UNIDENTIFIED VOICE: Two --
7 MS. ANTHES: Okay. So three items and --
8 MADAM CHAIR: Half hour?
9 MS. ANTHES: Yeah.
10 UNIDENTIFIED VOICE: 9:30.
11 MADAM CHAIR: 9:30.
12 MS. ANTHES: So 9:30?
13 MADAM CHAIR: Man, I was really thinking
14 sleeping, but that's okay.
15 MS. ANTHES: Okay.
16 UNIDENTIFIED VOICE: I'm impressed you're
17 able. I can go to bed and then I can't get up. I can't get
18 up right away.
19 MADAM CHAIR: Today was rugged.
20 UNIDENTIFIED VOICE: Today was rugged.
21 MADAM CHAIR: Does that sound -- good idea
22 guys; 9:30?
23 MS. ANTHES: Yes.
24 MADAM CHAIR: Change this enough, none of us
25 will actually know what time to come tomorrow.



1 UNIDENTIFIED VOICE: And here I was hoping
2 for 10:30.

3 MADAM CHAIR: Oh, 10:30 is not in the cards.
4 Are we ready for item 15.0? Ms. Bursal, do you think I'm
5 on the right track or not?

6 MS. BURSAL: I'd say you're right on track.

7 MADAM CHAIR: Excellent. Next item on the
8 agenda is consideration of the designation of certain
9 positions to be educational in nature -- the administrator
10 of the department pursuant to 22-2-104 CRS. Commissioner,
11 let me turn that out to you please.

12 MS. CORDIAL: Yes, Madam Chair I believe I'm
13 turning that over to Leanne (ph), but I'm not seeing her.

14 MS. ANTHES: Well we could, what -- while
15 she's coming down we do have the 2:00 o'clock rule-making
16 hearing. Since it's 2:03 we could take that item.

17 MADAM CHAIR: Okey dokey. See I knew I was
18 wrong. I just needed to be reminded.

19 MS. ANTHES: But that also means we need to
20 get Jennifer Oaks (ph).

21 UNIDENTIFIED VOICE: (Indiscernible).

22 MS. ANTHES: Thank you.

23 MADAM CHAIR: So the very next item on the
24 agenda is the reconsideration of ju -- oops.

25 MS. ANTHES: It is Item 17.01.



1 MADAM CHAIR: Well, we are going all over the
2 place.

3 MS. ANTHES: All over the map.

4 MR. DURHAM: Gotta stay awake, stay awake.

5 MADAM CHAIR: State board of education will
6 now conduct a public rule-making hearing for the rules for
7 the operation, maintenance and inspection of school
8 transportation vehicles. 1CCR301-26; state board voted to
9 approve the notice of rule-making at its June 14th, 2017
10 board meeting. A hearing to promulgate these rules is made
11 known through publication from a public notice on July 10th,
12 2017 through the Colorado register and by state board notice
13 on August 10th, 2017. The state board is authorized to
14 promulgate these rules pursuant to 22 -- 22-2-107 1CCRS.
15 Commissioner Estaf prepared to provide an overview.

16 MS. ESTAF: Yes, thank you I'll turn this
17 over to Jennifer Oaks.

18 MS. OAKS: Thank you. Here before you to
19 hopefully finalize the transportation operation rules. So
20 as you recall we -- in May, prior to that notice of rule-
21 making, we did emergency rule-making and that was to address
22 some issues that legislative legal services committee
23 identified with the prior rules from last fall, and so this
24 is to make those changes permanent -- and there were four
25 basic areas of those that are in the emergency rules. One,



1 to address the length of bus routes that was required by
2 statute, but our rules did not address those specifically
3 and so this rule-making will require those to make an effort
4 to minimize the student ride times, while considering the
5 educational needs and so we didn't want to put a limit on
6 that because of the diversity of the -- the range of our
7 state; right? And then the references to the Code of
8 Federal Regulations taking out a reference to a school bus
9 operator guide and then clarifying the reasonable size of
10 containers of chemicals. So that is from the emergency
11 rule-making and then what -- since we were doing permanent
12 rule-making there was a couple clarifications that had come
13 up during the past school year with questions from school
14 districts that we thought could be incorporated or should be
15 incorporated to make these rules a little bit more clear to
16 address those. There's really two types of clarifications.
17 One is to -- to make, not change anything but just make the
18 language more clear about what types of school
19 transportation is covered by these rules. Which is route
20 transportation; whether that's provided by district, a
21 charter school, or a service provider or activity trips,
22 whether that's by a district or a charter school. But by
23 federal law and regulations, activity trips by a service
24 provider is not covered by our rules, they are covered by
25 the federal rules. So we've made that more clear.



1 It doesn't change anything but helps
2 alleviate some questions. And then the other one is about
3 when you turn on the flashing yellow lights and the flashing
4 red lights just for clarification. And so, one of those was
5 changing 50 feet to 200 feet and I think that was just one
6 of those typos, 200 feet is that notice that's typical. So
7 we wanted to clarify that, and then we also wanted to
8 clarify, so prior to a school bus, to -- or a school bus
9 stop, excuse me, to turn on those flashing yellows 200 feet
10 on the same roadway. And we understand that -- we think
11 that that is historically consistent with the rules that
12 have been place -- I didn't go back further than 1994. The
13 language has been sort of there, but that -- that type of
14 language was taken out in 2016. So we wanted to just
15 clarify that, and so that's the rules. We did have two
16 comments that came in and one was from the Colorado
17 Association of School Boards and their comment was simply
18 that they agree that these are clarification, and that CASB
19 had no concerns with these rules.

20 And then one comment was from District 49,
21 and I believe there are some representatives here, and their
22 comment was to postpone and have some more time for
23 discussion on that 200 feet on that same roadway, to give
24 more discussion -- time for discussion with the field. We
25 feel that there's been adequate discussion and contemplation



1 with the field, and specifically on this while this was just
2 included in this last rule-making. This was some
3 clarification that we put out in January of this year to the
4 community, and we didn't receive really any questions at
5 that point. But then we've had a number of discussions and
6 presentations since June with these rules going over them in
7 detail. We talked about it with our transportation advisory
8 committee in June and they did not --

9 There were some questions and discussions but
10 no concerns raised, and then because of the summer months is
11 when they do a lot of training. We've trained -- we had
12 counts of you know, over 400 school transportation
13 professionals where this was discussed with two or three or
14 four slides and discussed in detail and we didn't have any
15 pushback from that. So we think it's been vetted, and we do
16 think that this language is the appropriate language for the
17 statewide, but we recognize that there are some uniques --
18 bus stops that just -- it's not attainable that 200 feet and
19 we think that there are some mechanisms in statute and rule
20 that allow those exceptions, and so we would recommend
21 keeping that in. But if the board wishes to remove that
22 language, that will not cause tremendous problems, we can
23 continue our education and guidance and clarification and
24 continue to work with district. So either way is fine with
25 us.



1 MADAM CHAIR: Any questions? Board member
2 Rankin, we're going to do with some testimony too. Do you
3 want to wait till then?

4 MS. RANKIN: I will wait. Sure.

5 MADAM CHAIR: Okay, we'll be fine. So we
6 have several people here who are here to testify. First one
7 is Jack Piatrolo (ph). Just want to speak?

8 MR. PIATROLO: No, I'm just going to speak
9 it.

10 MS. ANTHES: Direct? Okay.

11 MR. PIATROLO: Thank you. Can you hand that
12 out? It's all -- cause I'm going to refer to what's in
13 there in -- in the -- Thank you. All you guys needed was
14 more paperwork, right?

15 MS. ANTHES: No problem. Please go ahead.

16 MR. PIATROLO: Thank you for giving me the ti
17 -- opportunity to speak to you about this rule-making
18 change. My name is Jack Piatrolo, I'm the new
19 Transportation Director for School District 49. In the rule
20 making 1709B, ha -- it reads, have stops be a minimum of 200
21 feet apart since alternating flashing amber warning signal
22 lamps must be activated a minimum of 200 feet in advance of
23 the stop. What they're adding to that is, on the roadway
24 on which the bus stop will be performed. And I've gone
25 through many of our -- my routers have gone through many of



1 my stops, and I've brought just a couple of examples for
2 you, and I'll -- I'll just start with the examples that I
3 brought.

4 In the -- in the first two pictures of this
5 example, there are more than a dozen students at this stop.
6 It is at the public mailboxes for the neighborhood because
7 nobody wants a dozen or so kids on their private property
8 twice a day waiting for a bus. In this instance,
9 unfortunately, we do cross students because it is a
10 centralized location in the middle of a big neighborhood.
11 The entire length of the street is about 225 feet with a
12 stop in the middle, allowing about 112 feet for the flashing
13 yellow light notification. Unless the driver starts the
14 flashing yellows on the street before turning on to Lupan
15 (ph) Drive, which you can see in the -- in the picture,
16 which is what has been happening until the addition of this
17 rule. So we're actually turning on our indicators before we
18 turn on to Lupan Drive, the street that this -- the stop is
19 on. In order to comply with the -- on the same road --
20 roadway change addition to the rule, this full-sized bus
21 would have to turn up Lupan Drive and have to back up in the
22 cul-de-sac to get turned around in order to comply with the
23 200 foot flashing yellow lights on the same roadway. Most
24 transportation professionals know backing up a school bus is
25 one of the most unsafe acts you can perform in a bus. It is



1 so unsafe, we do not allow it in our district, unless there
2 is an adult outside the bus guiding the bus driver back and
3 only after the driver has called into -- in to request the
4 guidance from our dispatchers.

5 Picture three and four of this example shows
6 the same exact situation of a bus stop where we do comply
7 with the addition to the rule, but only because the street
8 has the same name all the way around, where it intersects
9 with itself. I believe the addition or clarification to
10 this rule is, if -- if passed will put many districts in the
11 state out of compliance, and create bus stops that are not
12 safe, as safe as they could be. I would -- I would ask that
13 this addition to -- be removed fr -- from -- further
14 exemptions be made where the bus stop could be made safer by
15 not complying.

16 MADAM CHAIR: Thank you.

17 MR. PIATROLO: Thank you.

18 MADAM CHAIR: Justice Anderson.

19 MS. ANTHES: Sorry, still learning.

20 MR. ANDERSON: I still have more paperwork to
21 do. Additionally, there are pictures on here to help --
22 help illustrate what I'm talking about. (Pause) Okay. My
23 name is Justice Anderson. I'm an all-purpose driver for the
24 school district 49, working out my sixth year at that. I,
25 too, want to speak about this addition to 17.09B on the



1 roadway and which bus will -- stop will be performed.
2 Example one is what we do. Okay. If you'll look -- look on
3 example one page one, we approach from the left hand side of
4 the page and make a right hand turn to this -- to this
5 driveway which is about 110 feet from the highway, okay? So
6 we turn -- this is rural, so it's a 500 foot rule. Turn the
7 lights on 400 feet before the intersection, turn right and
8 then we have 100 feet to go until we pick the child up, pick
9 the student up at the driveway, okay? So that's currently
10 what happens.

11 If you look at page two, I've got a couple of
12 solutions here to meet this -- this rule, okay? Because if
13 this rule remains -- if this addition is made to this rule,
14 example one would be out of -- out of -- would not be legal.
15 So page two, we would wait and make the right-hand turn onto
16 this road, but in order to meet the 500 foot rule, or if we
17 were in town the 200 foot rule, you have to go on past that
18 driveway where we would normally pick that student up, and
19 cause a student to have to walk on down the street to be
20 able to pick him up at a legal stop. Okay. Another option
21 would be page three, and that would be to go around the
22 block out in this rural area, and turn the lights on south
23 of the student's stop, and come up on the opposite side of
24 the road which would cause us to have to cross the student
25 across this road right after a turn off from a 55 mile-an-



1 hour highway. At this point, there would be no bus there to
2 block the student -- to protect a student from traffic
3 turning off from this 55 mile-an-hour highway.

4 The student would just be out there. And
5 there are other cases if this student was a special-ed
6 student, had a walker or needed assistance in walking, it's
7 going to take a long time to cross that road. So I guess my
8 concern is it just -- it seems like it will make things less
9 safe in some instances to put this rule into effect, and
10 unless we put a snake there or something for the wild animal
11 which is an exception, by the way to the rule, if there's a
12 wild animal, a hazardous animal there, we can make an
13 exception I guess, but unless we put a snake there or
14 something like that, I think we'd possibly be putting a
15 child at more risk with this rule. I understand the intent
16 of it, but I-- I don't think the intent works out for us.
17 Thank you.

18 MS. ANTHES: Thank you very much. Carlos
19 Crystal (ph).

20 MR. CRYSTAL: Thank you guys. I just wanted
21 to bring in real world perspective to the whole ruling and
22 everything. And I can go as early as this morning because
23 we kind of knew that we were coming here, so I was actually
24 paying attention to the route that I'm-- that I'm covering.
25 And okay, which stop is going to be legal which one is not.



1 There are ways to fix it by moving the stop further away,
2 but my whole thing is there's reasons why we pick certain
3 stops like in mailboxes, open park areas. Places that
4 there's no driveways, there's no people's personal property,
5 personal homes, and we will have to do that in order to be
6 in compliance. We will have to move these stops up into the
7 front of people's houses in order to be able to pick up the
8 kids and be able to comply with the 200 feet rule. So it
9 will just bring more headaches not only to the district
10 because then we have to deal with the homeowner in dealing
11 with that. And at the same time kids are going to be kind
12 of moving around in front of driveways dealing with cars,
13 pulling out of driveways and all that, and I don't think
14 that will be a good scenario that we want to put the kids to
15 wait for a school bus to come and pick them up. So like I
16 said, I just wanted to kind of bring in a little bit of a
17 real world example to you guys and something that I was
18 observing this morning when I was out about doing the route.

19 MS. ANTHES: Thank you very much.

20 MR. CRYSTAL: All right. Thank you.

21 MS. ANTHES: Comment? Could you comment on
22 the comments, please?

23 MS. OAKS: Yes. So we do realize that there
24 are some routes that, you know, are -- you cannot obtain
25 that 200 feet. A T-junction is a classic example that might



1 be there. But again, there are other ways. There's the way
2 through rule that they can petition for an exemption that we
3 can go and work with the districts. We do this quite often.
4 We work with the districts on routing or any questions they
5 have, and so we'd be happy to do that and find out ways if
6 there are ways to make it so we can comply with this rule,
7 and to have the safest route possible. If not, there is
8 that exemption process that's provided for in the rule which
9 would allow then that 200 feet notice to be a regulation for
10 the majority of those. And the intent is to make sure that
11 traffic, either behind the bus or oncoming, has enough
12 notice so that there is ample warnings. So there's that
13 exception for those, you know, one off cases that are
14 unique.

15 And then there's also a method in statute
16 where you can go to the local traffic authority and get an
17 exemption through that. And so, we think that that's, you
18 know, the way to go and keep that in place for the majority
19 of those bus stops to make sure that there is that route.
20 And then one more clarification, the 500 feet in a rural
21 area, that was a right -- part of the regulation. So in
22 rural areas, it used to be 500 feet notice and the 200 feet
23 -- it was 200 feet or the length of one city block in a city
24 or town. That 500 feet was removed in 2016. So that seemed
25 excessive at that point. So it's 200 feet for all.



1 MADAM CHAIR: I'm really confused why -- if
2 you're on a straight way it's 200 feet, and if you're not on
3 a straight way, it can't be 200 feet on the straight way.
4 So why does that terminology need to be in there? I mean, I
5 don't think I understand the change simply because, yes, you
6 want 200 feet of warning for motorists on either side, but
7 you've got it. So why do you have to sa -- unless you --
8 you have a bus, that's not coming. So why did it need to be
9 added?

10 MS. OAKS: So it would depend on, you know,
11 the uniquenesses of that intersection. But if I'm coming
12 up, say north/south and have noticed -- you know, my lights
13 are on for 100 feet then I turn, if -- if it's a wide open
14 and the street going east/west can see, then they probably
15 saw my lights when I was going north/south before I turned.
16 But depending on vegetation and so forth, they might not
17 have seen that. And then the stop is only 100 feet in,
18 that's given these cars only a hundred feet notice
19 potentially.

20 MADAM CHAIR: But you're saying that a
21 district would come to you or would -- and get a variance
22 anyway because that's their route. So you -- you haven't
23 change the situation
24 -- are you asking districts to change their routes? Maybe
25 that's the question I should have asked.



1 MS. OAKS: I think we -- there's been a
2 couple districts whose -- in clarification and said, okay,
3 then we will change our route and modify it. If there's a
4 place where you couldn't do that, then -- say a very short
5 block where there's not that length of time, then -- then
6 maybe an exception would be necessary. If we put in place
7 mitigating procedures, that could be part of the exception
8 that would be granted. And we would just have to work
9 individual -- individual working with the district to say,
10 what would be the safest route possible for the uniquenesses
11 of each bus stop.

12 MADAM CHAIR: Board member Durham.

13 MR. DURHAM: Thank you, Madam Chair.

14 MADAM CHAIR: Sorry. You can clarify why I'm
15 confused please.

16 MR. DURHAM: Well, it's -- no, I don't -- I
17 don't think you're confused. I think -- I guess what's new
18 to me in this information is that somehow the Department of
19 Education thinks its judgment of what's safe for every one
20 of what must be in the size of a District 49, hundreds if
21 not thousands of bus stops, we're going -- our staff is
22 going to assert that its judgment of safety is superior to
23 those people on the ground that have the absolute
24 responsibility of safety. I -- I -- I am very -- I'd say
25 I'm very unhappy that -- that -- that anyone would have that



1 attitude in this -- in this area. I understand it's a good
2 idea to make good suggestions, but to suggest that we're
3 gonna send somebody down there and ride those routes and
4 provide exemption by exemption for what I'm gonna guess
5 given the topography of this district, will be dozens if not
6 hundreds of exemptions is a waste of taxpayer money. And if
7 you can't -- if you can't trust a local district to use its
8 judgement to set the safe -- what it believes to be the
9 safest route, I don't know what you can trust them for.

10 So -- and this is not just a local control
11 question, I think it's a commonsense question. I think we
12 need to back off this particular change and -- and the idea
13 that there's a waiver available is a waste -- it's simply a
14 waste of resources for them to apply and for us to evaluate
15 it. So I'd move that we go back to the previous language
16 and -- and allow the districts to -- to set reasonable --
17 set their own standards. Turn on the lights 200 yard --
18 feet in advance whether it's on the same street or whether
19 it's just part of the same turn to get on the street because
20 I think that's the issue. You turn the -- turn them on
21 before you make the change and if you don't have 200 feet,
22 then you've got to move the stop which has, you know, could
23 be okay, could be worse or you have to take the bus and
24 bring it around the corner which is going to add time and
25 difficult (sic).



1 MADAM CHAIR: And the reality is it has
2 something to do with the speed of traffic on those streets
3 whether 200 feet is necessary or should be 500 feet if it's
4 --

5 MR. DURHAM: It's just--

6 MADAM CHAIR: -- highway. I'm -- I'm -- I'm
7 definitely out of my element here. Board member Mazanec.

8 MS. MAZANEC: So what was the previous
9 wording?

10 MS. OAKS: The previous wording -- let me
11 make sure I'm quoting it right. I have my notes of it, but
12 it is at least 200 feet or the length of one city block from
13 the bus stop.

14 MS. MAZANEC: And would that be -- would that
15 be -- would that be preferable? I'm also thinking that why
16 don't -- why don't we just have language that says what's
17 prudent for the conditions. The, you know, I mean, you're
18 right. I mean every -- every school district knows their
19 neighborhoods, every bus driver knows their neighborhoods,
20 you know -- you know --

21 MADAM CHAIR: Well, in court cases to the
22 extent that you can have some specificity, you actually are
23 helping the district.

24 MS. MAZANEC: Yeah. I mean--

25 MR. DURHAM: Madam Chair, I think you're



1 actually not under -- under law. If you have a rule in
2 place and it's somehow violated even though it's a bad rule,
3 even though it make the -- even though obeying it may create
4 a more dangerous situation, when you violated the rule, you
5 procreated a presumption of liability for anybody that wants
6 to litigate. And so, I think it works just the opposite.
7 The rule -- the hard and fast rule here works against the
8 local district should they ever have a problem.

9 UNIDENTIFIED VOICE: But if -- if we wouldn't
10 have the problems from Falcon School District, for instance,
11 why don't we just change it back? What -- what do -- do we
12 have an investment in changing? I don't think we should.

