



Colorado State Board of Education

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

January 26, 2017 Meeting Transcript - PART 1

BE IT REMEMBERED THAT on January 26, 2017,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board Members:

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



1 MADAM CHAIR: Good morning, folks. The State
2 Board will come to order. Ms. Cordial, would you please
3 call the roll?

4 MS. CORDIAL: Board Member Durham.

5 MADAM CHAIR: He will be here shortly. He's
6 excused until 10:00 o'clock.

7 MS. CORDIAL: Thank you. Board Member
8 Flores.

9 MS. FLORES: Here.

10 MS. CORDIAL: Board Member Goff.

11 MS. GOFF: Here.

12 MS. CORDIAL: Board Member Mazanec.

13 MS. MAZANEC: Here.

14 MS. CORDIAL: Board Member McClellan.

15 MS. MCCLELLAN: Here.

16 MS. CORDIAL: Board Member Rankin.

17 MS. RANKIN: Here.

18 MS. CORDIAL: Board Member Schroeder.

19 MADAM CHAIR: Here. The first item on our
20 agenda is consideration of the final 2016 school plan types.
21 Commissioner?

22 UNIDENTIFIED VOICE: Yes, thank you, Madam
23 Chair. I will turn this over to Alyssa Pearson, Brenda
24 Bautsch and Jessica Knevels.

25 UNIDENTIFIED VOICE: Thank you. Good



1 morning, you all. You ready for an extra fun board meeting
2 today?

3 MADAM CHAIR: We are ready and excited.

4 UNIDENTIFIED VOICE: Good. So are we. So
5 what we're doing today for this section of the board meeting
6 is going over the 2016 school plan types and CDE's
7 recommended plan types for you all to vote on today. We're
8 going to spend a little time giving you background and
9 overview on the process.

10 We'll talk through the request to reconsider
11 process and how we landed at these final ratings -- or
12 recommendations for ratings. We'll go through kind of the
13 summary of based on our recommendations what the results
14 look like.

15 And then I -- we'll spend a little time
16 updating you on the accountability clock and the next steps.
17 Do you guys need help finding stuff or -- did we make it
18 more -- I know we made it more confusing to you.

19 MADAM CHAIR: I think, we've -- do we have
20 our staff?

21 UNIDENTIFIED VOICE: Yeah, I think we're
22 fine.

23 UNIDENTIFIED VOICE: Okay. Okay. So just
24 the background on why we're doing this and why we're here.
25 The Educational Accountability Act of 2009 requires an



1 annual review of district and school performance. Districts
2 receive a district performance framework that determines
3 their accreditation rating.

4 We did that back in December and shared those
5 with you then. Schools receive a school performance
6 framework which determines their school plan type. That's
7 what we're talking about today. For districts, the
8 commissioner decides upon those final accreditation ratings.
9 Districts on priority improvement or turnaround can appeal
10 those decisions to you all.

11 For schools, the department makes the
12 recommendation to you all and you vote on those school plan
13 types and then there's no appeal process after that. But as
14 you know, we do the request to reconsider process before we
15 even bring these recommendations to you. So purpose of the
16 accountability frameworks and what we're doing here.

17 For districts and schools we want to provide
18 a statewide comparison of student performance that
19 highlights areas of success in our state and areas where
20 schools are -- we can improve both statewide and individual
21 schools and districts that we can help support. We really
22 want to learn from those that are doing well and succeeding
23 with different groups of students and then help and support
24 those that are struggling. And kind of put out our support
25 systems accordingly; it helps us prioritize. And again,



1 also, we really look at the performance framework as a way
2 of describing student performance.

3 They're not about describing what adults are
4 doing in buildings or in districts or how hard people are
5 working, it's really describing the performance of students
6 in those systems so that we know which students are
7 struggling the most in which places. So you all have seen
8 this before, but it's a little more complicated this year,
9 so I want to spend a little time on the school plan types.

10 So the green performance plan, yellow
11 improvement plan, orange priority improvement plan and red
12 turnaround plan; those ratings are specified in state law.
13 We have a few cases with the gray where we have insufficient
14 state data, small tested population. Those we resolve
15 during the requests reconsider process, we don't end up with
16 those.

17 You know, we have some schools in the state
18 where we start there and then we work with them on their
19 local data. Insufficient state data, low participation is a
20 new rating we added this year to try and solve around the
21 situation where we had so much non-participation in schools
22 and districts that we didn't have any data that we could
23 publicly report.

24 So that on the preliminary frameworks was
25 given out. We also through the request to reconsider



1 process had schools and districts ask for an insufficient
2 state data low participation rating. If the data that they
3 had in their school or district was not representative of
4 the entire population because of students not taking the
5 test. And so we'll talk about that a little bit more later.
6 But this is something that's new for this year so I just
7 wanted to call it out.

8 Additionally, what you'll see on this final
9 school plan types is we have schools that have low
10 participation next to their plan type. So you may see a
11 performance plan-low participation. And that low
12 participation is just about interpretation of the report.
13 Our goal this year with the reports was to make sure that
14 users of them could really understand what the data was that
15 they were looking at.

16 And if there was low participation in the
17 school or the districts, we wanted to make sure we noted
18 that. So that low participation flag or descriptor gets
19 added when a school or district is below 95 percent
20 participation in two or more content areas. And that looks
21 at the actual participation rate. So parent excusal,
22 student, opt-out, whatever the reason is of -- is the -- a
23 student was a non-participant that's in that rate because
24 it's about the interpretation of the data in front of you.

25 For whatever reason a kid wasn't there, they



1 weren't there and they weren't included in the results. The
2 decrease due to participation is different though. That's
3 where your board motion around not holding schools and
4 districts liable about parents' decisions to opt their
5 students out of testing comes into place.

6 So we calculated a separate participation
7 rate that's an accountability participation rate. And in
8 that calculation, we take the parent excusals out of the
9 denominator. So they're not included in there. And that's
10 what's used to decide whether a school or district gets
11 lowered a rating or not.

12 So it's just the first one is really about
13 low participation but interpretation of the data. And
14 decrease due to participation is really about the
15 accountability impact of not having students test. But
16 remember, no parent excuses are not being held liable that -
17 - for them per your motion.

18 UNIDENTIFIED VOICE: I had a question.

19 UNIDENTIFIED VOICE: Yeah.

20 UNIDENTIFIED VOICE: That last one you said
21 the accountability.

22 UNIDENTIFIED VOICE: Yes.

23 UNIDENTIFIED VOICE: With low participation.

24 UNIDENTIFIED VOICE: Uh-huh.

25 UNIDENTIFIED VOICE: Is that in the light



1 gray in the papers we're going to look at or is that a
2 different -- should that be a different color or?

3 UNIDENTIFIED VOICE: The insufficient state
4 data low participation?

5 UNIDENTIFIED VOICE: Is that the one that you
6 take the students that have excused absences out?

7 UNIDENTIFIED VOICE: That's the one when we
8 just don't have enough data to say.

9 UNIDENTIFIED VOICE: That's what I thought.
10 So when you --

11 UNIDENTIFIED VOICE: Yep.

12 UNIDENTIFIED VOICE: -- take the excused out,
13 you get an accountability. Does that come under those
14 colors?

15 UNIDENTIFIED VOICE: Yes. So you may have a
16 school that earned the points for a performance plan. Say
17 they had half their kids decide to go skiing that day, not
18 parent excusal, this is a made up example, but half the kids
19 decide "we're not going to take the test. We're going to go
20 skiing".

21 Then the school will end up -- it'll say
22 improvement plan decrease due to participation. They'll
23 have been lowered one level because they're below the 95
24 percent for reasons other than parent excusal. So does that
25 make sense?



1 UNIDENTIFIED VOICE: Much more.

2 UNIDENTIFIED VOICE: Okay.

3 Reasons other than parent excuse --

4 UNIDENTIFIED VOICE: Other than -- yes. So
5 nobody got that lowered decreased due to participation
6 rating because the parent excusal was removed from the
7 calculations.

