



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
August 11, 2016

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

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



1 CHAIRMAN DURHAM: Turn on the microphones. Don't
2 forget your microphones. That's Bizy's line. I'm stealing her
3 work, but...

4 MS. CORDIAL: Don't steal my work.

5 CHAIRMAN DURHAM: Okay. Is -- the Board will
6 come to order, and Ms. Burdsall, if you'd please call the roll.

7 MS. CORDIAL: Yes.

8 CHAIRMAN DURHAM: I'll use your right name next
9 time.

10 MS. CORDIAL: That's okay.

11 CHAIRMAN DURHAM: I'm learning.

12 MS. CORDIAL: I didn't even -- I didn't even
13 notice. Still getting used to it myself. Board Member Flores.

14 MS. FLORES: Here.

15 MS. CORDIAL: Board Member Goff.

16 MS. GOFF: Here.

17 MS. CORDIAL: Board Member Mazanec.

18 CHAIRMAN DURHAM: Excused.

19 MS. CORDIAL: Board Member Rankin.

20 MS. RANKIN: Here.

21 MS. CORDIAL: Board Member Scheffel.

22 MS. SCHEFFEL: Here.

23 MS. CORDIAL: Board Member Schroeder.

24 MS. SCHROEDER: Here.

25 MS. CORDIAL: Chairman Durham.



1 CHAIRMAN DURHAM: Here. Quorum is present.
2 We'll proceed immediately to item 3, Open Meetings
3 Orientation. Commissioner, if you would like to introduce
4 the program, please.

5 MS. ANTHES: Sure. Good morning, everyone.
6 Today, we're gonna start with Open Meetings little
7 training, and I think our attorney from the Attorney
8 General's office, Julie, is going to lead us through that.

9 MS. TOLLESON: If it would be all right with
10 you all, I may move to the podium. It's easier for me to
11 (inaudible) remind myself where I am.

12 MS. CORDIAL: Make sure you turn -- turn it
13 on.

14 CHAIRMAN DURHAM: You're in Grand Junction.

15 MS. TOLLESON: You just wanted a chance to
16 say that.

17 MS. CORDIAL: I did. I did.

18 MS. TOLLESON: And plus after 27 years in
19 practice, it's hard for me to talk sitting down. Kind of I
20 got trained in a certain way. You know, first of all, I'm
21 -- I'm glad we're gonna do this, because I think it's
22 helpful for all of us. It's a sort of a reminder to get on
23 the same page, and I really believe that most Board
24 Members, all Board Members, Boards and Commissions
25 throughout the state are -- are well intentioned.



1 What happens is not that people are up to --
2 to anything surreptitious, but Boards mess up on some basic
3 compliance issues from time to time. And -- and despite
4 the best of intentions, sort of reminding ourselves what
5 the ground rules are is helpful. I think the other thing
6 that Members of Board -- Boards and Commissions feel
7 especially all volunteer folks like you all, you know, you
8 don't sit and earn a paycheck dealing with Colorado law
9 every day, can find compliance a little overwhelming and
10 intimidating, because it comes from so many different
11 places. You know, we're gonna talk about the Open Meetings
12 Law, but they all intersect with each other.

13 The Administrative Procedure Act that tells
14 us how to undertake rulemaking hearings or quasi judicial
15 hearings, the Open Records Act which is, you know, "What
16 can I share document wise, or what am I gonna have to share
17 if I create it document wise?" Also, the Board's got its
18 own operating procedures, codes of ethics, and there's a
19 Colorado statute that applies to you all as elected
20 officials, the Amendment 41, Conflict of Interest and
21 Ethics Requirements.

22 So one of the things that I think is helpful
23 is if -- if you don't sort of know the answer in a specific
24 context, the more familiar you are with the general
25 principles of the law that applies, the more that will sort



1 of help guide decision making. And of course there --
2 there's another reason that -- that we're there, it's for
3 you all to be able to pick up the phone and say, "Can I do
4 this? Should -- should we do this? How should we handle
5 this?"

6 So again, the Open Meetings Law being one
7 among many, but they've all got the same basic ideas.
8 Number one, they all emphasize transparency. That's why we
9 have to give notice for meetings, and have meetings be open
10 to the public, and they all emphasize fairness. That's why
11 you can't vote on something where you've got a conflict of
12 interest, and it's why we have those due process principles
13 for the parties that appear in front of you.

14 So if you think about all of the things that
15 you have to do in terms of those two philosophies, then
16 you've got to give a no -- give notice that you're gonna
17 meet, follow the posted agenda. You've gotta respond to
18 CORE requests and share documents and quickly. There's
19 limits on the times that you can meet and discuss outside
20 of public presence, and that if you have a conflict of
21 interest, whether it's an actual one or one that just
22 appears to be a conflict, it emphasizes disclosing or
23 telling the public.

24 Once you do all those things, and you've got
25 a transparent approach, you can sort of know that's gonna



1 fall within the -- the compliant standard set by statute.
2 On the other side, you know, it's the requirement of formal
3 hearings, the requirement that rulemaking involves sort of
4 multiple steps for public involvement. The requirement
5 that you avoid conflicts, not receive gifts, not have ex-
6 party communication, and recuse yourself when you need to.
7 That's gonna be that other sort of leg of the stool, so to
8 speak.

9 One of the places that Boards can err is not
10 understanding what is a meeting. I mean, we know we're
11 having a meeting now, and I think that most folks have
12 grown savvy enough to know that we can't schedule a
13 conference call and think that that's not a meeting,
14 because that's still a meeting. But where several agencies
15 are get -- get into trouble is when they're doing it -- see
16 how it says "electronically?" If you're do -- meeting to
17 discuss public business, and that's why sometimes if you
18 even get an email from me, you might see that I've even
19 done it either with the notice, you know, please don't
20 reply all. Let's not start a discussion. Let's not start
21 an electronic meeting. I'm just trying to provide you
22 information.

23 Another way to do that -- my school Board
24 down in Tucson struggled with this so much because you
25 know, elected officials all have opinions, and they want to



1 share them, and reply all is a convenient way to do that.
2 I started actually distributing communications to Board
3 members using BCC. Having everybody in the blind copy line
4 because then you can't hit reply all and -- and trip up in
5 terms of Open Meeting Law compliance.

6 So be careful with e-mail, and because the
7 minute you start having a meeting, it's gotta be open, and
8 it's gotta be noticed. It's not just that those e-mails
9 are gonna be subject to Open Records Act requests, and no
10 matter what e-mail account they're created on. That's the
11 other sort of thing to disabuse folks -- this idea, well I
12 send it from my Gmail, so I don't have to disclose it to
13 the Denver Post. Well, it doesn't work that way.

14 These laws are hard, and that's -- I mean
15 that's -- it's why they pay you the big bucks. That -- the
16 -- the law basically says, "You have to make hard and
17 contentious decisions, and you have to have that
18 conversation in front of everybody. I think that is very
19 difficult, and one of the tensions that Boards feel is the
20 -- the temptation to say, "That's just gonna be ugly, or
21 you know, we don't want the politics, so let's figure out
22 if there's any way in the world to resolve it without doing
23 it in the way that the -- the law set up."

24 And boy, the minute you do that, it's just -
25 - it's not worth the downside risks. So -- and that's why,



1 you know, I do kind of make a joke about paying you the big
2 bucks, but that is -- it is just one of the curses of
3 serving on an elected Board that makes decisions in public,
4 is that you gotta put yourself out there and -- and have
5 those hard conversations.

6 Again, the statute was modified a few years
7 ago to confirm that using electronic mail to discuss public
8 business, not to just, you know, set a dinner meeting or
9 whatever, but using electronic mail to discuss public
10 business triggers the Open Meeting Law requirements. And
11 we talked about those communications can also be public
12 records subject to disclosure under CORA. How far in
13 advance? Here's -- again, when I talk about, I -- I think
14 -- I'm not a cynic by nature, which is pretty rare in my
15 profession, but I really do believe that most people are --
16 are good in their intentions -- are good, and when people
17 violate Open Meetings Law, Public Records Law, it's usually
18 because they've got some good intention, and noticing
19 meetings is one of the areas where folks trip -- trip up.

20 Well, we just need to handle this. It's we
21 need to do it too quickly, so we're gonna -- let's just go
22 ahead and get this done without a notice meeting because
23 that's gonna delay us for days. Well, the good news is,
24 you know, the Colorado statute, unlike other statutes,
25 doesn't have a specific time limit in it for notice for



1 state agencies. Your local Boards are going to have to
2 post notice 24 hours in advance, and in State law, it's
3 just a reasonable period of time.

4 Now generally, I will say I don't think that
5 should be less than 24 hours, but the good news is you've
6 certainly got the flexibility in an emergency to -- to post
7 an emergency notice and meet very, very quickly, and -- and
8 that can happen. The other thing in addition to letting
9 the public know you're gonna meet is for those that can't
10 come, can't listen online, is to create and make available
11 minutes quickly so that people can know what you did.

12 Again, it's just that transparency thing.
13 And I'm not telling you anything you don't know. They
14 gotta know what you're gonna do and what you did. So the
15 exception to the rule is gonna be executive session. And
16 executive session is probably the area in the Open Meetings
17 Law where agencies can trip up the most because there's an
18 idea that it's sort of -- everything that sort of feels
19 confidential. Well, that feels private, so we're gonna
20 cover in an executive session or -- is really not what the
21 statute is for. There's a very specific statute, and when
22 you go into executive session, you should be saying, "It's
23 this part of the statute. It's legal advice. It's
24 negotiations. It's whatever it's gonna be." And identify
25 the matter with enough specificity that you're sort of --



1 keeps you honest, right? But with a limit to specificity
2 to the extent that if you'd be so specific that it would
3 reveal the confidential nature of what you're talking
4 about, you don't have to do that.

5 So -- and that's the topic cite to what
6 provision of the law you're talking about and have a two-
7 thirds vote of all members are going into executive
8 session. And one of the things that's changed recently is
9 executive session has to be electronically recorded just
10 like the rest of the meeting. It used to be that you go
11 through the exercise of turning it off and making a
12 specific announcement, but the statute only allows that now
13 for institutions of higher education. So we've got that
14 electronic records if somebody wants to go back and say,
15 "Did you exceed the scope of what's permissible for an
16 executive session conversation," and they file an action
17 seeking to do that, you can wind up with a judge reviewing
18 it in camera, or reviewing privately the recording of the
19 executive session. All right.

20 What can you go into executive session for?
21 Conferences with an attorney, but it's gotta be something
22 specific. You know, we've got a -- a pending action.
23 Something it's imminent, something we wanna file specific
24 claims, specific legal questions. I think there was this



1 idea that the Courts have talked about that just having a
2 lawyer in a room, this isn't about providing cover.

3 I remember once having a client ask me, and
4 this was before I was here, but I don't wanna send it. Can
5 you send it? Because then it'll be confidential. Well,
6 that's -- that's not the way it works. So it's the -- I am
7 not a potted plant. Then you've gotta really be
8 functioning as a lawyer for the confidentiality to why
9 whether it's written communications or whether it's
10 participating in an executive session.

11 Another area you can go into executive
12 session for if it's something that has to be confidential
13 by federal or state law. The most common example for you
14 all is teacher licensure by statute. All of the contents
15 of our files regarding licensed teachers is confidential by
16 statute until we get to that point where we've got like a
17 recommended decision from a hearing officer.

18 This one doesn't come up probably as often
19 for you. Specialized details of security arrangements or
20 investigations because this applies only if revealing the
21 information could result in a violation of the law. For
22 example, if you were discussing, well, and then the school
23 district context, you'd see it more almost security
24 arrangements, security cameras, reconfiguring buildings,
25 how it intersects its work. You see a lot of that being



1 done in executive session, particularly in this day and
2 age.

3 Negotiations, both an -- with employee
4 groups, which isn't gonna apply so much to you, but it's
5 certainly gonna be applying to our local school districts
6 dealing with them, labor negotiations, or if you were
7 buying or selling real estate property, anything like that,
8 where you wanna be able to authorize your staff without
9 giving an unfair advantage to a party in negotiations.

10 And finally, there's some confusion about
11 personnel. Basically what the statute says is those shall
12 be open unless the -- the applicant, official, or employee
13 wants it in executive session. It really gives the option
14 to the employee, not to the agency. All right.

15 When don't you need a meeting? I -- I think
16 it's probably gotten to where members of Boards and
17 commissions are paranoid when they run into each other in
18 public. I want to disabuse you of that. You don't need to
19 notice a formal meeting when you're not going to be meeting
20 for the purpose of discussing public business. You know,
21 you can have dinner, or you can show up at the same
22 conference, you can do all of those things. One option,
23 again, going back to our sort of thematic, what's the most
24 transparent, if you -- you know, know that you're all
25 attending the same conference, you can -- they can -- you



1 can post a notice that says, "You know, quorum of our Board
2 is going to be at such and such conference but will not be
3 conducting any public business." And then you don't have
4 that problem. They didn't tell us they were gonna be
5 there. So that's -- that's an approach you can use.

6 Again, going back to that notion that these
7 statutes set a floor, not a ceiling, and if you wanna do
8 something that gives the public notice of a quorum being
9 present in a location where you're not conducting business,
10 I think it's a pretty good practice particularly if
11 relationships with the media or in public are skeptical.
12 Okay.

13 You know, conflicts of interest, here's the
14 easy one. The easy one that everybody knows, and you all
15 don't even need me to tell you. If -- you're gonna take a
16 vote, perform an act that provides you some direct economic
17 benefit where you've got a financial interest, you can't do
18 it. Okay. That's the -- that's -- that's the easy one. I
19 think what's in another part of the easy one from Amendment
20 41 is the don't receive gifts worth more than \$50. Don't
21 receive any gifts from lobbyists or anything that might
22 appear to relate to a quid pro quo.

23 I think -- I think what becomes tougher is -
24 - I heard that. What becomes tougher really is when people
25 go, "Well, it's -- this is a social relationship I have. I



1 know people that are participating in the proceedings.
2 What -- or I have some knowledge about this situation, and
3 it's not my company." There's much more subtle, do I have
4 enough information or enough interest, because it's a
5 family member but more remote than the statute applies to.
6 What do I do? Because the last thing you want again, not
7 being transparent is for people to say, "Well, what he
8 didn't say was"-- I shouldn't say he that picks on Steve,
9 the only man at the table. What he didn't say was that was
10 his -- his brother-in-law has an -- an ownership interest
11 in that charter school, whatever it may be.

12 So what the statute provides is if when in
13 doubt, you can make a disclosure. You can say, "You know,
14 before we vote, I just want folks to know that, you know, I
15 used to work with the president of this company." Whatever
16 it may be, if you disclose it, why is it important? Well,
17 first of all it's transparent. It's a good practice, and
18 then if you go ahead and vote, it also gives you an
19 affirmative defense to any sanction, anybody saying that
20 you behaved improperly. So even if you made sort of the
21 wrong judgment call, well, the nature of that interest
22 actually you should've just completely recused yourself and
23 not voted. You made a disclosure and voted. Well, the
24 good news is because you have attempted that compliance,
25 you're protected. So it's also -- it's a good idea for



1 both transparency an -- and for protecting yourself in
2 terms of allegations of misconduct.

3 So the conflicts of interest, it's gonna
4 follow that same basic logic. If it -- if it affects you
5 too personally, the second ones, I think sometimes the
6 hardest, you have personal knowledge about the matter
7 received outside of your capacity as a Board member. Let's
8 talk about that one a little bit. I mean, you all as
9 diligent Board Members, are gaining as much knowledge about
10 the things that come before you as -- as you can, and --
11 and that's good practice. I think this is really talking
12 about a -- a level beyond knowing something that more
13 intimately about a circumstance than you would know even in
14 your capacity as a diligent Board Member.

15 Think of it, and -- and we'll talk about
16 this a little more when we talk about ex-party
17 communications. It's this -- it's the same odd thing we do
18 when somebody is going to sit on a jury. Jurors are told,
19 when they get their jury instructions at the beginning of a
20 case, you are not expected to set aside your life
21 experience. In fact, you're expected to draw on what you
22 know about how the world operates.

23 But what they are also told once the case
24 begins is limit yourselves to the record that's presented
25 in this room. Don't go running off doing internet research



1 or trying to visit the crime scene, or, you know, we see a
2 lot of cases come back under this idea that juror
3 misconduct. Well, you know, that doesn't sound very fair.
4 I don't know to call it misconduct. That's what the law
5 calls it. But we're talking about people that are trying
6 to do the best they can. And -- and that's where it can
7 trip up well-intentioned jurors and well-intentioned Board
8 Members the same, because once you're sitting in that
9 capacity, and you do something to gain that extra knowledge
10 because you feel like the parties aren't bringing it to
11 you, it's considered improper because you're really
12 supposed to be acting based on the record before you. But
13 you don't have to disregard the historical knowledge that
14 you've gained over time as a Board member. So it's as much
15 about timing as anything.

16 If conflict situations are bad enough, there
17 can be sanctions. The -- the act of the Board can be
18 invalidated. There is a statute aligned for criminal
19 prosecution. I mean, as a practical matter, you're going
20 to see this more in circumstances where you're talking
21 about a real financial interest kind of financial
22 malfeasance that, you know, I really -- I don't think is an
23 issue here. But it can happen.

24 Civil prosecution, as you know, we've got
25 this independent ethics commission right now in the state



1 of Colorado. There is a case pending at the Colorado
2 Supreme Court where everybody is debating how broad their
3 authority is, you know, are they supposed to merely be
4 investigating and taking action with regard to financial
5 conflicts of interest, or is every component of ethical
6 public service fair game?

7 And -- and right now that -- that question
8 is out there. But certainly, they're out there with
9 separate investigative and enforcement authority. And you
10 can lose governmental immunity, meaning, you know, you're
11 immune for most of what you do in your Board capacity. But
12 if it's outside the scope of what's permitted by law, you
13 lose that -- you lose that immunity. So again, the best
14 way to do it is you're just governed by basic principles.
15 As long as you're acting in good faith, you're protected.
16 As long as you're avoiding appearances of impropriety,
17 you've sort of gotten yourself off of that basic floor that
18 the Open Meetings Law provides and ensured that the public
19 record is transparent and that you're beyond reproach.