13 MS. ANTHES: No. I think we're fine with
14 that changing. It -- you know, this is a topic that we
15 discussed with the trainings and the -- that we do and have
16 a lot of good discussions and have several examples about
17 what's good about this bus stop or what concerns are. And
18 so, I think that kind of discussion and dialogue -- the
19 trainings are very interactive that we do, and I think the
20 districts really appreciate that, and we're not trying to
21 substitute our judgment because we agree that the districts
22 have the expertise, but why we thought that this was
23 positive is to say that wherever possible -- and so for
24 statewide, in most cases, it should be on that same roadway
25 to give that notice, knowing that there could be some



1 uniquenesses. And so there's -- there's not concerns with
2 keep -- with removing that language either. It's very
3 workable.

4 MS. MAZANEC: You can always say on that
5 roadway if possible.

6 MADAM CHAIR: Board member McClellan.

7 MS. MCCLELLAN: So if I understand correctly,
8 isn't the mic working?

9 MADAM CHAIR: I don't know.

10 MR. MCCLELLAN: Okay.

11 MS. ANTHES: Mikey?

12 MS. MCCLELLAN: Just to make -- to make sure
13 I'm understanding correctly, the liability rests with the
14 individual local district; is that correct?

15 MR. DURHAM: Yes.

16 MS. MCCLELLAN: So they have the
17 responsibility to provide these services, they carry their
18 own insurance, and they bear the liability. So I'm
19 wondering what precipitated our, I hate to say micro-
20 management but I mean, I know we can provide guidance and
21 guidelines, but making it compulsory is a concern for me
22 because we're taking responsibility and power over a
23 situation for which we don't bear the responsibility and
24 liability; they do. As well as the familiarity with the
25 challenges of their unique topography and population that



1 they're trying to serve. So I'm trying to balance that out.
2 Is it possible to incorporate the concerns and the positive
3 intentions that you want to convey in a way that's not
4 compulsory so that you can get the message across that where
5 possible this is preferred, or this is a best practice, or
6 this is worth consideration versus requiring them to seek a
7 waiver if they can't comply safely. Does that make sense?

8 UNIDENTIFIED VOICE: That makes sense. And
9 the reason for adding this change is to respond to district
10 -- a -- a couple of questions came in last -- late fall or
11 early winter or said, oh, did you all intend to now allow
12 this on not the same roadway. Was that your intent because
13 I don't think that's a very good idea. I don't like that
14 you removed this. And we said, oh, no, that wasn't our
15 intent. And so in working through the questions that we
16 received, initially we just offered some clarification and
17 said, here's a question that was posed to us, and so here's
18 our response as clarification. And there were several
19 questions that had come up, this was one of those. In some
20 cases we did get -- a district called and said, oh, we have
21 some questions and concerns about that clarification, and we
22 worked through them and -- and kind of revised the
23 clarifications, and that was a very positive change. And so
24 we -- it was in response to some questions and -- and you
25 know, trying to be responsive to that, and we didn't hear



1 any negative feedback in -- from January on, and so we
2 thought, oh, well, this would be a good clarification. So
3 we're trying to be responsive to the district needs but--

4 MR. DURHAM: Whe -- when was this latest
5 clarification actually inserted into rules?

6 UNIDENTIFIED VOICE: Into the rules? Just in
7 this June, but the clarification that was distributed to the
8 field and shared with the field was in January. And -- and
9 so we've had discussions since then.

10 MR. DURHAM: But how long have we had them? I
11 mean, I've been dealing with the -- this rule since for --
12 forever.

13 UNIDENTIFIED VOICE: Last June.

14 MR. DURHAM: Yeah. Just seems long. You
15 know, I don't think it's quite fair to characterize it --
16 this has been around a long time. I mean, obviously these
17 folks were either not aware of -- well, they certainly
18 weren't aware of it being inserted into the rules until a
19 later date in this publication. So I -- I don't think it's
20 fair to say that everybody has had their opportunity to --
21 to opine on this, and I -- tell me what page this is on so I
22 can make a motion, would you please?

23 MADAM CHAIR: Board member Rankin.

24 MS. RANKIN: Thank you.

25 MADAM CHAIR: Had her hand up.



1 MS. RANKIN: There must be some kind of an
2 accountability group in this department that gets together
3 and -- and talks about this stuff. Can you tell me when
4 they meet?

5 UNIDENTIFIED VOICE: Yes, it's the
6 Transportation Advisory Committee, and we have nine regions
7 and the hope is to have two representatives from each
8 region. Currently we don't have two in ea -- every region,
9 so I'd -- I'd have to
10 double-check. I think we have maybe 15 or 16 reps and they
11 meet four times a year roughly.

12 MS. RANKIN: When is the next time that they
13 meet?

14 UNIDENTIFIED VOICE: That is September 8th.

15 MS. RANKIN: So might we approve the rest of
16 it, but just remove this particular number 17 -- what is it?
17 -.09B, and let's bring this back to the people that are in
18 the accountability area and in transportation. I concur
19 with board member Durham. This is -- this is not in my
20 purview but I know we have to vote on it. But I would
21 definitely throw it back specifically to the people that are
22 involved.

23 UNIDENTIFIED VOICE: Yeah.

24 MR. DURHAM: Madam Chair?

25 MADAM CHAIR: Sir?



1 MR. DURHAM: I'd like to -- like to move the-
2 - working from the redline version. Page 17, 17.09B, after
3 the word stop, insert a period, strike the balance of the
4 sentence. I'd like to move that as an amendment.

5 MADAM CHAIR: So where is the motion sir? I
6 move to approve with?

7 MR. DURHAM: Right on it. Do it either way
8 if you -- if you want to vote on the amendment --

9 MADAM CHAIR: I'll go amend first.

10 MR. DURHAM: -- first and then we can vote on
11 it. Well, actually I'm sorry, I'm out of order. We do need
12 to make a motion for the approval of the rule first.

13 UNIDENTIFIED VOICE: So what are we moving?

14 MR. DURHAM: All right. I'll move that we
15 approve. Does anybody have the official language?

16 MS. ANTHES: I do, yes.

17 MR. DURHAM: Perfect.

18 UNIDENTIFIED VOICE: You do too, sir.

19 MR. DURHAM: I'm sure I do someplace.

20 MS. ANTHES: Right. I have it in front of
21 me, do you want me to read it?

22 MR. DURHAM: Yes, please.

23 MS. ANTHES: I move to approve the rules of
24 the operation, maintenance and inspection of school
25 transportation vehicles, 1CCR301-26.



1 MR. DURHAM: Second. Now, Madam Chair, I
2 move on page 17 and any other place, any other versions that
3 it may appear, 17.09(b). After the word stop, insert a
4 period and strike the balance of the sentence.

5 MS. ANTHES: Okay.

6 MADAM CHAIR: So now we have a motion as
7 amended?

8 MS. ANTHES: Yes.

9 MADAM CHAIR: Do you want to call role -- are
10 we ready to call the role on that?

11 MS. ANTHES: We can. Okay. Board member
12 Durham?

13 MR. DURHAM: Yes.

14 MS. ANTHES: Board member Flores?

15 MS. FLUORESCE: Yes.

16 MS. ANTHES: Board member Goff?

17 MS. GOFF: Yes.

18 MS. ANTHES: Board member Mazanec?

19 MS. MAZANEC: Yes.

20 MS. ANTHES: Board member McClellan?

21 MS. MCCLELLAN: Yes.

22 MS. ANTHES: Board member Rankin?

23 MS. RANKIN: Yes.

24 MS. ANTHES: Board member Schroeder?

25 MADAM CHAIR: Yes.



1 MS. ANTHES: Thank you.

2 MADAM CHAIR: Well, thank you. Please just -
3 - just note that we are completely -- we continue to plug
4 away.

MS. ANTHES: Yes.

5 MADAM CHAIR: Let's try going to 16.01.

6 (Pause) Next item on the agenda is the reconsideration of
7 the Julesburg School District accreditation ruling. First
8 of all, I would like to check if Mr. Annis (ph) is online
9 with us.

10 MR. ANNIS: Yes, I'm on the line with you.

11 MADAM CHAIR: Welcome to the board meeting.
12 Commissioner?

13 MS. ANTHES: Yes, thank you Madam Chair. I
14 will turn this over to Alyssa Pearson (ph) and Brenda
15 Bautsch to talk us through this. Thank you.

16 MS. PEARSON: Hello, good afternoon everyone.
17 So this is follow up from April conversation that you all
18 had. You've got a memo about it. We don't have a
19 PowerPoint. We just can summarize things in the memo. As
20 you may or may not recall, there was a lot going on that
21 time of year. Julesburg School District had requested,
22 through the accountability clock hearing that the district's
23 2016 rating be changed. That they would be removed for the
24 accountability clock. You all asked to wait to
25 -- to consider that until we were through all of the



1 hearings, so we could look at all the districts and see what
2 the districts -- what kind of situation they were in. So we
3 are at that place now where we know what happened with all
4 the districts, you all sent out all the written
5 determinations. So Julesburg is still asking to reconsider
6 their 2016 district accreditation rating. You are -- the
7 statutes are pretty clear that when you reinstate
8 accreditation, you are allowed to assign the accreditation
9 rating that you feel is appropriate, so we know that you
10 have the statutory authority to do this at this point in
11 time.

12 So in the table on your memo, you'll see the
13 five districts that went through the accountability clock
14 hearings; of those five, four of them have -- had an
15 external management pathway. Those four also had kind of
16 systemic issues across the district, the performance
17 challenges that were leading to the identification of the
18 district were systemic. It wasn't a single school. So
19 Julesburg is different. The -- the performance challenges
20 that were unique to the district and why the district was on
21 priority improvement were due to a single school's
22 performance, and specifically, the middle school level of
23 that sixth through 12th grade school. When we do the
24 calculations and we remove that closed -- the school grades
25 that they closed, the district earns an improvement rating



1 for 2016. So what they're asking for and what we support is
2 to addre -- adjust their 2016 district accreditation ratings
3 and be accredited with an improvement plan with low
4 participation.

5 MADAM CHAIR: Comments?

6 MS. ANTHES: I move to approve.

7 MADAM CHAIR: So I have some concerns that
8 I'd like to talk about. This is the only district of the
9 five that we looked at that had very low participation. So
10 I don't see how -- I'm not sure how we can actually accredit
11 a school that has -- see the elementary school in language
12 art had 15 percent?

13 MS. ANTHES: Is that just the school that
14 they closed?

15 MADAM CHAIR: No. No, their elementary--

16 MS. ANTHES: I thought it was the opposite.

17 MADAM CHAIR: It's actually the opposite.

18 Their online school had much higher parci -- participation
19 than the elementary school and the high school. And I'm
20 struggling with saying that they are incredit -- accredited
21 when I have no idea. This is the dilemma that we -- that I
22 find myself under having the responsibility to accredit
23 schools. You can correct me if I'm wrong, but the
24 elementary school -- 15 percent of the students participated
25 in language art, 15.6 in math, 16.7 in science; at the high



1 school it's 13 percent, 13.2, and 14.7 percent. In other
2 words, their district wide participation rating in the 30s
3 is in large part because their online school had a higher
4 participation.

5 MS. MAZANEC: But we're going to -- we're
6 going to punish them --

7 MADAM CHAIR: It's not about punishing them,
8 but I don't see how --

9 MS. MAZANEC: -- for their -- on their
10 participation rates?

11 MADAM CHAIR: -- we can say that they're
12 accredited. I mean, I don't think we say anything about
13 them. And I think this is a discussion that we need to have
14 in terms of 163 accreditation when we have such incredibly
15 low data.

16 MS. MAZANEC: But normally we can't punish,
17 right? Although, I know that's coming up --

18 MADAM CHAIR: This is a school, this is not -
19 - This is a district that is on turn around or -- this is
20 different from the other ones. We're not punishing any of
21 the other ones; we're not punishing anybody. But what we
22 are saying is that we're prob -- they probably oughtn't to
23 go off the clock until we know that their students are
24 meeting standards and that -- demonstrating growth in
25 meeting standards. We simply don't have the information.



1 MS. MAZANEC: What was your-- what was your
2 argument for recommending?

3 MS. PEARSON: I think when you do the -- I --
4 I hear the concern about the lack of -- the lack of data due
5 to participation. I think the -- the other option for the
6 district is to be -- to have an insufficient state data
7 rating. They could have asked for that through a request to
8 reconsider; we could have talked through that. The policy
9 has been for insufficient state data ratings, that we do not
10 remove them from the clock. We don't move them forward, but
11 we don't take them off because we don't have that
12 information -- they hold there. I would say in this
13 situation with Julesburg, we were pretty clear where based
14 on the students tested -- and if you look historically where
15 they they've been, that's where the performance challenge
16 has been in the district. Granted, the kids that didn't
17 test last year we don't know, but historically, that's where
18 the performance challenge has been and they've addressed
19 that performance challenge; does that make sense?

20 MADAM CHAIR: But that doesn't help me with
21 what's in front of me which is 26 schools.

22 MS. MAZANEC: They closed. To me that was
23 where the challenge is.

24 MS. PEARSON: We have the infor -- Yes, I
25 mean the -- the challenge is is we only have the



1 information we have available. And the students that didn't
2 test were parent excusals. So to your policy around parent
3 excusals and not holding the district liable for the parents
4 choice, that's where we're -- we're kind of stuck.

5 MADAM CHAIR: But this is a school-- this is
6 a district that's on turnaround; this is not a normal
7 district where we really don't do anything for low
8 participation.

9 MS. ANTHES: All right.

10 MADAM CHAIR: We just accept it as it is.
11 This is -- this is different. This is one of the five
12 districts where we have had -- we-- we know that there were
13 some ser -- serious problems at the middle school. But the
14 only reason we know the online middle school -- and the only
15 reason we know that is because at least two thirds of them
16 came forward. Here, we have less than 15 percent of the
17 kids coming forward to tell us whether they meet standards,
18 don't meet standards, whether they're demonstrating academic
19 growth.

20 MS. PEARSON: And their parents have made the
21 choice for them not to participate.

22 MADAM CHAIR: And their school board ought to
23 be held accountable for that.

24 MS. PEARSON: That's your guys' --

25 MADAM CHAIR: That's my --



1 MS. PEARSON: That's your call to make
2 together.

3 MADAM CHAIR: If you look around the state,
4 the
5 -- you find plenty of school districts that have 100 percent
6 participation.

7 MS. MAZANEC: Sure you do.

8 MADAM CHAIR: It's the leadership of that
9 school board and the leadership of the administration.

10 MS. MAZANEC: But if the parents -- if the
11 parents in those school districts did not want to have their
12 children take the test, there is nothing the district could
13 do about that.

14 MADAM CHAIR: That's saying--

15 MS. PEARSON: That's true.

16 MS. ANTHES: That's--

17 MS. PEARSON: But there is something we can -
18 - there is something we can do about it.

19 MS. MAZANEC: To say that's -- that district
20 leadership is the reason why parents have their children
21 participate or not. I don't think is quite accurate.

22 MS. PEARSON: It has made that difference
23 throughout the state.

24 MS. MAZANEC: Well, you think so but you
25 don't really know. I mean, if those parents were strongly



1 opposed, they would not be having their children take those
2 tests. That's all there is to it. District can encourage
3 it all they want. They can -- they can beg all they want,
4 but if parents are firmly against it, they're not going to
5 do it.

6 MADAM CHAIR: Board member Rankin?

7 MR. ANNIS: Madam Chair?

8 MADAM CHAIR: Yes.

9 MR. ANNIS: Since joining in, would it be
10 okay for me to interject some commentary?

11 MADAM CHAIR: Sure, please do.

12 MR. ANNIS: Since you seem to be alluding to
13 district leadership and our lack of ability to coerce
14 parents into testing. Historically, I think it's important
15 to remind you as we presented in our original case, that the
16 Julesburg School District in both the elementary, middle,
17 and high school of our brick and mortar school for -- I
18 think it was four or five years, presented data to you that
19 showed you that year in and year out, until our parents
20 decided that they were -- found the time and effort going
21 into state testing to be non-productive, our brick and
22 mortar schools compared to other school districts throughout
23 the entire state was on the top. And so I think you have
24 plenty of historical data that demonstrates to you that our
25 students, our school, and our teachers are performing at a



1 very high level. And then we had low participation with the
2 end result of the state board of education allowing parents
3 to make that decision and the laws therein too.

4 And the parents took that action by the state
5 board and the laws that were created around it and used it
6 to make an informed decision, whether or not they felt it
7 was important for their students to continue to do that or
8 not do that. And as you've seen recently, our parents have
9 decided that that's not productive and have opted out. But
10 I think it is punitive to continue to label our district as
11 a turnaround or prior to improvement district when we
12 presented -- CDE has presented you plenty of data that
13 clearly establishes that this is solely isolated within one
14 of our schools. And we have worked out tails off in
15 consultation with CDE to make a lot of really good changes
16 to our online program. And so, what we are asking you to do
17 is to not continue to label our district as a low performing
18 district, and to wage the resources of CDE to continue to
19 provide turnaround support when we are very clearly aware of
20 what we can do within our one school to improve. And so, I
21 just want to remind you that there is plenty of data on our
22 district prior to when parents snagged to the option to
23 decide whether or not they wanted to take the test. And it
24 should be very clear to you and everyone else that you
25 should not be concerned about what's going on in the brick



1 and mortar schools of our district.

2 MADAM CHAIR: Thank you.

3 MS. ANTHES: Who was it that was about to
4 speak? Sir?

5 MR. COTTONSTEADY: I have a question. What
6 are our choices here?

7 MS. ANTHES: Your choices?

8 MR. COTTONSTEADY: Yes, legally.

9 MS. PEARSON: Well, Julie, you can help me
10 with the legal. But I think you can -- you can choose not
11 to make a change to the rating. You could choose to change
12 their rate -- rating, what they're requesting and what the
13 math comes out to is accredited with improvement to take
14 them off the clock as a district. Thank you. I think you
15 probably could choose a different rating, if that was your
16 choice to do so, that you can say insufficient state data,
17 or you could pick one of the other ratings if that was what
18 you deemed appropriate. Is that --wouldn't you say, Julie?

19 MS. TOLSON: That sums it up. Yes.

20 MADAM CHAIR: Tell me about the insufficient
21 state data.

22 MS. PEARSON: So the way we have used that --
23 that is how we as a department have figured to -- to handle
24 the schools and districts where we haven't had results due
25 to parents choosing to excuse their students from testing is



1 -- we -- when we gave it through a request to reconsider
2 last year, we looked inside. We used about 85 percent
3 participation or less if that was going on. And then the
4 students that tested were not representative of the whole
5 population, if they could show that it wasn't a
6 representative sample. That's when if districts requested
7 that from us, we -- we recommended those ratings there.
8 There's a few cases where there just isn't enough data at
9 all because no one is testing in the school or district
10 because they're all choosing not to and then it
11 automatically gives an insufficient state data rating.

12 But what our policy has been, is that if they
13 have had an insufficient -- if they earned insufficient
14 state data, or earned it through a request to reconsider,
15 that if they were on the clock, we kept them on the clock
16 where they were. We did not take them off, but we did not
17 move them forward. We held them where they were. We are
18 welcome to any policy direction from you all, or from across
19 the street about what to do in those situations. But we
20 didn't feel like there's enough information to move them
21 forward or enough information to take them off. So they've
22 kind of held right where they are.

23 MADAM CHAIR: Well, there's not much
24 information here from the brick and mortar, there's not even
25 20 percent information. So it seems like--



1 UNIDENTIFIED VOICE: And if we -- and if they
2 came off the clock, does that mean the clock starts again
3 year one?

4 MS. TOLSON: Yeah.

5 MS. PEARSON: If they were -- if -- if in
6 2017 they earn a priority improvement or turnaround rating,
7 yes, they would start back on as district. This is only
8 about the district rating; it's not about the school rating.
9 So the school would stay because there's nothing in statute
10 about changing school ratings, it's only around the district
11 accreditation level. So the school would stay if they -- if
12 they earned priority improvement or turnaround. This year
13 they would move to year seven. If they do not earn priority
14 improvement and turnaround
15 -- if they come off, then they're off. If they earned
16 insufficient state data then -- then per what we've done --
17 and we did this past year, they would hold at that year six
18 hold.