8 UNIDENTIFIED VOICE: How many did have that
9 work --

10 UNIDENTIFIED VOICE: We'll get to it. But it
11 is to just remember the exact number it was about -- now the
12 lowered that decreased 31 schools. In the end we had a lot
13 of requests to reconsiders around that and we had a lot of
14 challenges with people coding and knowing where and how to
15 code parent excusals last year, so there -- we'll get into
16 how many requests we had around that.

17 But there is -- there's a lot more in the
18 preliminary ratings; in the end there's 31 that got that.
19 So, this is a refresher. You all are probably sick of
20 seeing this slide at this point, but just a reminder of what
21 goes into the performance frameworks and the weights.
22 Remember those weights are what we all talked or almost all
23 talked about last June, and where you all decided to put the
24 weighting of the different indicators.

25 But we've got academic achievement measures



1 in there. That's the C mass English language, arts, math,
2 and science test. And that's overall for this aggregated
3 groups.

4 We have academic growth for English language,
5 arts, and math and C mass. We don't have science growth
6 because we don't have the test in consecutive grades. We
7 also have English language proficiency growth, that's --
8 weights 60 percent for elementaries and middles, and 40
9 percent for high schools.

10 And for post-secondary workforce readiness,
11 we have graduation rates overall and disaggregated dropout
12 rates. The average Colorado ECT composite score, this year
13 that I'll move to SET, and the matriculation rate, and
14 that's weighed 30 percent So that's what goes into these
15 calculations into this preliminary calculations, and then we
16 do that the request to reconsider process that people bring
17 forward additional information to look at. Okay.

18 So I'm going to turn it over to Jessica and
19 then talk about the request to consider process. Before she
20 starts, I just want to say we had a -- we had more than
21 double the requests than we had in the past. It was a
22 tremendous amount of work. We had a ton of help from people
23 all across the department that we were so appreciative of.
24 People kinda put their work aside, came and helped us
25 reviewed. It was a huge project this year.



1 So, part of the reason why we are here at the
2 end of January instead of December when we usually do this
3 is because just the tremendous volume of what we had, and
4 then going through and checking for consistency across all
5 of them and talking with the districts about it. So, it was
6 a big project. We worked diligently to make sure it was --
7 we were consistent across the board. We're talking to some
8 districts with individual questions or feedback for us as
9 follow up.

10 But I feel pretty confident that as we looked
11 across and went through that we did everything we could to
12 support the districts in helping them provide the best
13 evidence to show their performance as strongly as they can.
14 And that we really looked at the request consistently across
15 them. Jessica.

16 UNIDENTIFIED VOICE: Thanks Elisa. So, right
17 now, good morning everyone. I'll talk a little bit about
18 the recrossed reconsider process. First I'll provide some
19 background.

20 The request to reconsider process is a
21 process by which a district should participate in a
22 different accreditation rating or plan type assignment.
23 Better describes the district or schools performance. The
24 process begins after the release of the preliminary district
25 school and district performance frameworks, and ends with



1 the district accreditation ratings.

2 And school plan types are confirmed by the
3 commissioner and/or the State Board of Education. The
4 commissioner of the Department of Education determines the
5 accreditation ratings for districts, and the State Board of
6 Education determines the school plan type ratings. Today
7 we'll be discussing the districts that participated in the
8 request to reconsider process, for consideration of their
9 school plan type ratings.

10 So here is a summary of the timeline as well
11 as the request that we received. Districts had until
12 November 7th to submit additional evidence for consideration
13 of their preliminary school plan type ratings for the
14 request to reconsider process. Beginning in August and up
15 till the deadline, CDE offered office hours for districts
16 twice per week to receive technical assistance or any other
17 support associated with the request reconsider process.

18 CDE offer -- also offered a draft review
19 process allowing districts to submit a draft of their
20 request to reconsider submission ahead of time to receive
21 detailed feedback from the department. In the end, 46
22 districts submitted draft requests for 119 schools, which
23 was four times the amount of drafts that we received in 2014
24 which is the last year we had the request reconsider
25 process.



1 And then by November 7th the department
2 received a record breaking number of requests, more than
3 double like I always mentioned the number of requests we
4 received. In total, 239 school requests, which included 50
5 schools which then were requested to lower the rating. Here
6 are the considerations for request to reconsider. There are
7 several.

8 The most popular were in regards to what we
9 call a body of evidence, or in regards to the participation
10 rates, which Elisa got into a little bit earlier. In
11 regards to those districts or I should say school plan types
12 are affected by participation rate. Those are corrected
13 throughout the request to reconsider for the most part. And
14 I'll get into those a little bit in the next slide.

15 So first I'll talk about the approvals and
16 the partial approvals. There were -- of the 239 requests,
17 179 were approved or partially approved. Which is about 75
18 percent of the total requests. So, the majority were
19 approved; 75 were based on the misquoting of the state
20 assessments in regards to those participation rates that
21 Elisa was talking about earlier, 30 were based on a body of
22 evidence, where a district could submit supplemental
23 evidence for the school plan type, 50 where a district
24 requested to lower the rating, 26 were based on a request
25 for insufficient seat data, low participation, and three



1 were for removal of WIDA access of the 2015 results which I
2 mentioned on the last slide -- which were shown on the last
3 slide I should say.

4 UNIDENTIFIED VOICE: Excuse me, did you say
5 50 requested to lower their rating?

6 UNIDENTIFIED VOICE: Yes.

7 UNIDENTIFIED VOICE: Denver Public School is
8 -- part of what's in state law is around the fact that the
9 state assigns a school plan types. We do not accredit
10 schools. And districts are required to have an
11 accreditation system for their schools that meets or exceeds
12 the state standard. And so Denver has a very robust school
13 performance framework of their own that they use with their
14 schools.

15 And when their framework comes out with lower
16 ratings for their schools than what we have, then they come
17 to us and request to lower those schools so that they match
18 up with their system.

19 UNIDENTIFIED VOICE: Oh okay.

20 UNIDENTIFIED VOICE: And they've done this
21 every year since 2010. So this is very -- it's -- it's just
22 how their system works. And because they use a consistent
23 framework across their districts, it's not like they're
24 picking on one school or another. They have their
25 expectations for their school. We defer to those ratings



1 for them.

2 UNIDENTIFIED VOICE: (Indiscernible) want to
3 close schools. They've already closed 15. And so this is
4 like (indiscernible) innovation and then-

5 UNIDENTIFIED VOICE: If they do want to lower
6 or raise a rating up, they go through the regular request to
7 reconsider process, and we vet those through that.

8 UNIDENTIFIED VOICE: I was confused by that.

9 UNIDENTIFIED VOICE: Yeah, it's-

10 UNIDENTIFIED VOICE: Got it.

11 UNIDENTIFIED VOICE: It's a little tricky of
12 a situation.

13 UNIDENTIFIED VOICE: Thanks.

14 UNIDENTIFIED VOICE: Thanks, Elisa. As for
15 the requests that were not approved, there were 60 of them,
16 which is about 25 percent of the total number of requests;
17 33 were based on additional supplemental data that did not
18 support a higher rating after the department's review, 15
19 were based on misquoting of the state assessment in regards
20 to this participation calculations.

21 So even after including additional
22 information for the participation rate, they still were not
23 able to get to 95 percent participation. And then 14 were
24 based on a request for insufficient state data.

25 UNIDENTIFIED VOICE: Well, can I ask about



1 two schools? May I ask about two schools?

2 UNIDENTIFIED VOICE: Sure.

3 UNIDENTIFIED VOICE: That's Lincoln and
4 Manual. And those two were -- I guess on Manual they didn't
5 consider the -- anything, I mean.