20 So to summarize, I -- I loved this
21 illustration I -- which I confess I took from somebody
22 else's Open Meetings Law. It says, "Some people brighten
23 up a room by leaving it," and it's talking about how best
24 practice, if you have to recuse yourself, if we're talking
25 about disclosing the conflict, we're also going to recuse,



1 because you don't have to just disclose to -- for recusal,
2 like we talked about disclose and vote. That's fine. It -
3 - it's -- it's just more transparent. But if you're going
4 to recuse, go ahead and leave -- leave the room during the
5 discussion. We don't need any -- well, he or she was over
6 there shaking their heads, or -- or they contributed to the
7 discussion, and then they just said, "I recuse," when the
8 vote came around. That's not how recusal works. You
9 really need to absent yourself from the deliberation.
10 Okay.

11 You all have adopted what I think is a -- a
12 very good code of ethics that if anyone hasn't looked
13 lately at their electronic copy, it's a really good
14 document for telling you what -- what you think you already
15 know. But maybe I'm just reminding how this Board has
16 adopted it. And one of the things it contained
17 specifically is it has a prohibition on ex-party
18 communications.

19 Now, as you all adopted it in the code of
20 ethics, it talks about it in terms of state licensing and -
21 - and -- and charter school applications, which are the two
22 most common quasi judicial proceedings that come before
23 you. But the prohibition on talking to parties who are
24 appearing before you in a quasi judicial proceeding isn't
25 just about your own code of ethics. That's required by



1 state law separately including by the Administrative
2 Procedure Act.

3 So let's talk about what it means to be
4 acting quasi judicially. This is way too many words to say
5 something pretty -- pretty basic, which is you -- you're
6 determining the rights and obligations generally of
7 specific individuals. Largely gonna be two parties in a
8 dispute. Teacher licensing looks a little different. But
9 think of it as you've got your enforcement unit acting as
10 one side of the case, and because they've gone to a hearing
11 that way, and the -- the licensed professional on the
12 other. So that quasi judicial action is going to be those
13 where you're determining the rights and obligations of --
14 of individual parties, and you're acting as a -- as a
15 judge, not a legislator. You're not making new law.
16 You're saying here's the existing rules. Here's our rules
17 regarding charter appeals, for example. That we're going
18 to take those that already exist and apply them to a
19 circumstance to a dispute pending before us.

20 In contrast, when you're making rules,
21 you're determining new ground rules, and they're going to
22 be for statewide application. While it's true that there's
23 a -- there is a formal hearing process where the public can
24 be heard, they can submit written comments. It doesn't



1 have the same limitations on your due diligence the quasi
2 judicial proceedings have.

3 So again, if you can think of yourself as
4 falling into one of two columns, either functioning like
5 you're at the State House, like you're a legislator, versus
6 like you're a judge. And that's where I said, you know,
7 you're gonna have a big policy question. What should the
8 ground rules be, for example, in a rulemaking capacity? Or
9 think of the listening tour. You know, on the -- on the
10 ESSA stuff. And there are times that you're out there
11 constantly engaging, and engaging, and engaging because
12 that gathering information from stakeholders to make great
13 policy. Your decisions have statewide consequences
14 compared to something's coming to us in its let's say if
15 it's called an appeal, you can bet that it's quasi
16 judicial, right? And it's -- so I said, you know,
17 Starfleet Academy Charter School versus School District
18 Number One kind of -- kind of case.

19 Where this comes up with lawyers is, you
20 know, and then it becomes more -- more obvious is that, you
21 know, you think of a lawyer talking directly to a judge and
22 say, "Well, that doesn't sound okay." It just becomes
23 harder when you're a public body like you are. But the
24 reason that it's considered to be a violation is not -- not
25 just because of some hyper technical sense that it needs to



1 be done in public view. This isn't just an Open Meetings
2 Law issue. It's really a Constitutional issue. It's about
3 what's fair to the person who's not participating in that
4 conversation.

5 If you've got a debate involving two people,
6 you know, if you've raised kids, if you -- if two kids have
7 fought, and you're supposed to be resolving it you only
8 talk to one of them, you can imagine how the other one
9 feels. And it be -- and when lawyers are involved, it's
10 pretty much the kid thing. So just -- if you think of it
11 that way, you'll be sure that your compliance is good.

12 Pretty obvious stuff. If somebody tries --
13 and I know it's tough as to just say -- and that's we're
14 having -- having me around is great because he said, "My
15 lawyer says I can't talk to you." That's all right, too.
16 So if you need cover from that -- but really to say, you
17 know, we really can't look forward to, you know, hearing
18 whatever you've presented that's going to come to the Board
19 next month. And especially, you know, a lot of times folks
20 come to you to say thank you. You're my friend so I need
21 -- I need you to help -- I need you to help me." Well,
22 guess what? You can also let him know too. Look, if I
23 know anything from you, I'm not even going to participate.
24 If I know too much from you, I'm going to have to recuse
25 myself. And also people start saying "Oh, never mind."



1 Because I need you there. That -- because my guess is the
2 same reason that they came to you is the reason they don't
3 want you to have to recuse yourself from deliberations.

4 One thing I did want to address because
5 somebody asked about it yesterday, and I was thinking
6 about how the ex-party communication and the quasi judicial
7 proceedings is gonna interplay with sort of accountability
8 clock processes. And one of the things I needed to refresh
9 myself on was how that was going to play out procedurally.
10 And it sounds like we haven't totally determined that yet.

11 But, I mean, eventually, however it's
12 structured time wise, as you can anticipate, that staff of
13 the department is going to come forward with a
14 recommendation regarding districts with its accreditation,
15 withdrawal, anything that extreme, or whether it's a
16 negotiated resolution of some sort. While all of that is
17 going on, and while it's just under review, my sense is
18 there's just no way to say that you can't be engaged with
19 the folks out in the public and do what you need to do.

20 But once there's been a recommendation, then
21 it's essentially appealed to you. Once we're in a formal
22 process where you say, you know, staff has recommended a
23 removal of accreditation of this particular school or
24 district or whatever it may be, and the district's filed an
25 appeal then -- then just -- just don't touch it outside the



1 formal process. And that will be the best practice for
2 you.

3 The other thing I think that will be helpful
4 is -- as those kinds of cases come up in particular -- but
5 even anything else that's coming to you that you're well
6 familiar with, we'll try to do just a little reminder in
7 connection with upcoming matters as well. I mean, I'll
8 take that on for -- for our office, and otherwise don't
9 hesitate to pick up the phone.

10 MS. SCHEFFEL: Guys, a quick question?

11 CHAIRMAN DURHAM: Yeah. Questions FOR Ms.
12 Tolleson, Dr. Scheffel?

13 MS. SCHEFFEL: So I -- that brings up a
14 great question about the whole recommendation piece.
15 Because I think that could be part of the issue is when
16 districts or entities get a sense that there's going to be
17 a recommendation coming from the department, then they feel
18 like they're already behind. It's like they were already
19 chasing the train. And I'm wondering is that typical for
20 Boards like this who use administrative entities to do a
21 lot of the actual work? That the entity would be making
22 recommendations, and then we're responding to that? I was
23 getting confused about the sequence. Shouldn't we be
24 making a recommendation, and then the entity does the
25 research? To -- I mean, it seems like the order is a



1 little off, and that, I think, is why entities get nervous
2 because they sense if there's a recommendation coming from
3 the department, there's, you know, tens -- all kinds of
4 people that have weighed in on this, and now we just have
5 seven Board members.

6 MS. TOLLESON: Right.

7 MS. SCHEFFEL: So I mean, can you comment on
8 that?

9 MS. TOLLESON: Yeah and I -- I -- I think
10 what's hard, and you all are -- you know, we talked
11 yesterday about, you know, about \$5 billion budget or
12 whatever it is. I mean, you all have a massive amount of
13 responsibility for an all-volunteer Board that only meets
14 monthly. When you look at entities like the Public
15 Utilities Commission, for example, sort of the full time
16 professional commission, and -- and they've created this
17 very formal division of advisory staff versus trial staff
18 like the almost divided themselves into parties. You all
19 don't have that, and yet there are some ways in which you
20 have just as big ticket of regulatory obligation. And so -
21 - but that aside, the model you're talking about is not
22 uncommon. It's probably just more difficult in a -- for an
23 agency that's got the scope of authority that you do and
24 the -- the sophistication, complexity, and litigiousness
25 kind of associated with those issues.



1 But -- so -- but you definitely want --- one
2 of the reasons you have professional staff, you have a
3 commissioner who answers to you, and then an agency for
4 whom they function as a sort of CEO is because you want
5 that professional expertise to guide the recommendations
6 that come to you. So it really is designed to start there
7 but then for you all to exercise that judgment when it
8 comes before you. Yes, those are -- I suppose you could
9 say your -- your people for lack of a better term, but when
10 it comes before you in that posture, you're going to almost
11 view it as that two party, just like you do with teacher
12 licensures. You know, did -- those folks may work for CDE,
13 which is the agency accountable to you. But did they do
14 their due diligence, and does the record support it?

15 MS. SCHEFFEL: Is it -- would it be -- does
16 anybody function this way where the entity -- administrate
17 -- administrating entity doesn't make recommendations?
18 They bring pros and cons, and then the Board deliberates
19 and comes up with obviously and ultimately votes. But I
20 mean, I just feel like that recommendation piece is when it
21 gets dicey because a lot of some folks, at least in the
22 public, feel like well, CDE is like 500 and some people,
23 and there's this huge unit that's dealing with all this,
24 and they're recommending against us.



1 MS. TOLLESON: Right. And you're just a
2 kangaroo court, right?

3 MS. SCHEFFEL: It sets it up, I feel like,
4 in a way that just -- it just the sheer numbers make people
5 feel like, you know, they're outnumbered.

6 MS. TOLLESON: Yeah.

7 MS. SCHEFFEL: I'm wondering if it would be
8 better if we didn't have quote "recommendations" from the
9 administrating agencies.

10 MS. TOLLESON: Well, I -- and I think that
11 that's a judgment call for the Board. There's certainly
12 nothing in statute that would say you have to function this
13 way or you don't. I mean, I think as a practical matter,
14 there's a reason you have those professional educators
15 doing all of that work and you want to hear from.

16 MS. ANTHES: I can just add there are a few
17 laws that do require a CDE recommendation.

18 MS. TOLLESON: Right. Some do.

19 MS. ANTHES: So I think like in the
20 turnaround work we're going to be doing -- you actually I'm
21 not -- Alyssa can correct me, but I think it's by law
22 you've get a state -- a state panel external
23 recommendation. You got a CDE recommendation, and then you
24 make a recommendation. Your recommendation is the one that
25 sticks.



1 MS. SCHEFFEL: Well, it just might be
2 something for the Board to consider in terms of our
3 operating protocols. Sometimes I feel like that's the
4 piece that prompts people to, I don't know. It doesn't
5 justify why we would be somehow flying in the face of
6 statute obviously with the wrong kind of communication.
7 But I'm just saying I think it does create angst in the
8 field.

9 CHAIRMAN DURHAM: Yes. Ms. -- Ms. Cordial?

10 MS. CORDIAL: And -- and one for like
11 charter schools, for example, it's that we don't get a
12 staff recommendation, yeah. It's -- or they're talking
13 (inaudible) with.

14 MS. SCHEFFEL: And I think that's better.
15 That's what I'm saying. I feel like sometimes the fact
16 that we get recommendations doesn't help us, and the way
17 that charter piece works I think is good. Pros, cons, we
18 decide. Some cases statutes says we have to get a
19 recommendation but often not.

20 CHAIRMAN DURHAM: Yes, Dr. Schroeder?

21 MS. SCHROEDER: You made the comment that
22 once there was a recommendation, then we're in that
23 different arena. When the review panel makes a
24 recommendation, which it has, does that put us there? I'm



1 just trying to figure out what step do you feel that we are
2 in -- in the ex parte.

3 MS. TOLLESON: I would say no. I would say
4 no. That -- that alone does not put you there, and it's
5 because you -- it's still not postured to come before you
6 at all until you get a staff recommendation, until you've
7 got something that the district could be appealing to the
8 State Board.

9 MS. SCHROEDER: Okay. That helps.

10 CHAIRMAN DURHAM: Okay. Any further
11 questions? Yes, Ms. Rankin.

12 MS. RANKIN: First of all, I have a million
13 questions, but we don't have time nor I don't even know if
14 some of them I should be asking. But we have access to you
15 to call just for legal advice as to what -- where we are in
16 this process so we don't misstep because we're not lawyers?

17 MS. TOLLESON: You absolutely do. And so I
18 just -- I mean it's true that our office -- me or Tony
19 Dill, represent the Board as a whole sort of in quorum, you
20 know, rather than Board Members in individual capacity.
21 But when you talk about questions about how to do what you
22 do at this table, to me that's -- that's the exact kind of
23 question that we're here for even though we're answering it
24 individually. You're not just saying, "I, Joyce Rankin,
25 want some advice that's going to help me in my individual



1 capacity." That's a Board service question, and that
2 absolutely -- that's what we're there for.

3 MS. RANKIN: Thank you.

4 CHAIRMAN DURHAM: Ms. Goff?

5 MS. GOFF: Along that, thank you I
6 appreciate that, and along with it, if it -- if it's a
7 question that's based on how we operate as a Board at this
8 table in all the corral inclusions of what that means,
9 operating as a Board on making these recommendations for
10 schools and when we get to the point where we're talking
11 about what do we do with turnaround and so forth, does --
12 does an individual -- our individual ability and access to
13 you to -- for questions and answers, should that not be
14 then Board common knowledge? I -- I'm just -- I think
15 anything that -- anything that's asked by any one of us in
16 relation to our Board function, our Board work, needs to be
17 shared, that it's been asked, and what the response is.

18 Now, if that's -- if that's done by an
19 individual Board member, that's fine. I just -- I think we
20 may have had some misqueuing with each other over the years
21 beyond. I'm going back a ways too on this. But how often
22 should not the whole Board be informed about what each of
23 this is asking about, because it should be related to our
24 decision and our Board policy making as Board. I just -- I
25 would -- that would be my preference is that we always know



1 what -- what the conversation is among and between us with
2 you.

3 MS. TOLLESON: I think that's a great idea,
4 and I'd be happy to do that, and you all can also set your
5 own kind of protocols for that operation. I know some
6 Boards -- and I think somebody asked me should we route
7 those questions through the Chair? I mean, well, there's
8 not any legal obligation for folks to do it, but if you
9 said that's how we prefer to do it, that's fine. But
10 otherwise what I can do is say, you know, let you all know
11 that I've heard the following questions in areas of
12 confusion, and here's the answer.

13 CHAIRMAN DURHAM: Dr. Flores.

14 MS. FLORES: Wouldn't the Chair be the
15 person to ask some questions about the --

16 MS. TOLLESON: Procedure? I think, however,
17 you all want to -- want to handle that if you want to --

18 MS. FLORES: And you, of course.

19 MS. TOLLESON: Right.

20 MS. FLORES: The other thing I wanted to ask
21 is when I discuss a question or just some issues with,
22 let's say, Elizabeth, and I am meaning Elizabeth,
23 Elizabeth would be private about my matters, just like a
24 lawyer, just like you if I were to talk to you about maybe
25 not personal matters, but just how I feel about an issue.



1 Maybe it is about an issue concerning this, and I ask you a
2 question or -- and that would be private. That would not
3 be discussed with other Members. Would that be how -- I'd
4 like that to be private.

5 MS. TOLLESON: That kind of conversation
6 wouldn't be subject to any legal confidentiality in a
7 formal way. So in -- in terms of if some -- they were
8 taking Ms. Cordial's, you know, deposition or -- or
9 requesting her email or whatever, it -- it wouldn't be
10 confidential the way the -- the attorney-client privilege
11 would make something confidential. Now the practical
12 reality is hopefully, you can call her and ask her a
13 question, and it -- it -- it's not front page worthy stuff
14 but --

15 MS. FLORES: Right.

16 MS. TOLLESON: Right. But there's no
17 inherent legal privacy there.

18 MS. FLORES: No legal privacy --

19 MS. TOLLESON: Not in a -- just a question
20 to staff.

21 MS. FLORES: -- she can just speak with any
22 -- anything with anybody? I hope --

23 MS. CORDIAL: I would -- I would respect
24 you, and I wouldn't share information if you had asked me



1 to not to, but I was really saying I'm not obligated to
2 know (inaudible).

3 MS. FLORES: And the same with you?

4 MS. TOLLESON: And hope -- well, it's a
5 little different just because, you know, when you're
6 talking to counsel, again, it's got to be in the realm of
7 legal advice. It doesn't make everything -- I -- I don't
8 have a magic wand, but assuming it's a legal issue, it's
9 confidential both by statute and common law just sort of
10 period. Those -- the emails can't be requested, or they
11 can't be forced to give a deposition and say here's what.

12 MS. FLORES: Okay. Thank you.

13 CHAIRMAN DURHAM: Dr. Scheffel.

14 MS. SCHEFFEL: So with respect to what you
15 just said, Jane, is I'm never sure, and this relates to
16 whether we copy each other on emails. It's rare that
17 there'd be a question that's strictly procedural, you know,
18 like how many minutes do you think we'll be meeting on
19 Thursday? Well, that's strictly procedural. But usually
20 when you ask a question like, you know, I mean, it's
21 usually about some issue we're dealing with. Then I never
22 am sure. Like with what you said, Jane. Are we supposed
23 to copy everybody? I always feel comfort -- uncomfortable
24 doing that because then we're having an informal meeting on
25 the Internet.