19 MADAM CHAIR: That last one, which I can't
20 exactly clearly repeat, sounds to me like --

21 MS. PEARSON: The insufficient state data?

22 MADAM CHAIR: -- where they should stay.

23 MS. PEARSON: And then they would hold as a
24 district.

25 MADAM CHAIR: They would hold as a district.



1 Not yet. Board Member McClellan?

2 MS. MCCLELLAN: Can you just remind us what
3 that threshold is for triggering insufficient data. At what
4 percentile of participation do you trigger that's
5 insufficient?

6 MS. PEARSON: So the way when -- so we're
7 working on the preliminary frameworks right now. The way we
8 are -- the way the code is written is if there are not 16
9 students in a school or district that we have results for.
10 If we can't produce a framework due to students not taking
11 the test, it will trigger an insufficient state data rating
12 -- if we just don't have the data there. Then through a
13 request to reconsider afterwards, to say a school gets an
14 improvement rating, or a priority improvement rating, or a
15 performance rating, but it's based on 50 percent
16 participation.

17 They say that's not accurate because the
18 students that tested don't represent all of our students in
19 their school. They can say to us, we would like an
20 insufficient state data rating. We ask them -- we're
21 looking for below 85 percent participation because we feel
22 like if it's above that, most likely it's pretty
23 representative. It's hard to not give a rating at that
24 point. So below 85 percent participation and then evidence
25 that the students that tested are -- do not represent the



1 entire student population or that there's dis --
2 misrepresentation of the kids that didn't test versus those
3 that did test. That's been our criteria. Again, if you all
4 would like different criteria around that, different policy,
5 we're very open to that.

6 MS. MCCLELLAN: If I could, I understand the
7 logic behind that and I appreciate your having taken the
8 time to meet with me, and talk with me about why -- why
9 that's necessary. Is there a percentile of participation
10 that is so low that we would unilaterally deem it to be on
11 its face insufficient data without any action on the part of
12 the school or a district?

13 MS. PEARSON: You know, we -- we've been
14 thinking about that and trying to struggle through with what
15 that would be. We have technical partners that understand
16 our frameworks very deeply and have looked at our data with
17 us to help us understand the impact of participation on
18 accountability. And I asked them that very question. I
19 said should we -- is there a number that we can say this is
20 the number? And they said, it's not that easy. They said
21 it's really going to depend on the size of the school. So
22 you can make an individual number for each school based on
23 how large or small it is, what that percent should be. But
24 they recommended against having a hard and fast line.

25 MS. MCCLELLAN: Okay.



1 MS. PEARSON: It still feels like there might
2 be a number there, in terms of policy that you would want to
3 have. But because we couldn't figure out the -- the
4 mathematical justification for it, the statistical
5 justification for it, and we don't have policy currently in
6 place around it, we haven't gone forward with a number for
7 this year. If you all would like to change that, we can
8 have that conversation.

9 MS. MCCLELLAN: Yeah. With respect to how
10 that -- how we apply that thinking to this case, it sure
11 seems like -- like it's not very much data.

12 MS. PEARSON: Yeah.

13 MS. MCCLELLAN: Without judgment for why, it
14 just seems like it's not a lot of data. We're trying to
15 make a decision about where we think this school should
16 stand, without
17 -- without necessarily a representative sampling.

18 MS. PEARSON: Yes, and I think the part that
19 makes us feel a little more comfortable is if you look
20 historically at the performance, and the participation rates
21 historically of where the challenges have been. But I -- I
22 absolutely hear you. The challenge for where we're at with
23 the 2016 results.

24 MS. MCCLELLAN: I just don't -- Commissioner?

25 MADAM CHAIR: Jane?



1 MS. GOFF: Yeah. I don't really, of course,
2 do not intend to put anybody on the spot. Do anyone -- does
3 anyone here have any recollection of what that school's,
4 well, or district, over there -- was there a preponderance
5 of end numbers in their history, or is the district large
6 enough that that's not going to be needed in every grade --
7 at every grade level for every -- I don't know.

8 MS. PEARSON: I don't know if I'm answering
9 your question exactly. The schools are not small enough
10 that it's just about small enrollment. That's not just the
11 challenge. It's also the challenge of students are choo --
12 or parents are choosing not to have their students test.

13 MS. MCCLELLAN: So there is data from --
14 let's just use our state assessments. There's enough data
15 from the assessments where -- where there is data, which
16 apparently is not a lot to offset somewhat of the non-
17 participation rate. You see, my tendency right now is I'm
18 not sure what to do about the fact that if there's -- well,
19 actually the same thing. If there's a high participate --
20 non-participation rate and a low number of kids to even
21 supply that information, I mean, I'm torn because --

22 MADAM CHAIR: But is that a Julesburg -- is
23 that the Julesburg --

24 MS. MCCLELLAN: -- I'm not sure there is
25 enough to say, okay, we're going to raise you up here.



1 UNIDENTIFIED VOICE: May I ask -- may I ask a
2 question of the superintendent?

3 MADAM CHAIR: Sure. Go ahead.

4 UNIDENTIFIED VOICE: If I recall correctly,
5 you had -- Julesburg had most of the kids that were -- that
6 were living in the area, go to the school (sic) and mortar
7 schools. Isn't that correct? You didn't have --

8 MR. ANNIS: Yes.

9 UNIDENTIFIED VOICE: -- yeah, you didn't have
10 kids that were on the online school. Most of -- of -- of
11 the kids that were -- that were in Julesburg, or -- went to
12 those schools?

13 MR. ANNIS: Yes. That's correct, and most of
14 our online enrollment is throughout the state in mostly
15 bigger population centers throughout the state.

16 MADAM CHAIR: What's the size of your --

17 MR. ANNIS: We have 54 that, you know, our
18 state test data up until the point which the state board and
19 law changed around giving parents the option of deciding
20 that, we had a 100 percent participation rating for, I
21 think, the four years that we gave you when we had a
22 hundred-percent participation rate. Our brick and mortar
23 schools were getting 75 percent to 80 percent of the total
24 district framework, and 80 percent as credited with
25 distinction. So when you talked it about I'm not sure you



1 have enough data, I think that if you look at those four or
2 five years of data, it's not a big stretch to think that in
3 the last two or three years where we've had parents make
4 that decision and all of a sudden, the doors and the wheels
5 fell off of the car at the district when we went from 75
6 percent to 80 percent of the framework accreditation points
7 to being totally dysfunctional district.

8 MADAM CHAIR: What's the size of your
9 elementary school, sir?

10 UNIDENTIFIED VOICE: I haven't finished. May
11 I -- just let me --

12 MADAM CHAIR: Just let me just get the
13 context. What's the size of your elementary school? How
14 many students?

15 MR. ANNIS: Probably 160 to 180, depending on
16 if you are talking about preschool, or K through six. But
17 our total brick and mortar enrollment is about 260 to 270
18 students.

19 MADAM CHAIR: Thank you. Go ahead.

20 MR. ANNIS: And our online -- our online
21 students are usually in the three to 400s.

22 UNIDENTIFIED VOICE: Well, but the thing was
23 that

24 -- I -- I know you're saying that we changed the rules --
25 the -- the state board just made it known that there was



1 state law that stated there --

2 MS. RANKIN: (Indiscernible) parts to your
3 board motion, that the law does not say.

4 MS. PEARSON: And the state law change came
5 after the board motion.

6 MS. GOFF: Yeah.

7 MADAM CHAIR: Since the board motion was in
8 February, and the state law changed in May.

9 MS. PEARSON: Is that so?

10 MADAM CHAIR: Yes.

11 MS. PEARSON: Well, I thought if -- I thought
12 it was -- there was --

13 MADAM CHAIR: No.

14 MS. PEARSON: State law prior to required all
15 students to test.

16 MR. ANNIS: I believe the board policy
17 perished and then the legislature passed the law.

18 MS. GOFF: It's about 30 kids per grade. So
19 it's not -- it's not a small amount.

20 MS. PEARSON: Forgive me. I'm sorry.
21 There's no question there. I just -- being informed. Thank
22 you. But there is state law now. Okay. Would you explain?

23 MS. GOFF: We're gonna explain that tomorrow.

24 MS. PEARSON: Yeah.

25 MADAM CHAIR: Okay.



1 MR. ANNIS: The only other comment that I'd
2 just like to add is that you know, one of the in house
3 expectations of that board policy around here in opt out,
4 was that you know, this shouldn't be punitive to districts
5 that have parents that end up exercising that authorization
6 -- one of the things that I wanted you to know is that as
7 the CDE staff has alluded to, is there is the request to
8 reconsider process that -- but you know, this is punitive in
9 nature in that it really is not representative of the true
10 performance of our overall district.

11 And I think that that is something that I
12 want the state board to be aware of is that it's creating a
13 -- situation for a district in which in the hiring process
14 for teachers, for our brick and mortar school, I think it's
15 an unfair label that because our parents have created the
16 decision making process around us, that our whole district
17 gets labeled based upon, you know, the isolated performance
18 of one of our lower performing schools, and -- So I just
19 wanted you to know that we continue to work hard to improve
20 our online school. But it is getting to that place where
21 it's being punitive to our district and impacting kids here
22 in our ability to recruit and hire teachers.

23 MADAM CHAIR: Well, do your parents know
24 that? Do your parents know that by opting out that they
25 create a situation where you're put in a -- well a -- sort



1 of a different light? One that you don't wanna be in?

2 MR. ANNIS: We were -- we were on the clock
3 before our local brick and mortar parents decided to opt
4 out. Because of our online school numbers -- overwhelm our
5 brick and mortar numbers. And as I told you before, our
6 brick and mortar schools, were -- on the state assessments
7 rank in the top eight percent
8 -- we've received the John Day (ph) Irwin School of
9 Excellence award four times. And so regardless of whether
10 our kids brick and mortar-wise take the assessment or not,
11 the end result of the number are different; gives us a
12 district accreditation rating that is not a reflective of
13 our overall district performance.

14 MS. RANKIN: What was the last -- what was
15 the last data we had, Alyssa?

16 MS. PEARSON: Sorry. Would you say that
17 again? I'm sorry.

18 MS. RANKIN: What -- what -- what can you
19 tell us about Julesburg, brick and mortar schools
20 performance on state assessments?

21 MS. PEARSON: Historically?

22 MS. RANKIN: Yes.

23 MS. PEARSON: Historically, they did not have
24 a performance challenge at all at the brick and mortars.
25 And we had data on it. So I can pull that up --



1 MS. RANKIN: Yeah.

2 MS. GOFF: -- if you give me a minute.

3 MS. RANKIN: And what year was that? What
4 was the latest?

5 MS. PEARSON: -- (indiscernible -
6 simultaneous speech) performance, to -- in -- here, go
7 ahead.

8 MS. RANKIN: Ten -- 2010?

9 MS. PEARSON: Two thou -- yeah. The 2010
10 ratings through 2014, they had high participation, and they
11 were at performance. They were green the whole time.

12 MADAM CHAIR: Board member McClellan?

13 MS. RANKIN: So about two years ago?

14 MS. MCCLELLAN: It almost -- it almost seems
15 like we're being asked to bifurcate their brick and mortar
16 performance versus their online multi-district charter
17 performance. And it begs the question, what is going on
18 with that performance with the online multi-district?

19 MS. PEARSON: Yeah. And I -- I -- I think
20 that's exactly what we're talking about. Is that bifurcated
21 because they took -- because they closed the sixth through
22 eighth grades, where the performance challenges were, that's
23 why you're asked to look at it in this way. CDE has
24 precedent for doing it. Granted it was a different context
25 with different participation issues going on but both Viales



1 (ph) and Caravel (ph) had multi-district online schools.
2 They closed those schools through the request to reconsider
3 process. We pulled the -- the data out from those schools
4 and changed the district rating. So we have some precedent
5 for doing it, but granted, it was a different context.

6 MS. GOFF: Okay.

7 MADAM CHAIR: So I think it might be helpful
8 especially for the newer board members to know what was
9 going on in 2014.

10

11 MS. PEARSON: It --

12 MADAM CHAIR: Which is, we had a brand new
13 assessment that I think just created chaos in the state.
14 They were two -- correct me if I'm wrong. There were two
15 testing sessions, one about six months into the year, and
16 then one a few months later. There were insufficient
17 computers available. There was a tremendous amount of time,
18 and there was huge pushback from families, from teachers,
19 from just about everybody to the new assessment. It was an
20 assessment that was designed by a committee, that was set
21 out to please everybody, and to give everybody the
22 information they wanted, and it was just an absolute
23 nightmare.

24 This department, this board, the
25 legislature's been working for the last three years to try



1 to rectify that, I'm not sure we've solved all the problems
2 with testing, but we're certainly getting there. We have a
3 high school testing system now that does not take very much
4 time, we get the test back sooner, et cetera, et cetera. So
5 this decision on the part of the board, I mean this is more
6 for tomorrow than today, but the decision on the part of the
7 board, or the board major -- the majority was simply in
8 reaction to the frustration -- to a deep frustration for what the
9 state was going through --

10 MS. GOFF: Yeah.

11 MADAM CHAIR: -- with that test. Where we
12 are now, may or may not be perceived as being different. I
13 certainly think it's different. I certainly don't hear very
14 much pushback at all. The high schools, for the most part.
15 And so, what we're seeing now are opt outs for very
16 different reasons. And they're basically saying, we just
17 don't like accountability. And that's kind of a discussion
18 for tomorrow, but it is a discussion that we need to have as
19 a state. Because we've got the congress saying, we can't do
20 this, if you want our money, and we've got an awful lot of
21 legislators who are upset with us also because we don't have
22 our students testing. So we need to --

23 MS. MCCLELLAN: Yeah. But then they
24 shouldn't have passed -- passed that law.

25 MADAM CHAIR: But they did. And we -- we



1 can't change that. But we can certainly change our policy.
2 Based on what we just got back from the feds.

3 MR. ANNIS: I think we're also -- I think we
4 are getting out to make -- that we have 100 percent
5 participation rate in the PSAT and SAT because the
6 assessments are -- parents value and believe in and they
7 feel they have a purposes.

8 MS. RANKIN: That's a good point.

9 MS. GOFF: No, that's a bill.

10 MADAM CHAIR: Does that mean we'll see a
11 different high school dissertation next year?

12 MS. RANKIN: Because I would beg to differ
13 that parents who opt out don't want accountability. There's
14 a -- there's a myriad of va -- variety of reasons why
15 parents opt out. And I think it's not fair or accurate to
16 paint those parents as not wanting any accountability. And
17 he has a very good point. And that's a very good point. I
18 mean, and -- we see this in most districts. There's high
19 participation in the test that they value. And that's the
20 PSAT and the ACT, and the SAT.

21 MADAM CHAIR: Well, parents who've gotten
22 their reports from the -- from the CSAPs, a lot of them
23 value those reports as well.

24 MS. RANKIN: I do believe they do --

25 MS. ANTHES: If they get that far.



1 MS. RANKIN: -- but many that don't. It's
2 not a
3 -- it's not a skirting of accountability.

4 MS. ANTHES: So Madam Chair?

5 MADAM CHAIR: Yes --

6 MS. ANTHES: I --

7 MADAM CHAIR: -- Commissioner?

8 MS. ANTHES: -- I think you raise good --
9 really good questions on the participation and the data. I
10 think the reason we're saying that we support this is you
11 know, based on your current board policy, you're gonna have
12 the opportunity tomorrow morning to talk about participation
13 and how we -- how we play that out in the state, but I think
14 the reason we're bringing this forward to you is we -- you
15 know, based on some precedent that we have set before,
16 based on what we know historically of the district, based on
17 the fact that they've taken action already on the -- the
18 turnaround portion of this, you know, that we're comfortable
19 with this change of rating, and to not -- you know, if we
20 follow your current board policy, to not hold a district
21 liable, you know, for participation specifically, that we
22 would be comfortable with this change. That -- so, I wanna
23 -- I want you to hear that I think you're raising really
24 really good questions, and -- and maybe that's for that next
25 discussion but I don't know if we hold Julesburg accountable



1 to a future decisions.

2 MR. DURHAM: The bottom line is it can all
3 change tomorrow. Right?

4 MADAM CHAIR: Yeah.

5 MS. ANTHES: You're right. And so, just so -
6 - just so you know we've thought through all those things
7 too. And that's why we're bringing it, but we know it's
8 your decision. So --

9 MADAM CHAIR: Okay. Thanks for those
10 comments. Board member Rankin?

11 MS. RANKIN: Yeah. Ms. Pearson, so, their
12 elementary, and high school is a total of 260. When did
13 they become a online? And that was their choice, correct?

14 MS. PEARSON: Yeah. And I can let the
15 superintendent answer this. But yes. It's the district's
16 open an online school. Shawn (ph), I'll let you talk about
17 the details of what year you opened the school in history.

18 MR. ANNIS: We -- I think our first year was
19 2009 when we elected to add a multi-district online program
20 to what we were offering not only our kids, but also to kids
21 and families throughout the state.

22 MS. ANTHES: Yet that's what is pulling down
23 the scores; is that correct?

24 MS. PEARSON: Yes. Yes. That's where the
25 performance challenge is -- has been historically, as we've



1 seen the data. Go ahead.

2 MS. ANTHES: So -- so, we want to take the
3 money, but we don't want the accountability. Is that
4 correct? Is that what I hear here?

5 MR. ANNIS: I -- I didn't hear any reference
6 to anything like that.

7 MADAM CHAIR: Can I -- can I maybe suggest --
8 Board member Goff.

9 MS. GOFF: I'm sorry. Thank you. It might
10 be helpful to -- to put -- put it -- put two things in the
11 right lanes. Is there currently an online school in Jules --
12 Julesburg?

13 MS. ANTHES: Yes. There -- the -- the school
14 closed -- the district closed the sixth through eighth grade
15 portion of the six/12 school.

16 MS. GOFF: Okay.

17 MS. ANTHES: The sixth through eight is where
18 students were really struggling. So they said, look, we're
19 not serving students as well as we want to in this area.
20 We're gonna focus on the high school where we have some
21 ideas about CTE programming, offering and where we've been
22 more successful with students.

23 MS. GOFF: So it's a six/12 school. Six to
24 eight
25 -- six to eight is gone now.



1 MS. ANTHES: We closed that down, yes. All
2 this

3 --

4 MS. GOFF: So we still have eight to 12.

5 MS. ANTHES: Nine through 12.

6 MS. GOFF: Nine are high school.

7 MS. ANTHES: But most of their kids do not go
8 to that school.

9 MS. GOFF: But -- but -- but -- yeah, and I
10 mean, I'm trying to keep two things in mind here. That may
11 be true, but if it is -- if the situation is still that the
12 online school, which now, we clarified was nine/12 high
13 school --

14 MS. ANTHES: Yep.

15 MS. GOFF: -- if that is the -- the
16 performance weight, if that's where -- well --

17 MS. ANTHES: Where the challenge is.

18 MS. GOFF: -- in a not good way. That's
19 where the performance challenge is. And we s -- we still
20 have that school and yet, we still have -- and I'm not
21 necessarily connecting it to the here-and-now, but if we
22 still have this performance
23 non-participation challenge, this is where I am -- I'm
24 seeing, you know, this is not gonna get better immediately
25 by having the six to eight portion of this -- of the online



1 closed. There's gonna -- I'm just -- I'm kind of -- I'm
2 kind of in Joyce's lane here right now, I'm thinking, you
3 know, unless there's a pretty visible display of -- of data
4 available that will help us know that that district and --
5 are -- is doing better by its students. And I don't know
6 that anyone can guarantee that right now. Whether or not
7 that directly relates to an accreditation status, I'm not
8 sure because -- because there has -- that's -- to me, that's
9 the difference. To me, we're talking two -- two books where
10 we talk accreditation, and we talk performance and
11 accountability. Sometimes, that's a little bit different.
12 Because, you know, now, we have this other federal layer
13 added on in a different way right now. But --

14 MADAM CHAIR: So colleagues, if you wanted
15 that I -- that I just, you know, to -- out of respect to the
16 superintendent, I just wanted to really get that straight.
17 I'm still having struggles understanding that six to eight
18 closure may or may not be the answer to this dilemma. I've
19 got all these other grade levels left.