6 UNIDENTIFIED VOICE: So --

7 UNIDENTIFIED VOICE: Reconsider like for
8 instance, excuse for the testing and such. And I guess
9 Manual was the same way.

10 UNIDENTIFIED VOICE: So, Abraham Lincoln High
11 School was the district requested to lower their rating
12 based on the -- the local framework. And we approved, you
13 know, we approved their desire to have a higher standard for
14 their schools.

15 For Manual High School, they asked -- they
16 were one of those decrease due to participation schools.
17 They asked to remove that because they said we are six or
18 seven kids away from meeting 95 percent, and so we're close
19 enough, and please raise our rating. That's not what our
20 criteria says about a reason why we can raise a rating up or
21 remove that.

22 And so we just didn't have the information,
23 or they didn't submit that information to be able to approve
24 them.

25 UNIDENTIFIED VOICE: That's why --



1 UNIDENTIFIED VOICE: And I don't know if they
2 met the criteria either. So yeah.

3 UNIDENTIFIED VOICE: Madam Chair.

4 MADAM CHAIR: Yes.

5 UNIDENTIFIED VOICE: Quick question. Could
6 you explain that -- the 14 based on request for insufficient
7 sta -- you mean they requested that they be rated as
8 insufficient data?

9 UNIDENTIFIED VOICE: Yes. So, so, we had
10 some that we had recommended for approval.

11 UNIDENTIFIED VOICE: But they didn't -- they
12 weren't insufficient.

13 UNIDENTIFIED VOICE: They didn't come off as
14 insufficient in the beginning. We had, what was it, 26 that
15 were insufficient at the beginning.

16 UNIDENTIFIED VOICE: Uh-huh; 26 approved.

17 UNIDENTIFIED VOICE: Approve.

18 UNIDENTIFIED VOICE: Yeah.

19 UNIDENTIFIED VOICE: Then we had additional
20 schools that put in, and they said we got a rating but we
21 don't think this represents us. And some of those had
22 participation rates in 11 percent or 40 percent or 50
23 percent Others had -- there was a few that had participation
24 rates in the low 90s. And so we looked at that and looking
25 -- and we also asked them to submit data to show us that the



1 students that tested were not representative of the students
2 that didn't test. Because if it's a representative sample,
3 then even if you're lower, then you could say this rating
4 shows that, you know, represents your whole school. So,
5 where we kinda drew the line was, at 85 percent
6 participation if they were above that, we said -- and we
7 didn't see a real strong case that they weren't
8 representative, we said no you're not getting insufficient
9 data.

10 You've got 85 percent of your kids tested.
11 You're not showing us that -- that they don't represent the
12 whole population that this rating isn't the right
13 population. So, then we looked at if they were at 85
14 percent or below, then we said okay let's dig further and
15 consider whether or not the data is representative or where
16 we see that to -- to kind of fall out.

17 Mesa 51, Grand Junction area, they submitted
18 29 school requests for insufficient state data. They also
19 submitted local data to us to look and see if those students
20 were representative in or not. And some of those schools,
21 there was a key -- a strong example of the students that did
22 not test, that were either systematically lower or higher
23 than the tested students.

24 And in those cases we said, okay, you're
25 making a case you're showing us that this isn't



1 representative of your schools. And they did this for all
2 their schools, not just their schools that property
3 improvement or turnaround. They said, here's a performance
4 school that had had low participation, and here's their
5 local data. And if it wasn't representative we said, you're
6 right, it's not representative.

7 So, even though they had a performance rating
8 they put that information forward because they wanted to be
9 consistent across all their schools. So, some of them had a
10 strong case that said yep, insufficient data, we don't know
11 for sure, others did not. So those 14 that we did not
12 recommend approval just there wasn't evidence there to say,
13 we know for sure these kids aren't representative. So it's
14 an interesting situation though.

15 MADAM CHAIR: Any other questions?

16 UNIDENTIFIED VOICE: Okay.

17 MADAM CHAIR: Go ahead.

18 UNIDENTIFIED VOICE: Sounds good.

19 UNIDENTIFIED VOICE: Great. Thank you.

20 UNIDENTIFIED VOICE: So, those were all of
21 the requests. What we have on the next slides and you all
22 help this think what makes the most sense is the summary of
23 the results. If you approve our recommendation. So, I
24 don't know if you want to stop and vote now, or if you want
25 to see the results, as they are with the recommendations,



1 and then take your vote at the end. I don't know if you
2 have a preference.

3 MADAM CHAIR: I would just get all the
4 information, but I'm also interested in lessons learned from
5 this.

6 UNIDENTIFIED VOICE: Through the request
7 reconsider process?

8 MADAM CHAIR: Right. Yeah. The fact that we
9 did change so many of them.

10 UNIDENTIFIED VOICE: Uh-huh.

11 MADAM CHAIR: Leads me to believe that either
12 there's something that they need to do, or that we need to
13 do differently or both -- --

14 UNIDENTIFIED VOICE: Sure.

15 MADAM CHAIR: In order to not have this be a
16 reoccurrence.

17 UNIDENTIFIED VOICE: Yeah, let's talk about
18 that. Thank you for that question.

19 MS. FLORES: And may I add one thing? And
20 do remember that 50 of those were not --

21 MADAM CHAIR: I do. I do. There was --

22 UNIDENTIFIED VOICE: Yeah, there's still a
23 significant. So, I think if you look number wise,
24 participation coding was a tremendous challenge. And so-

25 MADAM CHAIR: And how -- how did that occur?



1 The coding.

2 UNIDENTIFIED VOICE: So, Joyce is not here
3 right now to talk about the process exactly that they go
4 through on their assessment results. But there's a few
5 times during the assessment process that they can mark why a
6 student didn't test and --

7 UNIDENTIFIED VOICE: So that's the teacher?

8 UNIDENTIFIED VOICE: --so that got confused.
9 That's technical assistance and it could be a teacher. It
10 could be the district, when the district submits the data to
11 us.

12 So they're just -- we're working with them
13 and the assessment unit's providing even more technical
14 assistance this year to help them make sure that they get it
15 right. Because when we ask them -- when they requested to
16 change their mis-coding, we said -- we asked for an
17 assurance that they -- this will be yet and they will get it
18 right in the future.

19 So, we are working to make sure they have all
20 the technical assistance they need to get the coding
21 accurate as we go forward. Because we really would like to
22 not do all these mis-coded requests. It also, you know,
23 we're doing it kind of as one offs, it's not going into the
24 official data source for the assessment results. So, we're
25 going to have, we know when we report to you all the



1 participation rates and the numbers of parent excusals, we
2 know those official numbers that we have here aren't
3 representative because people didn't code their data right.
4 So, we really need to get it -- them to get it right on the
5 first or second or third chance that they get to do that
6 coding.

7 So, we're working to help them this year.
8 We're also working to build in some checks that when we have
9 the data files, and they have the opportunity to do the data
10 clean up with us over the summer, that we can call them up
11 and say, "Are you sure you coded this right?" You've got,
12 you know, 90 percent of your kids that didn't test and not a
13 single student coded as a parent excusal.

14 Is that really what happened in your district
15 and if it is great. But from what we know about -- what
16 we've heard about going on those districts, that wasn't
17 accurate. So, we're trying to put those things in place for
18 that.

19 UNIDENTIFIED VOICE: Okay.

20 UNIDENTIFIED VOICE: The other lessons
21 learned is really around insufficient data. I would say in
22 trying to figure out and get better criteria. We're working
23 with the University of Colorado at Boulder and their
24 measurement experts to help us figure out exactly what those
25 criteria should be for insufficient state data, and what we



1 should look at to decide whether we have enough information
2 on a school or not to give a rating, if we're going to go
3 forward with this and sufficient data pathway in the future,
4 so.