1 MS. TOLLESON: Right.

2 MS. SCHEFFEL: So I feel like I never copy
3 anybody. I usually ask Bizy or maybe Katy and then I might
4 copy the Chair, but I'm not like copying everyone, and I
5 don't even know if that's the right protocol. But is that
6 the right protocol? I'm sorry.

7 MS. TOLLESON: No, I -- I -- I think that's
8 a sound approach.

9 MS. GOFF: Deb you -- you're right on with
10 where my head is as far as, when it's legal procedures that
11 we are that's part of our job here on the Board. It --
12 it's more where I am right now is more specifically that
13 kind of situation, a -- a decision that's going to be made
14 and what the -- what the legal, what our role is I might be
15 a question about that or what -- what are the ramifications
16 of one decision or that recommendation.

17 MS. SCHEFFEL: No, we don't copy each other
18 know.

19 MS. GOFF: But -- but whatever if -- if and
20 whenever that might come up with one of us posing a
21 question or -- or just topic to talk about, I suggest we do
22 what we've done with everything pretty much let's go
23 through -- through Ms. Cordial and then that is dispersed
24 to us which takes us out of the little possible problem
25 area of being having it be called a meeting by the Internet



1 which we don't want to have happen but it keeps it within
2 our channels of communication and then she can relay it to
3 -- to Julia or the head the office and we can get a
4 response again through our channels of communication. I --
5 I don't know unless I'm missing something that's vital to
6 your role and either of you as well, but it wasn't that
7 kind of thing, it's just our business, it's the business
8 legal part of this. I think we could talk about some more.

9 MS. SCHEFFEL: Like making sure everybody
10 has the same information.

11 MS. FLORES: Same question is known that's
12 been out there saying you can distribute,.

13 MS. FLORES: It saves time, too.

14 CHAIRMAN DURHAM: Further shuffle anybody.
15 Yes, Ms. Rankin.

16 MS. RANKIN: I have another question. Do
17 local Boards have similar rules and do these apply if we
18 are dealing with a local board?

19 MS. TOLLESON: Local Boards have similar
20 rules, it's much less common that they act quasi judicially
21 now they do sometimes for example, city councils will deal
22 with real estate properties zoning, you know, they've got
23 some -- some areas where it's going to be an issue school
24 individual, school Boards primarily in the personnel arena
25 hiring and firing. So you know, it's less common they're



1 going to have that trip up on quasi legislative versus
2 quasi judicial but they do have.

3 MS. RANKIN: I'm just talking about our
4 relationship to the local Boards, Amendment 41 let's say.
5 I mean, if we go out together and have lunch and they pay
6 for lunch.

7 MS. TOLLESON: I would not let them pay for
8 lunch. It's technically it'-, I mean, unless you're eating
9 somewhere really nice. It's -- it's below that threshold
10 is what the law would generally consider nominal and but I
11 will tell you, it -- it would not feel worth it to me
12 because that's so easily misunderstood.

13 MS. RANKIN: And the same thing with if you
14 sit down have a cup of coffee even though you pay for it.
15 If there's two of them there, there's three Board members
16 even though they're local.

17 MS. FLORES: Were you not on their Board?
18 So you know if -- if -- if there's two with them there
19 technically could they be -- could be said that's a public
20 meeting and they want to discuss their public business but
21 --

22 MS. RANKIN: That would be on their side.

23 MS. TOLLESON: That's on them, how they want
24 to do that.



1 MS. FLORES: And what about administration,
2 not Board Members. Administration from a school district
3 where you -- where you just meet?

4 MS. TOLLESON: Well as long as it isn't
5 again and one of those matters that's pending about Penn
6 before you quasi judicially, you can talk to school
7 district administrators and it's going to be one of your
8 best sources of the knowledge you need to do your job.

9 MS. FLORES: Right. Thank you.

10 MS. RANKIN: And -- and when we go back to
11 this turnaround, I mean, this is all new territory, are
12 there things going to be developing legally as we go into
13 that area or for instance, if CDE is -- is presenting is --
14 it doesn't really give their opinion actually till they get
15 in front of us, is that correct? Or is it posted on Board
16 Docs?

17 MS. TOLLESON: My understanding is that the
18 formal -- the exact formal procedure that's going to be
19 followed is still in development, and that I've seen the
20 draft, but I think it would anticipate that it would be the
21 recommendation would come out earlier so that the school or
22 school district could then be responding substantively, you
23 know, it will come to you postured almost like a charter
24 school appeal. What are the multi district online program
25 that you had that MOU but I think it's still to come.



1 MS. RANKIN: Well, as he comes and unfolds,
2 would you let us know, please?

3 MS. TOLLESON: I think that's a very fair
4 request.

5 MS. SCHEFFEL: And Board Member Rankin we
6 are working with Julie and Tony in tandem to develop those
7 procedures so that we're on solid ground as we move
8 forward.

9 MS. RANKIN: Thank you.

10 CHAIRMAN DURHAM: Further questions? Just
11 make a couple of observations, I think, mainly on the
12 nature of the question, putting it, give it to -- to Ms.
13 Burdsall or was Cordial asking her to -- to come up with an
14 answer that generally shares it with everyone. I think if
15 you -- there are some questions which for example, let's
16 say we have a contract with Pearson or Proval test with
17 Pearson and I own 100 shares of stock and personal which I
18 don't, by the way. It may be a fair question for me to
19 pose privately and get a private answer. I don't know that
20 necessarily needs to be shared with everyone.

21 So I think if you have those kinds of sort
22 of personal questions I know we're friends with or related
23 to a person with a direct interest that's probably a
24 question that you should ask and I think, the one thing
25 keep in mind is the attorney general's office doesn't do



1 this for free and they do bill, and so I would say, try to
2 very much limit that -- that use but don't get yourself in
3 -- in a tough spot by being afraid to ask if a particular
4 relationship or financial situation raises any question in
5 your mind, it's not a bad question to ask.

6 And I think, quite often you may get an
7 answer that is legal you don't have to do x, you might want
8 for appearance reasons consider why and that may very well
9 be the answer. But I think if we, kind of cut it up on
10 that basis, if you're asking a generic question about the
11 legal responsibilities of the Board to take action on x or
12 y, I generally float those through Ms. Cordial and let her
13 forward them to the attorney general. So that procedure
14 works.

15 MS. FLORES: No, I -- I agree. That was the
16 main point from what -- what I said earlier was that when
17 we've got Board wide decisions that could be made and we
18 could talk a lot about we could get into the cornfield
19 about something like your example. If -- if -- if we were
20 to reach a point where let's use that example, a contract
21 with Pearson became a major issue as far as decision down
22 the road, and I just think that's to me that -- that falls
23 under the big realm of Board --wide decision making. We
24 need to know. So we should have -- we -- we should have
25 plenty of opportunity to discuss any such issues case by



1 case together and that's my -- that's my point, common
2 knowledge when as much is appropriate at the right time.
3 That's my point.

4 CHAIRMAN DURHAM: And the easiest to cut it
5 up, I would agree and I think if you -- if you have a
6 request that fits that, forward it to Elizabeth and let her
7 forward it on and then the response gets to be, and if it
8 is something that's necessarily private in terms of a
9 curved attorney-client advice and it gets covered that way.
10 If it's -- if it's not, then it will be if somebody wants
11 to see it, they can. Any other questions, comments?

12 MS. FLORES: Thank you very much.

13 CHAIRMAN DURHAM: Thank you. All right.
14 We're going to proceed to Item four which is the ESSA,
15 Every Student Succeeds Act briefing. I would like to turn
16 this over to Vice Chairman Schroeder, she was able to
17 attend the first Hub meeting I was not able to attend and
18 she'll bring you up-to-date on what happened there and then
19 we'll turn it over to Commissioner Anthes for -- and for
20 her introduction of her staff after that. So if you'd like
21 to proceed.

22 MS. SCHROEDER: So I thought it was last
23 year that we had a meeting but actually it was just this
24 Monday.

25 MS. SCHEFFEL: I feel the same.



1 MS. SCHROEDER: Oh, it just feels, it was a
2 long, long time ago. It was very well attended. Our Board
3 Chairman being one exception I think, and one or two
4 substitutes, I would say. It was led by our Commissioner.
5 Our Commissioner reminded us that she was wearing two hats,
6 she was serving as facilitator, as well as commissioner and
7 I would agree with her that it would be really helpful if
8 she were free to just do one of those roles. But in any
9 case, she did a great job.

10 We went around the table giving one --
11 trying to give one word about what we expect out of this
12 process and I don't remember all the words but they were
13 all optimistic so it was a very positive. We went through
14 what is the role and the purpose of the Hub Committee, It
15 is basically going to be advisory to the Department of
16 Education and to us, it's representative, even though there
17 are only 20 of us. It's actually representative a much,
18 much larger membership because each of the individuals
19 represents a larger group usually a membership group
20 there's an expectation that we go back to our membership.

21 I've been reflecting on what mine is whether
22 it's just to come back to the seven of you or my -- I don't
23 know what 40-50,000 constituents or 80,000 cons --, I'm not
24 really sure but I'm actually thinking about that in terms
25 of the communication piece. What's still in my



1 responsibility in terms of who all we represent. The
2 reality is that we have made a commitment that we -- each
3 and every one of us actually represent all the children,
4 all the students of Colorado.

5 We are likely to have some various points of
6 view. We have committed to seeking consensus in the work
7 we do. I want to just spend a second to talk about the
8 structure while there were a lot of people who wanted to be
9 on the Hub Committee and there was a fair amount of concern
10 that the Hub Committee was not staffed largely with
11 practitioners either teachers or principals or
12 superintendent. That is intentional, because the deep work
13 on developing a state plan is going to be done by the --
14 both Spoke groups and there are technically seven of them.
15 One of them is about stakeholder communication, one of them
16 is about implementation and then the other five are about
17 the areas that are covered in ESSA, which is assessments,
18 standards assessments, accountability, school improvement,
19 and teacher quality.

20 Thank you very much. So I want to make this
21 clear to -- especially to the folks in the education
22 community who feel that we are the wrong group to be doing
23 this. We -- I believe sort of represent the public in
24 public education and the real development of the plan is
25 going to come from the Spokes. So those are truly going to



1 be the heavy hitters in this process and I'm not sure that
2 we managed to acknowledge that and as we've been talking
3 about this.

4 So we've set some norms, we will seek
5 consensus either Katy or Patrick, I can't remember which
6 sort of set the context which was essentially the history.
7 So for those of us who've been around for nearly forever,
8 it was a walk down memory lane but I think it's probably
9 also helpful for folks who just joined the education --
10 this whole education community to see where we've been. I
11 think one of the reasons why there is a sense of optimism
12 now that we can really be speaking more about a Colorado
13 system rather than a federal system.

14 We also went over the requirements which
15 Patrick has gone over for us and we're looking forward to
16 our next meeting will be September 12th. There are four
17 more meetings scheduled. It is likely that we might need
18 more than that. I believe the expectation is that I hope
19 already by the 12th, one or two or three of the Spoke
20 committees will be making reports to us to tell us where
21 they are in their various fields. Other than that, I'm
22 happy.

23 MS. SCHEFFEL: So I didn't know if you're
24 finished. Go ahead.

25 MS. SCHROEDER: No, go ahead, I'm finished.



1 MS. SCHEFFEL: So can you just speak to that
2 the Hubs, there are seven Spoke committees influenced by
3 how many Hub Committees, is the Hubs, one Hub seven Spokes
4 all appointed by the Board in filling certain slots.

5 MS. SCHROEDER: The Hub is -- the Hub was
6 appointed by the Board.

7 MS. SCHEFFEL: And the Spokes?

8 MS. SCHROEDER: The Spokes, we are trying to
9 take all of the -- we did an all call for so you know, to -
10 - out to districts in our newsletters, and anybody who's
11 interested in participating, we're trying to find a spot
12 for them either on the Spokes, or another spot for them in
13 terms of ways to get feedback.

14 MS. SCHEFFEL: And is there any statutory
15 authority for who has the biggest influence on the content
16 of this plan? I mean, legislators want to weigh in, we're
17 weighing in, now the Spokes and the Hubs are weighing in,
18 the -- the Hub appointed by us, the Spokes not appointed by
19 us, I mean it's, it's a huge deal. Who has the weight of
20 influence on the content of this report? Is that a
21 statutory issue, or is that just a informally decided
22 whoever has the most influence issue or what?

23 MS. SCHROEDER: Katy, and Steve, and I have
24 met with the legislators on the Interim Committee, and
25 committed to working in partnership with them, and there



1 are two legislators on the Hub Committee who will be a part
2 of this.

3 MS. SCHEFFEL: And you and Steve are on the
4 Hub Committee?

5 MS. SCHROEDER: As well. The sign off on
6 the plan is from the State Board. The Governor, who has a
7 representative on the Hub Committee has sign off, but it's
8 -- it's an up or down sort of thing. It's not actually
9 that the governor can write off. The Committee of
10 practitioners --

11 MS. SCHEFFEL: Is that the Spokes?

12 MS. SCHROEDER: No. The committee
13 practitioners is a -- there used to be a NCLB Committee of
14 Practitioners, now CSO Committee of Practitioners.

15 MS. SCHEFFEL: Who are -- how are they
16 appointed and who are they?

17 MS. SCHROEDER: I don't know, I got
18 appointed. I think I got appointed by CASB. Doesn't it
19 have --

20 MR. CHAPMAN: We have a nomination process.
21 The ESEA Committee of practitioners is statutorily required
22 this. So the state education agency.

23 CHAIRMAN DURHAM: Statutorily federal --

24 MR. CHAPMAN: Federally. So it's in the
25 ESEA statute. The state education agency will convene a



1 Committee of practitioners. There is a process of
2 nomination and then that the existing committee votes on
3 accepting new members and we're currently in the process of
4 bringing new members into the Committee of practitioners
5 because we've got a lot of interest as a result of the new
6 law.

7 MS. RANKIN: So Angelika serves -- used to
8 run both those committees, is that right?

9 MS. SCHROEDER: I used to serve many --

10 MS. RANKIN: The Committee of Practitioners
11 and the State Board?

12 MS. SCHROEDER: Before I came on the state
13 Board, I served on the NCLB. Could be a practitioners, as
14 a representative of state Board -- excuse me, school Board.

15 MS. RANKIN: So are you still under them?

16 MR. CHAPMAN: So there is some required
17 membership. There is we're required to have a school -- a
18 local school Board member, a parent and a -- and I think we
19 have to have a charter school representative and --

20 CHAIRMAN DURHAM: What's their authority?

21 MR. CHAPMAN: They're -- they're -- they act
22 as an advise -- advisory group to the state department.
23 There -- and their task is to oversee the process of state
24 plan development, implementation and evaluation.



1 MS. RANKIN: So I'm just so -- can I just
2 follow up on something? I'm just trying to get a big
3 picture of, who are the entities with statutory authority
4 to write this plan or is it more entities of influence?

5 MS. SCHROEDER: It's the Department of
6 Education, the governor's office (inaudible) the State
7 Board of Education.

8 MS. RANKIN: So the governor's office has
9 statutory authority, too?

10 MR. CHAPMAN: We --

11 MS. SCHROEDER: They sign off.

12 MS. RANKIN: I'm just trying to feel the
13 difference between the law and the influence.

14 MR. CHAPMAN: We -- we are required to send
15 a state plan to the Governor's Office for review and as
16 Board Member Schroeder -- I'm sorry, I was gonna say
17 Angelika. They have 30 days to sort of give us thumbs up,
18 to give us feedback as to whether they --

19 MS. RANKIN: So what would help me a lot, I
20 get a ton of questions on this. I don't know if we could
21 get a succinct e-mail on this or some kind of a one pager.
22 I read the plan of course, that CD put together. But maybe
23 -- or maybe I could just have a conversation with you and
24 Katy and clear this up.



1 MS. SCHROEDER: Some of the answers to your
2 questions are actually on there.

3 MR. CHAPMAN: Yeah, we'll go through some of
4 that --

5 MS. RANKIN: I've read that. Yeah, I know.
6 It didn't seem clear to me but anyway, okay. So my -- my -
7 - my question is, statutory authority influencers, who are
8 the entities, who's on it and what's our role? That's my
9 question.

10 MS. SCHROEDER: We can just send some of the
11 stuff that's in here.

12 MR. CHAPMAN: Yeah, I can go jump, yeah,
13 show you. Go ahead.

14 MS. SCHROEDER: Yes, unless there are any
15 other questions. Katy, do you have anything you want add
16 to it?

17 MS. ANTHES: I don't think, so. We'll let
18 Mr. Chapman go through his presentation, and then I'll
19 chime in if anything.

20 UNIDENTIFIED VOICE: I have a question.

21 UNIDENTIFIED VOICE: Go ahead.

22 UNIDENTIFIED VOICE: So is this committee
23 different from the Hub in the Spoke Committee. The people
24 that --



1 CHAIRMAN DURHAM: The Committee of
2 practitioners?

3 MS. SCHROEDER: Before. Oh, this is
4 something completely different. This is one of the four
5 organizations that -- that approves in one way or another,
6 of the final plan, and that is a federally legislated
7 committee. I am not on it. I was on it many years ago.

8 CHAIRMAN DURHAM: I think they don't app --
9 they don't have to approve.

10 MS. SCHROEDER: I don't know --

11 MR. CHAPMAN: What the US Department and
12 they --

13 CHAIRMAN DURHAM: They're advisory, so that
14 they can object, but it's something we take into
15 consideration.

16 MS. SCHROEDER: So are you forming a
17 committee or is that committee formed already?

18 MR. CHAPMAN: We've - we have had that --
19 that committee has been in existence for at least 20 years,
20 and we're currently adding membership to that committee.

21 MS. SCHROEDER: Yeah, you're adding
22 membership, right? And if you can add a Board Member, I'd
23 like to be considered.