20 MS. ANTHES: But that's what the department
21 recommended based on their performance.

22 MS. GOFF: I know, I know, I understand.

23 MS. PEARSON: Based on the data that we had,
24 that's where their performance challenges were. The -- the
25 high school at the State-



1 MADAM CHAIR: The historical data, but we
2 don't know today.

3 MS. ANTHES: Yeah.

4 MADAM CHAIR: You're right. So throw things
5 at me if you disagree, but this is discussion that we need
6 to move into tomorrow because of the feds. And so, I want
7 to pull Mr. Steve Durham and put it off until tomorrow.
8 After we've had time to think about it tonight. I mean, I
9 think this is such a strong example. I have many others,
10 not many -- I have a few others, such a strong example of
11 how we got where we are and our undermining our
12 accountability system. I've no desire to punish Julesburg
13 because they did go ahead and follow our rules, but we have
14 got to look at what we have done. I think there was a
15 reason for doing it in 19 -- in 20 -- 2014.

16 MS. ANTHES: Fifteen; I'm sorry.

17 MADAM CHAIR: 1914. But I don't know if
18 those reasons are there today, and I know that congress sure
19 doesn't agree with what we're doing. Because they've said -
20 - I've certainly heard from legislators who don't agree with
21 what we've done, and we need to think about what are the
22 options that we have as a state to have accountability. I
23 want to remember, I want you to remember that our taxpayers
24 -- 70 percent of the funding for Julesburg comes from all
25 over the state, and that's why we have the accountability



1 rules. We have so much investment in our schools, and our
2 taxpayers want to know that our kids are meeting standards,
3 and that they're growing. That's the bottom. I think
4 that's the bottom line from where the legislature came from.
5 And so, we need to make sure that we make the ki -- right
6 kind of decisions to make that keep happening. You gonna
7 make a motion? What's that motion? Go ahead.

8 MS. ANTHES: I -- I move to postpone the
9 Julesburg RE-1 school district's request to be assigned a
10 2016 accredited with improvement plan rating for the
11 district based on the closure of grades six through eight, a
12 Destination's Career Academy of Colorado until tomorrow's
13 board meeting.

14 MADAM CHAIR: Now the second?

15 MS. ANTHES: Second.

16 MADAM CHAIR: Thank you. Anyone object?

17 Thank you, Mr. Annis, we'll get back to you.

18 MS. GOFF: Before we close this, it's -- I --
19 I -- I got this -- but there was either a national law that
20 stated that students didn't have to take the tests. I think
21 it was national, might have been state. The state may have
22 afterwards

23 -- I think it was national. I know there has been a law
24 that states kids do not have to take the test, and I think
25 it may have been national. Now, have -- have they changed



1 that?

2 MS. PEARSON: I -- if you want to wait till
3 tomorrow, I've got all the policy that -- what's in federal
4 law, what's in state law, what state board policy -- I'll
5 have all of that lined up, and we can go through kind of the
6 sequence of what law says what.

7 MADAM CHAIR: Okay.

8 MS. PEARSON: So if that's okay to wait for
9 tomorrow. We might be able to send you the PowerPoint that
10 we pulled together for all the asset pieces where that's in
11 --

12 MADAM CHAIR: Okay.

13 MS. PEARSON: -- before tomorrow. Okay.
14 It's not there. I can at least print off the slides for
15 you.

16 MADAM CHAIR: Thank you.

17 MS. PEARSON: We can talk about it.

18 MADAM CHAIR: Thank you, you two. Sorry, we
19 -- running you over the coals.

20 MS. PEARSON: No, you're okay. It's really
21 okay.

22 MADAM CHAIR: Ms. Emm. Oh, yeah. Fift -- is
23 this 15? We're going backwards again, right?

24 MS. ANTHES: Oh, yeah, I forgot.

25 MADAM CHAIR: Thank you all for your



1 patience. Next item on the agenda is the consideration of
2 the designation of certain positions to be educational in
3 nature and admi -- and administrator of the department
4 pursuant to 22-2-104CRS. Commissioner, I'll turn it over to
5 you.

6 MS. ANTHES: Thank you, Madam Chair. I'd
7 like to turn this over to Leanne Emm, Deputy Commissioner
8 for school finance and operations.

9 MADAM CHAIR: Fifteen, 15.01.

10 MS. ANTHES: Point 01.

11 MADAM CHAIR: Are we all there? Ms. Emm, go
12 ahead.

13 MS. EMM: Thank you. Leanne Emm. Good
14 afternoon, Chair, state board members. Last November, we
15 began discussions with the joint budget committee staff and
16 members of the committee to answer questions that they had
17 about our numbers of at-will employees. An at-will employee
18 is one that is exempted from the state personnel system.
19 Classified employees are those that fall within the state
20 personnel system. Over the years, the number of at-will
21 employees within the department increased while the numbers
22 of employees that were included in the state personnel
23 system decreased. During the discussions with the joint
24 budget committee, the state board and department committed
25 to working with the attorney general's office on a review of



1 the at-will positions to determine if they should be exempt
2 from the state personnel system according to the state
3 constitution and state statutes, specifically, CRS 22-2-104.

4 The review that was conducted with the
5 attorney general's office included a full review of job
6 descriptions associated with the positions included in the
7 exhibits that you have. One hundred of the positions
8 originally identified did not clearly meet the exemptions
9 outlined in the statutes existing at the time of the review.
10 In other words, those positions should probably have been
11 classified within the state personnel system. However, we
12 knew that the potential impact to the current employees or
13 the incumbents holding one of those positions could have
14 been disruptive to the individual's employment if we had to
15 move them into the state personnel system. Therefore,
16 thanks to your leadership and your concern for those
17 employees holding one of these positions, House Bill 17-1359
18 was introduced as the legislation and subsequently passed on
19 a 96-to-four vote. To me, this vote also demonstrated
20 support to the CDE employees by the members of the
21 legislature, so that they would not experience any
22 disruption to their continued employment at CDE.

23 The revised statute 22-2-104 states in part,
24 as a matter of legislative determination, the offices of
25 commissioner, assistant commissioners, all positions of



1 employment classified by the board as director, consultant,
2 supervisor, or instructor are declared to be educational in
3 nature and administrators of the department and not under
4 the state personnel system in accordance with Section 13 (2)
5 (a) (VII) of Article 12 of the state constitution. As a
6 result of the position reviews and the legislation, you're
7 being presented with two exhibits today for your
8 consideration in declaring the positions exempt from the
9 state personnel system. Exhibit 1 is a listing of positions
10 within each unit, the statutory classification, the position
11 number, and the working title of the position. There are
12 329 positions which include the commissioner, assistant
13 commissioners, director, supervisors, and consultants.
14 These are the positions that may be declared by the state
15 board as educational administrators of the department and
16 therefore, exempt from the state personnel system. Exhibit
17 2 is a listing of the positions with incumbents or existing
18 employees that held positions that were considered at-will
19 prior to January 1st 2017. It's important to note that when
20 an incumbent vacates one of these positions, that it is
21 refilled as a classified position within the state personnel
22 system. I'd mentioned earlier that we had a hundred of
23 those positions originally identified. Now, we're down to
24 91. So we are making those transitions with those positions
25 as they're vacated. We're very cognizant, when one becomes



1 open, of how that replacement is filled, either as an at-
2 will or classified position and have continued to work with
3 the attorney general's office to ensure that we're
4 considering those vacant positions appropriately.

5 In addition, House Bill 17-1359 gave the
6 state board the ability to authorize the commissioner to
7 designate positions as at-will. It also requires CDE to
8 provide the listing of at-will positions to the Department
9 of Personnel Admin -- Administration by December 31st of
10 each year. So today, I just want to personally take just a
11 second to thank you all very much for the hard work that you
12 put into the passage. We're not
13 -- we're not done with the commitments that we made to the
14 legislature. We still have work to do, and we've engaged
15 the Mercer Company to conduct the market salary survey to
16 the bre -- present the recommended salary schedule to the
17 state board for adoption, which is also required by CRS22-2-
18 107. We've targeted the September board meeting to present
19 this to you, but it may go into October depending on the
20 analysis. We're doing everything in our power to make sure
21 it's appropriate, it's accurate, and that it can hold up to
22 any kind of scrutiny that comes before you.

23 I'd also like to thank the attorney general's
24 office. They did incredibly hard work on this. Dr. Eppes
25 (ph) Jennifer Mello (ph), she was tenacious in helping us



1 pass this -- helping you all with 1359. And I'd also like
2 to thank the staff of the department. They've been so
3 patient and understanding as we have worked through this
4 issue. It's -- it's just been -- it's been a -- the hard
5 road. So anyway and I apologize for my emotion in my voice.
6 Today, I would like to ask you all that in order for us to
7 be in compliance with state statutes, just -- I would like
8 to respectfully ask for your support in the declaration of
9 these positions to be exempt from the state personnel system
10 according to the exhibits as presented. And to also
11 authorize the commissioner the ability to declare positions
12 as at-will, so that we can ensure that we can hire and
13 replace positions efficiently. And with that, I would take
14 any questions.

15 MADAM CHAIR: Kelly, thank you for your hard
16 work.

17 MS. EMM: Thank you.

18 MADAM CHAIR: You get emotional, I get
19 emotional, so we're in trouble.

20 MS. EMM: It's -- it's about our employees
21 and it's -- it's -- it gets to my heart.

22 MADAM CHAIR: Thank you. Do I have a motion?

23 MS. ANTHES: Pursuant to Section 22-2-104
24 Colorado Revised Statutes 2017, I move that the State Board
25 of Education declares the director, consultant, supervisor,



1 and instructor positions within the department that are
2 listed in the attached exhibit one to be educational in
3 nature and administrators of the department and not under
4 the state personnel system in accordance with Section 13 (2)
5 (a) (7) of Article 12 of the state constitution.
6 Additionally, the State Board of Education declares and
7 confirms that prior to January 1st, 2017 the positions
8 listed in the attached Exhibit 2, were exempt from the state
9 personnel system. The board declares further that these
10 positions are no longer designated as exempt pursuant to
11 Section 22-2-104 (2), Colorado Revised Statutes as amended
12 by House Bill 171359. Persons who were incumbents as of
13 January 1st, 2017 in the positions listed on the attached
14 exhibit two, may remain exempt from the state personnel
15 system so long as they continue to hold those positions.
16 And lastly, the State Board of Education authorizes the
17 Commissioner as its designee to classify positions of
18 employment pursuant to Section 22-2-104, Colorado revised
19 statute.

20 MADAM CHAIR: Thank you. That's a proper
21 motion. Do we have a second?

22 UNIDENTIFIED VOICE: I second.

23 MADAM CHAIR: Could you call the roll please,
24 Ms. Cordial?

25 MS. CORDIAL: Board member Durham is not



1 present. Board member Flores.

2 MS. FLORES: Yes.

3 MS. CORDIAL: Board member Goff.

4 MS. GOFF: Yes.

5 MS. CORDIAL: Board member Mazanec.

6 MS. MAZANEC: Yes.

7 MS. CORDIAL: Board member McClellan.

8 MS. MCCLELLAN: Yes.

9 MS. CORDIAL: Board member Rankin.

10 MS. RANKIN: Yes.

11 MS. CORDIAL: Board member Schroeder.

12 MADAM CHAIR: Yes. Thank you. Thank you.

13 That's a long haul.

14 MS. EMM: We're not over yet, it's not over
15 yet, but we're getting there.

16 MS. ANTHES: We're on the way.

17 MS. CORDIAL: Do -- do you want to ask about
18 the next item the state --

19 MS. ANTHES: Oh, yeah somebody brought --
20 somebody pulls that -- yeah, stapled it. So we got --

21 MS. FLORES: I pulled it too. I mean I was
22 going to pull it before Steve did, but I just --

23 MS. ANTHES: What's your first question?

24 MS. FLORES: -- had questions about the
25 headings, what -- what those stand for?



1 MS. EMM: Just a moment, I'm going to, bring
2 up the spreadsheet, so I can look at them.

3 MS. CORDIAL: Is that 1502?

4 MS. EMM: Yes, 1502.

5 MS. ANTHES: It's on the consent agenda, but
6 it's got pulled.

7 MS. FLORES: Okay.

8 MS. EMM: This is nice in black and white.

9 MS. ANTHES: This is just their normal
10 allocation they get all the time, right?

11 MS. FLORES: Yes.

12 MS. CORDIAL: Right. I just couldn't -- I
13 just couldn't remember what the --

14 MS. ANTHES: What the headings were?

15 MS. CORDIAL: Yeah.

16 MS. EMM: So the monthly entitlement is how
17 much state share a district gets each month for their total
18 program funding. The SWAP (ph) adjustment is for a
19 withholding -- it's kind of an accounting withholding,
20 because we withhold it and then it actually gets transferred
21 over to a different agency. It is school to work. Oh, I
22 can't remember the exact -- School to Work Alliance Program.
23 So that's a -- it's a federal program that -- it becomes a
24 matching issue, federal matching issue and then the funds go
25 over to the other agency and then it's up --



1 MS. FLORES: What other agency?

2 MS. EMM: It is the --

3 MS. ANTHES: Department of Labor and
4 Employment.

5 MS. ANTHES: What? What?

6 MS. EMM: Okay.

7 MS. ANTHES: So it sounds like we could
8 probably do with an explanation.

9 MS. EMM: If -- Yes, yes. We'll, we'll come
10 back with SWAP.

11 MS. ANTHES: A little memo of what it is that
12 we approve each month. Money in -- money in/money out.

13 MS. EMM: Sure.

14 MS. CORDIAL: Yeah, so there's a charter
15 intercept --

16 MS. EMM: Yes.

17 MS. CORDIAL: -- adjustment which I think I
18 understand, but it -- it would be good if we have a --

19 MS. EMM: A cheat sheet on all of the
20 different headings. We can certainly do that. The charter
21 intercept adjustment is for those with the bonds outstanding
22 and that actually is a way to keep the bond rating up. The
23 money comes out of the state share and it's the tre -- state
24 treasurer makes those bond payments. The CSI adjustment is
25 for the Charter School Institute. And that is for the



1 accounting district. So if you have a CSI school within
2 your district, then you actually are receiving the money,
3 but then it's withheld and the money goes over to the
4 charter school for those schools. So for instance, early
5 colleges down in Colorado Springs is part of the Colorado
6 Springs District. Colorado Springs would -- it would be
7 grossed up in their monthly entitlement payment, but then
8 pulled out at the -- for a CSI adjustment sent over to CSI
9 and then CSI distributes the money to early colleges.

10 The audit adjustments are the -- for a pupil
11 count adjustment in case there was adjustments for pupil
12 counts in prior audits, and then the other adjustment is
13 miscellaneous type things that might be not used very often,
14 but on occasion we have to do some kind of adjustment. Then
15 the total monthly payment is what the district would be
16 receiving for the state share and that total state share is
17 divided into 12 monthly payments. But, we can certainly
18 give a cheat sheet of all those headings and an explanation
19 of specifically that SWAP adjustment.

20 MS. FLORES: Yeah, the SWAP is the most
21 confusing.

22 MS. EMM: Sure. And in its school to work.
23 I'll stop there.

24 MS. FLORES: Always been there?

25 MS. EMM: Yes, it's been there for so many



1 years and it is a confusing adjustment and it's been there
2 for a long, long time, probably as long as I've been around
3 in school finance.

4 MS. FLORES: Okay. That was all my
5 questions.

6 MADAM CHAIR: Let's remember to ask Steve
7 tomorrow wheth -- whether he had some -- another question
8 since he -- Do you have a question?

9 MS. ANTHERS: I do. How often are the
10 districts audited? I mean, is it every year? Are they -- is
11 it an automatic audit that is done or --

12 MS. EMM: Thank you. It depends on the size
13 of the district. Typically the large districts are audited
14 every year and then the smaller ones are not audited as
15 often. We are moving to more of a risk based approach to
16 where if a district is -- has a clean pupil count and can
17 demonstrate that year after year, we might skip a year and
18 things like that. But we're -- it depends on the district.

19 MS. ANTHERS: So that's a state audit. School
20 districts also audit there financial their --

21 MS. EMM: Yes.

22 MS. ANTHERS: -- financial statements.

23 MS. EMM: Financial audits are done every
24 year by their independent auditors.

25 MS. ANTHERS: But I just wanted to talk about



1 the state.

2 MADAM CHAIR: You talked about state audit.

3 MS. ANTHES: Yes.

4 MS. EMM: Pupil count. Yes, uh-huh.

5 MS. ANTHES: Yeah.

6 MADAM CHAIR: Thank you. Any other
7 questions? Great.

8 UNIDENTIFIED VOICE: Then I think there's a
9 vote on that one needed because it was pulled from --

10 MS. ANTHES: So when I spoke with ---

11 MADAM CHAIR: Oh yes.

12 MS. ANTHES: -- board member Durham, he said
13 he wanted to pull it in part just because of the dollar
14 amount and thought it would be appropriate to vote on that
15 rather than just put it on consent.

16 MADAM CHAIR: He did say that?

17 MS. ANTHES: He had told me that. I don't
18 know if there's anything else that he had, but --

19 MADAM CHAIR: I don't either.

20 MS. ANTHES: -- that is --

21 MADAM CHAIR: I'd rather postpone it. I've
22 committed to him to not ---

23 MS. ANTHES: Okay.

24 MADAM CHAIR: -- vote on anything that I
25 think he has an interest in. So we'll just be here all --



1 God knows how long tomorrow.

2 MS. ANTHES: Or maybe we could start at nine
3 tomorrow?

4 UNIDENTIFIED VOICE: Yes.

5 MADAM CHAIR: All right let's see the
6 alternative campuses -- education campuses with consent,
7 right?

8 MS. ANTHES: That was yes, but that was
9 another item that board member Durham had pulled.

10 MADAM CHAIR: Had pulled? Come on.

11 MS. ANTHES: So maybe we'll just delay that
12 over for tomorrow. Right?

13 MADAM CHAIR: That's not saying.

14 UNIDENTIFIED VOICE: So is that 18?

15 MS. ANTHES: No that's 16 -- 16.02.

16 UNIDENTIFIED VOICE: 16.02. Okay.

17 MADAM CHAIR: Okay, 17 was the rule-making,
18 we're having this tomorrow.

19 MS. ANTHES: So now we're on 18, the post
20 secondary workforce readiness update.

21 UNIDENTIFIED VOICE: Yeah, that sounds good
22 to everybody.

23 MADAM CHAIR: Folks, do you need a break.

24 UNIDENTIFIED VOICE: Yeah, we do. Can we
25 walk about a block? We can do with five minutes.



1 MS. ANTHES: No? Okay, five minute break.

2 (Off record)

3 MADAM CHAIR: Next item on the Agenda is an
4 update on the post-secondary wor -- workforce readiness.

5 MS. ANTHES: Yes. Thank you Madam Chair.
6 This is an item, actually, we were going to be bringing it
7 forward anyway. But you all did request informational item
8 on sort of -- the way you guys have worded it was an update
9 on what's going on in high school. And so we call it post-
10 secondary workforce readiness, which is why the title is
11 such and so I'll turn it over to Misti Ruthven to give us
12 kind of a state of the state on this topic.

13 MS. RUTHVEN: Thank you Dr. Anthes. So
14 hopefully, I can catch you up just a tiny little bit and we
15 may not take all of the time depending on questions, but I
16 just want to give you a broad overview of the post-secondary
17 workforce readiness or PWR pathways across our state. Also,
18 in follow-up from a discussion in May, you'd asked to
19 receive a little bit more information regarding graduation.
20 And then, we'll give a brief preview. Next, go to next
21 slide. We'll give a brief preview about some of the
22 graduation guidelines conversations that have been happening
23 for the past three years. And just give you a little
24 refresher on that because we will be bringing forward some
25 additional information to you at your September meeting in



1 Burlington. So here's the list of post-secondary workforce
2 readiness pathways that we will go over today. I will not
3 read them verbatim to you because I know that we will have
4 additional discussion as we go through one-by-one. So just
5 a little bit about the landscape in Colorado. This is
6 something that many of you have probably heard before, but
7 we are in a somewhat unique situation right now here in
8 Colorado, in that we have a 2.3 percent unemployment rate,
9 and high demand for skilled jobs across our states.