5 MADAM CHAIR: Okay. Thank you. Jane.

6 MS. GOFF: Two things. In the -- I'll go the
7 last one first and then the earlier one. Does insufficient
8 state data tie in at all with the end count issue? Because -
9 -

10 Yeah.

11 MS. GOFF: Are all schools given a rating or
12 a plan?

13 UNIDENTIFIED VOICE: That's a great question,
14 Jane. So, let me go back to that beginning slide. Sorry to
15 make you all dizzy with this. There's actually two that are
16 great.

17 We've always had schools that are so small in
18 Colorado. You know, (Indiscernible) has six enrolled kids
19 now, I think. We're never going to have enough data there
20 to be -- because of their enrollment, to be able to give
21 them a State rating with the State data. Right. They're so
22 tiny.

23 So, we have that situation. We
24 differentiated that situation from those that didn't have
25 enough data because of low participation. They may have



1 100, 200, 300 kids enrolled, but because of who chose to
2 test, did not test, they had less than 16 kids with scores
3 to use. And then we couldn't put out a rating. So we tried
4 to differentiate those things because there is a difference
5 between being a small system to begin with, and being a
6 system where people are not -- are not choosing to take the
7 State test.

8 MS. GOFF: But the districts and whoever else
9 can, gets individual student results?

10 UNIDENTIFIED VOICE: Absolutely. Absolutely.

11 MS. GOFF: Okay. The other one though. I
12 knew I'd forget. Sorry, if it comes out, I think, I don't
13 want to delay us here.

14 UNIDENTIFIED VOICE: Okay. So we'll go
15 through, kind of talk through the results and then talk
16 about the clock and then if you want to vote at the end.
17 that makes sense. So, here are results from the last year.
18 That's in the bold. We kept the historical data. I know
19 it's nice to see that. If you remember in June, you -- your
20 direction to us is to align the cut scores for the ratings
21 with where they were in '14.

22 So, if you look at turn around and prior
23 improvements, they are very close. You know, we did it
24 based on the preliminary ratings before we had requests to
25 reconsider. So, you don't always know where things are



1 going to land with requests to reconsider. But they are --
2 they're closely aligned. I think what really threw it off
3 the most was the insufficient State data. So, you can see
4 that, you know, there's 56 schools in that category now that
5 were -- in the past would have been -- would have had a
6 rating in there.

7 So, but the majority of our schools again are
8 performance and improvement. We have about 9.5 percent that
9 are turnaround or priority improvement.

10 UNIDENTIFIED VOICE: Which -- when we talk
11 about ESSA, that's the lowest 5 percent Right?

12 UNIDENTIFIED VOICE: Yes. And if you look at
13 turnaround, ESSA asks for the lowest 5 percent of Title 1
14 schools. And even though that's the turnaround's 3.3
15 percent of all schools, it's actually just 5 percent of
16 title 1. I think it might be 4.9 percent These are our
17 traditional schools or (indiscernible right there. So,
18 we're real close --

19 UNIDENTIFIED VOICE: We're real close to the
20 national?

21 UNIDENTIFIED VOICE: Yeah.

22 UNIDENTIFIED VOICE: Okay. Thank you.

23 UNIDENTIFIED VOICE: This is just another
24 visual of showing the schools and the ratings you can see
25 that gray on there of insufficient data is what kind of



1 popped in from the past. But this slide, we wanted to show
2 you the actual student counts and then students enrolled in
3 each of the schools with a different plan types.

4 So, we have about 77,682 students in priority
5 improvement and turnaround schools. We have about 17,000 in
6 schools that we don't have ratings for right now. But the
7 vast majority of our students are in performance or
8 improvement schools.

9 UNIDENTIFIED VOICE: That's a lot of kids.

10 UNIDENTIFIED VOICE: We talked about this a
11 bit already but we did in the end have 56 schools with
12 insufficient State data low participation. There was 31
13 schools in the end whose final ratings were decreased due to
14 participation rates. Remember without the parent excusals
15 in there, they still didn't meet that 95 percent and there
16 were 533 schools had that -- who had that descriptor, just
17 for interpretation around low participation.

18 And then also on the frameworks the actual
19 participation rates are right there it's just in the lab --
20 the header, we just want to make sure there is a descriptor
21 for it and then you just look down on the page and you see
22 the actual participation rates right there.

23 UNIDENTIFIED VOICE: Let me get -- the two
24 content areas, which content areas because it seems like
25 there are only two that -- --



1 UNIDENTIFIED VOICE: We look at --

2 UNIDENTIFIED VOICE: -- that are given

3 annually. So, if science and, or --

4 UNIDENTIFIED VOICE: English Language, Arts,
5 Math and Science. And then for high schools there's ACT as
6 well -- --

7 UNIDENTIFIED VOICE: Yeah.

8 UNIDENTIFIED VOICE: -- or, I don't know,
9 college entrance exam.

10 UNIDENTIFIED VOICE: So, to be really clear,
11 if Science or Social Studies is one of those or whatever the
12 other test, in addition --

13 UNIDENTIFIED VOICE: It could be --

14 UNIDENTIFIED VOICE: Does Math and Language
15 Arts have to be one of the content areas?

16 UNIDENTIFIED VOICE: It would -- one of those
17 would need to be. We don't have Social Studies in the
18 framework, since we don't have the data for our schools
19 every year. So, English, Language Arts, Math, or Science.

20 UNIDENTIFIED VOICE: Or Science.

21 UNIDENTIFIED VOICE: Or ACT if you're in high
22 school. If any two of those are below 95 percent , then we
23 put that on there. Sometimes, you know, there's a miss in
24 administration in one Math classroom and it sets off the
25 Math participation rate. And so, if it's not a systemic



1 issue, I'm sorry -- --

2 UNIDENTIFIED VOICE: Okay.

3 UNIDENTIFIED VOICE: -- then -- then we don't
4 put that descriptor out there. But the participation rates
5 are still reported right below and there'd be a little red
6 indicator that it was below the 95 percent

7 UNIDENTIFIED VOICE: Okay, thanks.

8 UNIDENTIFIED VOICE: And then we have done
9 this in the past where you just kind of pulled out some of
10 the online and charter school results so you can see it.
11 So, this table compares non-online school results compared
12 to online school results. You can just see where the
13 distributions fall in terms of percentages of schools in
14 each category.

15 You'll see there's more online schools that
16 ended up with insufficient State data. There's challenges
17 that some of them feel in terms of being able to test
18 students. So, that's just the comparison. A greater
19 percent that were closed, but you can see how -- how that
20 all falls out. And then here are the charter school
21 outcomes. Charters to non-charters, you can see, overall
22 charters had a higher percentage of schools that
23 performance, but also had slightly higher percent of schools
24 that turnaround; just slightly though. Again, had lower
25 percentages of schools that insufficient State data. A lot



1 of charters that we had conversations with really value
2 state assessment and having that information to be able to
3 share with families about how their students are doing.

4 MADAM CHAIR: All right.

5 UNIDENTIFIED VOICE: And those they're just
6 for information for you all.

7 UNIDENTIFIED VOICE: We also look at changes
8 in the ratings. Schools that change levels from the last
9 time and remember, this time we've gone from 2014 was the
10 last time we had ratings to 2016. So, over two years, you
11 would expect to see even more change than we do normally.
12 And normally, we see quite a bit of schools changing levels
13 as it is.

14 But still 66.5 percent of schools receive the
15 same plan type in 2016 as they did in 2014. And then you
16 can see the top row of schools that moved up two or more
17 levels, moved up one level, stayed the same, moved down.
18 And then we had 54 that moved to insufficient State data.
19 The reason that's not 56, this is just using schools that
20 had ratings in 2014 and 2016.

21 UNIDENTIFIED VOICE: Madam Chair? I'm sorry,
22 what is close to me, onlines and charters. How do you
23 define this stuff?