24 MR. CHAPMAN: There's a requirement that we
25 have a local Board Member. We - we can review them.



1 MS. SCHROEDER: So you may not be able to
2 have a -- a state member?

3 MR. CHAPMAN: I don't know. I don't know
4 whether there's anything that would prohibit that.

5 MS. SCHROEDER: Okay. Thank you.

6 CHAIRMAN DURHAM: Yes, Ms. Goff.

7 MS. GOFF: Thank you, but just have to be
8 technical for a second. If it's called a Committee of
9 practitioners, has everyone on there an act of practitioner
10 in some role?

11 MS. ANTHES: We are not --

12 MR. CHAPMAN: Yeah. And -- and I was
13 actually thinking about that this morning. We do have --
14 so we have a -- a private school teacher, we have a local
15 Board Member, we have an acting superintendent. We have a
16 teacher who is a real-life teacher, teaching in a
17 classroom, but I would have to go through. I -- I do think
18 that we -- we can emphasize the practitioner aspect of it
19 more. It's difficult because they do meet fairly
20 regularly. They will be meeting even more regularly now
21 because there's a plan to develop, and to be able to get
22 release time. We do reimburse folks for their membership
23 costs.

24 MS. GOFF: I just wanted to see how really
25 sincere, genuine and transparent and open any of us are in



1 talking about this committees by name, because people do
2 often ask. So does that mean every single person in that
3 group is actually involved or employed or in the system
4 right now? That's different than talking about education.

5 MS. SCHROEDER: So I wanna clarify why there
6 is a school Board member on the Committee of practitioners
7 is because partly is because the school Board and each
8 school district should sign off on the, I don't know, what
9 do we call it? Title I plan?

10 MR. CHAPMAN: The local --

11 MS. SCHROEDER: The local plan --

12 MR. CHAPMAN: -- Title application.

13 MS. SCHROEDER: Yeah, and so that's why
14 there's a -- that's why there's a spot for that person.
15 And it was very informative for me because in my own
16 district, we had never actually processed that plan. It
17 was just provided by the administration and somebody signed
18 it, but we never discussed, and it's really significant and
19 how -- I learned how significantly differently different
20 districts were spending their Title I money. And
21 therefore, it was appropriate for our Board to talk about
22 the decisions that were being made on how the -- how the
23 funds were being allocated for our needy kids.

24 UNIDENTIFIED VOICE: Right. That's why I
25 want to be on the Committee.



1 MS. SCHROEDER: But it is not a State Board
2 role. Now, it's a school Board role, is the point.

3 CHAIRMAN DURHAM: Dr. Scheffel.

4 MS. SCHEFFEL: I just wanted to, Angel could
5 just clarify so I wanna to make sure I heard it right, only
6 because I get a lot of questions about it. Did you say
7 that really isn't the state Board's role to write this
8 plan? That really we're just -- I mean what did you say?
9 Seems like you said we need to clarify that it really isn't
10 the State Board's role, that there are all these other
11 entities and we'll be looking at it much later in the
12 process.

13 MS. SCHROEDER: No. We are signing off on
14 it.

15 MS. SCHEFFEL: That signing off, but not
16 really writing it.

17 MS. SCHROEDER: The department is writing.
18 The department, the Spoke Committees are writing it, the
19 Hub Committee is making some of the decisions that goes
20 into the plan. Katy, help me out if I'm wrong.

21 MR. CHAPMAN: Yeah. And I think our goal is
22 to make sure that you understand what's being developed as
23 part of the plan along the way, so that you have an
24 opportunity to influence it as it evolves. So we'll be
25 coming to you, the Spoke Committees will be coming to you



1 and presenting a deeper dive on the requirements of each of
2 the sections of the plan, and what the -- the decision
3 points are. And I think we're going to begin -- begin that
4 process somewhat today with the assessment, so that you
5 have an I understand exactly what you are saying. You have
6 an understanding of what's in the plan --

7 MS. SCHEFFEL: Cause I don't want to be part
8 of the discussion.

9 MR. CHAPMAN: Yeah. And that's our -- our
10 goal is to make sure that you have a good understanding of
11 what's in it along the way and not just at the end.

12 MS. SCHEFFEL: And -- and points of
13 decision, right?

14 MR. CHAPMAN: Yeah.

15 MS. SCHEFFEL: Because I mean, I know there
16 are certain requirements within the law itself, but there
17 is a fair amount of latitude, at least in some sections,
18 where we could influence it. Now, I -- I would like to
19 influence that on the front end instead of the Hub
20 Committees bring it to us. It's already written, they've
21 already put in hundreds of hours and then we feel like,
22 well, you know, I wasn't at all those meetings probably
23 with the Hub Committee. So I mean, I would just ask that
24 we be engaged early in the process and not --



1 MR. CHAPMAN: So the three primary entities
2 are thee -- the ESSA Committee of Practitioners, which are
3 in federal statute, the Hub Committee that -- that we've
4 convened to oversee the -- the process of the -- the Spoke
5 committee plan development, and then ultimately, it's the
6 State Board of Education that determines what plan we will
7 submit to the US Department of Education.

8 MS. SCHEFFEL: And what is the influence of
9 the legislators? Cause they have a committee also.

10 MR. CHAPMAN: There -- we haven't really
11 identified a need to alter legislation. Of course, we're
12 taking -- we've received a lot of input on the -- the
13 listening tour for things that folks would like to see
14 changed and within our educational system there's not
15 necessarily a requirement to make those changes in order to
16 receive approval of our state plan. So the little ways,
17 you know, that's sort of a parking lot, here is -- here is
18 what I can start. I was complaining and that would be a
19 good point.

20 MS. SCHEFFEL: All right, well, we'll quit
21 asking you questions like that.

22 MS. SCHROEDER: But just for the legislative
23 piece, and then I think we should just go into the
24 presentation, just two things I want to say about planned
25 development in the legislature. So the legislators are



1 really in -- interested in this, and so we are trying to
2 partner with them all the way through and use the
3 Legislative Interim Committee to keep them informed along
4 the way. They've been invited also to all of the Hub
5 Committee meetings, even if others want to come to the
6 meetings, but not sit on the official Hub. So we're trying
7 to build that in.

8 We're also trying to build in a regular
9 communication process with legislators, so that they are
10 seeing draft as they are developed, and they can get
11 feedback along with all the other stakeholders on that. So
12 wanted to put that piece and then the other piece from plan
13 development, this is -- this is just a tricky balance that
14 we're trying to -- to maneuver through, which is the plan
15 is fairly complex. There are fairly complex, a lot of
16 details, quite extensive.

17 So writing the plan is a very heavy lift.
18 And so it's -- we're trying to have all the meetings, all
19 the committee meetings, all of the Hub meetings open to
20 anybody who wants to participate, so you can see the
21 development and provide feedback on the development,
22 through the process. But I think it would be difficult for
23 -- it would be logistically hard for the Board to write the
24 plan. So we're trying to take all that feedback and have a
25 process where all that feedback gets to be fed in and then



1 we do some of the heavy lifting for you, but get your
2 feedback on it.

3 MS. SCHEFFEL: And so I guess, and I don't
4 know if this is even possible, but as I've read that, the
5 ESSA say in the rules, there're major themes throughout
6 there, and what I was wondering is if it makes sense for
7 the Board to at least discuss those themes maybe in a study
8 session or something, and come to some agreement that on
9 the preschool aspect of the ESSA, here's what the Board
10 thinks should inform the writing of the plan, or on the
11 testing piece, or you know, the major aspects of that.
12 Here's what the Board thinks that should lean in the
13 direction of, or make sure it's comprised of or whatever.
14 And I guess I -- I don't see a mechanism for that to
15 happen.

16 MR. CHAPMAN: I think some of that's in
17 development. Your ability to -- so what -- what are the
18 requirements of the law? What's in place? What are the
19 decision points? And what is it that we heard as part of
20 the listening tour? But we're trying to get -- boil things
21 down to that point, so that we can bring them to you. We
22 did do some of that with the Hub Committee on -- on
23 Monday, trying to pull out the major decision points. It's
24 not a -- a fully baked document that we can send your way
25 yet but we hope beginning -- we're going to begin some of



1 that today and then each month we'll bring another section
2 to you that works.

3 MS. SCHROEDER: But I do agree with Dr.
4 Scheffel. I think we, as a Board, need to look at those
5 big items and have a discussion of those big items, before
6 we -- you know, I looked at them and I thought possibly
7 there should be maybe a couple more items on there that.
8 And maybe not create a Spoke, but integrate it with you --
9 we know, with the Spokes that are there already. But I --
10 I do believe that Dr. Scheffel is correct and that we need
11 to give -- if we're responsible at the end, we should be --
12 have a conversation about them at the very beginning.

13 CHAIRMAN DURHAM: I think before we proceed,
14 I think there are just a couple of observations. One,
15 sooner or later, you need four votes for this plan. So if
16 -- if it contains elements that majority of the Board
17 doesn't agree with, you're not going to get approval. So I
18 think you need to know where those points are in advance,
19 and probably try and work through those in advance, and I
20 think also there are two submission deadlines. I think my
21 preference and maybe we'll even have a motion some point
22 today to instruct staff to meet the first deadline, just in
23 case we act, 'cause I don't want to -- I don't want to end
24 up with what we don't have time to rewrite this. We're
25 going to submit something we can amend at later routine.



1 So I would -- would say that, I mean, we
2 will take a vote on that today and instruct staff to meet
3 the first time -- first time deadline and that we have some
4 reason for votes for it then -- then we can, we're not all
5 under the "Oh my God, we're gonna have to agree to
6 something cause we're out of time routine." And -- and I -
7 - cause I think -- I think Dr. Scheffel is right. We --
8 this is probably one of the most highly bureaucratized
9 processes that could be imagined. And -- and I -- I'm not
10 -- almost wonder if we're trying to build a horse and I
11 suspect we've got a camel out there someplace working.

12 So if we could -- well, I -- I think it's
13 important to have everybody have their say, somebody has to
14 make a decision. And because not everybody's going to
15 agree on what they want, and people make that decision are
16 sitting at this table. So I think we're -- we should be
17 treated as input and we're all welcome and -- and an
18 important input and things that should be considered, but
19 ultimately, there may be disagreements and there is --
20 there is one referee, and it's Board. So I think we could
21 work in that -- on that basis and try and find out where
22 those pressure points are, as they -- as they come -- as
23 they come to us, then we're not going to be up against the
24 deadlines that we can't meet down the road. So if you'd



1 like to proceed with Chapman, then go ahead. Taking a
2 while to get to you.

3 MR. CHAPMAN: So the goals for today are to
4 provide you an update on where we are in developing the
5 state plan, what's been happening with the Hub and Spoke
6 Committees, and things that we have completed and things
7 that are underway. And then to launch into a deeper dive
8 of the understanding of a state assessment requirements --
9 requirements under ESSA and a discussion of the newly
10 released proposed rules, relative to assessments and
11 assessment pilot.

12 So this is our kind of revised timeline, it
13 -- it's -- does still operate under the assumption that we
14 will be submitting our state plan by -- by the March
15 deadline, and I'm hearing that loudly and clearly, that
16 that's the -- the goal that we wanna meet. What we have to
17 do is to develop an application, a state plan to access
18 ESSA funds. And ultimately, the US Department of Education
19 will release a template to state departments of education,
20 that we will have to complete, and -- and submit to the US
21 Department of Education for their approval, a completed
22 application.

23 In -- based on what we've learned so far,
24 and what we've read in the statute, that plan will largely
25 be a description of what's currently in place in Colorado's



1 educational system, with regard to standards, assessments,
2 accountability, school improvement, and Title programs, any
3 plain -- plans to change what's currently in place, we will
4 have the opportunity to amend our plan. But we do want to
5 note any -- any planned legislative changes within our --
6 the plan that we do submit. So if there is a desire to
7 change things more fundamentally moving forward, we would
8 be addressing those as part of our state plan, and then
9 there's also a fairly large number of individual program
10 requirements that we'll have to address as part of our
11 state plan.

12 As was noted earlier, we've -- we're in the
13 process of committee work, and finalizing the -- the report
14 relative to the -- the ESSA listening tour. It's -- it's
15 almost time, and we will get it to you as soon as we can,
16 but it's in the final stages of edit, and that's basically
17 what we've heard, relative to some of the decision points
18 that are included in ESSA. The Hub committee, as was noted
19 earlier, has been convened, and met for the first time this
20 past Monday. The membership includes members of the State
21 Board, state legislature, Governors Office, Commissioner of
22 In -- Colorado Commission of Indian Affairs, Cosby case
23 CAA, most of the major professional organizations in
24 Colorado, and then it also includes representatives from



1 advocacy groups, and -- and other organizations with an
2 interest in education in Colorado.

3 So that's the -- the membership. The --
4 there're - there are charges to oversee the Spoke committee
5 process, and to react to drafts of the plan as they're
6 developed, and to ultimately make recommendations for
7 changes to those drafts, their goal really is to ensure
8 that CDE submits a plan that's been thoroughly vetted from
9 a variety of perspectives, and has been developed with a
10 broad array of stakeholders, and that the -- the plan is
11 that we can submit the plan to the State Board of Education
12 for approval. Their next meeting is September 12, and
13 during that meeting, that's when we will begin to provide
14 information to the Hub Committee relative to the -- each of
15 the content of the sections of the plan, and -- and we'll
16 begin with stakeholder consultation. Yes?

17 MS. SCHEFFEL: Angelika, could I ask the
18 question, or do you want me to wait?

19 MS. SCHROEDER: Go ahead. I think.

20 MS. SCHEFFEL: I was just gonna ask about
21 the Hub Committee. Is there? So there's two pages of
22 folks, and the first one is the Commission on Indian
23 Affairs, CAES, COSB, CEA, CDAG, ESSA Committee of
24 practitioners, BOCES association. And then some other
25 individuals including -- yeah. So I'm just saying, are



1 these slots that had to be filled this way, or just made
2 sense to do it, or are there other entities that weren't
3 included, or are we limited our numbers, I mean, is this
4 how -- I know we've seen, you know, iterations of the Hub
5 Committee, but I'm just asking.

6 MS. SCHROEDER: We've all been part of this,
7 Deb.

8 MS. SCHEFFEL: No, I'm just asking about
9 these slots.

10 MS. SCHROEDER: We will all be in a part of
11 making the appointments. Added slots, as requests were
12 made. I'm --

13 MS. SCHEFFEL: Chair, can you speak to the
14 slots on the Hub Committee?

15 CHAIRMAN DURHAM: They -- I think they
16 started, and it came. I don't know exactly when it came in
17 front of the Board, that -- that the -- there are certain
18 requirements, or suggestions that we needed certain people
19 to be, or certain groups to be represented on the Board,
20 which is in large measure. I think representative of the
21 bureaucratization of the process, but I mean, if you look,
22 some of those were selected by the organizations --

23 MS. SCHROEDER: Right.

24 CHAIRMAN DURHAM: -- themselves.



1 MS. SCHROEDER: Because I don't remember
2 talking about names of folks --

3 CHAIRMAN DURHAM: Right.

4 MS. SCHROEDER: -- slots. And I'm just --

5 CHAIRMAN DURHAM: Some of those --

6 MS. SCHROEDER: -- Again, I'm trying to
7 determine statute recommendation.

8 CHAIRMAN DURHAM: Yeah. Some of those were
9 selected by their organizations. Some of them were
10 selected by -- by the department, and some of them were
11 selected based on input. I -- I made the final decision,
12 but based on input from members of the -- of the Board,
13 because we started out, we had a tax payer, we decided we
14 have a tax payer, so that's where we have the
15 representative of the Independence Institute appointment.

16 MS. SCHROEDER: Yeah.

17 CHAIRMAN DURHAM: So -- so I think four or
18 five of those appointments were ones that -- that I made
19 based on feedback from the Board. And I didn't get a lot
20 of feedback. I had some, but on a few of the spots, but
21 not a lot, and then we added a couple of people because we
22 realized we had missed a few groups that probably should be
23 included. So that's how we got to where we are. And it's
24 -- it's a large group prowl. I don't know whether it's too
25 large to be effective, but we will see.



1 MR. CHAPMAN: It's a group. It would seem
2 like a really good group.

3 CHAIRMAN DURHAM: So that's how we got --
4 that's how we ended up with where we are. I don't know if
5 there was a lot of structure really to that process.

6 MS. SCHEFFEL: And then I was just looking
7 at the -- the Spoke committees, so the Hub Committee
8 influences who's on the Spoke committees? No?

9 MR. CHAPMAN: The -- the Hub Committee was -
10 -

11 CHAIRMAN DURHAM: We haven't done any, I
12 mean, I have not --

13 MS. SCHEFFEL: No Hubs yet.

14 CHAIRMAN DURHAM: -- done in the Board, I
15 don't think it's been involved in the -- in the Spoke
16 Committee. So --

17 MS. SCHEFFEL: The reason I bring it up, is
18 just when you look at what the how the Spoke Committees
19 are gonna be organized, its standards, assessment,
20 accountability, I mean, that like is the centerpiece of the
21 ESSA plan. And so whoever's on those committees, informed
22 by the Hub, maybe, maybe not, is gonna really have a huge
23 influence on the direction of this document.

24 CHAIRMAN DURHAM: Yeah.



1 MS. SCHEFFEL: Which is all the more reason
2 why I think the Board should be saying, "Hey there's six
3 themes that run through this plan, how does the Board feel
4 about these six areas, or four, or eight, whatever?"
5 Because otherwise, this is gonna be really written for us,
6 and we'll merely be tweaking the edges if at all. Because
7 there's gonna be 100 of hours poured into writing this
8 document.

9 And I'm just saying that I'm responsible my
10 -- to my constituents, for how it looks. There's been a
11 lot of pushback around the state on the standards, and the
12 assessments, and the very issues that are the -- the -- the
13 core of this document. I don't wanna be late to it. I
14 guess. And again, I don't know what the mechanism is Mr.
15 Chair, but I just hope that we can somehow think of a way
16 to get on the front end of the content, and not be looking
17 over the fence at what others are doing.