10 By 2020, the vast majority; 74 percent of all
11 jobs across our state will require education beyond high
12 school. Not surprisingly, the industries that are in
13 greatest demand are services, business, education; those in
14 STEM or science, technology, engineering and mathematics,
15 healthcare, sales, and the skilled trades. So we definitely
16 have broad needs across our state and a strong need for our
17 students to be adaptable and ready for the next step beyond
18 high school, so certainly ready for higher education. But
19 also many of our students, we believe, we don't know for
20 sure but according to our partners the community college
21 system and current technical education, are entering the
22 workforce directly. Many are going to military. We're
23 getting a little bit better picture of what that looks like.
24 And what we're hearing from higher education, business and
25 military is that they all have very similar expectations, of



1 the skills that our students need to have to be successful
2 in the next step. So starting just from a high level
3 regarding graduation rate across our state. Since 2010,
4 this is just a snapshot of where we've gone with four year
5 graduation rates. So there is some good news in that we've
6 been slowly nudging and inching up step-by-step and making
7 progress, slow and steady, on our four year graduation rate.
8 You'll notice just one small change from the slides you have
9 in front of you. These up here have source information, so
10 I just wanted to make sure and note where the information is
11 coming from. So some of it is from here CDE, you mentioned
12 Marsha Bohannon (ph) mentioned the data and information that
13 we have house shared in CDE or in our presentation earlier
14 today, other information from the Department of Higher
15 Education, the community college system et cetera. So this
16 should be a fairly encompassing landscape of what things
17 look like as far as pathways across our state. So back to
18 graduation, this is a four year rate. It's been inching
19 upward for some time, slow and steady. What's really the
20 untold story of it is our six year graduation rate. So in
21 front of you is a snapshot of our statewide four and six
22 year graduation rate. The darker green is the four year
23 grade --- is the four year graduation rate.

24 The sixth year is the additional students on
25 top of that -- that is in the more light -- lighter green



1 color on top of that and then it's desegregated by varia --
2 various populations. So you'll see, it's interesting to
3 note that certainly populations -- certain populations make
4 significant progress when you add in a few more years. And
5 this is a trend that we're seeing statewide as additional
6 students need more time to be ready for the next step. Also
7 we have multiple programs such as ASCENT, Concurrent
8 enrollment, P-Tech. We'll go into -- I know there's a lot
9 of acronyms -- we'll go into some of those more deeply, that
10 allow students to stay for additional years of high school,
11 essentially. The next slide you have in front of you tells
12 a similar, but a little bit different story as far as race
13 and ethnicity between four year and six year graduation rate
14 statewide. The biggest -- the biggest gains that we see
15 between the four year and six year rate are by the Hispanic
16 and Latino population. And when you add in the six year
17 rate, you're really looking at thousands more students that
18 are completing.

19 So between 2010 and 2016 essentially we had
20 11,000 more students graduate, right. So our six year rate
21 tells a very different story. Certainly, the other story
22 this tells is that we also have gaps that are fairly
23 persistent across ethnic lines. So this is something that
24 we have -- helps just our reports -- our districts tell us
25 that our reports help them really look a little bit more



1 deeply at some of the gaps that exist. The other piece is -
2 - this is consistent across Colorado but also consistent
3 nationally. In that between minority males, females and
4 white males and females, there's a 15 percent -- percentage
5 point difference between white females that have -- who have
6 the highest graduation rate and his -- excuse me, minority
7 males who have the lowest graduation rate. So -- and you'll
8 see with six years, it gets somewhat better, but there's
9 still a fairly persistent gap. It's interesting that across
10 the nation, we hear from other states as well that males are
11 not graduating at near the rate that females are. And that
12 is persistent from high school as well as higher education.
13 So this is something that we're seeing as certainly a trend.
14 And we -- we would like to know more because we're not sure
15 exactly what's prompting that. We know historically there's
16 been some indication that when the economy increase -- it
17 improves, there's more available jobs and males might be
18 more able to get a higher living wage depending on their
19 economic needs. So but you know that -- that isn't
20 something that we have great data on for what's happening
21 currently, and we'd like to dig into a little bit more to
22 understand. So this is a picture -- so this is something
23 that you all have asked for previously to really get a
24 statewide snapshot school district by school district of
25 what's happening. And so from here on out will be really a



1 series of maps of what participation looks like by a variety
2 of districts.

3 So this is graduation rate by map. This is a
4 four-year rate. So the darker green is a higher graduation
5 rate. The lighter color is lower graduation rate. But
6 again this is a four-year rate, right. And we know this
7 improves fairly dramatically when we look at six years. So
8 time really does matter. The other piece that we've really
9 seen and -- and you all have asked us to dig into a little
10 bit is what might our graduation rate look like if we added
11 in students that stay over for purposes of concurrent
12 enrollment or take a high school equivalency or GED. And
13 that looks like about five percentage points. So you know,
14 there's -- it's possible that there's about five percent of
15 students that could be eligible to graduate during -- in a
16 four-year rate but they're staying for a different reason or
17 they are deciding to exit by taking high school equivalency.
18 So remediation rate. So you know, other measures a way we -
19 - a ways (sic) we measure skills are certainly through
20 remediation rate, matriculation rate and that's a little bit
21 of a highlight of why we included remediation rate and part
22 of the story. So remediation rate is a little bit difficult
23 to nail down. Here's why I say that. So the remediation
24 rate, this is reported by the Department of Higher
25 Education, is only Colorado institutions of higher



1 education.

2 And it's interesting that you're looking in
3 front -- at public. Yes. Right, correct. Yes, public
4 institutions of higher education. And it's a little bit
5 interesting, because 2015 was the last year that remediation
6 was counted in the way that you say -- see here. So what do
7 we mean by that? In that there's been a significant shift
8 in how remediation is measured by higher education in that
9 students are measured for their gaps in math and English,
10 and the gaps can be more precisely identified. And then
11 what's happening is then they get help with those specific
12 gaps in numeracy or English skills and then it's not
13 necessarily considered neater and remediation depending on
14 the level of deficiency. So what I -- to say that in really
15 plain English is if I'm taking a credit level class in
16 college and I am -- have a gap in math, I might get a little
17 additional tutoring and that additional tutoring is not
18 necessarily considered remediation. So you'll see probably
19 in the next few years, remediation rates decrease just
20 because of the methodologic
21 -- method -- methodological change about how things are
22 counted. But this is a transition here.

23 MS. MAZANEC: Same test?

24 MS. RUTHVEN: Same test.

25 MS. MAZANEC: Excuse me. So didn't they used



1 to actually have classes?

2 MS. RUTHVEN: Uh-huh, correct.

3 MS. MAZANEC: But now they get -- they get
4 whatever help they're deemed necessary.

5 MS. RUTHVEN: Right.

6 MS. MAZANEC: So that pesky high remediation
7 rate isn't gonna be there anymore.

8 MS. RUTHVEN: Well, I don't wanna guarantee
9 it. So here -- here's a -- so it's a little bit of both.
10 Board member Mazanec. So they still have one level of
11 basically remedial -- remediation classes, right?
12 Depending on if you're low enough. So if you're low enough
13 and have enough gaps in math or English, then you might be
14 given an entire three-credit course. Right? That -- that's
15 separate. What they found is most students respond better,
16 if they -- especially if they have fewer gaps in just a few
17 areas, to some intensive tutoring that they call
18 supplemental academic instruction, right. There's got to be
19 an acronym for everything. So that kind of additional
20 tutoring is applied to the student that are in the credit-
21 bearing class. And so the reason why folks are saying gosh,
22 you know is this really remediation, is because they're --
23 they're getting college credit at a 100 level.

24 MS. MAZANEC: They have to pay for this
25 tutoring?



1 MS. RUTHVEN: They do.

2 MS. MAZANEC: Yeah. And who provides the
3 tutoring, graduate assistants?

4 MR. RUTHVEN: I believe it's faculty, but I'm
5 -- I'm sure it deviates slightly from college to college.

6 UNIDENTIFIED VOICE: Philosophically, the
7 change that they've made, as I understand it is that a
8 student who doesn't have huge remediation can go on and
9 start taking courses, and they found that (indiscernible -
10 away from microphone) in remediation.

11 MS. ANTHES: And that's where they put them,
12 into remediation class; they rarely continued. It seemed to
13 be such a gatekeeper that it didn't keep the kids in school.
14 So now they're trying to find some ways to have the students
15 go ahead and start -- engaging in the course work they
16 wanted to take, as well as being helped, unless they're
17 really in a severe situation. And for a number of folks,
18 particularly in the community colleges when they come to
19 community college they're not necessarily right out of high
20 school. They've been off and out for a while and frankly
21 they just forgot some of those equations, et cetera. And
22 so, the needs are just not -- that's not as significant as
23 never having learned the material in the first place. So
24 it's been a real shift over the last, I think Jane was
25 involved in some committee work.



1 MS. ANTHES: The remediation revision policy.
2 Right. Yeah.

3 MS. RUTHVEN: So just for clarification
4 purposes, the information you see in front of you is high
5 school students only by school district. So we'll see how
6 this shifts or not; we just know that the way remediation is
7 measured has changed them because --

8 MS. ANTHES: Is it the high school the next
9 year or high -- or did they go back to the high schools five
10 years later?

11 MS. RUTHVEN: So what is the measure of time?
12 So this is basically remediation from the year after, right.
13 So it's one year after high school. So if you don't go,
14 then you're not measured within one year.

15 MS. ANTHES: Even though you're tested and
16 you still may need some remediation. I mean the institution
17 is still going to test you to see if you're ready for higher
18 ed course work.

19 MS. RUTHVEN: Right.

20 MS. ANTHES: But, it won't be a part of the
21 remediation report.

22

23 MS. RUTHVEN: Correct, or at least for high
24 school. So there's two remediation -- yeah, anyway -- but
25 you --



1 MS. ANTHES: Okay.

2 MS. RUTHVEN: Okay. So as far as who goes,
3 oh excuse me, was there another question?

4 MS. ANTHES: No, I'll --
5 I'll make a big comment later. Okay.

6 MS. RUTHVEN: So who's going on to higher
7 education directly from high school so, this is
8 matriculation within one year. And this is more broad from
9 all students that go anywhere to any college in the U.S. So
10 this is not just Colorado information, but it's more broad.
11 The other thing is we've been kind of bumping along at a
12 somewhat consistent rate. Again, this -- our matriculation
13 rate to higher education does not include -- there's been
14 some talk and discussion recently as far as should our
15 matriculation rate include students that have taken
16 concurrent enrollment while they're in high school as well
17 as students that have earned a credential while they're in
18 high school because that number continues to increase every
19 year. Right now we have two to 2500 -- 2,000 to 2,500
20 students that graduate with a high school diploma in one
21 hand or a certificate and associate's degree in the other.

22 MS. ANTHES: So when you say all colleges are
23 you including private schools?

24 MS. RUTHVEN: Yes.

25 MS. ANTHES: It's across the country.



1 MS. RUTHVEN: So there's three percent of
2 nonpro
3 --- of for profit private schools that are not in this
4 sample, but it includes 90 per -- seven percent of higher
5 education institution. So everyone's favorite, concurrent
6 enrollment. So there -- there's some good news and then
7 there's some, some interesting information that we've
8 certainly heard fairly consistently from districts. In that
9 one in three of Colorado 11th and 12th graders take college
10 courses in high school, so really a third of high school
11 students. Eighty-five percent of students that were
12 concurrently or duly enrolled, went on to college within
13 that next year. Here's -- here's where it's -- it's a
14 little bit different story and what we -- what -- from what
15 we've seen from a variety of districts, in that half of
16 districts that are participating, have fewer than 10 percent
17 of their high school students participating. So really,
18 half of our -- half of the participation is -- the majority
19 of participation is concentrated in about half of our
20 participating high schools and districts, and 25 percent of
21 the folks -- of the districts participating in schools, have
22 fewer than five percent of students participating.

23 So we have dug into this a little bit at your
24 prompting and asked some of the low participating or
25 non-participating districts, what -- why -- what's --



1 what's, what's -- what's keeping you from greater
2 participation? And there's some very significant themes
3 that we hear specifically from small rural districts across
4 our state. They say that you know some of it's distance,
5 some of it is based on individual need, they might have a
6 handful of students, that have interest, but really what it
7 gets down to consistently is that there might be a limited
8 availability of institutions of higher education that are an
9 affordable option for them to partner with, because every
10 school district is assigned a community college partner,
11 that they must partner with for concurrent enrollment. So
12 they don't have the ability to say, I'm gonna partner with
13 anybody in the state, right? They -- they must partner with
14 their -- with their local partner. So they have said that
15 that is one of the limitations of their participation
16 depending on the financial structure that they end up with.

17 MADAM CHAIR: Who's deciding that?

18 MS. RUTHVEN: So that is statutory per I --
19 the commission of higher education.

20 MADAM CHAIR: So the commission of higher
21 education is the one that allocates them?

22 MS. RUTHVEN: The service areas, correct.

23 MS. FLORES: In it --

24 MADAM CHAIR: Board member, Flores.

25 MS. FLORES: Excuse me. Is the disparity



1 that great in institutions of higher education, state
2 institutions of higher education, that the disparity would
3 be that they would rather go to maybe another university
4 that would be farther away or a community college that's
5 farther away but -- or they may not have a community
6 college; is that what it is?

7 MS. RUTHVEN: Madam Chairman. So that could
8 be -- so yes. Distance can sometimes be a challenge.
9 Oftentimes, the
10 -- the financial structures of they can't pay more than
11 resident community college tuition, but sometimes the
12 financial structures are a bit different. I don't wanna
13 speak on behalf of districts but we can share some of that
14 as a kind of follow up information, as far as more specifics
15 from what we're hearing from districts, as far as the
16 differences in what they might be paying.

17 MADAM CHAIR: Is that seen as a negative by
18 districts?

19 MS. RUTHVEN: As far as do some districts pay
20 more than others?

21 MADAM CHAIR: Well, that plus the fact that
22 they haven't a school assigned to them as opposed to
23 freedom.

24 MS. RUTHVEN: So we've heard from districts
25 that sometimes they're assigned a partner in their service



1 area, that may not offer all the programs that their
2 students want to take, so that can be -- that's a potential
3 limiting factor.

4 MADAM CHAIR: Board member Flores?

5 MS. FLORES: And this is for you. But since
6 you work with the higher education people more, wouldn't it
7 be -- wouldn't it be advantageous for -- for these districts
8 then to make it, I guess open it up to other colleges than
9 just the one that's -- that's nearby because some other
10 university, public university might have the resources, you
11 know to -- and they might want to compete. I know that that
12 when I taught in Texas, I mean, it was called poaching. For
13 instance, the University of Texas State University in San
14 Marcos, couldn't come in odd toss and because there was a
15 University of Texas, and there were several universities in
16 Austin. So then, there was a don't compete law that was
17 passed by -- by the legislature, but that hasn't happened
18 here.

19 MS. ANTHES: All right. Well, the service
20 areas it sounds like are done by statute. So -- and we do
21 work very closely with our higher education partners and our
22 community college partners so, you know we're always working
23 with them on ways to think about how do we expand concurrent
24 enrollment and all of those things, but I think the service
25 areas right now are statutorily driven. So that would need



1 to be a change if we wanted to investigate that. But I
2 don't know that -- I don't -- Misti probably knows more if
3 conversations are along those lines that have happened.

4 MS. RUTHVEN: Yeah. So I think what -- and I
5 mean, I can get the exact but I think it's the, the -- what
6 statutory is about it -- statutory about it is the commission
7 on higher education has the authority to designate. Anyway,
8 so we can -- we can get it into the politic --

9 MS. FLORES: Right.

10 MS. RUTHVEN: -- policies.

11 MADAM CHAIR: Board member Rankin.

12 MS. RANKIN: Mr. (sic) Ruthven on this
13 particular slide a lot of the white is in my area and the
14 lighter colors which leads me to believe there isn't a
15 school close by, it's -- it's a distance thing; is this what
16 you're finding too?

17 MS. RUTHVEN: So there are three primary
18 factors that districts, especially small rurals have cited.
19 One is student needs and the -- they might be so small that
20 they only have a handful of students graduating every year.
21 The distance to that potential partner and the capacity, but
22 can -- then the capacity is really based on financial
23 affordability with their college partner, and availability
24 of an instructor to teach at their location, right? Because
25 that's part of the financial structure. Oftentimes, is do



1 they have a high school instructor at their high school that
2 can teach a certain course?

3 MS. ANTHES: Yeah.

4 MS. RUTHVEN: Right? Versus bringing in a
5 college instructor.

6 MS. ANTHES: So that's what I wondered about,
7 I couldn't -- I can't quite figure this out. Is it the
8 community college that's teaching -- that's providing the
9 professors or is the district provi -- providing them-

10 UNIDENTIFIED VOICE: Yes and no.

11 MS. ANTHES: -- teachers?

12 MS. RUTHVEN: Yes. So there's three ways
13 that concurrent enrollment is currently delivered. One is
14 at the high school by a high school instructor who's
15 qualified.

16 MS. ANTHES: Just cause they have a master's
17 in -- I don't know what else they do. What else do they do?

18 MS. RUTHVEN: A master's in their content
19 area.

20 MS. ANTHES: Yeah.

21 MS. RUTHVEN: Yeah. And then, it could be a
22 college instructor coming into the high school, or it could
23 be a student going to college, right? Or then I guess a
24 fourth option would be online, so.

25 MS. FLORES: Do the costs vary --



1 MS. RUTHVEN: They do.

2 MS. FLORES: -- depending on what
3 arrangements you can come up with?

4 MS. RUTHVEN: Yes, we can give you more
5 information.

6 MS. ANTHES: It was not done as requested.

7 MS. RUTHVEN: Oh, I'm sorry.

8 MS. ANTHES: No, that's fine. It went right
9 around me.

10 MS. PATSON: And I --- I have a question too.

11 MADAM CHAIR: Let me get back to you, are you
12 finished with your questions?

13 MS. FLORES: Yeah.

14 MS. ANTHES: Okay. Sorry. Okay. Ms.
15 Patson (ph).

16 MS. PATSON: Because I'm remembering this too
17 as a problem with concurrent enrollment. Some communities
18 it just wasn't available to them, because of costs or
19 onerous requirements. Is that sounding familiar to you?

20 MS. RUTHVEN: Yes.

21 MS. PATSON: Okay, so.

22 MADAM CHAIR: Who sets the costs?

23 MS. PATSON: Usually the college.

24 MADAM CHAIR: Okay. And if it's the
25 community college system, are all -- is each college -- have



1 different rates?

2 MS. PATSON: They have or they have different
3 rules. Yeah.

4 MS. RUTHVEN: Yeah, it's up to the college.

5 MADAM CHAIR: It's that distributed
6 leadership that we have in the state of Colorado.

7 MS. PATSON: Or what is that very nice smile
8 mean? They do have different regulations or they don't?

9 MS. RUTHVEN: So statute say -- says that the
10 most a district can pay is the resident community college
11 rate. What we hear from districts is that while that's the
12 most they can pay, sometimes they're able to negotiate for a
13 lesser cost, so.

14 MS. PATSON: But not everybody negotiates for
15 a lesser -- not every school negotiates for a lesser?

16 MS. RUTHVEN: Or are not able, right? Yeah.

17 MADAM CHAIR: So it's pretty hard to
18 calculate based on what the state sends to K12, for a high
19 school student and divided by -- how many classes do they
20 take, six, and there by come up with an allocation and then
21 use that to buy a course, at the community college, right? I
22 mean the -- the funding is gefardled (ph), right?

23 MS. RUTHVEN: So if you take base per pupil,
24 right now; is that what asking, and then say, how many
25 community college classes does base PPR buy? I mean, you can



1 do a rough calculation at let's say a \$110 of credit hour --
2 I think -- so it comes out to --

3 MS. ANTHES: Has anybody studied that? Given
4 there are all these variations in costs?

5 MS. RUTHVEN: We -- we do not have deep
6 resources to study that state wide.

7 MS. ANTHES: I just don't understand how it
8 could be -- could vary that much if it's state.

9 MADAM CHAIR: That's why people are upset.

10 MS. RUTHVEN: I apologize.

11 MS. ANTHES: I'm sorry. I'm -- it's my
12 failure to understand why there is the variance in -- in --
13 in cost when they're state institutions. And wouldn't a
14 state institution have similar costs?

15 MS. RUTHVEN: We -- we can send you the
16 information we have, which is fairly limited, but we do have
17 a, kind of a broad chart that (indiscernible - noise) some
18 of this that we can send you as a follow-up.

19 MS. ANTHES: All right.

20 MS. PATSON: I mean, the bottom line is, the
21 community colleges and the public universities set the cost
22 and then they have to, they make some judgments based on who
23 they're serving and how they're serving and if they, if they
24 have an instructor that's going there, or if it's the high
25 school instructor. So there is some variability. It's not,



1 it's not like the same person is just going to the same
2 college and it's equal all across the state. So there
3 probably is some legitimate variability in cost. But, you
4 know, as, as MS. Ruthven said, it is, it is still something
5 that pops up; that we talk about and we try to help
6 districts with. But that doesn't, it's not in our purview
7 to set that -- that rate.