24 UNIDENTIFIED VOICE: No problem. Close means
25 the school actually closed that the district to the school.



1 That means, they actually closed and are no longer in
2 operations.

3 UNIDENTIFIED VOICE: So these were in
4 operation but are no longer there?

5 UNIDENTIFIED VOICE: Yeah.

6 UNIDENTIFIED VOICE: Okay. Great.

7 UNIDENTIFIED VOICE: And we also have
8 alternative education campus performance frameworks. We've
9 talked with you all about this some in the past as well.
10 State law allows us to have another system for developing
11 the school plans types for our alternative education
12 campuses because the schools really have some different
13 missions and different priorities in some ways and different
14 challenges with students.

15 And so, we look at student engagement
16 measures and the AEC frameworks that we don't on the
17 traditional frameworks. And we look at the completion rate
18 instead of the graduation rate because a lot of the schools
19 are recovering dropouts. They may be working on GEDs
20 instead of high school diploma. And so, we look at them a
21 little bit differently.

22 So, those -- these 90 schools were not in any
23 of the data that you saw previously. We pull them out and
24 look at them a little bit differently and here's the
25 results. You can see the majority of them are -- have an



1 AEC performance or an AEC improvement plan. But we do have
2 a greater percentage of them in priority improvement and
3 turnaround on the AEC framework then we do traditional
4 schools.

5 But it's just a way Jessica's pulled this
6 data before. But if you looked at their performance on the
7 traditional framework that are almost all get a turnaround
8 are pretty infrequent rating it just doesn't differentiate
9 and look at what those schools are really trying to
10 accomplish.

11 UNIDENTIFIED VOICE: And this is something
12 we're going to need to pay attention to for ESSA plan,
13 right?

14 UNIDENTIFIED VOICE: Yes.

15 UNIDENTIFIED VOICE: Because the Feds don't
16 recognize?

17 UNIDENTIFIED VOICE: It's mixed on whether
18 they recognize it or not like Marie and another of my staff
19 members have been combing through the comments section of
20 the regulations. And in the comments section, that when the
21 USDE replied to the comments, it seems to acknowledge that
22 you could have a different system of differentiating for
23 your alternative schools. So, we're going to go forward the
24 state law that we do this, right? That we have a different
25 system so.



1 UNIDENTIFIED VOICE: Okay, I just want to
2 make everybody aware that's going to be a -- a unique
3 discussion piece because it's-

4 UNIDENTIFIED VOICE: What's going to be a
5 unique discussion piece? Sorry, we were just -- it was an
6 important conversation.

7 UNIDENTIFIED VOICE: Yeah, it's fine. We
8 just want to be aware of the fact that we're going to have
9 to talk about this in terms of our plan because they don't
10 specify in the plan in this particular option, but
11 apparently, we're not the only state that has this.

12 UNIDENTIFIED VOICE: Yeah, and we can talk a
13 little bit more when we talk it as the later on
14 identification of schools. Nazy's (ph) been looking at the
15 data. I'm making sure she's not going to kill me for
16 putting her on the spot. But looking at how many AECs are
17 getting identified in different ways if we use just the
18 straight definitions. So, we'll talk about it later this
19 month.

20 UNIDENTIFIED VOICE: What grade are these
21 AECs? Are they 10 12 or are they nine, 12?

22 UNIDENTIFIED VOICE: Most of the AECs are in
23 the high school grades, but there are a good enough number
24 that are in the middle school and high school and a very
25 small number that are elementary through high school. And



1 those are typically the AECs that serve special needs
2 students that have majority IPs.

3 UNIDENTIFIED VOICE: And online or did we get
4 rid of all the elementary online AECs?

5 UNIDENTIFIED VOICE: A few of the AECs still
6 have some online programming for their younger grades. But
7 the majority of the AECs that are online are in high school
8 I guess.

9 UNIDENTIFIED VOICE: Maybe -- maybe we could
10 get a list of the AECs.

11 UNIDENTIFIED VOICE: Sure. You all approve
12 those every August so we can pull up that most recent list
13 for you.

14 UNIDENTIFIED VOICE: Sorry, I may have a
15 little bit of a newbie question here. And thank you for
16 your patience over the last few weeks answering so many
17 questions. I really appreciate it. I just want to confirm
18 my understanding that this would pick up schools like Hope,
19 but also schools like Endeavor in the Cherry Creek system.
20 Am I correct in understanding this is just one more option
21 for students for whom their traditional local public school
22 isn't quite a fit?

23 UNIDENTIFIED VOICE: Uh-huh.

24 UNIDENTIFIED VOICE: Of, yeah

25 (indiscernible).



1 UNIDENTIFIED VOICE: There's a very specific
2 definition in law that got adjusted last spring, right?
3 About what -- about the high risk criteria for identifying
4 students. It used to be 95 percent the most recent law
5 moved it down to 90 percent of students that meet the high
6 risk criteria and we can send you the -- that specific
7 language.

8 UNIDENTIFIED VOICE: And also -- may I say
9 something?

10 UNIDENTIFIED VOICE: Uh-huh.

11 MS. FLORES: I'm Val Flores. And I also
12 think that there is a national awareness since these schools
13 are rated by, I don't know. It's not News Week, but the
14 other kind of US News and World Report does kind of rate
15 these schools. And we have one in Denver that has always
16 been kind of up there nationally. And so, I think that we
17 shouldn't think that they're not acknowledged and -- and
18 there's not a -- a -- that the country or nationally doesn't
19 think that they're important.

20 I -- personally, I think they're very
21 important. It's a second or third chance for a lot of kids
22 that would not normally, you know, be in school. That would
23 probably end up some places negative, you know, places like
24 jail or whatever. So, they do great things for kids. Go
25 ahead.



1 UNIDENTIFIED VOICE: Absolutely.

2 UNIDENTIFIED VOICE: Oh sorry.

3 UNIDENTIFIED VOICE: I'm sorry. Just an
4 observation. So, we have gone from a total of 72 AEC to 90
5 in the last five years. Is that actual schools or is that -
6 - well, it would be. I mean -- --

7 UNIDENTIFIED VOICE: Yeah.

8 UNIDENTIFIED VOICE: -- a campus has been
9 created-

10 UNIDENTIFIED VOICE: Or online.

11 UNIDENTIFIED VOICE: -- eighteen times.

12 UNIDENTIFIED VOICE: It may not be a brand
13 new school, it may be a school that was in existence, but
14 didn't realize that they met the criteria and then they put
15 the application for it. They have to apply to us.

16 UNIDENTIFIED VOICE: My next question, if
17 that -- yes, probably, likely. But also, does that mean
18 there's some programs that have been -- that -- there may
19 not be a new facility or a new structure, but an actual
20 entire program has been adjusted within an existing program
21 to -- to suit -- suit an AEC population?

22 UNIDENTIFIED VOICE: Do you want to take
23 that?

24 UNIDENTIFIED VOICE: Yeah. For sure. I mean
25 some of the schools while in the past may not actually been



1 AEC schools, they may have been AEC programs as part of a
2 larger school.

3 Right.

4 So then, they would have to go through the
5 school code application process to become a school and then
6 they could apply for AEC status.

7 UNIDENTIFIED VOICE: Okay.

8 UNIDENTIFIED VOICE: So, like Elisa
9 mentioned, some of these schools now may have just been
10 programs in the past. Also, some newer schools have opened
11 to become AECs as well. And we might expect this year, we
12 do expect this year with the change in the law to drop the
13 high-risk percentage from 95-90 percent that will have more
14 AEC apply.

15 UNIDENTIFIED VOICE: Well, I -- I thought
16 that past that we'll be addressing that and we already have.

17 Uh-huh.

18 UNIDENTIFIED VOICE: Uh-huh, yep.

19 UNIDENTIFIED VOICE: We actually already
20 have. The other part of that is is there a geographic part
21 of the state where AECs are most predominant? My logical
22 conclusion would be it would be metro area. However, do we
23 have any growth among those schools elsewhere in the state
24 outside the current range area?