18 CHAIRMAN DURHAM: I think it's -- it's
19 certainly possible for us to schedule work sessions as
20 appropriate on -- on, as you get sort of the basic
21 information and feedback, and lay out the policy questions,
22 and I think the policy questions in -- in -- independent of
23 the Chair need to be laid out in the -- if you go this way,
24 this far, you run into state statutory constraints, if you
25 go this far, this way, you run into federal statutory, or -



1 - or your spurt of education regulatory constraints, and
2 then down the road as a Board, we can decide how much risk
3 we wanna take.

4 MS. SCHROEDER: Right.

5 CHAIRMAN DURHAM: If any, and saying we
6 think that particular federal rule, or requirement, is
7 outside the scope of the statutory authority, we might be
8 willing to buck it.

9 MS. SCHROEDER: Yeah. And that's why it's -
10 - it's helpful if we can know that. That's why I'm asking
11 the difference between statute, and just maybe best
12 practice, or people that are interested, or you know, just
13 out of courtesy, these folks need to have feed -- all
14 that's great. I need to be able to say to folks, our
15 statutory -- statutory authority is limited to this and
16 it's two percent of the input. When you count up the
17 people that are having feedback, there's been all these
18 listening to us, 100 of comments, all this data, we might
19 have two percent of the input on this plan.

20 That way, I can speak to constituents
21 clearly about our impact, or lack of it. As opposed to,
22 "Oh, we really have oversight over the plan," but in
23 reality, we're seven people, and there's a 1,000 involved
24 in this process. When you look at the listening to us, and
25 all the various committees, and how often they meet, I



1 mean, we're swamped into many respects just by the sheer
2 numbers. I want to be able to speak to that based on the
3 law then. That would help.

4 CHAIRMAN DURHAM: I think, you now, I --
5 I'll look at this process in the long run as essentially a
6 legislative one, where every legislator is outnumbered by
7 lobbyists, and interest groups, but they weigh the evidence
8 in front of them, and make a decision, and --

9 MS. SCHROEDER: Yeah.

10 CHAIRMAN DURHAM: And they're less
11 constrained than this Board because they have constrained
12 us in some ways, and statutory provisions are in the books.
13 How much for -- I think the important thing this Board
14 knows, how much flexibility is there for example in
15 assessments, and how -- how far do we want to -- how far do
16 we want to -- want to push this, and you know, what is the
17 advice we're getting from all those who had input, and do
18 we -- and it's perfectly appropriate to consider that our
19 judgment based on all the evidence might be different.

20 And -- so I think that's -- I think that's
21 really the job of the Board, I think the Board is in my
22 short tenure here, has become much more involved in -- in --
23 - in looking at policy questions, simply because I think
24 we've all taken so much heat over the policies under which
25 we've had to live that have been imposed primarily from the



1 federal level over the last -- over the last few years,
2 that I -- I'll speak only for myself. I don't wanna take
3 heat for that which I don't have an adequate opportunity to
4 consider, and either have to say that I acquiesced was in
5 the minority and out voted, or strictly prohibited by
6 external constraints from developing policies that I
7 believe to be superior to the ones currently in place, or
8 superior to the ones that may be recommended by the
9 bureaucratized process.

10 MS. SCHROEDER: Thank you.

11 CHAIRMAN DURHAM: I don't know if that's a
12 fair summary,

13 MS. SCHROEDER: Yeah.

14 CHAIRMAN DURHAM: But that's --

15 MS. SCHROEDER: It's very helpful.

16 CHAIRMAN DURHAM: I think where we're gonna
17 start.

18 MS. SCHROEDER: Thank you. Yeah. Because
19 we're asked about it a lot, we need to be able to respond
20 with detail. Thank you.

21 CHAIRMAN DURHAM: It -- it -- it is -- it is
22 painful to go to a meeting and say, you know --

23 MS. SCHROEDER: We have no control of
24 ourselves,



1 CHAIRMAN DURHAM: -there's nothing we can
2 do.

3 MS. SCHROEDER: They were 1000 people
4 weighing in --

5 CHAIRMAN DURHAM: Yeah.

6 MS. SCHROEDER: -we had two -- two comments.

7 CHAIRMAN DURHAM: So I think -- I think the
8 -- the answer is that -- that as active as this war has
9 become, is that, we will be real participants, and -- and -
10 - and we will weigh the evidence, and we will make
11 decisions based on what the majority of the Board feels is
12 an appropriate approach to these major issues. Please
13 proceed, Mr. Chapman.

14 MR. CHAPMAN: And -- and I -- we'll do our
15 very best to make sure that you have information, so that
16 you can fulfill that vision. The -- with regard to the --
17 the Spoke committees, as was noted earlier, we do have a --
18 we've convene -- conveyed committees, and some of them have
19 begun to meet, some of them are still pulling together
20 membership. To a certain extent, we've tried to utilize
21 existing committees that were -- had already being convened
22 for a specific purpose, for example the Accountability work
23 group, and Lisa has been working to add membership to make
24 sure that all perspectives are reflected in -- in -- within
25 that group.



1 And we're doing the same thing for each of
2 the other groups, so we have standards, assessments,
3 accountability, school improvement, quality instruction,
4 one that's specific to all the title programs, Title I,
5 Title II, Title III, and the requirements of those
6 programs, which are those programs are intended to be
7 supportive of students and -- and teachers. Now we also do
8 have our committee that is charged with reviewing what we
9 put together with regard to stakeholder consultation,
10 relative to the requirements of the ESEA law, the ESSA law,
11 and there are specific stakeholder consultations, and
12 program coordination requirements built into statute.

13 The Spoke Committees, we're really trying to
14 put together groups that can adequately consider the
15 decision points from a variety of perspectives, their role
16 is to actually draft the sections of the -- of the plan
17 that will be put together into a single plan for the review
18 of the Hub Committee, and then ultimately, for the review
19 of the State Board. I'm hearing that we really wanna get -
20 - you guys, the information on the front-end, as opposed to
21 the back-end, and we will -- we will do that.

22 Also, we've been involved in the U. S.
23 Department of Ed, as you know, released proposed rules
24 relative to the ESSA accountability, reporting, and state
25 plans, the requirements of state plans. In late May, we



1 had until August 1st to submit our comments, we did submit
2 comments to the U. S. Department of Education relative to
3 our take on the -- the proposed rules, where we felt that
4 they were helpful, but also, where we felt that they went
5 below -- beyond the secretary's authority, and or contained
6 unworkable requirements. So timeline requirements that --
7 that seem unworkable.

8 Those rules are expected to be finalized and
9 released. I -- I've looked and I -- I couldn't find
10 whether it's actually 90 days, or 120 days, I was looking
11 for quite a while, so that -- but the -- I know the -- they
12 are expected to be finalized in November, and I know that
13 in statute, that all the rule making has to be completed by
14 the end of the -- the calendar year. We are expecting
15 those rules to become final sometime in November.

16 MS. SCHROEDER: You might wanna mention how
17 many -- how many responses they have.

18 MR. CHAPMAN: Yeah. They've -- the U.S.
19 Department of Education, based on what I read, had -- has
20 received 22,000 comments related to the rules that they
21 have proposed, they do need to address each and every one,
22 and before they become final, if ultimately they -- they
23 can't agree, then they -- they sort of become final by
24 default. And speaking of rules, the U.S., it did release
25 new proposed rules, the comments for related to those rules



1 are due September 9th, the rules pertain to assessment,
2 ESSA assessments, and the assessment pilot, which is built
3 into the ESSA statute, and that's what Ms. Szarkowski is
4 going to review with you right now. Along with the
5 assessment requirements.

6 MS. SCHROEDER: So before Ms. Szarkowski,
7 it's hard to say. I like to call her Joyce. Starts, I
8 just want to say, for those of you that are interested in
9 those big themes, this is one of those big teams. So this
10 was part of our process for engaging you all on the big
11 team. So this team that you're gonna hear about is the
12 assessment team, and we can start that conversation here,
13 and then have additional study sessions if you need to go
14 deeper. So thank you.

15 MR. CHAPMAN: All right.

16 MS. SZARKOWSKI: Mr. Chair, as Pat
17 indicated, it is important to keep in mind that there are
18 two different sets of requirements, and relationship to
19 assessments. So one is going to be the basic as a
20 requirements for state assessments as a whole, and -- and
21 those components will go into our state plan, and then
22 there is a second set of requirements that deal with the
23 innovative assessment demonstration authority. And as
24 we're having conversations with the field, it's really
25 important that we continue to strive to keep those clear



1 and distinct from one another. Obviously, there's a
2 relationship, but they are in some ways very independent.
3 So as a requirements --

4 Remind me to flip, I'm bad at that. As a
5 requirements that continue from NCLB, is that the
6 assessments are of high quality, they're valid, they're
7 reliable and they're fair. They're given annually.
8 They're the same for all students in the state, with one
9 exception for our students with the most significant
10 cognitive disabilities, and they must be approved through a
11 Federal Peer Review Process.

12 MS. SCHEFFEL: May I ask her?

13 CHAIRMAN DURHAM: Yes, Dr. Scheffel.

14 MS. SCHEFFEL: Do they define valid, fair,
15 reliable? Are there metrics, ranges for correlation
16 coefficients for that --

17 MS. SZARKOWKSI: In terms --

18 MS. SCHEFFEL: -- for their reliability.

19 MS. SZARKOWKSI: So the peer review
20 requirements are developed by the Department of Education,
21 and they are consistent with industry standards. You may
22 be familiar with some of those from the Psychological
23 Association and things like that but that's what
24 (inaudible).



1 MS. ANTHES: So do they require that we
2 align with that? I mean, is it pretty prescriptive as far
3 as what the range is on the validity and reliability?

4 MS. SZARKOWKSI: In terms of -- they do not
5 specify specific ranges within the peer review
6 documentation that -- itself, but when we go through the
7 process, they will come back and say, "Wait, you are
8 falling below 80 percent in this area, what are you going
9 to do to increase the validity or the reliability in that
10 area?"

11 MS. ANTHES: Okay. Thank you.

12 MS. SZARKOWKSI: The assessments must be
13 aligned to the full breadth and depth of the standards,
14 again consistent with what we've had in the past. Math and
15 English Language Arts must be given in grades three through
16 eight, again consistent with what we've had in the past.
17 There is a change at high school. Historically, the high
18 school ELA English Language Arts and Math assessments had
19 to be given once, in grades 10 through 12.

20 You may recall that in state legislation a
21 couple of years ago, there was this request that -- or
22 requirement, that we make a request of the Department of Ed
23 to inquire as to whether or not we could count our ninth
24 grade ELA and Math assessments as our high school
25 assessments, at that point in time, we were told no. I



1 said, now make SAT an option. As it continues, the
2 requirement for science once each an elementary, middle and
3 high school, and now for high school, it is defined as 10th
4 through 12th grade. It requires those alternate
5 assessments for our students with the most significant
6 cognitive disabilities, and continues to require English
7 language proficiency assessments.

8 Where Colorado differs, is that Colorado
9 actually has three high school assessments. We have our
10 ninth grade English Language Arts and Math assessment, we
11 now have at 10th grade, the PSAT 10 and at 11th grade, we
12 have a college entrance test. Historically, that was the
13 ACT, in 2017, that is moving to the SAT. In addition,
14 Colorado requires that we sample once in elementary, once
15 in middle and once in high school for Social Studies, and
16 there is a requirement that we are a Governing Board,
17 member of a multi-state consortium and we will rely upon
18 the assessments developed by the consortium as the basis
19 for our accountability system.

20 CHAIRMAN DURHAM: Can you -- can you repeat
21 that, there's the requirement state that -- state of Fed.

22 MS. SZARKOWSKI: This is a state
23 requirement, that we are a governing member of a Multi-
24 State Assessment Consortium, that is in State Law.



1 CHAIRMAN DURHAM: That's been there since
2 2010, give or take?

3 MS. SZARKOWKSI: That has been in there
4 since 2012.

5 CHAIRMAN DURHAM: Twelve, okay. And -- but
6 it doesn't say which one?

7 MS. SZARKOWKSI: Mr. Chair, it does not say
8 which one.

9 CHAIRMAN DURHAM: Yes. Dr. Scheffel.

10 MS. SCHEFFEL: And yet we just signed the
11 MOU to -- to continue our work with PARCC just two months
12 ago, or a month ago, right? So if we had not signed that
13 MOU, our only option would have been to sign an MOU with
14 Smarter Balance -- Smarter Balanced, right? Is that right?

15 MS. SZARKOWKSI: That is the only other
16 multi-state consortium that currently exists, that appears
17 to meet the intent of the rest of the law. There are a
18 couple of other assessments that are in the process of --
19 of being developed. At this point, they don't have
20 Consortium membership or governance by states. So yes, I
21 believe that PARCC and Smarter Balanced are still our two
22 options.

23 MS. ANTHES: They're only two. And so can
24 you interpret if there's a clause in the law that says but
25 the State Board shall review to what extent our membership



1 with this entity serves the needs of the state, and have we
2 done that, and how do we do that formally and when can we
3 do that? Because I think, this writing of this plan
4 presents a great opportunity to do that.

5 MS. SZARKOWKSI: So there is -- Mr. Chair,
6 there is reference in the law to doing both a cost benefit
7 analysis as well as looking at the benefit to students,
8 that, I believe there was reference to, may start as early
9 as January, actually I believe of 2014 --

10 MS. ANTHERS: Yeah, we've passed the date,
11 right?

12 MS. SZARKOWKSI: We -- we passed that date.
13 The decision was made not to do a full analysis up to this
14 point.

15 MS. ANTHERS: So I would like to discuss
16 that, because now's a great time for us to do that, and I
17 don't think we've done it formally, to determine the cost
18 benefit analysis of being a member of PARCC, and to what
19 extent it serves our needs as a state. So I hope that
20 somehow can weave that into this process.

21 CHAIRMAN DURHAM: Well, yeah, that is an
22 agenda item at the next Board meeting. Ms. -- Dr. Anthes,
23 Thank you.

24 MS. ANTHERS: Okay.



1 MS. SZARKOWSKI: Mr. Chair, continuing,
2 there is flexibility within the new Federal Legislation
3 that talks about having an exemption -- sorry, an exception
4 for the eighth grade mathematics assessment for students
5 who are in advanced coursework, that allows them to take an
6 assessment aligned to that advanced coursework, as long as
7 the student also takes another assessment in high school
8 that is more advanced. That other assessment in high
9 school also has to go through the peer review process.

10 This is an area that is actually more
11 restrictive than what we have under our current waiver. So
12 under our current waiver, we extend this flexibility down
13 to our seventh graders. So that's an important point for
14 our state. We do also, in order to take advantage of that
15 exception, have to describe the strategies to provide all
16 students in the state the opportunity to be paired for and
17 to take advanced mathematical coursework in middle school.

18 So again, all states -- sorry, all students
19 in the state who are ready for that advanced coursework, we
20 need to demonstrate that there are opportunities for them
21 to engage in that advanced coursework. Within ESSA, there
22 is some additional flexibility in terms of how we deal with
23 our first year in US English Language Learners, and how
24 they participate in testing in English Language Arts.
25 Historically, under federal law, students who were first



1 year in the US were exempted from participating in the
2 English Language Arts Test.

3 Historically, state law was actually more
4 restrictive and said that all students must participate, so
5 we didn't have that exception clause in the state law.
6 That clause was added back a year ago now, with 1323. And
7 within our State Legislation, there is what we are
8 currently leveraging as flexibility to either test students
9 in their first year, not count the scores in the second
10 year for accountability purposes, count scores for growth,
11 not count scores for status achievement, or districts can
12 choose to not test their students in their first year in US
13 and then in year two, there wouldn't be a growth score.

14 Students are included in that status
15 achievement calculation. It appears that under ESSA, being
16 able to allow districts total decision making authority
17 over that, may not be allowed and it appears that what this
18 state is expected to have is a uniform process, instead of
19 procedures, to make sure that decisions are consistent
20 across the state, in terms of who does end up testing in
21 first year and who does -- who ends up not testing in first
22 year. I think for that Spoke Committee, that is gonna be a
23 major conversation, a -- along with the accountability
24 group, would be my guess.



1 And it is fair I think to say that, trying
2 to maintain as much flexibility and local decision making
3 authority, again as you talk about wanting, you know,
4 themes, what we have heard from the Board in some cases is,
5 respect for local authority. We'll try to maintain that
6 while also being true to wanting to have some consistency
7 in our system. Format of the assessments, the law does
8 talk about how there can be a single summative assessment,
9 right? Summative end of the year assessment, or there can
10 be multiple -- multiple interim assessments, that are
11 administered throughout the year, right? So there would be
12 multiple assessments that students would engage in. It
13 actually is --

14 CHAIRMAN DURHAM: Dr. Schroeder.

15 MS. SCHROEDER: Does that -- does that have
16 to be a decision at the state level, or is there a way to
17 align multiple with a summative so that it's either or --

18 MS. SZARKOWSKI: Mr. Chair, at this point
19 under the first part of the law that we're talking about,
20 which are the assessment requirements for all states, it
21 appears it needs to be a uniform system that all students
22 engage in. What you are referencing, I think when we start
23 talking about that demonstration authority, might become
24 maybe more of an option. We'll talk more about that in a
25 little while.



1 MS. SCHROEDER: Thank you.

2 MS. SZARKOWKSI: Sure.

3 MS. SCHEFFEL: May I ask a point?

4 CHAIRMAN DURHAM: Yes, Dr. -- Dr. Scheffel.

5 MS. SCHEFFEL: So it just -- I would think
6 it's helpful to do this as we're moving through, perhaps.
7 But so far on this slide, I'm really not seeing
8 flexibility. I'm I missing something? The state must --
9 the state must, I mean, is there flexibility on the slide
10 that I'm missing?

11 MS. SZARKOWKSI: You -- there is some new
12 flexibility with the first year in US English learners and
13 how we address those --

14 MS. SCHEFFEL: What does that -- what does
15 that mean?

16 MS. SZARKOWKSI: Again, whether or not
17 students participate in their English Language Arts Testing
18 in their first year in the U.S.