8 MS. ANTHES: What about, what about career
9 and tech -- career and technical education? You know.

10 MS. ANTHES: I thought that's what we were
11 talking about.

12 MS. ANTHES: Well, we kind of are, but, but
13 you have community college, that could be academic courses,
14 right? I mean, and that could be true in the technical
15 education or what we used call votech or vocational
16 education, I'm just wondering what the numbers look like.
17 How many part -- participating in vocational-technical or
18 career technical, kind of schools we have?

19 MS. RUTHVEN: I'm so glad you asked. So
20 jumping a few slides ahead.

21 MS. ANTHES: I mean, we used to have a lot of
22 those in Kansas. I wasn't sure how many we have here in
23 Colorado and, and --

24 MS. RUTHVEN: Right. We only have three
25 public vo -- vocational technical -- technical schools. Two



1 of them are based in the Denver metro area. And then one is
2 in Delta. So there's -- there's only three public ones and
3 then there's a smattering of, of other for profit votech
4 schools across the state.

5 MS. ANTHES: Board member Flores?

6 MS. FLORES: I find it hard to, kind of,
7 understand that here's -- here we have a, a statute or a law
8 that was passed that we need to get more kids interested in
9 and educate them in this area or to tell them that this is
10 available but yet, the resources are not there for the --
11 there's no money attached to something that the
12 legislature's mandated. If they're mandating, you know, P12
13 to get tech or votech education, I mean, it seems logical to
14 me, that they would provide moneys. But yet when I read
15 that report it's like, yeah, tell them zero money, zero
16 money. There was no money.

17 MS. ANTHES: But they do get money, don't
18 they? For concurrent enrollment.

19 MS. ANTHES: Well, I'm just talking about
20 that, that recent law that was passed by the legislature.
21 And then all of, all of that report is, is like zero money,
22 zero money, zero money. And it, it just didn't make sense
23 to me. And they should, even if we are going to provide
24 information, providing information, somebody has to write it
25 up, all of that cost money. And that's, and, and there is



1 no money attached. And it's like creati -- creating jobs
2 for this department, and they're not providing the funds for
3 it. That's, they just want free funding or, or it's
4 eleemosynary, you know, it, it, it's, it's got to be a gift
5 from somebody and we just don't think --

6 MS. ANTHES: So there's one -- one more thing
7 I want to point out though as we go through the rest of
8 these maps. Board member Rankin and I attended at least
9 one, maybe two different conferences this summer that talked
10 about additional measures for our accountability system.
11 We've heard folks talk about a lot of different things but
12 they are -- they include advanced placement classes,
13 concurrent enrollment etc. In looking at these maps, I want
14 you to see that there are places where these things are not
15 available. Therefore, they cannot be an additional measure.
16 So when people are talking about what are all the different
17 measures that we could be using? It has to be something
18 that is available to all kids in the state, and these maps,
19 I appreciate them because -- for a lot of reasons. But
20 that's just one more helpful guide for us to realize that
21 some of these things are not -- they're certainly important
22 measures, they're probably things we should be reporting in
23 our school districts as we give more information to our
24 parents and taxpayers, district by district, but they are,
25 they probably are not a measure that can be -- that we can



1 use statewide, unless, as you say, we fund it across the
2 state.

3 MS. ANTHES: Yeah, Ms. Goff, do you have
4 your hand up? I can't tell sometimes.

5 MS. GOFF: Yes, sure.

6 MS. ANTHES: Please, go ahead.

7 MS. GOFF: I don't know whether you would
8 have this.

9 MS. ANTHES: Can you use your mic, Jane?

10 MS. GOFF: (Indiscernible) Martinez, back
11 there I'm wondering if she might, sorry, sorry, sorry. I
12 don't know if you like -- if you all have this. Are there
13 any school districts that do participate in concurrent
14 enrollment? That are, well, they should be tied into the
15 same post-secondary institution. So for example, if -- if
16 Jefferson County and Adams County, if their concurrent
17 enrollees or Adam -- any district in Adams County. If any
18 of those kids share a secondary institution. I just wonder
19 if current -- currently, in our, like -- are the agreements
20 that are worked out between school districts, schools and
21 the college or the university --

22 MS. ANTHES: So --

23 MS. GOFF: -- does -- does one univer --
24 secondary, post-secondary institution have the same memo or
25 same agreement about tuition and such with all of its



1 partners or not?

2 MS. RUTHVEN: That's a good question. So we
3 don't know and the department of higher education has the
4 authority to collect those agreements. We do not, from the
5 colleges. We, we, we haven't seen all of them. If that's,
6 I know it's not an answer but we can look more deeply.

7 MS. ANTHERS: Well, I'm just -- I'm just
8 curious about that in this, you know, be it -- with an
9 interest that exists around level the playing field like
10 ideas, or if, if access means all kinds of access on a level
11 level. So if you're, you've got, I'm just posh -- mouthing.

12 MS. RUTHVEN: I think you have a need for
13 charters in that area.

14 MS. GOFF: Well, no it's just -- I just
15 wondered, you know, what -- because there is a price worked
16 out. It's, it's, it's a -- it's a PPOR/tuition/cover the
17 cost type of arrangement that school districts work out with
18 their local community college or whomever. And I just
19 think, you know, our times are unique enough right now that
20 --

21 MS. ANTHERS: That's where we need charters.

22 MS. GOFF: -- try to hope for some access,
23 try to hope for some even level playing field would be
24 important. And whether or not it's the concurrent
25 enrollment advisory committee that's here, maybe, that's a



1 place to just pose the question. If you don't know, if we
2 are not aware, how do we make better use of information that
3 is available? Because I think it's -- it might be
4 important. And the other thing, and this is just a comment
5 more than anything, I notice so many things. This is the
6 latest, but other reports, all kinds of reports are coming
7 out, where the latest data available is 2015. That --
8 that's getting frustrating, because we know there are things
9 happening. There have been changes in data and levels and
10 reportable phenomenon -- quite a bit. And some of it
11 actually is available now, I think, starting to become
12 available now. But even if not 17, then where -- why can't
13 we get -- where's the 16 stuff? I mean, why are we seeing
14 everything is based on 2016 (sic) information -- or 15?

15 UNIDENTIFIED VOICE: I mean, I can --

16 MS. GOFF: I mean, I know --

17 UNIDENTIFIED VOICE: -- address some of that,
18 yeah.

19 MS. GOFF: -- limitations and we want to be
20 good

21 -- using it well and having it correct, but I just --
22 everything I've seen is two -- a lag time, two to three
23 years, wow.

24 UNIDENTIFIED VOICE: I know it sort of
25 connects to what Marsha was saying earlier, but the way our



1 collections come in, oftentimes we get it once per year and
2 then in order to validate, I mean there's a -- there's a
3 definite lag time and some of ours, the districts have to
4 get through their whole year before they submit it to us and
5 then it, you know. So it's -- it's around that piece. So -
6 -

7 MS. ANTHES: I know -- I -- I --

8 UNIDENTIFIED VOICE: Marsha's idea of having
9 an automatic data collection, you know, that -- that would
10 alleviate that, but because we actually, they have to do the
11 work to submit it and do it. And then there's about a year
12 lag time and everything and then there's the time of us
13 putting it into reports and analyzing it, which takes a
14 little more time.

15 MS. ANTHES: Thank you. Again, I, I --

16 MS. RUTHVEN: I know, I know it's frustrating
17 --

18 MS. ANTHES: --I know you know that --

19 MS. RUTHVEN: -- and we wanna have it more
20 automated too, believe me.

21 MS. RUTHVEN: Shall I move forward?

22 MS. ANTHES: Frustrating.

23 UNIDENTIFIED VOICE: Please.

24 MS. ANTHES: Yeah. Okay.

25 MS. RUTHVEN: So just a brief snapshot of



1 early colleges and P-TECH, which is Pathways in Technology
2 Early College, which are schools and programs. There are
3 three across our states that are built with a higher
4 education partner, a school district or charter partner, and
5 a business partner. So as you can see, the vast majority
6 are located on the front range. Work-based learning in
7 apprenticeship. So this is something that's a relatively
8 new conversation, but certainly not a new concept, which are
9 folks -- districts that are really focused on having some of
10 their high school students spend 10 or more hours a week
11 focused on work. So this is a -- an internship or
12 apprenticeship where they're deeply engaged in work and high
13 school. We've seen an increase in advanced placement
14 opportunities across the state, specifically in rural areas.
15 This is a result of a rural pilot program from the state
16 legislature a few years ago, where \$1,000 per student was
17 given to rural districts that had significant advanced
18 placement participation. Career and technical education.
19 We just hit on this briefly already. There are six industry
20 sectors that are focused on career technical education. A
21 fairly high percentage of all high school students across
22 our state participate in career and technical education.
23 The darker blue areas are over 80 percent participation high
24 school. There's also some middle school participation, and
25 then, a few non-participating districts.



1 MS. FLORES: Well, just think, if, if, if the
2 state gave \$1,000 for career and technical education, I
3 mean, it just seems to be not fair to give it to -- to one,
4 one set of kids and not to give it to another. I mean --

5 MS. ANTHES: I'm not sure what you're
6 referring to.

7 MS. FLORES: Well, she, she just said that AP
8 -- that districts get \$1,000 for kids that take AP. Well,
9 why, you know, why would we not want to give career and
10 technical kids, who probably need it more, because we do
11 know that -- that social status, I mean, kids that are
12 higher in social status will take advanced placement, but
13 kids in career and technical who may need it, you know,
14 they're a working class, possibly, and they need to have
15 \$1,000 too, to just -- so that they can go to community
16 colleges and technical career things. It just seems to be
17 not fair --

18 MS. ANTHES: Okay.

19 MS. FLORES: -- to me.

20 MS. RUTHVEN: And I apologize, Dr. Flores; I
21 should just clarify the comment I made. So there's a small
22 grant program of a few hundred thousand dollars that goes to
23 just a -- a handful of small rural districts. And in those
24 districts, we've seen significant increases in advanced
25 placement participation for all students. And Hispanic-



1 Latino in those -- has been -- has been the largest increase
2 of about 30 percent participation. So it's -- it's a --
3 it's a small, small program.

4 MS. ANTHES: Yeah.

5 MS. RUTHVEN: So if I may move us on to grad
6 guidelines, which is a brief preview for your September
7 meeting. So this is something that you all voted on back in
8 2013 and 2015, and you asked us to bring you an update of
9 what was happening every two years. So this is the district
10 implementation timeline. As you'll notice, the ni --
11 incoming ninth graders that start school right now are the
12 graduating class of 2021. So this is the -- the menu of
13 options in addition to ICAP, the Individual Career and
14 Academic Plan and the Colorado Academic Standards. The
15 intersection of those three options, that will be the
16 graduating requirements adopted by districts for the class
17 of 2021. So the reason why I am bringing this to your
18 attention is because every few years, given your direction,
19 we are reconvening a group of school districts, businesses,
20 parents, students, et cetera, for additional recommendations
21 to the graduation guidelines menu of options. Here's the
22 graduation guidelines menu of options that you all adopted
23 in 2015. As you'll notice, this has many ways that students
24 can show what they know, to ensure they're ready for the
25 next step. Statute re -- requires that there be options



1 available in English and math to show student's readiness
2 for the next step. Specifically, there are multiple options
3 on here that reflect career and college readiness, as well
4 as mastery of academic standards and inclusion of individual
5 career and academic plan. The reason why I'm reminding all
6 of you of this, is because in September and likely October,
7 we'll be bringing forward an additional discussion with all
8 of you for technical changes, potential tech -- technical
9 changes to the graduation guidelines menu of options. In
10 addition, the work group that we've been convening, that is
11 the same work group that convened for the recommendations in
12 2013, it would like to bring forward the potential
13 conversation with all of you, of including high school
14 equivalency or GED as part of the menu.

15 So this is something that we look forward to
16 having much deeper conversations with you about in the
17 interim period between now and the September meeting. We're
18 also happy to meet individually and have longer
19 conversations to ensure that we bring forward the
20 information that you would need to inform that decision and
21 that recommendation from that group. Finally, just a -- a
22 brief reminder, because this is something that we -- we have
23 certainly heard is important, is ensuring that career
24 readiness is a robust part of the menu and the conversation.
25 And so, just a brief reminder of all the menu options that



1 are inclusive of career as well as college readiness. So
2 with that, I will leave it open for questions if we have
3 anymore. I know we've covered a lot.

4 MADAM CHAIR: Any more questions?

5 MS. ANTHES: How many dip -- different
6 diplomas do -- high school graduation diplomas do we have in
7 our state?

8 MS. RUTHVEN: So the state constitution says
9 that we must have a single diploma that districts are
10 authorized to offer. We do have endorsements on the diploma
11 and we -- right now we have three. One is focused on post-
12 secondary and workforce readiness, which we'll -- we have
13 been prompted by statute from last session to take a deeper
14 look at and update. There's one on STEM that we'll also, in
15 -- in addition to the PWR diploma be taking a look at. And
16 then, there is the seal of bi-literacy that's considered an
17 endorsement as well.

18 MS. ANTHES: Yeah. So then every, every --
19 those three are -- are in addition to the diploma; is that
20 correct?

21 The high school -- or it's on --

22 MS. RUTHVEN: Endorsements.

23 MS. ANTHES: -- the high school diploma? So
24 the requirements in each dip -- on each diploma should be
25 the same?



1 MS. RUTHVEN: So yeah. So right now, right
2 now, hi -- historically, for the last 150 years, right, of
3 Colorado's history, we've -- every district has established
4 their own graduation requirements. Graduation guidelines
5 was the initial attempt by the legislature to have similar
6 expectations or -- of what a student might be able to show
7 what they know, right, for exit from high school. It also
8 has been -- has prompted robust community conversations
9 about what is -- what is the value associated with a high
10 school diploma and what does that reflect to a business and
11 higher education and military, that a student is ready. So
12 those are the -- have been the local conversations.

13 MS. ANTHES: Okay. Yeah that's good.

14 UNIDENTIFIED VOICE: So the -- yeah. So it's
15 not, so, that menu that she flashed -- maybe you can turn it
16 back to the menu, so they can choose. I mean, the diploma
17 needs to re -- re -- be reflective of items on that menu.
18 But each district can choose different items on that menu.

19 MADAM CHAIR: So if I am an employer and I go
20 to a district and I'm looking for certain -- they could hand
21 me that with a check off of each one, say, this is where --
22 what our diploma -- and I could go to another district and
23 it might be different.

24 MS. ANTHES: Plus they add hours.

25 UNIDENTIFIED VOICE: Yes, and, and they could



1 go above and beyond this. So they could say on their
2 diploma they have something else, that's -- this is the
3 minimum.

4 MADAM CHAIR: Are we gonna go into this more
5 in September, did you say?

6 MS. RUTHVEN: We are. I just wanted to
7 briefly tee this up and offer one-on-one refresher sessions
8 with all of you, because I know that this will be --

9 MS. ANTHES: Yeah.

10 MS. RUTHVEN: -- a much longer lengthy
11 conversation -- wanna make sure and include all of the --
12 all of the questions you might --

13 MS. ANTHES: Good.

14 MS. RUTHVEN: -- have.

15 MS. ANTHES: Thank you. Thank you

16 MADAM CHAIR: Thank you. Just one more item;
17 item 19. Next item is the notice of rule-making for rules
18 for the administration of the protection of persons from
19 restraint Act 1: CCR 301-45. Commissioner, the staff
20 prepared and provided an overview.

21 UNIDENTIFIED VOICE: I guess we are. Thank
22 you, Madam Chair. I'll turn this over to Melissa Colzman
23 and she will be -- still be joined by Misti Ruthven. So a
24 joint collaborative effort.

25 MS. COLSMAN: Good afternoon.



1 UNIDENTIFIED VOICE: Hi.

2 MS. COLSMAN: Melissa Colzman, associate
3 commissioner --

4 UNIDENTIFIED VOICE: I think it's good night.
5 It feels like night.

6 MS. COLSMAN: It does. We should start
7 saying that. So Misti Ruthven and I will be providing a
8 very brief overview of the -- the rules that we are asking
9 that the state board notice today in the 2017 legislative
10 session House Bill 17-12-76 concerning prohibiting the use
11 of certain restraints upon public school students passed in
12 the recent legislative session. The bill added language to
13 the protection of persons from restraint act for which the
14 state board already has existing rules. The bill did two
15 things. It added language to prohibit the use of prone
16 restraints on students in public schools, and it creates a
17 complaint process for parents or students to register a
18 complaint with the department if a prohibited restraint is
19 used in a public school. The complaint process to the
20 extent practicable must reflect the complaint process for
21 filing a state complaint under the federal individuals with
22 disabilities act. Specifically, the bill requires the state
23 board to establish by rule a process by which parents and
24 students can file a complaint regarding a public education
25 agency's inappropriate use of a restraint on a student.



1 These rules need to be adopted by November 1st.

2 The bill provides some funding for the role
3 of a restraint complaint officer to the office of dropout
4 prevention and re-engagement. So staff from that office and
5 staff from the exceptional student services unit, who are
6 responsible for the complaint process under the federal
7 individuals with disabilities education act contributed to
8 the development of the proposed complaint process outlined
9 in the draft rules. While we are on a notable short
10 timeline, we were able to connect with some key stakeholders
11 including representatives of school districts and students
12 with disabilities to solicit feedback on a prior draft of
13 these rules. So what I can do right now is take you through
14 a -- a brief overview of what you'll find in the rules and
15 we will be able to move forward. In your packet, you have I
16 believe the memo that accompanied this item. You'll find a
17 side by side crosswalk between rule and statute. And then
18 you'll also find a version of the redlined rules.

19 So recall that the board already has rules
20 for the protection of persons from restraint act and these
21 are adding a few components to those rules to comply with
22 the law. So very briefly in Section 2.00, you'll see some
23 additions of definitions that are now in the law. In
24 subsequent sections throughout, you'll just see some re-
25 numbering because of additions of -- of definitions and a



1 few statements to again align with law. The addition of a
2 complaint process is found in section 2.07 and so that's
3 where you will likely wanna spend most of your attention as
4 you consider these draft rules. In the redline version --
5 these start on page eight. I'm not reading through the --
6 the draft rules for you now. I'm just gonna orient you to
7 what you'll find in there. And again these -- this process
8 mirrors the process for the individuals with disabilities
9 education act, the process for a state complaint under that,
10 which is required by this statute that we mirror that
11 process to the extent practicable. So in Section 2.072,
12 you'll find information about what needs to be included in a
13 complaint, and Section 2.073, you'll see the delivery method
14 for how that needs to come to the department. In Section
15 2.074, you'll see that we've outlined specific procedures
16 for complaints involving students with a disability to
17 coordinate with the complaint process for a state complaint
18 under the federal individuals with disabilities education
19 act. We recognize that there would be some students with
20 disabilities who would want to file a complaint and we
21 wanted to make sure that we were very helpful in determining
22 which process to follow, whether they should follow under
23 the process allowed under House Bill 1276, or whether they
24 should go under the state complaint process under IDEA,
25 Individuals with Disabilities Education Act. So



1 coordination of that complaint process is very important to
2 ensure that students with disabilities are afforded all the
3 protections of IDEA. The rules spell out a process for the
4 restraint complaint officer, which is a position that will
5 be created under the -- this set of rules in this bill and
6 the dispute resolution team within our exceptional student
7 services unit to interact with each other to determine the
8 most appropriate route for that complaint process to follow.
9 So you'll see some specific interactions outlined within
10 that piece.

11 UNIDENTIFIED VOICE: Did you say restraint
12 resolution officer will be hired --

13 MS. COLSMAN: Restraint complaint officer,
14 I'm sorry.

15 COMMISSIONER: -- will be hired in the
16 Department of Education or in every district?

17 MS. COLSMAN: That will be a -- a .3 position
18 here at the Department of Education with -- within the
19 dropout prevention and re-engagement team and actually be --

20 UNIDENTIFIED VOICE: Will it help parents
21 with a complaint fill out this seems -- seems to be largely
22 a dropout complaint.