25 UNIDENTIFIED VOICE: Yeah, I mean I going to



1 say without having numbers in front of me, most of the AECs
2 are in the metro area as well as the springs area as well.
3 And we do have AECs and are all across the state as well.
4 So, I can tell you exactly where there are more AECs growing
5 but we can definitely give that information.

6 UNIDENTIFIED VOICE: Okay. Thank you.

7 UNIDENTIFIED VOICE: Okay.

8 UNIDENTIFIED VOICE: So, we just wanted to
9 let you all know and everybody here too the where this
10 information will be posted publicly later today after you
11 all vote. On School View, there's a section to this
12 district and school performance frameworks. It has a table
13 kind of like what's up there or just like what's up there
14 where somebody can go select their district.

15 Then once you select the district all the
16 schools in the district display and then over here you'll
17 get the district reports. And then when you click on a
18 school, you'll get all the school reports. The historical
19 reports are there as well as later on today, that 2016
20 reports will be there too.

21 So, that will all be publicly available data
22 for people to go to. We also have some visualizations that
23 we've done in the past that we'll have to show. Sorry,
24 takes a little explaining.

25 UNIDENTIFIED VOICE: This like the grass is



1 always greener-

2 UNIDENTIFIED VOICE: Exactly, exactly. So,
3 we've heard from a lot of districts that want to be able to
4 talk about the relationship between the demographics of
5 students in their school and their district and their
6 performance. We know that there can be a relationship
7 between not between the students who are serving what the
8 performance is.

9 As a state, we have said we have expectations
10 for all our students no matter what background they come
11 from and no matter where they are. So, this line up here is
12 the line, the cut point for performance. But what this does
13 below, it shows we have a -- by minority right here, we have
14 another slide that we do with free reduced lunch
15 percentages.

16 So you can kind of see the relationship or
17 see where schools are starting from. And that's really
18 interesting because you can go look at schools that have
19 high percentages of free reduced lunch students, but then
20 are also high performing. And then if online, it's all
21 interactive so you can hover over the lines, and then you
22 can see who the schools are. So, it's a way to learn from
23 other schools and districts with similar demographics that
24 have different outcomes.

25 We have 2015, and are we going to have 2016?



1 UNIDENTIFIED VOICE: We'll have 2016, we
2 don't have 2015 because we have the accountability pass that
3 year. Unless we use just the -- the overall accountability
4 rating from.

5 UNIDENTIFIED VOICE: Interesting.

6 UNIDENTIFIED VOICE: Now, I'm going to turn
7 it to Brenda to talk about the clock unless you all have
8 general questions first before we talk?

9 UNIDENTIFIED VOICE: Any more questions,
10 folks?

11 UNIDENTIFIED VOICE: Okay.

12 UNIDENTIFIED VOICE: Yeah, on the generality
13 of -- I'm very concerned about Denver lowering, the, you
14 know, the -- the scale for at least lowering the average or
15 what was lowering score for 15 schools. I'm very much
16 concerned about that. What does that do to the state
17 accountability system when -- when a district does that? I
18 mean, they have the right to do that. I understand that.

19 But is that fair? And especially, in a school
20 district that tends to close schools and has closed schools,
21 it has closed 15 schools already. And I know that the --
22 the National Association of the NAACP is investigating.
23 Probably, the Department of Justice most likely is
24 investigating as well. So, I mean, it just doesn't seem
25 fair for the whole state to have an accountability system,



1 and then to say Well, Denver has a more rigorous one. And
2 consequently, we're just going to be more rigorous with ours
3 and lower. You know, the -- the rates for our schools. It
4 just doesn't seem fair.

5 MADAM CHAIR: It's a philosophical.

6 UNIDENTIFIED VOICE: It's not philosophical.

7 MADAM CHAIR: Well, it is, because what
8 Denver is demonstrating is a higher standard.

9 UNIDENTIFIED VOICE: But that that's not
10 philosophical. I mean, it's a physical it's not a
11 philosophical.

12 MADAM CHAIR: Okay.

13 UNIDENTIFIED VOICE: They physically have
14 lowered it. It's not philosophy of whether it should or not
15 be.

16 MADAM CHAIR: Well, it's a standard setting.
17 It's exactly like Douglas County saying that there are
18 standard.

19 UNIDENTIFIED VOICE: But there are standard
20 setting, and-

21 MS. FLORES: We set the -- we set the minimum
22 standards. The State does not set standards, we have a
23 centrally a local control State and it's up to you just to
24 recommend.

25 UNIDENTIFIED VOICE: I understand -- I



1 understand. But, I think our -- I think we should
2 understand what -- what Denver is doing and it's not fair.
3 It isn't fair. And when you have -- when you have for
4 instance, I'll just speak about one particular school which
5 you've heard me speak about and that's the -- and that
6 school is the Gilpin Montessori school that was just closed,
7 and it was closed, believe it or not on one point. I mean,
8 we don't know what the SQ are, what the -- well what is it
9 in measurement when you have, it could be up or down.

10 MADAM CHAIR: This is a local decision. I
11 don't -- am not sure-

12 UNIDENTIFIED VOICE: It is a local decision
13 but it isn't fair when you have a district that you know has
14 resources, does not place resources in schools. Where I
15 know that it has schools that have 29 kids in kindergarten,
16 32 kids in kindergarten with no help. It has-

17 MADAM CHAIR: What do you suggest. What do
18 you suggest?

19 UNIDENTIFIED VOICE: Well, I suggest that --
20 I suggest that the Attorney General's Office really kind of
21 look into this and-

22 MADAM CHAIR: On what basis, on which
23 grounds?

24 UNIDENTIFIED VOICE: On basis of whether they
25 are giving resources to these schools. I mean I just hear



1 from a lot of school.

2 MADAM CHAIR: But, Dr. Florence that's not
3 our -- that's not our sandbox.

4 UNIDENTIFIED VOICE: Well, it's not ours.
5 That's why I'm saying that it's not, that somebody should
6 look into this and we already have the Department of Justice
7 looking into Denver for not doing the right thing.

8 MADAM CHAIR: Okay, but what does that do for
9 our table here.

10 UNIDENTIFIED VOICE: For our table is we
11 should really look at this and maybe talk to our
12 legislators.

13 MADAM CHAIR: With what authority? What
14 authority do we have?

15 MS. FLORES: Well, I'm talking about -- --

16 MADAM CHAIR: You're --

17 MS. FLORES: I'm saying --

18 MADAM CHAIR: I need to know what rights we
19 have to interfere in the work of a school district.

20 MS. FLORES: We do when it -- when it is so
21 incredibly large and when it is so unfair. I know that the
22 State would not close a school that is-

23 MADAM CHAIR: State doesn't close.

24 MS. FLORES: Well, excuse me, let me just
25 finish.



1 MADAM CHAIR: Sure.

2 MS. FLORES: The State would not close a
3 school. That is -- that's the model school in Denver. It's
4 integrated, well-integrated, has 20 percent white kids. It
5 has 30 percent black kids and the rest 50 percent Hispanic
6 kids. It's in the center of the city. Now, it does, it has
7 no enrollment. But in 2012 when I was on the DEC committee,
8 we did tell Denver not to get that other schools --

9 MADAM CHAIR: Dr. Flores --

10 MS. FLORES: Well, let me just explain.

11 MADAM CHAIR: -- we have some work to -- I'm
12 sorry but we have some work to do and this has absolutely
13 nothing to do with our work.

14 MS. FLORES: I know. It really does.

15 MADAM CHAIR: I respect your personal
16 concerns about this as it's your district.

17 MS. FLORES: No, but I haven't explained it.
18 I haven't.

19 MADAM CHAIR: We have and let's put this on
20 the agenda then if we must but right now we have something
21 we need to do.