19 MS. SCHEFFEL: So you could ask them to or
20 ask them not to?

21 MS. SZARKOWKSI: Exactly. That is.

22 MS. SCHEFFEL: Require that they do or not?

23 MS. SZARKOWKSI: Right.



1 MS. ANTHES: And what about this interim
2 assessments? They're saying that the state must identify a
3 common interim assessment or what are they saying?

4 MS. SZARKOWKSI: Mr. Chair.

5 CHAIRMAN DURHAM: Please proceed.

6 MS. SZARKOWKSI: So what they are saying is
7 it is an option for a state to have a single end-of-the-
8 year assessment, a summative assessment, historically what
9 we have had, or the state can choose as a whole, to have a
10 system where there are interim assessments that accumulate
11 into a final summative score --

12 MS. SCHEFFEL: So --

13 MS. SZARKOWKSI: -- but that is state wide.
14 So we would need to have a state wide interim assessment
15 system.

16 MS. SCHEFFEL: So right now by state law,
17 we're required to be a member of one of the consortia,
18 which would fly in the face of switching to a system where
19 we're doing interim assessments. We can't really do that
20 without --

21 MS. SZARKOWKSI: Mr. Chair.

22 MS. SCHEFFEL: -- somehow withdrawing from
23 that legislation.

24 CHAIRMAN DURHAM: So unless we formed our
25 own two three State --



1 MS. SCHEFFEL: Consortium --

2 CHAIRMAN DURHAM: Consortium.

3 MS. SCHEFFEL: That's right.

4 CHAIRMAN DURHAM: Where do you test choice
5 of that.

6 MS. SCHEFFEL: Okay. So without state law
7 changing, this isn't flexible either, am I right?

8 MS. SZARKOWKSI: Mr. Chair.

9 CHAIRMAN DURHAM: Yes.

10 MS. SZARKOWKSI: So I think it is fair to
11 say that when we start to look at where there is a lot of
12 flexibility versus where there is less flexibility
13 assessment for the overall part is one of the areas that
14 has less flexibility in it than some other areas. I don't
15 necessarily believe that that is what people were
16 expecting. There was a lot of talk during the process that
17 maybe things would be shifting, but in reality, three
18 through eight ELA and math are still required. We're still
19 required to give it once in high school. We are still
20 required to give a science assessment once in elementary,
21 middle, and high school.

22 MS. SCHEFFEL: We might re-title the slide.
23 Just to say flexibility.

24 MS. SZARKOWKSI: I will put the quotation
25 marks around that.



1 MS. SCHEFFEL: Thank you. Thank you.

2 MS. SZARKOWKSI: Or bad.

3 MS. SZARKOWKSI: Notice I just owned it.

4 CHAIRMAN DURHAM:

5 MS. SZARKOWKSI: One of the areas where,
6 again, there is some flexibility, is the Federal Government
7 has indicated that adaptive assessments would be allowed --
8 ready for next part? Except if it only can be, sorry --
9 no, it's at the bottom.

10 MS. ANTHES: Okay. Sorry.

11 MS. SZARKOWKSI: -- is that the assessment
12 in the end must still assess proficiency in the grade level
13 for which the student is enrolled, right? So it can be
14 adaptive essentially if I have a fifth grade student for
15 lower in fifth grade, higher in fifth grade, but it doesn't
16 appear to have the flexibility, necessarily to say you can
17 go down to third grade or up to eighth grade. All right?
18 So some flexibility, we're not bending over backward.
19 Yeah.

20 MS. ANTHES: I like -- I like this to
21 Smarter Balance.

22 MS. SZARKOWKSI: The -- Mr. Chair?

23 CHAIRMAN DURHAM: Yeah.

24 MS. SZARKOWKSI: Those assessments have to
25 be reviewed by the state for technical quality and



1 alignment to the state's standards. They must be
2 equivalent or greater in terms of rigor, compared to the
3 statewide assessment. They also must go through a peer
4 review process by the US Department of Education, and it
5 does appear under those proposed regulations that those
6 assessments actually must pass peer review before they can
7 actually be used. That's different than what we has --
8 historically have done.

9 Historically, we have been able to move
10 forward with our assessments, submit them for peer review
11 and make adjustments as needed. This is a case where right
12 now, it appears those assessments would have to be approved
13 through peer review first. In our state, when we already
14 have a college entrance exam within our system, this
15 doesn't appear quite as relevant. And again, we have state
16 law that says we will have one college entrance exam.

17 CHAIRMAN DURHAM: Dr. Scheffel.

18 MS. SCHEFFEL: Do they define rigor --
19 greater rigor?

20 MS. SZARKOWKSI: Mr. Chair.

21 CHAIRMAN DURHAM: Yes.

22 MS. SZARKOWKSI: That, they do not define
23 greater rigor, in detail. They do talk about, again, the
24 assessments needing to address the standards in the same
25 depth and breadth as the state assessments. Currently in



1 conversations, folks are expecting or believing that in
2 terms of rigor, it is in terms of content, so that the
3 expectation is -- is that the content of that assessment
4 would be more rigorous, more advanced than the state
5 assessment. So when you have states that have, as part of
6 their system, a beginning algebra assessment as their
7 assessment, they could have a nationally recognized
8 assessment that may cover that content plus, perhaps, some
9 algebra 2 content. And it appears that that may satisfy
10 this more rigorous piece, at least -- at least to satisfy
11 one piece of the rigor requirement.

12 MS. ANTHES: So would we be fair to --

13 MS. SZARKOWSKI: There is also conversation
14 about the technical expectations of rigor, as well as the
15 administrative expectations of rigor.

16 MS. ANTHES: Can I just follow up with a
17 question, real quick?

18 MS. ANTHES: Okay.

19 CHAIRMAN DURHAM: Yes, go ahead Dr. Scheffel
20 and Dr. Flores.

21 MS. SCHEFFEL: So my question is, does the
22 state have flexibility then, because as I look, as we
23 reviewed the items on the PAC test, I would argue that it's
24 not a very rigorous test, it's a very heavily language
25 loaded test. In terms of content, it's not rigorous. And



1 so can we be free to make that argument? Or are they
2 defining how we make that argument? Because I -- ,you
3 know, it sounds like yes and no.

4 MS. SZARKOWSKI: Mr. Chair, it is partially
5 yes and partially no. The state will be expected to
6 establish the requirements, the criteria that the
7 assessments have to meet but then it appears they will have
8 to go through that peer review process as well.

9 MS. SCHEFFEL: And they define peer review
10 as --

11 MS. SZARKOWSKI: So peer review process is
12 something that has existed also under NCLB and that is
13 where the states have to submit their assessments to the
14 Department of Education.

15 MS. SCHEFFEL: So the Department of
16 Education is the peer review process?

17 MS. SZARKOWSKI: The Department of Education
18 brings in experts to review the state assessments and on
19 those committees, there are the second metricians, there
20 are also experts in the areas of students with
21 disabilities, English language learners, content and they
22 review those assessments. Those committees make their
23 recommendations back to the department and ultimately it is
24 the department that makes the -- the determination of



1 whether the assessments pass as is. Pass, requires some
2 adjustment or there's a lot of work to do?

3 MS. SCHEFFEL: So that would mean, and this
4 is my final comment I apologize, that as, if we're thinking
5 of a different test, the assumption is that the park test
6 which required to be a member of which also meets peer
7 review requirements, it meets their standards as far as
8 technical adequacy and content validity and reliability and
9 I haven't -- have you seen those metrics for validity and
10 reliability of the park test?

11 MS. SCHROEDER: That was my question a while
12 ago.

13 MS. SZARKOWSKI: So the --

14 MS. SCHEFFEL: Because I've not seen them.

15 MS. SZARKOWSKI: So the, a park assessments
16 are currently under review.

17 MS. SCHROEDER: Right.

18 MS. SZARKOWSKI: By the Department of
19 Education and they have not made a final determination.

20 MS. SCHROEDER: And yet the peer review
21 sponsored by the Department of Education is saying that it
22 does meet those requirements though we haven't seen those
23 metrics?

24 MS. SZARKOWSKI: Mr. Chair.

25 CHAIRMAN DURHAM: Yeah.



1 MS. SZARKOWSKI: The department that has not
2 said that yet the Department of Education --

3 MS. SCHROEDER: But is accepting that from
4 our state plan that precedes this state. So by default
5 they must think that it meets these standard.

6 MS. SZARKOWSKI: Mr. Chair. So historically
7 as I had -- I think maybe I forgot to, said earlier states
8 have been allowed to move forward under Federal Law with
9 their assessments, administrate those assessments, submit
10 them for peer review, get the peer review feedback, and
11 make adjustments as needed if needed. And that's where
12 also --

13 MS. SCHROEDER: This is such an important
14 issue because as we consider what kind of a test we're
15 putting in this plan, we have to meet these standards of
16 peer review and the very test we're -- we're using hasn't
17 even met those standards because they haven't been released
18 and set up that way. So it's a very odd process for us now
19 to be thinking about who we re-up with one of these tests
20 in these two consortia or do we consider another test? Are
21 you right? So I mean, I hope that we can go deep on it
22 because the public cares deeply, and the superintendents
23 and teachers but what tests we're using.

24 CHAIRMAN DURHAM: Ms. Flores



1 MS. FLORES: So reading the items. Thank
2 you. So reading the items too, I mean, I'm concerned about
3 reliability. Whether they really do say something about
4 what the work in college and in the outside world. Whether
5 they are reliable to really say something about that issue,
6 and I personally don't think that they do.

7 MS. SZARKOWSKI: Mr. Chair.

8 CHAIRMAN DURHAM: Yes.

9 MS. SZARKOWSKI: The proposed regulations in
10 terms of getting to the use of these nationally recognized
11 high school assessments by the LEA, also talks about the
12 use of appropriate accommodations cannot deny English
13 language learners or students with disabilities any benefit
14 such as college reportable scores. And again, as I said,
15 there is reference to it need to pass peer review. One
16 thing that I didn't indicate is that in order for an LEA to
17 leverage this flexibility they must administer this
18 assessment to the entirety of their district and when we're
19 looking at assessments that might meet this requirement,
20 what has been talked about is ACT -- SAT right not
21 surprising, AP, IB, perhaps Cambridge assessments like
22 that. So that is the general what is required for state
23 assessments as a whole.

24 Then there is this second piece that really
25 talks about the innovative assessment demonstration



1 authority. This is a new opportunity for states or
2 Consortium states to pilot innovative approaches to
3 assessments. It is limited to seven states in totality,
4 right? So if you have four states that are part of a
5 Consortium, there are only three other states that may be
6 eligible to become one of the seven states, okay. So it's
7 not seven states or groups, it is seven states.

8 The intent is to give states time and space
9 to try -- to try out and learn from the implementation of
10 novel testing approaches as they scale the innovative
11 assessment system statewide. So there is still a goal of
12 having a single statewide system. The innovative
13 assessment demonstration authority is only needed if a
14 state is seeking to do the following three things, and all
15 three things.

16 The first is, they wanna develop a new
17 approach for assessing students against the standards, they
18 wanna start small, piloting and a limited number of
19 representative districts and schools before implementing
20 state wide, and they want to be able to use the approach
21 for accountability and reporting during that pilot phase.
22 Okay. So all three need to be in place in order for a
23 state to be in the place of having to go through this
24 innovative assessment demonstration authority. Variety of
25 models are actually referenced. One is --



1 CHAIRMAN DURHAM: Goff, did you have a
2 question?

3 MS. SZARKOWSKI: Sorry.

4 MS. GOFF: So are we one of these states?

5 CHAIRMAN DURHAM: Yes.

6 MS. SZARKOWSKI: Mr. Chair. So the proposed
7 rules for this innovative demonstration authority project
8 are up for review right now. Comments are due by September
9 9th. Expectation is that they will have final rules. I'm
10 gonna say January-ish depending on whether it's 90 days or
11 120 days. And then there's some other activity happening
12 in November that perhaps could impact. And at that point
13 in time, we should have more information about what it
14 would take to actually apply for the demonstration
15 authority but at this point we are not one of the seven
16 states, the seven states don't exist. With that said, we
17 do have state legislation that requires us to apply to
18 become one of the seven states.

19 MS. SCHROEDER: So will we -- okay, so the
20 State Board will be helping write this plan with your help
21 or, pardon, are these -- I guess proposal.

22 MS. SZARKOWSKI: Right. And again, I just
23 wanna make sure that we're trying at least to always keep
24 these two pieces separate right, state plan versus this
25 innovation demonstration authority. I cannot imagine us



1 trying to move forward with submitting a proposal to the
2 Department of Ed without having thorough conversations with
3 the Board on that topic.

4 CHAIRMAN DURHAM: Thank you.

5 MS. SZARKOWSKI: So a couple of a few
6 different models that have been referenced are models that
7 involve performance tasks and simulations, competency-based
8 assessments, multiple assessments used throughout the year
9 to then add up to a summative score. And as the last
10 bullet indicates, being repetitive here sorry for that,
11 it's all of these models must produce in the end an annual
12 summative determination of grade level achievement aligned
13 to the state standards.

14 A state may apply for the demonstration
15 authority to scale its innovative assessment over a period
16 of five years. And remember we don't need to apply under
17 federal expectations right now until we're ready to apply
18 all three bullets, right? We want something new, we wanna
19 try it out with a small group of districts and we wanna use
20 the results for accountability. So all three of those in
21 place. If the innovative assessment has not been
22 implemented statewide at the end of the five year period, a
23 state may request a two-year extension if it meets certain
24 requirements.



1 After that extension the proposed rule
2 clarifies a state may request an additional year waiver for
3 purposes of giving the state time to submit evidence for
4 federal peer review. So it essentially provides for up to
5 eight years to implement statewide an assessment that is
6 already designed, being used, and a subset of districts and
7 being utilized for accountability. So in addition to the
8 eight years, prior to that is the pre-application planning
9 activities that need to occur.

10 Those planning years are not part of the
11 demonstration authority timeline. As it requires that the
12 innovative and statewide assessments generate results
13 during that period that are valid, reliable and comparable
14 for all students and subgroups of students. So as we look
15 at our selected districts that may be part of a small
16 group, it's important that subgroups are represented in
17 those districts, so that we can be looking at the validity,
18 reliability, sorry, validity, reliability, and
19 comparability. Also there is an expectation that there is
20 a certain level of validity, reliability, and comparability
21 already established, right? So some piloting it appears is
22 probably expected ahead of time. They do --

23 MS. SCHROEDER: Mr. Chair.

24 CHAIRMAN DURHAM: Yes, I'm sorry, Dr.

25 Scheffel.



1 MS. SCHROEDER: So may I just ask, I'm I
2 interrupting your thought? So validity means something
3 tests what it purports to test, right? And as we look at
4 these tests. I think, if I heard correctly, we don't
5 really have validity metrics on the park test. Now we're
6 looking at a pilot test which they're requiring to be
7 valid, meaning it tests what is supposed to test. In the
8 two biggest -- in the two areas where we're in this
9 consortium, it's English language, arts and math. I mean,
10 I -- I'm just trying to think of how can we propose a
11 different approach when we don't even -- we haven't even
12 defined validity for the current assessment we're using,
13 right? I mean is there --

14 MS. SZARKOWSKI: Mr. Chair.

15 MS. SCHROEDER: -- so I see these words but
16 they don't mean anything unless they mean something and
17 they don't seem to mean anything. I'm I right? Do you
18 have Mr. -- Mr. Chair

19 MS. SZARKOWSKI: So there are industry
20 expectations in terms of content validity, and construct
21 validity, and predictive validity, and consequential
22 validity, that park has submitted as part of their peer
23 review process. So there are metrics. The question that
24 remains is whether or not it will actually pass peer
25 review.



1 MS. SCHROEDER: Okay. Can we -- have we
2 ever looked at that?

3 MS. SZARKOWSKI: You have not looked at the
4 peer review submission.

5 MS. SCHROEDER: I'd love to see that only
6 because as we consider the test that we have, which is the
7 test that we could have, and they're requiring two things;
8 rigor and psychometric adequacy. We don't have any of the
9 metrics for the current test we're using. How can we
10 possibly propose a different test?

11 MS. SZARKOWSKI: Mr. Chair. We can get you
12 some of that information. I am gonna suggest that you may
13 not want to look at it all, just as a reference point. We
14 did also have to submit our science assessments for peer
15 review, and when we sent that it was 43 pounds. So it --
16 it's -- it's hefty. It's -- it's a lot of stuff.

17 MS. SCHROEDER: I'm willing to read hefty.
18 I'd like to see the detail because it it's right in the
19 center of what assessment we might propose to them that
20 would pass peer review, because unless we know what
21 everybody passed and what they're using as a benchmark for
22 that, we have no way of knowing what would work.

23 MS. SZARKOWSKI: Mr. Chair.

24 MS. SCHROEDER: And I'd argue that whatever
25 validity information they've presented is really



1 problematic based on my understanding and review of the
2 test itself. But I'd like to look at their metrics.

3 CHAIRMAN DURHAM: Ms. Szarkowski.

4 MS. SZARKOWSKI: Mr. Chair. We -- I will
5 gladly get you the peer review submission.

6 MS. SCHROEDER: Thank you. I really
7 appreciate that.

8 MS. SZARKOWSKI: So as they continue to make
9 reference to this comparability, they do propose four
10 different ways for states to demonstrate the comparability
11 between that innovative demonstration assessment and the
12 state assessment. The first is assessing all students
13 using the statewide test at least once in each grade span.
14 The second is assessing a representative sample students in
15 the same school, I'm sorry, in the same school year on both
16 of the assessments. A third is incorporating a significant
17 portion of the assessments on the other assessment. And
18 then the fourth is another state determined method that
19 will provide an equally, Dr. Schroeder, rigorous
20 statistically valid comparison for all students and
21 subgroups.