23 MS. COLSMAN: That's a really good question.
24 Actually what it is, is when a complaint comes through there
25 is



1 -- the, the way that the rules are spelled out now, that
2 that complaint officer would read that note that it's a
3 student with a disability and immediately determine whether
4 or not we need to involve the exceptional student services
5 unit. IDEA lays out a process for parents to file a state
6 complaint. And because districts receive funding for
7 students with disabilities and there are specific laws
8 protecting students with disabilities, it's really important
9 that there are that -- parents and students are supported
10 and understanding what their rights under are -- under IDEA.
11 So our process kind of helps -- helps make sure that parents
12 are aware of that. So to answer your question a little more
13 directly, the -- the complaint officer doesn't help fill out
14 any of the paperwork, it's when a -- a complaint is received
15 and the complaint officer notes that it's a student with a
16 disability, we'll engage the team in our exceptional student
17 services unit to determine how to best move forward to
18 support the parent moving forward.

19 UNIDENTIFIED VOICE: I'm just a little
20 concerned about this complaint process. I mean, you're
21 providing it for parents, but it's pretty onerous.

22 MS. RANKIN: For whom?

23 UNIDENTIFIED VOICE: For parents. Did you
24 see all those redlines? I mean, it's pages of what they have
25 to do.



1 MS. RANKIN: What's the blue?

2 MS. COLSMAN: That's just the remnants of
3 multiple people working from the same documents. And so --

4 MS. RANKIN: Means you're patriotic.

5 MS. COLSMAN: And so, I believe we would
6 anticipate that the -- that we would have an actual
7 complaint form that would contain all of this information
8 for the parent. So it's simply a matter of completing an --
9 a form rather than having to generate and look at the rules
10 and be able to say, what am I supposed to include in here.

11 MS. RANKIN: Is there currently a complaint
12 form?

13 MS. COLSMAN: So within our dispute
14 resolution process, within our exceptional student services
15 unit they have a complaint procedure in place. I'm not sure
16 if that has a -- a form already in place.

17 MS. RANKIN: Somebody is nodding back there.

18 MR. COTTONSTEADY: Yeah, we got a step by
19 step.

20 MS. ANTHES: Great, great.

21 MS. COLSMAN: Absolutely. So I think you
22 know, what we wanna be able to do is make sure that this
23 isn't an onerous process. What you'll see here is instead,
24 to make sure that there's timelines that are adhered to so
25 that we can ensure that there's a timely resolution to the -



1 - to the complaint. But, we would very much take any -- any
2 feedback on how to make this processes as simple as possible
3 for families to have some sort of resolution to their
4 complaints.

5 MS. RANKIN: Ms. Tolson, is -- is everything
6 here -- I'm sure the AG's office has gone over this very
7 carefully. And also, is It the minimum of the requirements
8 that we have according to the most recent law?

9 MS. TOLSON: Board member Rankin, I
10 appreciate very much the credit that you've given me
11 regarding the thoroughness of my review. But, it may be a
12 tad overstated. Generally, what we do in parallel with the
13 board's review is before the rule-making hearing go through
14 it and -- and give feedback to the department. So while, I
15 reviewed them in preparation for this board meeting, I would
16 not say that I've compared them to the exact statutory
17 minimums and that'll be something that we're doing as we
18 move towards the rule-making hearing.

19 MS. RANKIN: Thank you.

20 MS. ANTHERS: So also to your point vice-chair
21 Rankin, the -- the process that you see here, is in -- in
22 mirror image to the process that's required under the state
23 complaint for IDEA, which is what the bill requires, is it -
24 - that it mirror that to the extent practible --
25 practicable, which is a very hard word to say.



1 MS. RANKIN: And then, one more question when
2 you come back to us. I'm sure -- I don't know, I know this
3 is state law but, how does this compare to maybe some of the
4 other states that have this on their -- in their law and I
5 mean, I'm just kind of curious on that one. We're not over
6 -- overdoing it.

7 MS. COLSMAN: Thank you. So we have nothing
8 else to -- in terms of presentation. If there are other
9 questions, I would be happy to entertain them otherwise --

10 MS. ANTHES: I think we have a motion.

11 MADAM CHAIR: Sure, anybody who's --

12 MS. RANKIN: I move to approve the notice of
13 rule-making for rules for the administration of the
14 protection of persons from restraint Act 1 CCR 301-45.

15 MADAM CHAIR: Thank you, any objections?
16 Thank you. Next item on our agenda is notice of rule-making
17 for the rules for Colorado reading to ensure academic
18 development ACT 1 CCR 301-92. Commissioner and staff
19 prepared an overview.

20 MS. ANTHES: Yes. Thank you. I'm gonna turn
21 this over to Alisa Dorman (ph), executive director of our
22 literacy office, and I will just take a point of privilege
23 here to say this is Ms. Dorman's last state board meeting
24 with us. She unfortunately, although we never say goodbye
25 but, she unfortunately, is moving to Texas to be with her



1 husband and make sure that her family is reunited again.
2 But, I just want to say thank you for her service to
3 Colorado and I know you all have worked with her on all of
4 this READ act work, going back and forth. And so, thank you
5 so much for your service and so this, her last day in the
6 office is Friday, so.

7 MS. TOLSON: Well, thank you on behalf of us.

8 MS. RANKIN: Thank you.

9 MS. ANTHERS: Thank you for the opportunity.
10 Thank you.

11 MS. DORMAN: So I'll orient you Madam Chair,
12 members of the board to what you have in front of you today.
13 But before I do, I just want to remind you that this was
14 first presented in June at the board meeting and it was held
15 over for a request to re-notice the rules this month at this
16 meeting. So some of this will be familiar and some of it
17 will be new. So you have before you in your packets the
18 memo that describes the contents of the information. You
19 have a copy of House Bill 171160, which is the bill that was
20 passed in the last legislative session that prompted the
21 rule making process. You also have what we call a redlined
22 copy of the rules. Again, today is simply a notice of rule-
23 making. This is our best attempt at this point to show you
24 how to align the rules to that statute. Additionally, you
25 have what is known as a sort of comparison or crosswalk



1 document. So that you can see the actual words in statute
2 side by side what we're proposing for language and to the
3 new rules. You'll also notice that, in that document which
4 I'll come back to that if, it doesn't have statute listed
5 that was directed by board member input. And then, I also
6 have a PowerPoint presentation. So you'll have a few slides
7 to sort of drive our discussion. So I'll begin with the
8 PowerPoint. Okay. Thank you. So this is just again a
9 refresher for all of us that within the READ Act, both in
10 the statute and now also in your rules there is interim
11 assessments that are required on behalf of all students,
12 kindergarten to third grade and those assess -- assessments
13 specifically, are designed to capture these early reading
14 skills and the student's development in those skills. The
15 statute calls for assessments that measure phonemic
16 awareness, phonics, vocabulary development, reading fluency
17 including oral skills, and then reading comprehension.

18 The next slide shows you the timeline for
19 READ Act assessment implementation. You'll notice that
20 there are two times a year that districts are required
21 either through statute or rule, to assess or both, to assess
22 students for screening initially, at the beginning of the
23 year for their risk for reading development. And then
24 again, at the end of the year for the collection purposes so
25 that we may be able to meet the requirements under the



1 statute for our legislative reporting as well as to be able
2 to calculate the per pupil intervention monies and
3 distribute those. Between the fall and the spring
4 assessment periods, there is also in statute and rule, a
5 requirement for the ongoing monitoring of all students and
6 their progress in response to the sort of instruction and
7 intervention as part of that requirement. Next, what you'll
8 see within the slide deck is, you'll see what this
9 particular set of changes is really intended to do again
10 align with the passage of House Bill 171160. Things that
11 remain the same or might be different are listed here.

12 So districts will still be empowered and
13 continue to select the assessment that they believe to be
14 appropriate. They have to select one of the assessments
15 from your state board approved interim list. They'll still
16 have to give that assessment at the beginning and end of the
17 year. Consistent with what we've been doing and nothing has
18 changed. Every spring we will collect the data that is
19 administered through the spring assessment window, as part
20 of the requirements for reporting and also for calculation
21 of per pupil monies. Again, the new law says that, for
22 English learners, districts may choose which version of the
23 assessments English or Spanish that they will administer to
24 the students, either are appropriate. We have a list of
25 seven Board approved assessments in English. Three of those



1 also have CX Spanish versions of the assessments. If they
2 choose to administer one of the interim approved assessments
3 in Spanish, it says that the district -- they also
4 administer the assessment in English at the request of the
5 parents. And then, it also says that districts are required
6 to communicate to parents that this is -- communicate to
7 parents at which point in time they will transition the
8 student from testing in Spanish to testing in English. And
9 it says that they will determine that based on partial
10 proficiency at the local level. And then it says again, you
11 know, that parents have the option to continue to request
12 that assessment be administered in English.

13 MS. ANTHES: Can we ask questions now?

14 MS. RANKIN: My blood is already boiling a
15 bit. They -- the local education provider may administer an
16 assessment in English at the request of the student's
17 parent, but then it goes on to say the local education
18 provider can deny the parent that, and all they have to do
19 is provide an opportunity to the parent to appeal that
20 decision to an individual or committee designated by the
21 local education provider that just denied them the ability
22 to have their child tested in English.

23 MS. TOLSTON: And that group is more ravid
24 (ph) than probably the district about it.

25 MS. ANTHES: And that -- that particular part



1 is not based on anything that's in statute.

2 MS. DORMAN: So I went it --

3 MS. ANTHERS: It says n/a anyway on the
4 crosswalk.

5 MS. DORMAN: Madam Chair, let me try to
6 clarify, and I'm going to now switch just a moment to the
7 crosswalk document, because that's the document that I think
8 you're looking at specifically. So to answer how that
9 particular language came into play in these particular draft
10 of the rules. That was a point elevated at the last board
11 meeting in June. Is that the way the statute has been
12 written, is it simply said that a parent may request and
13 that a district may administer and board members elevated
14 that they would like to see a process put into place by
15 which a parent who was denied that opportunity to test their
16 child in English would have an appeal. So that came from
17 this board. So you are correct, statute did not include a
18 provision for appealing that decision. You -- board -- at
19 the request of board member Durham and Flores -- their
20 conversation, they have asked that that appeal process be
21 afforded to the parents if denied the request.

22 MS. ANTHERS: Did we -- we do -- well, we
23 request that the appeal go back to a committee or individual
24 designated by the local education provider?

25 MS. TOLSTON: There is a -- there is a law



1 and within a school, there is a committee that takes care of
2 that. But I'm just wondering.

3 MS. RANKIN: Takes care of any complaints
4 overall or --

5 MS. TOLSTON: Well, it's called the LEP
6 committee. The language -- second language learner
7 committee that, you know, looks at -- and it's made up of --
8 I don't know if it's parents, but it's teachers. I remember
9 teachers being on that committee. But again, I mean, you
10 see, it's the same thing. I think one of the things we said
11 that if the parent has to be notified that -- I think there
12 should be that -- that they will be taking or they will not
13 be taking English, a test in English and the parent has to
14 be notified. So the onus is on the district to notify the
15 parent that they will not be taking the -- a test in
16 English.

17 MS. DORMAN: So yes. To differentiate very
18 quickly. What statute says, is that the district has the
19 decision-making authority on which assessment to administer
20 and the new law says that the district has the authority to
21 take a parent request and to consider that in their
22 decision-making. What the law did not address and that the
23 boards -- at the board's request is included here is an
24 appeal process, because currently, the law leaves that full
25 decision-making authority at the district level. I



1 understood from board member feedback that it seemed
2 appropriate that when denied, parents should be able to have
3 an articulated request of, you know, like more communication
4 can you explain your denied -- your denial of the request
5 and to Board member Flores' point, it was asked that that
6 communication be put both into a verbal communication as
7 well as into a written communication.

8 Also in statute, what now says is that the
9 district does have to communicate to parents when they are
10 making a decision to test in Spanish they -- for the English
11 learner, they do have to communicate to the parent at what
12 point they will transition them to English. So there's a
13 couple of different things I think that are popping up here.
14 One being, yes, districts have the authority to make the
15 decision about the assessments per the law and districts are
16 required to communicate to parents when the decision is to
17 test in something other than English. And parents have the
18 right to request to test in English and then the district
19 has the right to consider that. And then, what was --

20 MS. RANKIN: And deny it.

21 MS. DORMAN: -- what was left out and what
22 the board noticed at the June meeting, was any response that
23 a parent might be able to take based on that denial. And
24 so, that's where the appeal has come in and why it is not
25 aligned to statute but rather at your request. You didn't



1 want to leave it simply as a may, but rather there'd be an
2 appeal. But, certainly, we will take your feedback and work
3 through --

4 MS. RANKIN: There may be --

5 MS. DORMAN: -- any other adjustments.

6 MS. RANKIN: -- there may be an appeal, and
7 then they have to provide in writing and verbally to the
8 parent why they're denying.

9 MS. DORMAN: Twice. Essentially, the first
10 time and then maybe a second time in writing and in a verbal
11 communication.

12 MS. RANKIN: And then when it comes to
13 proficiency -- determining partial proficiency, that's also
14 up to the local education provider too, right?

15 MS. DORMAN: Yes. That is correct.

16 MS. RANKIN: So that may be different between
17 --from district to district?

18 MS. DORMAN: That is correct. The current
19 statute states that the determination of partial proficiency
20 will be made at the local education provider level and as
21 such, it could be different across districts when that
22 determination to transition to English would be made. We
23 will, and have committed to working with stakeholders to put
24 forth a guidance that would maybe be a guidepost, if you
25 would, for what would be a recommendation for what partial



1 proficiency might look like. Again, it would just simply be
2 guidance, because the law puts that authority back at the
3 local level.

4 MS. ANTHES: At the very end we have the
5 local education provider must submit the number of years
6 that the student has been assessed only in the student's
7 native language. My question is, to what end? I mean,
8 districts could plausibly test only in their native language
9 through the third grade which is the READ acts --

10 MS. DORMAN: Yeah, and they do --

11 MS. ANTHES: And so a child may never be
12 tested in English. We'll never know until the fourth grade.

13 MS. DORMAN: And that --

14 MS. ANTHES: Despite all this money that is
15 supposed to help these child -- these children be more
16 literate.

17 MS. DORMAN: And that reporting requirement
18 was added at the request of members of the board to report
19 that.

20 MS. ANTHES: Yeah, at least we know how badly
21 we're doing this.

22 MS. FLORES: Well, the other thing I think
23 that -- I know we've been, kind of, going into what the feds
24 are asking. The feds are asking for a plan. I mean, that's
25 in the letter that was sent to you. So I think one of the



1 things that we need to, kind of, think about is -- is also,
2 they're really asking the state for a plan as to -- I -- I'm
3 thinking how many minutes -- hours per year that we'll be --
4 we should require of states to provide students, or else,
5 you know, I mean, look at Denver, before the legislative
6 committee, I think some of you may have been there -- the,
7 the people that came and some of the teachers that came,
8 there were Denver teachers, said that, yeah, they never --
9 it was not until the third grade the kids were introduced to
10 English. I mean, that is a missed opportunity. If you
11 don't provide the diet, if you don't provide English
12 language, learning English language, reading skills, then
13 it's going to be very difficult, I believe, to catch up if
14 that -- those skills are not taught every year. If you wait
15 until third grade, well, of course, it's going to be -- for
16 some kids, it's going to be a lot of work to not only be
17 able to speak, be able to listen here, and be able to read.
18 And we have a lot of -- I mean, Spanish, the, the
19 correlation between the sound and the letter is a direct
20 correlation. That is not the, the deal with, with English.
21 English has all these blends. I mean, there's so many
22 exceptions to rules that it's just en -- entirely different.
23 And so, I, I think we need to --

24 MS. ANTHERS: So this is a notice.

25 MS. FLORES: -- get on it and be thinking



1 about --

2 MS. ANTHES: Appearing.

3 MS. FLORES: -- a plan and --

4 MS. ANTHES: This is a notice for a hearing.

5 So I think what you were saying is gonna be really important

6 when we get to the rules. But --

7 MS. FLORES: Well, I'm already thinking about

8 what we have to --

9 MS. ANTHES: I appreciate that. Keep

10 thinking. That's great. That's very helpful, but we wanna

11 get it -- It's

12 5:00 o'clock.

13 MS. FLORES: Well, I, I, I, I do believe that

14 if the district decides to not give the test in English,

15 this is way up above over here, when they decide that

16 they're not gonna give it in English, that's when they

17 should tell the parent that they're not going to provide it

18 in English. And I know that -- I taught, I was a teacher

19 and I followed rules, but I listened to parents. I think

20 parents have the right, the right to decide which language

21 they want their kids to be taught in at school. I mean,

22 they -- some parents, like, my parents would decide that,

23 you know, the -- my responsibility, my parents would say is

24 for me to teach my child, Spanish, but I want the school to

25 deal with the language of, you know, that they're going to



1 have to deal with in this --

2 MS. ANTHES: Board Member Rankin.

3 MS. FLORES: -- in able to work. And so,
4 they're the -- well, it's important that the parent --

5 MS. ANTHES: Ms. Flores, allow some other
6 people to ask some questions, please. And stop lecturing
7 us, please.

8 MS. FLORES: Well --

9 MS. ANTHES: Board Member Rankin.

10 MS. FLORES: It's a good lecture and I'm not
11 -- I'm not charging.

12 MS. RANKIN: Is there any -- anything that
13 you would like to know about this, for instance, if a parent
14 has repeatedly asked their local school to test their
15 student in English and they refused, can we get a report
16 like that to CDE, just for no other reason than to keep
17 track -- are these numbers large or are they small? You
18 know, I, I think that might be very revealing.

19 MS. ANTHES: I think what you're asking for
20 is, could there be some type of reporting that would allow
21 us know -- to know in which instances an appeal process was
22 executed. In other words, when a request was denied and an
23 appeal process was executed.

24 MS. RANKIN: Yes.

25 MS. ANTHES: We do not presently have that in



1 this set of rules, but if you would like us --

2 MS. RANKIN: I --

3 MS. ANTHERS: -- to take a look at that --

4 MS. RANKIN: Yes.

5 MS. ANTHERS: -- again, I think we would be
6 happy to do that. And just back to Chairman Schroeder's
7 comment, in this notice of rule making, we're presenting our
8 best draft at this moment, but we will continue to receive
9 your input and the input from other stakeholders over the
10 next month -- month and a half so that we will have the
11 opportunity to refine that before you have to bring it to a
12 vote, which would not happen again until October.

13 MS. RANKIN: I also would be curious to have
14 CDE collect information on parents that just the first time
15 request English. I'd like to know --

16 MS. ANTHERS: Okay.

17 MS. RANKIN: -- as a test.

18 MS. ANTHERS: Yes.

19 MS. RANKIN: I would just like to know how,
20 you know, again, are we doing --

21 MS. ANTHERS: -- how would we do that?

22 MS. RANKIN: We put it in the rule-making.

23 MS. ANTHERS: Yes.

24 MS. DORMAN: I, I think to --

25 MS. RANKIN: No, we're not there yet.



1 MS. DORMAN: -- to her point is, you could
2 consider adding a similar report to one, or adding it to one
3 of the reports you're already asking them to submit. You
4 could consider what you would like to have then submit in
5 addition. So presently, if that section were to go forward,
6 you have in the rules draft now, that they would report and
7 provide the communication letter that they've given to
8 parents, documenting locally, based on the variability
9 across the state. They would document through that letter
10 locally, what their definition of partial proficiency was.
11 Like, that's one example. To your point a moment ago, they
12 would document the number of years a -- a student was
13 assessed in a language other than English, across the
14 kindergarten to third grade span. And so, they would report
15 that. So worth -- worth considering, if, if you direct
16 would be, would there be an additional report that you would
17 like to know, for example, how many parents requested to be
18 assessed in, you know, the language of English, for example.

19 MS. RANKIN: So think -- please think about,
20 do we want an annual report about -- about this. What is
21 this exactly, what would -- what would make some sense
22 because you guys -- you all are going to be doing some extra
23 data collection.

24 MS. ANTHERS: Yes.

25 MS. RANKIN: And we ought to be thoughtful in



1 what we wanna know.

2 MS. ANTHES: Thank you. Yes.

3 MS. MAZANEC: I have one --

4 MS. ANTHES: Yes. Board member Mazanec.

5 MS. MAZANEC: -- one more question. I mean,
6 why would a local education provider tell a parent who
7 requested that their child be tested in English, why would
8 they tell them no? Do they have something -- I mean, what
9 loss? At what cost is it to the local education provider to
10 provide that testing in English if a parent wants that? Can
11 anybody explain that.