22 MS. FLORES: No, I'm just explaining the
23 unfairness of it.

24 MADAM CHAIR: I get it. I've been part of
25 closing schools. It's really hard.



1 MS. FLORES: Well, no, this is really an
2 interesting case.

3 MADAM CHAIR: Dr. Flores.

4 MS. FLORES: It has 30 percent

5 MADAM CHAIR: We need to take a break.

6 (Off record)

7 UNIDENTIFIED VOICE: Thank you, Madam Chair.
8 This slide displays the progression of ti -- over time for
9 schools identified on the clock in 2010. So, on the far
10 left of the slide you'll see there were about 204 schools
11 that are identified as part improvement or turnaround in
12 2010. And of those, 12 or 6 percent of those schools are
13 still on the clock.

14 So, they are about to enter year sixth of the
15 clock and will come forward for a State Board of Education
16 accountability hearing in the coming months. And there were
17 about 42 percent that stayed off the clock. They came off
18 the clock since 2010 and they stayed off, they remained at
19 an improvement or higher rating, while about 30 percent have
20 fallen back on the clock and come off and on the clock
21 throughout that time period.

22 And then, again around 20 percent were closed
23 at some point, so they have actually just closed and are not
24 included in that 2016 count. And then one of the schools
25 has received an insufficient State data, loped his patient



1 rating and it's still, but is still on the clock. And we
2 showed a similar slide of the, for the district ratings as
3 well that depicted a similar pattern where a large part of
4 the schools that were originally identified have come off
5 the clock.

6 And yes, some have come back on and off the
7 clock, but there's a very small percent, 6 percent that have
8 consecutively stayed on. Yes.

9 UNIDENTIFIED VOICE: Madam chair?

10 MADAM CHAIR: Yes.

11 UNIDENTIFIED VOICE: So, the 43 that were
12 closed, those were closed for a variety of reasons, usually
13 closed by their district or?

14 UNIDENTIFIED VOICE: Yes, that's correct.

15 UNIDENTIFIED VOICE: Okay, thanks.

16 MS. FLORES: Can you say which district was
17 the one who closed the most?

18 UNIDENTIFIED VOICE: I don't have that
19 information.

20 MADAM CHAIR: We haven't closed any schools,
21 right? That's not a State, that's not a state role.

22 UNIDENTIFIED VOICE: That's not a state role.

23 UNIDENTIFIED VOICE: It's been just a local
24 decision, correct.

25 MS. FLORES: But I would say that probably



1 half of those groups were Denver's.

2 UNIDENTIFIED VOICE: This slide depicts the
3 breakdown of priority improvement and turnaround schools by
4 year for the current rating. So, as we've issued the
5 recommendations under consideration today, this is how we
6 would break down in terms of the nu -- the year on the
7 clock.

8 So, 107 schools were newly identified as
9 priority improvement or turnaround based on the 2016
10 ratings, whereas 29 had a priority improvement turnaround
11 rating for the first time in 2014, had another rating in
12 2016, so they're on year two of the clock and so forth. And
13 again, there's 12 that have about to enter year six. These
14 are the schools that are entering year six.

15 The red at the top are in turnaround and the
16 rest are in priority improvement. And these are, this is
17 the list of the 12 schools based on the recommended plan
18 types that would come forth for a accountability hearing,
19 where you would consider one of the pathways that we've
20 discussed.

21 And again, these path, these hearings where
22 you will direct the pathway to one of those schools will
23 occur between March and June with the directed action having
24 to occur prior to June 30th, 2017 before that year six were
25 to occur.



1 UNIDENTIFIED VOICE: I'm either trying not to
2 be heard or -- when I was reading over this, so, the
3 schools have this summer, but districts are next summer.
4 Did I read that right or was that a mistake?

5 UNIDENTIFIED VOICE: The districts are, I
6 don't know if there's anything like.

7 UNIDENTIFIED VOICE: From the same clock,
8 aren't they?

9 UNIDENTIFIED VOICE: They are on the same
10 clock, yes.

11 UNIDENTIFIED VOICE: Okay.

12 UNIDENTIFIED VOICE: Yes.

13 UNIDENTIFIED VOICE: So, I think it said
14 somewhere where I was reading that it was, yeah on when it
15 says -- but this says year five, got it. Maybe that was the
16 problem. Got it. Okay.

17 UNIDENTIFIED VOICE: Yes, yes, there are some
18 schools that we, yes we have some slight information on the
19 year five schools but yeah there are districts as well.
20 You're correct. Yes, so here -- here is the list of your
21 five schools.

22 And the reason we just wanted to highlight
23 these as well was because there is as it states on the next
24 slide. These are the schools that are listed here that will
25 receive visits from the State review panel and those visits



1 are occurring very imminently.

2 So, I can, March through May is typically,
3 when the State review panel conducts a site visit to the
4 year five schools, and so these are the ones that will
5 receive that visit and that evaluation and then you will
6 receive a report from the State review panel with their
7 recommendation for action.

8 And I did want to also note that four of the
9 seven schools and that doesn't count them and I'll explain
10 the gray in a second, but four of the seven prior turnaround
11 schools are AECs because of the way that the frameworks were
12 for AECs.

13 The first AEC framework was in 2010. So,
14 this is the first cohort of AECs that have consecutively
15 stayed on the clock with an AEC framework. And so, four of
16 the seven are Alternative Education Campuses. And then with
17 the Douglas County School, they are insufficient State data
18 low participation.

19 So, because they didn't receive a rating,
20 they were year five on a clock based on the 2014 frameworks.
21 They didn't receive a rating this year, and so our policy
22 has been that for those schools in that situation the clock
23 is held at that year and then we'll move forward
24 accordingly.

25 MADAM CHAIR: So is this a way to get off the



1 clock?

2 UNIDENTIFIED VOICE: Yeah. So, we talked to
3 a lot about different options for you know, we really have
4 one school in this situation right here near the end of the
5 clock. With an insufficient state reading you could do the
6 reading.

7 You could argue take them off the clock
8 because we don't know. Right? Or you could argue move them
9 forward a year because they've been on there but that didn't
10 seem right.

11 So, where we landed was, for now we'll say
12 you're still on the clock. You're just going to hold where
13 you are. Is this something that we could probably use some
14 policy direction on how to go further? So, we're working on
15 what to do there-

16 MADAM CHAIR: So, this sounds like you are
17 saying this is on our to do list to --

18 UNIDENTIFIED VOICE: I think it's something
19 that probably we'd want to address. This specific school I
20 think the district has a plan there. So, I think in this
21 situation, it might be resolved, but in the grander just
22 policy world of having insufficient State data low
23 participation and what that means because you know we just
24 created it because it seemed like the need, we might want
25 some -- some more clear either rules or statute around that



1 and what happens there.

2 MADAM CHAIR: Okay, great. Go ahead.

3 UNIDENTIFIED VOICE: So, to confirm my
4 understanding it pauses the clock in effect. It's a year
5 that doesn't count but neither does it remove them from the
6 clock?

7 UNIDENTIFIED VOICE: That's what we've
8 proposed doing with them, is that they would just hold it
9 there year five, we are not going to move them forward,
10 we're not going to take them off, we just don't know where
11 they're at right now.

12 UNIDENTIFIED VOICE: Thank you.

13 UNIDENTIFIED VOICE: Thanks.

14 UNIDENTIFIED VOICE: And these groups of
15 schools even though the -- they will receive a state review
16 panel visit this year, this Spring, they will receive
17 another framework in Fall 2017, this coming Fall as well.

18 The schools and so at that time they were to
19 receive an improvement rating or higher, they would come off
20 the clock. Otherwise, if they were to remain on the clock
21 then these would be the group of schools that you may see
22 next Spring in 2018 for an accountability hearing and a
23 pathway discussion.

24 MADAM CHAIR: So, are these schools
25 participating in some of the work that the department is



1 doing that we heard about last month?