22 MS. SCHROEDER: Thank you.

23 MS. SZARKOWSKI: Again throughout this
24 demonstration authority, there is heavy emphasis on this
25 comparability between the innovative statewide assessment



1 and the typical statewide assessment. Remember this
2 demonstration authority is only needed if you wanna move
3 forward with a small group of districts. There is nothing
4 that precludes a state from saying we want to move forward
5 with a new assessment statewide.

6 We do not need demonstration authority to do
7 that. We need the demonstration authority if we want to
8 start forward with just a small group. It also with these
9 assessments, it has to provide for the participation and be
10 accessible to all students. So accommodations and
11 accessibility features have to already be in place. And
12 the assessment has to provide for disaggregated results for
13 all students and subgroups. So for Colorado, we have
14 several different questions for us to consider. One is
15 within our state plan to meet the requirements, those basic
16 requirements of as a -- in the 16, I'm looking to that 16,
17 17 school year, what will be our 16 and 17? No, 17, 18-
18 17, 18?

19 What will be our short-term assessment that
20 we will be utilizing? Where do we see someone need to go a
21 longer term with our state assessments? Does our vision
22 actually require this demonstration authority or can we
23 move forward with our vision without asking for
24 demonstration authority? Again, we have this state
25 legislative requirement that says we are supposed to submit



1 something that requires that authority. Okay. But for
2 your vision, long-term? I'm not sure if it'll require
3 demonstration authority. What flexibilities exist within
4 the ESSA statute and are those actually enough for us to
5 move forward as a state?

6 CHAIRMAN DURHAM: All right. That concludes
7 Ms. Szarkowski. Any questions? A couple -- yes.

8 MS. RANKIN: I have a question.

9 CHAIRMAN DURHAM: We are behind schedule.
10 Way behind the schedule so.

11 MS. RANKIN: So I can only have yes?

12 CHAIRMAN DURHAM: No, it's -- it's fine but
13 we are -- we are behind somehow.

14 MS. RANKIN: If we don't get the rules back
15 from your questions until November, why are we having the
16 meetings?

17 CHAIRMAN DURHAM: Mr. Chapman.

18 MR. CHAPMAN: You mean, why are we moving
19 forward with a state plan development?

20 MS. RANKIN: Exactly.

21 MR. CHAPMAN: That's with a qua -- moving
22 forward with a qualification that the -- the rules once
23 they become finalized could alter what we -- what we're
24 proposing or what we're moving forward with recommending
25 that timeline. If we need to submit our plan in March or



1 even in July, we really need to get moving on beginning to
2 respond to some of the questions that will be included as
3 part of our application but we're moving forward with the
4 knowledge that -- that rules once they become finalized
5 could have an impact on that and we would need to change
6 course or if the -- the Board feels we should move forward
7 with something in our plan that maybe falls -- falls
8 outside of the rules then we would do that as well.

9 MS. RANKIN: And -- and you said there were
10 thousands of -- of submissions. Is -- is it possible or is
11 it even feasible that we should see what other people had
12 questions about because we had a lot of big concerns. I'm
13 sure those are echoed in these other states but they may
14 have some that we -- not our department but someone might
15 have missed.

16 UNIDENTIFIED VOICE: Joyce, I look forward
17 to you if I can. The Adweek article which actually did go
18 through the submissions of some of the larger groups and --
19 and identify which issues had a lot of concerns, which
20 groups said. So that's not 20,000, but it does give you
21 some idea of what some of the other concerns were that were
22 expressed.

23 MS. RANKIN: Were they --

24 UNIDENTIFIED VOICE: Somebody's --
25 somebody's been tallying this.



1 MS. RANKIN: Were they parallel to ours for
2 the most part? I mean, please say yes.

3 UNIDENTIFIED VOICE: Aye.

4 MS. RANKIN: Go ahead if you can say it.

5 UNIDENTIFIED VOICE: I -- I can't remember.
6 I didn't do a match.

7 MR. CHAPMAN: I think there -- there was a
8 lot of consistency and concerns about the timelines for
9 accountability, implementation. There were some concerns
10 about the requirements of -- with regard to the state plan
11 that -- that maybe they were -- they included some
12 unworkable timelines. So I think it's largely the
13 timelines for accountability and -- but I do think that
14 there was a pretty good consistency in some cases where
15 there -- there seemed to be rules that weren't consistent
16 with statute.

17 MS. RANKIN: Yes, that was the main one.

18 MS. FLORES: Would you share those with all
19 of us.

20 MS. SZARKOWSKI: Yeah, I'll try to find that
21 article.

22 MR. CHAPMAN: We -- we can, for that -- yeah
23 we can -- we might be able to get two, today.

24 CHAIRMAN DURHAM: All right. When we -- is
25 there any other questions? All right.



1 MS. RANKIN: I just was looking at this last
2 slide, the word "Comparable." Do you have a sense of what
3 other people are saying is comparable? Cause when I look
4 at a test that's so heavily loaded on language not content,
5 how could the test possibly be comparable across subgroups?
6 I mean when you think of comparable, you're holding all the
7 variables equal, except the content of instruction. This
8 test part doesn't do that, smarter balanced doesn't do it.
9 And so how could the test we're using, which has been
10 approved, possibly be viewed as comparable across
11 subgroups?

12 MS. SZARKOWSKI: So one of the distinct
13 distinctions that folks are talking about is comparable,
14 meaning essentially identical and comparable meaning you
15 can make some judgments but they're not necessarily, you
16 know, spot on one and the same. Right. I mean, the only
17 way you could have something that is truly comparable would
18 be item number one, item number two. Right. Just going
19 one to one. Sorry. Item number one --

20 MS. RANKIN: Well, I'm thinking across
21 subgroups though.

22 MS. SZARKOWSKI: Yeah. So in terms of
23 subgroups, we are required through peer review for all
24 assessments, to submit information about, information about
25 how different subgroups address the content on the tests.



1 We had to go through cognitive labs with different
2 subgroups of kids, and demonstrate how kids were
3 approaching those items, and to demonstrate that they were
4 approaching them in comparable ways. We do have to look at
5 specific items and ensure that items are not spiking for a
6 particular subgroup.

7 So we could have had -- if we would have a
8 passage that would really have our male students performing
9 drastically differently than they typically perform and
10 female students performing drastically differently than
11 they typically perform, but in opposite directions, that
12 would be an indication that something was going on with
13 that item from a gender perspective, that was outside of
14 really being relevant to the construct being measured, and
15 so that item wouldn't need to be removed and not go
16 operational. There are the same or similar statistics that
17 are ran for our other subgroups, so our students with
18 disabilities are English Language Learners. We look at
19 different racial ethnicity groups during that initial field
20 testing of our items.

21 MS. RANKIN: So I would just argue that the
22 test isn't comparable across subgroups, except as defined
23 very narrowly, and I hope as we move forward and think
24 about assessment for the state, that we can have a deep



1 discussion about what these words really mean. It strikes
2 me that they've been oddly defined. Thank you.

3 MS. FLORES: And even in content, I mean, I
4 remember speaking with you about that fairytale, which I
5 thought fairytales, you know, but not in high school. And
6 -- and then there were some areas with --

7 MS. SZARKOWSKI: Mr. Chair.

8 CHAIRMAN DURHAM: Yes.

9 MS. SZARKOWSKI: I just want to caution us.
10 Remember as you were looking at those items, all of you
11 signed a nondisclosure agreement, and I wanna make sure
12 that there isn't an unintentional breach that we create
13 today. So apologies but I just want us to be careful about
14 such a thing.

15 MS. FLORES: So just appropriateness, I
16 guess, of level. I -- I question that.

17 CHAIRMAN DURHAM: I think we're going to
18 take a five-minute break and -- and let's keep it really to
19 five minutes and we are significantly behind schedule. I
20 know there's a press availability scheduled, and I think so
21 when we come back, we'll just hit the high points of the --
22 of what's going to be released to the media so the Board
23 can have a quick look. Yeah. I'm sorry, what is going to
24 be released has been released. So if we can just have a



1 high-point on that so we'll stand in recess for five
2 minutes.

3 (Pause)

4 CHAIRMAN DURHAM: Okay, Ms. Szarkowski. If
5 you would -- we'll move onto our last agenda item, which is
6 the -- yeah, which is the release of the CMAS results,
7 which I understand have been released to the media sometime
8 this morning. And so this kinda brings the Board up-to-
9 date on the highlights and I appreciate, looks like we have
10 an in-depth paper that we'll have an opportunity to look
11 at, here at our leisure. So and I think particularly if
12 you could -- if you can highlight progress, pluses,
13 minuses, and scores year-to-year would be particularly
14 helpful.

15 MS. SZARKOWSKI: Absolutely, Mr. Chair. So
16 you have -- and I wanna rename this slide as well. We're
17 not gonna call this agenda, we will call this PowerPoint
18 contents, because within the presentation today we will be
19 skipping portions. But again, you can look at your
20 leisure.

21 CHAIRMAN DURHAM: Thank you.

22 MS. SZARKOWSKI: You're welcome. But as a
23 reminder, when we're looking at our state assessments, what
24 are their purpose? They are one indicator. Student
25 mastery at the grade level standards by the end of the



1 year. They do provide information on how students are
2 performing compared to their school, their district, and
3 their state peers, and in relationship to ELA and math, we
4 also have information about how they perform compared to
5 students in other states.

6 For ELA and math, we're able to track yearly
7 student growth. They allow our teachers to see how their
8 students are performing against the standards, and identify
9 areas they may need to adjust their practice in the future,
10 and they do provide the school and district comparisons and
11 accountability information for parents, students, and the
12 community.

13 Reminder, short -- shortening this a bit,
14 our CMAS tests are aligned to our Colorado academic
15 standards, that were adopted in December of 2009 and
16 revised in August of 2010. Those standards have been fully
17 implemented since 2014. The CMAS tests were designed to be
18 online assessments, and that's important for us to keep in
19 mind. There are a variety of accessibility and
20 accommodation features that are available, such as text-to-
21 speech, translations, word-to-word glossaries can be used,
22 many of those to address issues like language. In our
23 state, this year, we had 5.8 of our actual testers used
24 paper, that varied from 0.3 to 8.8 for math. Most grade
25 levels --



1 CHAIRMAN DURHAM: I'm sorry, are you talking
2 percentages?

3 MS. SZARKOWSKI: Percentages, sorry. So 5.8
4 percent of our testers used paper this year, so
5 approximately 95 percent tested online. And remember with
6 last year's legislation, paper became an option at the LEA
7 level, LEP level, Local Education Provider level, so that
8 included districts and charter schools as well. For
9 English Language Arts, for most grade levels, we are about
10 -- about 4.5 percent grade three was at the highest at
11 seven.

12 I know that was detailed, but people have
13 been asking. Colorado measures of academic success, there
14 are two different pieces, right? There is the Colorado
15 developed science and social studies and the part developed
16 English language, arts, and math. We administered ELA and
17 Math in grades three through nine, Science in five, eight
18 and 11, Social Studies was administered on a sampling basis
19 to grades four and seven. We administered PSAT 10 for the
20 first time this year. And for the last time, we
21 administered ACT. Performance levels for science and
22 social studies has been adjusted to match ELA and math, to
23 make it easier for the field.

24 Historical number of parent excusals in from
25 2010 to 2014 they were relatively few, in the state of



1 Colorado. In 2015, there was an escalation of parent
2 excusals, which is what you see on slide 12. What happened
3 in 2015, sorry, in 2016, what we saw in grades three
4 through eight, and we're looking right now at ELA, is a
5 relative stabilization of our participation. For grades
6 three through five, we are very close to 95 percent
7 participation, and grades six through eight, we are between
8 85 and 90 percent.

9 At grade nine, it drops closer to 75
10 percent, that's a slight improvement over last year. In
11 grade 10, when we made the shift from the CMAS/PARCC, ELA
12 test, to the PSAT this year, we saw our participation jump
13 from about 60 percent to close to 90 percent. So
14 participation, again, at that high school level when we
15 administer a test that the students clearly see is relevant
16 to them, and has impact on them, they'll be engaged with
17 the system.

18 There are lots of additional slides for you
19 to look at in detail. I'm -- I'm not going to go through
20 all of them. You will see that I also provided for you the
21 breakout by female and male, for grades three through five
22 ELA, grades six through eight ELA, grade nine. What we see
23 is, again, in grades three through five ELA, our
24 participation -- sorry, three through five, thank you,
25 participation -- we are within one percentage point for all



1 areas. When we get to grades six through eight, we are
2 within two percentage points, with the exception of our
3 white subgroup. When we get to high school, then we are
4 off as much as 4.6 percentage points. When we look at
5 science, right, which is our assessment that is given at
6 11th grade, now we're off by as much as 6.3 percentage
7 points.

8 For those areas where we're very close like
9 grades three through five, grades six through eight, we are
10 good to move forward with confidence in our interpretation
11 of our state level results. As we move higher in the
12 grades, we need to be more cautious. We also need to look
13 at our particular subgroups when we're looking at subgroup
14 performance. Nonparticipants, overall, are
15 disproportionately white, economically better off and
16 native English speakers.

17 PARCC results. CMAS PARCC ELA results, you
18 will see here and I suggest looking at the green to -- I
19 don't know what color to call that purple-ish line, that's
20 where we are moving up into the meets and exceeds category.
21 What we have for third grade is 37.4 percentage of our
22 students who met or exceeded standards, that is consistent
23 with what we had last year. Fourth grade, we're at 43.9
24 percent of our students met or exceeded standards, that's
25 slightly higher than last year. When we look at grade



1 five, grades six, grade seven, grade eight, and grade nine,
2 they are relatively stable from last year. The range is
3 between 37.2 percent of our students meeting and exceeding
4 standards to 43.9, which peaked in fourth grade. For Math
5 --

6 CHAIRMAN DURHAM: Run through these levels
7 real quick.

8 MS. SZARKOWSKI: Sure.

9 CHAIRMAN DURHAM: What level one is, what
10 level two is.

11 MS. SZARKOWSKI: Sure. So if we go back --
12 this is the danger of going fast. Level one is did not yet
13 meet expectations, level two is partially met, level three
14 is approached.

15 CHAIRMAN DURHAM: Thank you. So all those
16 top --

17 MS. SZARKOWSKI: level four and five.

18 CHAIRMAN DURHAM: -- only -- only the top
19 two.

20 MS. SZARKOWSKI: Yep.

21 CHAIRMAN DURHAM: Right. Okay, got it.
22 Thank you.

23 MS. SZARKOWSKI: You're very welcome. For
24 Math, what we start to see -- I wish I had a laser pointer
25 --



1 MS. SCHROEDER: Oh! You do.

2 MS. SZARKOWSKI: I do have a laser pointer.
3 The red button. Yeah, you people lied to me. All right,
4 so. That's okay. When you look at grade three, grade four
5 and grade five, there actually is a stair step that goes
6 down with our green bars. Right. So like grade three,
7 we're starting at about 63 percent in 2015. That goes down
8 to about 61 percent, right? Although a step down, that's
9 an increase in the number of students that we have at grade
10 four and five.

11 Thanks for the demonstration. Very good.
12 So for three, four and five, we're actually seeing that
13 stair stairs step. When we start looking at grades six,
14 seven, we are again more stable. In grade eight, again, we
15 see a little bit of that stair step. Again, when we're
16 looking at overall, what can we say about our results? In
17 grades three, four and five, there does appear to be an
18 initial indicator that our students this year performed
19 better than last year. We will look very carefully at next
20 year's data to see if we have a trend here. We need to
21 have three data points to start talking about trend.

22 MS. SCHEFFEL: But -- but isn't that just
23 because of the test? It's a new test last year, and then
24 the -- but it could be.



1 MS. SZARKOWSKI: We will look at our third
2 point next year, to see if we have trend. For math for
3 high school, and these are high school math tests.
4 Remember, we have six of them in the state of Colorado. We
5 have algebra geometry, algebra two, and integrated math
6 one, two, and three. Students as early as seventh grade
7 can start to begin, sorry, can start to take some of those
8 assessments. So it's important to keep in mind when we're
9 looking at this, that these represent our seventh through
10 ninth graders who happen to be taking these courses and are
11 participating in these assessments.

12 Notice, I do not provide here a comparison
13 point for you, because last year's results included
14 students up through 12th grade, so you can't compare.
15 Right. So I excluded the 2015 comparison point, because
16 that's not a true comparison point. When we eliminated our
17 CMAS assessments in grades higher than nine, we lost that
18 comparison. What I did provide for you is 2015-2016 data,
19 looking just at seventh through ninth graders. This data
20 is different than what has publicly been out there before,
21 because in the past, we had all of our students who
22 participated up through 12th grade.

23 What we do see here is, in geometry, and
24 algebra two, and integrated one and two, is an increase in
25 the percent of our students who are at levels four and



1 five. Again, this is an indicator for us to watch, to see
2 if this is gonna be a trend. We have, as I indicated
3 earlier, students in grades seven, eight, and nine, who
4 participate in algebra and an integrated one. This slide
5 breaks out how students at each of those grade levels did
6 in each of those math assessments.

7 So we know that over 80 percent of our
8 seventh graders who took the algebra one assessment met or
9 exceeded expectations, about 65 percent of our eighth
10 graders met or exceeded expectations, over 15 but below 20
11 percent of our ninth graders met or exceeded expectations.
12 Couple of things to take from that. Right. Which students
13 are taking algebra in seventh grade are most advanced, math
14 --oriented students. Second thing is even with two
15 additional years of work and instruction, our students who
16 may be less math-inclined are not catching up.

17 For science, we see, again, relative
18 stability in grades five and eight. Remember, this is the
19 first year that we're publicly releasing high school
20 results, so we don't have a comparison point. When we look
21 at grade four, we actually start to see that stair --
22 sorry, stair step pattern that we watch for. We have three
23 data points. Hopefully, this is a trend. Students in 2016
24 did perform or pass the assessment at about 3.6 percent --



1 percentage points more than in 2014, and social studies in
2 grade seven, again, it is relatively stable.