12 MS. ANTHES: Well, in Denver, they can get
13 teachers at half the price from Latin America and, you know,
14 pay them. They can pay them for three years or so and it's
15 just changing all the time, a revolving door and saying that
16 they're going to be training these individuals even though
17 they can speak Spanish. Many times they do -- they are not
18 teachers but they can speak Spanish and they will train
19 them. They say they will, but usually it's left up to the
20 resources in the school and sometimes they're minimal. It's
21 taking away from -- from the resources in that school, but
22 seriously we should really consider. I mean this is a very
23 --

24 MS. MAZANEC: Let me go back to my question.

25 MS. ANTHES: This is a very lacking law.



1 MS. MAZANEC: Let me go back to my question
2 now.

3 MS. ANTHES: It should be up to the parent to
4 decide.

5 MS. MAZANEC: Seriously, I mean, that -- why
6 I'm trying to figure out what -- what would be a valid
7 reason for a local education provider to tell the parent of
8 a first or second grader that is a native speaker in another
9 language and the parent says I would really like to test my
10 child in English as well. I'm trying to figure out what --

11 MS. DORMAN: Well, I'm going to be optimistic
12 and say that I want to believe --

13 MS. MAZANEC: You hope it won't happen very
14 often.

15 MS. DORMAN: I want to believe that a parent
16 who, who avails themselves of the request that that would be
17 strongly considered for the reasons that I think you're
18 trying to, you know, articulate which is --

19 MS. MAZANEC: Is there any cost?

20 MS. DORMAN: There's not a cost to the
21 assessment for the parents and the assessment -- district
22 that is going to be by assessment different is the honest
23 answer to that question. It's like by assessment, it may be
24 different, because each publisher may have a different fee
25 structure for that. But to answer on the other side of your



1 question, I think that it is worth considering that a
2 district may have a program model for instruction where they
3 believe that assessing in the language for which the student
4 is being instructed may yield a score more aligned to what
5 the kid is able to know and do at that point and so
6 transitioning them at a different point when they are
7 exposed to different instruction may give a better
8 representation. But again, if a parent requested it, I'm
9 thinking the parent is asking to know and so again, I'm
10 optimistic personally, that a parent request would be
11 considered under the request that it's being made. I'd like
12 to know how my child is developing in two languages. If
13 you're assessing in both, I'd like for it to be criticism in
14 both. I'd like to know both. And I want to believe that in
15 most instances that districts would probably honor that.

16 MS. ANTHES: Madam Commissioner.

17 MS. MAZANEC: How would parents even know
18 that they could request that?

19 MS. DORMAN: So the communication requirement
20 would have districts state, we plan to test the child in
21 Spanish. We will transition to English at this particular
22 point. So that communication is a requirement in the
23 statute that that go out when the decision is made to test
24 in a language other than English. So that is why I think
25 that through board member feedback you've asked for that



1 communication to be provided to us and to you at your
2 request and that would let us know when and where that might
3 be happening.

4 MS. ANTHES: Commissioner?

5 MS. MAZANEC: So I say this with great
6 hesitancy given the time but I, I do just wanna -- this is
7 probably a point where we need to make some connections and
8 where we're planning on -- on creating a study session for
9 you all, on all of the services that we provide our English
10 language learners. And I can totally recognize how
11 confusing this is, because myself who tries to live and
12 breathe this every day is still confused. So the reason I'm
13 hesitant to say this is I may say it all wrong. So my
14 teammate may have to correct me, but we also have another
15 set of tests that are called the Access tests, that you all
16 have seen with our SR work and other work. Now that
17 measures English language proficiency. Okay. So this --
18 the READ act exams are really to identify significant
19 reading deficiencies and, and other, you know, it's not to
20 say that all of the comments you're saying aren't still
21 true, but I just wanted to say that there are other tests
22 that measure English language proficiency K through
23 --

24 MS. ANTHES: Twelve.

25 MS. MAZANEC: Twelve. Thank you.



1 MS. ANTHES: So the basis of that test that
2 you decide the level of English proficiency of that student
3 to determine when they should be taking the READ Act test in
4 English or not.

5 MS. ANTHES: I would anticipate that that's
6 what districts will use largely as part of the evidence for
7 making that decision. I don't know that it will be
8 exclusively that singular assessment point in which they
9 will make the decision about partial proficiency, but
10 clearly it would be one indicator of their language
11 proficiency to Commissioner Anthes' point and that would
12 help guide potentially their decision of when and at what
13 level of English language proficiency they would choose to
14 transition to an assessment of reading in English.

15 MS. ANTHES: I just -- the point I wanna make
16 today and where it -- like I said we're trying to build a
17 larger study session to show how all of these things
18 connect, because it connects with the licensure conversation
19 and it connects with like all of these things, is that
20 there's -- there's a bigger picture to consider than just
21 solely the READ act and the READ assessment, because there
22 are other assessments.

23 MS. MAZANEC: Well, at the risk of
24 complicating that further at this late hour. Isn't it true
25 that there's some disagreement, difference of opinion on



1 whether the yes or --

2 MS. ANTHES: The access test.

3 MS. MAZANEC: Whether that is actually
4 measuring English proficiency or whether I think there's
5 there's also some disagreement between that. I think Dr.
6 Scheffel (ph) when she sat on this board talked a lot about
7 that and we talked a lot about the literacy versus English
8 language proficiency. So you know, if we're gonna have a
9 bigger conversation we --

10 MS. ANTHES: We should talk about it.

11 MS. MAZANEC: -- can go there again, but --
12 but my main concern is that the READ act was intended to
13 ensure that children are reading and proficient in reading
14 by the third grade and it seems to me that we have an awful
15 lot of rules and an awful lot of opposition to making that
16 happen.

17 MS. ANTHES: Reading in?

18 MS. MAZANEC: By third grade.

19 MS. ANTHES: Yeah. Reading in English.

20 MADAM CHAIR: Ready for a motion if we are
21 ready to.

22 MS. ANTHES: No, we can't vote on this.

23 MADAM CHAIR: The hearing, all we wanna do is
24 schedule the hearing two months from now.

25 MS. ANTHES: We're just voting to start the



1 process.

2 MS. MAZANEC: Given Alyssa Dorman used the
3 word draft in everything she said today, I move to approve
4 the notice of rule-making for amended sections of the rules
5 for the administration of the Colorado reading to ensure
6 academic development Act One CCR 301-92.

7 MS. GOFF: The second motion.

8 MADAM CHAIR: Thank you Ms. Goff for the
9 second? Any objection?

10 MS. ANTHES: Is it over.

11 MADAM CHAIR: It's not over.

12 (Indiscernible). Last item on our agenda is a brief
13 discussion on the proposed 2018 state board meeting dates.
14 As a reminder, we will vote on the proposed dates September
15 board meeting. Colleagues, you've looked at the date. I
16 think I noted that -- maybe -- August will again be a later
17 week; is that right? Do I have anybody here?

18 MS. ANTHES: Madam Chair, we had -- we did
19 have one more item that board member Durham had pulled from
20 the consent agenda. So I'm thinking to just be consistent,
21 it's item 20.13 the five renewal emergency authorization
22 requests. So is that all right if I just --

23 MADAM CHAIR: I have no idea why he --

24 MS. ANTHES: We do. We answered his
25 questions but we couldn't answer it for the whole group.



1 MS. ANTHES: Okay.

2 MADAM CHAIR: Could you look at the dates,
3 Flores?

4 MS. FLORES: I've looked at them, but I
5 didn't find them --

6 MADAM CHAIR: Well there is one item there.
7 On February, we'll probably do a late start. I believe we
8 may have hit Ash Wednesday yet again.

9 MS. FLORES: Oh I thought I checked that.

10 MADAM CHAIR: Did you check it? Says February
11 14 is Ash Wednesday, and February 14 is a meeting day.

12 MS. ANTHES: February 14?.

13 MS. GOFF: I have a curiosity question.

14 MADAM CHAIR: Ms. Goff? Board member Goff,
15 did you have a question?

16 MS. GOFF: I just comment more -- probably
17 more than that. I noticed in August, we are -- we are still
18 at this late August date. Is this pretty -- is this pretty
19 much a prediction that we're going to be able to have --
20 That's when all of these test results are going to be back.

21 MADAM CHAIR: Well, the test results might be
22 back sooner, but I think to figure out the whole thing --

23 MS. GOFF: Yeah. It just gives us an extra
24 week to do -- I mean that when it's earlier, we are just
25 barely making it. And so, it just gives us planning to



1 allow for that and if we can get it to you earlier, we will.
2 But it just gives us a little wiggle room.

3 MADAM CHAIR: So any -- and today's, good
4 example I guess, any impact any laughing, because I think I
5 know what the answer is. Is that because school is actually
6 starting right now, we and our goings on are the last thing
7 on people's minds out there. So I don't know, that just,
8 because this is the first -- it's the very first part of
9 school right now.

10 MS. ANTHES: Right.

11 MADAM CHAIR: So does that put any extra
12 strains or what?

13 MS. ANTHES: I mean it adds a few more.
14 Because we're all busy making sure that every -- you know,
15 schools are up and running and everything, but in general it
16 doesn't add to the
17 -- it doesn't add to the assessment release.

18 MADAM CHAIR: So next month we'll vote on
19 this? Birthdays are not an excuse.

20 MS. ANTHES: You'll get a cupcake though.

21 MADAM CHAIR: We also have state -- state
22 board of education member reports. What did you do on your
23 summer vacation? Anybody?

24 MS. ANTHES: Any board related.

25 UNIDENTIFIED VOICE: So I had the pleasure of



1 meeting with Cassie Harrelson (ph) formerly of Aurora public
2 schools and now with CEA. I also met with stakeholders in
3 Aurora and I'll meet with more stakeholders together with
4 Commissioner Anthes again next month. And I've been
5 contacted by a few community members who are interested in
6 our process for the Colorado academe -- academic standards.
7 So I wanted to thank Dr. Colsman for her kind help in
8 connecting those CD six community members to the process and
9 with our committees who are working on recommendations for
10 any adjustments to the Colorado academic standards, and then
11 I'm also wanting to share that I'm very grateful to the
12 Gates Family Foundation of Colorado for allowing me to
13 participate as a Gates fellow at the executive education
14 program for senior officials in state and local government
15 at the Harvard-Kennedy School during the month of July.

16 I highly recommend the program. We had a
17 wonderful mix of professionals, senior staff members and
18 elected officials. Everybody from speakers at various state
19 houses, including in the prior session our own speaker
20 Chrisanta Durham (ph). It was a bipartisan class and so we
21 had Republicans and Democrats from across the country, and
22 we had participants from around the globe. So we heard
23 about how certain kinds of governmental decisions and
24 processes are handled differently by some Kiwis in the Class
25 and some Irishmen who were town administrators and we had a



1 really strong contingency of law enforcement officers who
2 shared the way that our policies sometimes impact their work
3 and vice versa. So it was -- it was great; it was based on
4 the case study model that Harvard uses. I highly recommend
5 it if anyone would like to talk with me off line about how
6 to apply and participate and how to become a Gates Family
7 Foundation fellow. I have to take -- I have to thank our
8 Board Liaison and her office. So thank you Denise for
9 researching that. That was very helpful. Colorado had the
10 largest contingency, the largest delegation in the class and
11 I'm pleased that I was able to go as a Gates fellow and I
12 would not have known about the program had you not
13 researched it and helped me to, kind of, pave the way, so if
14 anyone would like to talk about the program off line, I'd be
15 glad to tell you all about it. Thanks much.

16 MADAM CHAIR: That'd be nice. Anybody else?
17 Board member Rankin.

18 MS. RANKIN: On June 23rd, I was in Gunnison
19 County doing a talk to community members about what happened
20 in the last legislative session. Thank you to CDE for the
21 laws that we have to make rules for this year and help them
22 greatly. I also had an opportunity to speak with Doug
23 Tredway (ph), the Superintendent in Gunnison. He was out of
24 town and couldn't make the meeting; I invited him to come.
25 But he asked me to share with the community that his door is



1 always open and he would be happy to discuss any educational
2 issues with those people and I thought that was very nice of
3 him. He's a great superintendent. June 28th, I went to the
4 national forum on educational policy -- that was in
5 California. Chairman Schroeder was there too. One of the
6 highlights I thought was Shawn Weibron (ph), our teacher of
7 the year was there and was able to partake in everything and
8 we had an opportunity to speak at length with him. He is an
9 incredible -- I think of him as a teacher of tomorrow with
10 the amount of technology and, and forward thinking and
11 innovation and because he's teacher of the year he's
12 traveling around the United States and he feels bad that he
13 can't be in his classroom. So that was very impressive.

14 He's a very interesting young man. July
15 11th, I went to Rio Blanco County and met with Northwest
16 community college president -- in Rangely. Dr. Granger,
17 he's new, and also the superintendent there, Met Scoggins
18 (ph) and we both -- we discussed what went on in the last
19 legislative session and where the state board is and where
20 we are in education here in the state. July 12th, I met
21 with David Oelrich (ph), The Craigs' superintendent; Moffat
22 County superintendent. He's new. I met with him a year
23 ago. Same person same place. And he's just remarkable at
24 what he's done in one year and what he's going to do this
25 coming year which is just great the way he's making the



1 amount of money in his district to go as far as he can
2 stretch it and I -- I found him to be very refreshing. Also
3 met with the commissioners, the mayor and the town manager
4 about what's going on in education here in Denver. And then
5 I went to the ALAK Conference, July 19th and it was followed
6 by the Western Conservative summit followed by Colorado
7 Association of School Executives case conference and a full
8 day pre-conference meeting on the topic of rural education
9 on July 25th followed by the case conference. So that was
10 my summer off.

11 MADAM CHAIR: All right. Anybody else? So
12 let's see I attended the ECS conference in California at the
13 same time. Both that conference and the case conference
14 really did focus a lot on the measure -- the additional
15 measure. What I found very very interesting at the ECS
16 conference in California, I mean, yeah, in California was
17 that the state board president attended. And there's been a
18 lot in the press about what a great accountability system
19 they are building with multiple measures. I don't remember
20 his name. California -- they're trying to call the
21 accountability system that includes, includes socioeconomic,
22 socioemotional learning all sorts of other things. And the
23 gentleman said, you know, we've been building this but we
24 have no idea, no idea how to do the measures for a statewide
25 accountability system. So I think that what they're doing



1 is they're building a dashboard that has both local
2 information and also statewide accountability, and they are
3 not as far along as the articles that I've read led me to
4 believe, but it was very interesting discussion. In case
5 also there were a number of discussions about the additional
6 measure. Then I attended a two day -- three day conference
7 somewhere in there in July. The topic of which was lessons
8 learned from early plan submitter's on ESSA and that was
9 fascinating. I was asked to come and speak on what we
10 learned in Colorado. And fortunately, our staff was able to
11 tell me what all we'd learned, but also, interestingly, the
12 number of other states. Darn it!

13 UNIDENTIFIED VOICE: Does that mean our three
14 minutes are over?

15 MADAM CHAIR: Yes, that's my three minutes.
16 We had -- we had not gotten the response which we just got
17 this week. So much of what I could bring forward were the -
18 - was the stakeholder process that we engaged in. And what
19 are some of the recommendations that our staff has made
20 around that, but it was interesting that New Mexico does not
21 have a state board of education. So New Mexico folks just
22 wrote the plan and submitted it. And there are some who
23 thought it was a wonderful plan, but their legislator said,
24 I think it's a terrible plan, I don't support it, and I
25 don't think the teachers are gonna support it. And I



1 thought whoa, they've got -- it's kind of an oops. So it
2 was --

3 UNIDENTIFIED VOICE: They have a department
4 of education, but they don't have a board.

5 MADAM CHAIR: They have a commissioner who
6 was -- it took years right -- it took years until she was
7 actually confirmed, as I recall. Isn't that the state where
8 it took two or three years before she was confirmed?

9 MS. ANTHERS: Yes.

10 MADAM CHAIR: They're talking about getting a
11 state board of education again, but I don't think they're
12 the only state either. I think there might be one or two
13 other states that don't have a state. But there, I would
14 say there stakeholder process was nearly non-existent. And
15 then, other states were at different levels, but it was it
16 was pretty interesting. There were only -- I want to say
17 five or six or seven states represented, partly because
18 there aren't that many early submitter's. The discussions
19 were very rich and not much said about the additional
20 measure. So that was not the big topic of that particular
21 conference. But I appreciated the opportunity to go there,
22 and more to listen than to speak I have to say. It was very
23 good.

24 UNIDENTIFIED VOICE: Which one was that?

25 MADAM CHAIR: Well, I'll bring it tomorrow I



1 forgot who- --

2 UNIDENTIFIED VOICE: Which conference was
3 that?

4 MADAM CHAIR: Lessons learned, which is a
5 specific conference for lessons learned for states for
6 lessons learned on early ESSA submission adoption. And on
7 the last morning the gentleman who said- --

8 MS. ANTHES: Which sponsor was there?

9 MADAM CHAIR: Well, one of the foundations --
10 and that's what I can't remember. The gentleman who signed
11 off on the letter that we will be going over tomorrow also
12 came and spoke. And they've changed their process
13 significantly from the early process which is when they
14 would send out letters which had to go into newspapers. And
15 so in each of the states where they got a very early
16 response there was kind of a big press deal about everything
17 that the DOE did not like. And so it became an issue. And
18 I know our staff noticed that the that the newspapers were
19 waiting to -- to get our letter. So they kind of changed
20 it, so there were some discussions because most of -- many
21 of the comments that came from the department of education
22 were simply misunderstandings. They didn't really
23 understand quite -- the states are extremely different in
24 what they do and in their plans. So they're kind of trying-
25 I think they were trying, trying to tone it down. We'll see



1 in the paper tomorrow.

2 MS. RANKIN: Well, I, I have attended a
3 couple of meetings, community meetings on education. There
4 was a Latino group, Colorado Latino initiative, and I
5 reported on some of the bills that had been passed. I
6 attended another community meeting that's made up of people
7 that are interested in education. This is a Democratic
8 party, and it's a policy group that meets every month. In
9 fact, it's -- meets tonight. I mean, I -- it's a set
10 meeting, and it's a Denver (indiscernible), and so -- and
11 it's a policy group. So hoping to make a little bit of that
12 session this evening. Then I met with House District two.
13 So I've been trying to kind of get together with, with
14 Democratic Party staff that I haven't been able to do. But
15 those are groups that are interested, you know, about
16 education. And so it gives me the ability to have questions
17 asked about the things that were doing and I report on that.
18 I just want to say that I wish I could
19 -- there was a way to -- I know I have my Facebook line and
20 I report on issues dealing with education, but, I like what
21 Board member Rankin does, and she has an article she writes
22 every month for a newspaper in her area. And I think that's
23 a wonderful thing to do to let, you know, people in your
24 district know what's going on. Thank you.

25 UNIDENTIFIED VOICE: So the news is that we



1 have outlasted anyone who wanted to come and speak to us.

2 MS. RANKIN: Maybe they'll be here tomorrow.

3 MADAM CHAIR: Oh, do you have a report?

4 UNIDENTIFIED VOICE: I'm just really proud of
5 this (indiscernible).

6 MADAM CHAIR: That's what I thought; you
7 don't have a report. You never -- that's what I thought.
8 Okay. So we will --

9 MS. RANKIN: We have a report of what we did
10 in July, but it doesn't have anything to do with the state
11 board.

12 MS. ANTHERS: So it was fun.

13 MS. RANKIN: Went to funerals and --

14 MADAM CHAIR: Oh that's not fun. So Jane, do
15 you have anything to report?

16 MS. GOFF: No, thanks.

17 MS. RANKIN: She said, no thanks.

18 MS. GOFF: No, thank you.

19 MADAM CHAIR: Oh I'm sorry. I didn't hear
20 that. So we'll stand in adjournment until tomorrow morning
21 at 9:00 a.m. Who has the courage to text Steve to tell him
22 that it's nine?

23 MS. ANTHERS: I'll give him a call and let him
24 know.

25 MADAM CHAIR: Please. So see you all at



1 nine.

2 MS. ANTHES: What time did you say?

3 MS. RANKIN: Nine.

4 MADAM CHAIR: Nine.

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6 (Meeting adjourned)

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1 C E R T I F I C A T E

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