3 With that said, it's important to note that
4 we do have packets of schools and districts who are showing
5 improvement. Say when we're looking at grade five and we
6 looked at the schools and districts, we looked for schools
7 and districts that had at least 95 percent participation,
8 we looked at schools and schools and districts that had at
9 least 50 students and had no significant irregularities in
10 their testing in the last few years.

11 At grade five Fremont, Rocky Ford, and race
12 school districts, showed more than a 10 percentage point
13 increase and a percent other students who are meeting and
14 exceeding standards. At grade eight, Alleycat, Kansas
15 City, Weld County 8, also showed at the district level
16 greater than a 10 percentage point increase, and the number
17 of students who met or exceeded standards across the state.
18 We had 43 schools that showed an increase of more than 10
19 percent. And again, those are our schools that have at
20 least 50 students, and had at least a 95 percentage -- oh,
21 sorry, a 95 percent participation rate.

22 MS. FLORES: And may I ask a question, were
23 any of those districts -- did they take paper and pencil as
24 opposed to --

25 MS. SZARKOWSKI: Mr. Chair.



1 MS. FLORES: -- as opposed to online?

2 MS. SZARKOWSKI: Mr. Chair, I would actually
3 need to check. Are the number of schools, and students,
4 and districts that are taking science and paper is minimal.
5 It's extremely, extremely small. Remember science -- we've
6 had this conversation about how all of the assessments have
7 been designed to be online assessments, science especially
8 was designed to be an online assessment with the
9 simulations. Mr. Chair, I am listening to your direction
10 to move through this relatively quickly.

11 So we're on the express lane here as we go
12 through our disaggregated groups, and I don't believe you
13 will see anything that surprises you, disappoints perhaps,
14 calls for your attention, perhaps, but not unexpected. For
15 agenda within ELA, our females are outperforming our males,
16 between 8.7 to 16.5 percent. That seems to peak at seventh
17 grade. For math, we actually see our males and females
18 performing very similarly in grades three, four, five and
19 six.

20 We see our females actually outperforming
21 our males at seventh and eighth grade. That continues into
22 algebra one and into integrated one. For geometry, we're
23 relatively even. When we look at algebra two, now our
24 males are outperforming our females. For science, we have
25 our males slightly outperforming our females at grade five,



1 we have our female slight per -- outperforming our males at
2 grade eight, and then when we get to high school, our males
3 are now outperforming our females, but I do need to caution
4 that when we looked at our high school participation in
5 science, it was very impacted and our females had a higher
6 rate of parent excuse nonparticipation than our males did,
7 which also could be influencing what we're seeing here.

8 For Social Studies, females outperform our
9 males. For race and ethnicity, in grades three through
10 six, between our Hispanics and Whites, and Blacks and
11 Whites, there are -- there is a 24 to 28 percentage point
12 difference. At grade nine, that is a low between our White
13 subgroup and our Black subgroup, and it's at about 21. For
14 math, in grades three through six, there is a 26 to 28
15 point difference between our Black subgroup and our White
16 subgroup, and our Hispanic subgroup and our White subgroup.
17 At grade seven, that's about 22.

18 At grade eight, that drops to about 16 to
19 17, but it's important to keep in mind what is happening
20 with our groups at eighth grade and who no longer is
21 participating in the eighth grade assessment. There are
22 students now who are taking algebra one, geometry,
23 integrated one and integrated two. When we start looking
24 at algebra and geometry, that change or that difference
25 jumps back up to 26 to 27 points.



1 For algebra two, there's a 19 point
2 difference between our Whites and our Hispanics, and
3 there's a 30 point difference between our White subgroup
4 and our Black subgroup. Our numbers of students who are
5 participating in those higher level assessments, coming
6 from our Hispanic subgroup and our Black subgroup is
7 relatively small, and I do need to say that our Asian
8 subgroup is outperforming even our White subgroup when it
9 comes to math.

10 MS. SZARKOWSKI: Looking at science and
11 social studies, we -- again, when I'm looking at the
12 difference between my White subgroup and my Hispanic
13 subgroup, the difference is between about 10 and 15. For
14 science, when I look at my Black subgroup and my Hispanic
15 subgroup, compared to my Asian subgroup, that is somewhere
16 between 35 and 50. For social studies, that got the
17 smaller, but notice what else is happening, is that our
18 Asians -- our Asian subgroup, our White subgroup, and our
19 two or more subgroup has actually dropped in performance,
20 rather than are Black and Hispanic subgroups performing
21 better.

22 ELA, what we're looking at is in grades
23 three through seven, is a difference of between 29 and 31
24 percentage points, slightly lower at grade eight and nine,
25 between 27 and 28. For math, again, at grade three and



1 six- three through six, the differences between 29 and 31
2 percentage points, at grade seven that drops to 25, at
3 grade eight that drops to 18. Again, remember, a whole
4 bunch of our students are no longer participating in that
5 grade eight math test, they're taking algebra one or
6 geometry. When we look at algebra one and geometry, that
7 difference jumps back up to 29 to 30. At algebra two, it's
8 about 27. For our integrated sequence of math, it's
9 between 19 to 23. For -- sure.

10 UNIDENTIFIED VOICE: The integrated math,
11 that's not available in every district, is it?

12 MS. SZARKOWSKI: Mr. Chair, so remember for
13 our high school math there are two general, scope and
14 sequences that are used in the state of Colorado. One is
15 referred to as a traditional pathway, Algebra 1, geometry,
16 Algebra 2. The other one is the integrated pathway one,
17 two, and three. Not all districts offer both.

18 UNIDENTIFIED VOICE: Okay.

19 MS. SZARKOWSKI: And that relatively few
20 offer both.

21 UNIDENTIFIED VOICE: Relatively few?

22 MS. SZARKOWSKI: Offer both.

23 UNIDENTIFIED VOICE: Thank you.

24 MS. SZARKOWSKI: For science and social
25 studies, again, there is a significant gap between our



1 students who are eligible for free and reduced lunch, and
2 our students who are not eligible for free and reduced
3 lunch. That difference does seem to shift across grades,
4 but again it seems more dependent upon our students who
5 aren't eligible performing worse rather than our students
6 who are eligible significantly performing better. Not how
7 we wanna see a gap change -- a gap reduction.

8 For IEP status, our difference between our
9 students who have IEPs and our students who don't have IEPs
10 is the lowest at grade three with a 33 percentage point
11 difference for grades four through nine, the difference is
12 between 36 and 40 percentage points. For math, again, what
13 we see is a difference between 29 and 32 for grades three
14 through six between those groups, 25 for grade seven, it
15 drops at grade eight. Again, we're seeing impact here of
16 students who are more advanced math achievers not taking
17 the grade eight assessment, they're taking the Algebra 1
18 and Integrated 1 assessment, and we see that difference
19 jump again to 31 at Algebra 1 and Integrated 1.

20 For science, again, the gap seems to
21 decrease across grades, but that decrease is more dependent
22 upon our students who are not, are not students with
23 disabilities actually performing worse rather, than our
24 students with disabilities significantly performing better.
25 For our English learners, when we look at our data, we look



1 at our students who are identified as non-English
2 proficient, those are students with very low levels of
3 English language proficiency.

4 Then we look at our students who are limited
5 English proficient, our students who are fluent English
6 proficient, are students who were classified as English
7 learners, they are demonstrating appropriate levels of
8 English language and they are demonstrating appropriate
9 achievement. So we would expect to see our fluent English
10 proficient students scoring high, it's almost a criteria in
11 order to be identified as a fluent English speaker.

12 For our non-English proficiency students and
13 our limited English proficient students, the gap between
14 those students and our non-English learners is significant.
15 This year is the first year that we administered the
16 Colorado PSAT 10 in the state of Colorado and was our last
17 year for the Colorado ACT. Participation again in that
18 Colorado PSAT was at a rate of 88.3 percent. When we look
19 at our overall, we have students who are scoring and I'll
20 talk more about this scale in a little while. The mean
21 overall scale was 944. For the evidence-based reading and
22 writing, it was 475, for math it was 468. Our females
23 performed better than our males in both the overall scale
24 score as well as the evidence-based reading and writing.



1 Males outperformed females in math. Our
2 Asian students outperformed other race ethnicity subgroups
3 in the areas of the mean overall scale score in math. Both
4 Asians, the Asian subgroup and the Whites, sorry, the White
5 subgroup outperformed the other race ethnicity categories
6 in the area of evidence-based reading and writing. As the
7 comparison point, when we look at national users for the
8 overall scale score, national users had a mean score of 932
9 slightly below our 944.

10 Our national users for evidence-based
11 reading and writing had a mean score of 468, and our
12 national users had a mean score for math of 464. So
13 Colorado slightly -- performed slightly better than the
14 national users group. I'll get that too. Colorado SAT,
15 participation rate high. What I have provided for you here
16 is the overall scale score and the subscales. Females
17 outperformed males for the overall scale score and in
18 English, and in reading. Males outperformed our females in
19 math, and in science. Our Asian subgroup outperformed in
20 the areas of the mean overall scale score, math and
21 science.

22 Both Asians, the Asian subgroup and the
23 White subgroup outperformed our other race ethnicity
24 subgroups in the area of English and our White subgroup
25 outperformed the other subgroups in the area of reading.



1 For -- pause. Colorado did have in the areas of reading,
2 science reasoning and composite, our overall group had a
3 five year high. Our Hispanic means scores were also at a
4 five year high in four out of the five areas and they
5 actually tied their high in the fifth area.

6 UNIDENTIFIED VOICE: Try to go fast.

7 MS. SZARKOWSKI: We will call it a high
8 within the five years. CMAS individual student reports.
9 There have been some revisions to the reports. You've seen
10 these before overall. I know this is small, I'm gonna blow
11 it up for you. I did wanna make sure to be sure to look at
12 the Chair and say we were responsive to your request and we
13 added in the Colorado percentile rank this year. It's in
14 the upper left-hand corner.

15 And here you will see the performance level,
16 the score, and as I indicated the Colorado percentile rank.
17 Also on these reports, parents will be able to see how
18 their student performed against the school average,
19 district average, state average, and across state average,
20 as well as the distribution of scores across the
21 performance levels for the state of Colorado. There are
22 also sub score areas for both math and for reading and
23 writing.

24 PSAT 10 individual student report. These
25 are new reports obviously for the state of Colorado. The



1 PSAT is on the same scale as the SAT as you may recall when
2 maybe you took the SAT, the scale is 200 to 800. And then
3 overall for a composite for SAT between 400 and 1,600. The
4 PSAT scale is slightly lower because it's given to students
5 who are younger. So the range for the overall is between
6 320 and 1,520 instead of 400 to 1,600 and then for the
7 reading and writing score, math score it ranges between 160
8 and 760.

9 It's important to note that the scale like I
10 said is on the same scale as the SAT. So there's a lot of
11 predictive value in these scores and allow students to very
12 easily see the connection between their performance on the
13 10th grade assessment and how they may perform on that 11th
14 grade assessment. Also here, you will see readiness
15 indicators in the bottom half of the report, they do have a
16 red, yellow, and green system. Red means might be an area
17 where you need to increase your readiness skills. Green,
18 demonstrating that it appears you are on target.

19 They do also provide a projected score for
20 the following year. So not only is there a relationship
21 between the scales, but there is also a projected score and
22 you can see that with the little blue where it says
23 projected range for next year. Thank you. Appreciate
24 that. Which students were getting early indications are
25 finding very helpful. The PSAT does also have several sub



1 scores that again, do that break out of between like a red,
2 this is an area you might wanna look at. Yellow, you're
3 close to green meaning you are looking as if you are on
4 target.

5 Again, what we're getting initial feedback
6 on and I heard some of this at a case is that College Board
7 also provides information at the reading level and the
8 writing and language level and math level, specific areas
9 where the student appears to be that they have mastered the
10 content. So the skills and the concepts that are mastered
11 and then they also provide a listing of skills and concepts
12 that they might want to improve on in order to improve
13 their score.

14 Those are areas where they do not appear to
15 be meeting the college readiness expectations. Through the
16 College Board, students are provided with optional
17 voluntary supports that they can choose to leverage. There
18 are paper-based practice tests. There is an app that has
19 daily practice on it and there is additional resources
20 available through Khan Academy that are free and optional.

21 If students choose, they can personalize
22 what the support they get through the Khan Academy in two
23 different ways. One is, they can -- right within the Khan
24 Academy, they can take a practice test and you can get
25 information in terms of how you're doing. When we first



1 got this contract, my staff and I did that. I've got
2 information about where we had strengths and maybe areas we
3 might wanna improve on. I didn't want students to do it
4 without us having gone through the process.

5 Students can also choose to put their scores
6 in there and get personalized information. College Board
7 has also established a relationship with the Boys and Girls
8 Club, where students can get support. Students are also
9 eligible for scholarships through the PSAT 10, and then
10 also with the relationship with College Board for our
11 students who may be eligible for free and reduced lunch,
12 they are provided with four free college applications.

13 And those are full college applications,
14 it's not just send your scores to the college, it's the
15 full blown college applications. And that's the first for
16 our state to be able to engage in a relationship that
17 allows that. Resources, there are sample score reports
18 available for educators and parents to review. There are
19 also is an entire tool kit that communications has put
20 together in relationship to this score release really
21 focusing in on the student level results, and that is for
22 both the CMAS assessment including ELA and math, as well as
23 for PSAT and getting ready for SAT, and some general
24 information about the purpose of state assessments and the



1 information on CMAS test results and they're using the
2 accountability system. Mr. Chair.

3 (Pause)

4 UNIDENTIFIED VOICE: I'm seeking information
5 by district by school, what's the growth?

6 MS. SZARKOWSKI: I'll do this. So schools
7 and districts will be receiving their school and district
8 summary information. What we indicated was no later than
9 Monday.

10 UNIDENTIFIED VOICE: Oh, okay.

11 MS. SZARKOWSKI: We will give the schools
12 and districts the opportunity to review that information,
13 validate that information. The expectation currently is,
14 is that we will release that publicly September 1st, but
15 there has been some conversation about whether it would
16 make more sense to release both that achievement
17 information with the growth information at the same time,
18 to be honest with you. So there is some conversation. And
19 in terms of growth --

20 UNIDENTIFIED VOICE: We're working on
21 running the growth calculations right now and that we have
22 that student level scores. There's been some analysis we
23 need to do with it. We need to look at the different math
24 pathways and how we calculate growth between and if we have
25 enough students that we can do it. We need to look a



1 little bit at the paper versus online from last year and
2 what that does to growth. So we're meeting with our
3 technical advisory panel for longitudinal growth next
4 Thursday.

5 Hopefully, we'll have preliminary results to
6 share with them and talk with them about the right
7 methodologies. Depending on how that conversation goes and
8 what we see in the data, and what we need to go back and
9 relook at, scores could be or the growth could be ready
10 beginning middle-ish of September till later in September.
11 So we just -- we wanna make sure we've got -- we thoroughly
12 the -- that -- that data first and make sure what we're
13 putting out there is accurate and the right data to be
14 using.

15 So it's hard this year that we're a little
16 opening on time, but just with the changes with the
17 assessment we wanna make sure we get it right. So again,
18 we're talking about whether we wait on some of the
19 achievement in the school and district level till we have
20 growth ready and I think that will depend on when we know a
21 little bit more about when we'll have growth ready.

22 MS. SCHROEDER: Will the school districts
23 that are anxious know by the 1st of October, where they
24 came out or not?

25 UNIDENTIFIED VOICE: With growth?



1 MS. SCHROEDER: No, with the whole.

2 UNIDENTIFIED VOICE: So they'll definitely
3 have their achievement. I think the schools and districts
4 will have their individual achievement data Monday no
5 matter what most likely. And two -- sorry, I meant no
6 matter what we decide about releasing with it -- with
7 growth, they'll get their achievements as soon as
8 achievement's ready. It's about the public release, about
9 whether we put them together or whether they're not. I
10 think we just need to figure out the timing on growth to do
11 that. But the districts will have growth as soon as growth
12 is ready too.

13 MS. SCHROEDER: So my concern is that
14 districts have some time to think about the results in
15 terms of what their hopes are for moving forward, the ones
16 that are -- they're really anxious about this.

17 UNIDENTIFIED VOICE: Yeah. Yeah.

18 UNIDENTIFIED VOICE: I do just wanna
19 publicly thank the -- the CDE staff for pulling this
20 together, this is why we requested another week from you
21 for next year because the way we get the scores, they have
22 been working day in and day out to be able to do this
23 presentation for you today, and the communications team
24 that has developed all of the tools and sample reports in



1 English, Spanish, they have been working tirelessly to get
2 this ready for today.

3 CHAIRMAN DURHAM: Yes. Thank you. Thank
4 you, Joyce. So we very much appreciate the effort. I know
5 we wouldn't have to give you another week next year.
6 Nothing more than that though.

7 MS. SZARKOWSKI: The people who do the work,
8 my staff really appreciate that.

9 CHAIRMAN DURHAM: I think it will be
10 helpful. And so is there any other business to come before
11 the Board? Yes, Ms. Goff? Or Katy, did you have any?

12 MS. GOFF: No, I may have this.

13 CHAIRMAN DURHAM: Right. She can --, she
14 can hit me, she's close enough, so I won't. I'd just like
15 to thank staff for the extra effort that they went to, to
16 hold this meeting at Grand Junction, it's not easy, and a
17 lot of logistical problems that have to be solved and we
18 appreciate it very much. Also, I wanna thank the college
19 and the community for the courtesies shown us here today
20 and yesterday, we, we very much appreciate those. And we -
21 - we look -- yes, it was great time. I enjoyed the Grand
22 Junction a lot. And so we'll look forward to -- to
23 hopefully doing this again in the near future. I wanna
24 thank, thank everyone and thank the members for their
25 attentiveness and their productivity, although we had a



-
- 1 good two -- good two day meeting. With that, we'll stand
 - 2 adjourned until the September meeting. Thank you.
 - 3 (Meeting adjourned)



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

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

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

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

12

13 /s/ Kimberly C. McCright

14 Kimberly C. McCright

15 Certified Vendor and Notary Public

16

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