2 UNIDENTIFIED VOICE: Ye -- yes they, yeah.

3 MADAM CHAIR: The turnaround efforts.

4 UNIDENTIFIED VOICE: Yeah, thank you Madam
5 Chair. That's good -- that's a good question. Currently,
6 Minau (ph) Elementary just received a TIG Grant, Tier
7 Intervention Grant, and has been part of that -- that
8 support and has also, is in a district that's participated
9 in the UVA turnaround work as well.

10 You -- you'll hear a little bit more from
11 Cortez when they come in March as well. We have been
12 participating with -- ou -- our UIP team has been very
13 engaged with some of these AECs on the list in providing
14 plenty of support for those leaders and I was able to go out
15 to visit Brighton Heritage Academy with our UIP staff last
16 month to talk to them about what they're doing up there.

17 So, to -- yeah, to varying degrees we try --
18 are trying to reach out to all of those schools.

19 MADAM CHAIR: So, what we might want to talk
20 about is whether we would want some reports on monitoring.
21 Some of the ones in an effort to maybe not have this effort
22 next -- next year. Go ahead.

23 UNIDENTIFIED VOICE: Yeah, I have a long,
24 kind of a long those same lines. I would like to know do we
25 have any information about how the students who were in



1 schools that were closed, how they're doing now? I think
2 that would be really helpful as a state to know what's
3 happening to kids as they move from a closed school to a
4 different school so as performance.

5 Another question I have is about the
6 turnaround efforts. I just read an article that was quite
7 depressing about the results of the SIGs and -- and I'd also
8 like to know how many of our schools that are in turnaround
9 priority improvement status are seeking and receiving the
10 turnaround efforts that we offer and what effect that's
11 having? I'd like both -- both of that.

12 It doesn't -- it doesn't have to be right now
13 perhaps -- but I think that's part of a bigger discussion.

14 UNIDENTIFIED VOICE: Absolutely.

15 UNIDENTIFIED VOICE: If we're trying very
16 hard to help all schools succeed, how is that working and
17 how are efforts to help them succeed work -- working?

18 UNIDENTIFIED VOICE: Absolutely. On your
19 first question about school -- students that were in schools
20 that have been closed there's national studies on that.

21 We feel like we tried to look at some of that
22 in Colorado and it's complicated data to track but I'll pull
23 up what we have and I can get you some links to the national
24 studies on that. For the SIG results, I think that's very -
25 - the national studies like we talked about last month are



1 very similar to what we saw, in Colorado we call them a
2 Tiered Intervention Grants and they were very mixed results
3 over the state.

4 I think you'll hear from the school
5 improvement spoke group later today about from that learning
6 what we've learned about supporting schools and where we're
7 trying to see -- or where we're beginning to see some bigger
8 return on investment when we do more individualized plans
9 and kind of smaller grants and it's actually having and it
10 looks like it's having a larger impact there, from our
11 initial data.

12 We ha -- almost have ready for a spreadsheet
13 that shows the schools on priority improvement turnaround
14 this year and the grants and the supports they've received.
15 We -- we -- we didn't want to give it to you until after you
16 all voted because the school plan types aren't final. We
17 didn't want to have that out, but we can get that to you
18 probably in the next week or so. Making sure with Peter
19 that that's good but we de -- we definitely want to be able
20 to show you that.

21 As you saw, we have about, what was it, 107,
22 sorry guys -- 107 schools on year one. So, clearly those
23 schools haven't received support yet or recently because
24 they haven't been on the clock before, but for the other
25 ones we can show you the support they've been getting. And



1 then some of the schools, or a lot of the schools that have
2 received support as you saw have come off the clock as a
3 result so they may not be in that spreadsheet but we have
4 that in that PowerPoint from last month.

5 UNIDENTIFIED VOICE: Great, thank you.

6 UNIDENTIFIED VOICE: Thank you.

7 MADAM CHAIR: Board Member Flores.

8 MS. FLORES: We do have, I'm sorry. We do
9 have a big study that was done by the New Yorker on Manual
10 High School when it was first closed to make it up of a
11 smaller school and most of the kids were lost when they
12 closed that school.

13 So, they -- the kids never turned up in -- in
14 the other schools, whether they moved or what, the -- the
15 Denver Public Schools didn't keep a record of where those
16 kids went. And so, it would be assumed that most of those
17 kids did not graduate. They didn't show up in the other
18 high schools. And this was back in the early 2000s. But
19 the -- the New Yorker did a great report on that.

20 MADAM CHAIR: Well, do you have access to any
21 of those national studies?

22 UNIDENTIFIED VOICE: Yeah, we can send those
23 to you.

24 MADAM CHAIR: Board members would you --
25 would you be interested in -- in that information? Because I



1 know Chicago.

2 UNIDENTIFIED VOICE: Yes, there's that one.

3 UNIDENTIFIED VOICE: They followed. I mean
4 high schools are of a unique situation-

5 UNIDENTIFIED VOICE: Absolutely.

6 UNIDENTIFIED VOICE: -when it comes to
7 closures, there's no question about that. But that would be
8 helpful for us we get that.

9 UNIDENTIFIED VOICE: Yeah we can get.

10 MADAM CHAIR: Board member Goff.

11 MS. GOFF: For closer to home if we ever, you
12 know, want to look at what's happened in Colorado, I believe
13 it was around 2009 or 2010 perhaps, and I think the name of
14 the school was lifeskills, it was in DPS and it was closed.
15 And there was a -- the DPS administration at the time had --
16 then did pursue a study to follow those kids and find out
17 where they ended up.

18 And I think it wasn't that long ago that it
19 wouldn't still have some -- close to time real time meaning
20 for us, but I would -- I would like to see that. I don't
21 remember if there was an end date on that monitoring or
22 following but.

23 MADAM CHAIR: Well, there had to be because
24 they only have four more years.

25 UNIDENTIFIED VOICE: Okay, I don't remember.



1 MADAM CHAIR: Yeah, I do remember that.

2 UNIDENTIFIED VOICE: We don't have any state
3 data on this.

4 UNIDENTIFIED VOICE: No, districts, yeah.

5 UNIDENTIFIED VOICE: I -- I'll talk with Dan
6 Jorgensen on our team. He's pulled some stuff together with
7 the national research and I think we were try -- I can't
8 remember right off the top of my head what you were trying
9 to look for in state data, but we'll get back to you on that
10 and see what we can. It's hard within enrollment and where
11 kids go, but let me go see what we have.

12 MADAM CHAIR: It's even hard within the
13 district.

14 UNIDENTIFIED VOICE: Yeah.

15 MADAM CHAIR: When Boulder closed some
16 schools.

17 UNIDENTIFIED VOICE: Yeah.

18 MADAM CHAIR: We actually tracked for a while
19 where some of those students went. And it was not an easy
20 task. Is not an easy task, and it wasn't an inexpensive
21 task either. But --

22 MADAM CHAIR: Right.

23 UNIDENTIFIED VOICE: Yeah.

24 UNIDENTIFIED VOICE: -it was a concern that
25 the district had.



1 UNIDENTIFIED VOICE: And back in -- let me
2 try and remember, 2011 or 2012 when Vi -- by '12 or '13
3 (Indiscernible) closed one of their online schools kind of
4 as a response to the accountability system. They saw the
5 performance there and were kind of looking ahead at the
6 impact of the online was having for the whole district and
7 how they were able to serve students.

8 We had a staff member at the department then
9 that worked very closely with them in the closure process
10 and documented it all and had some really strong guidance on
11 how to help ensure students transfer and get -- land in a
12 place. So, we've got that guidance posted, we've used it
13 with a few other schools or shared it with a few other
14 schools.

15 MS. FLORES: And then there's the
16 international study, the National Center for Education
17 Policy which is at Boulder which just came out with a big
18 study on what happens to kids when they close -- when
19 schools are closed. And it's not very positive, it's very
20 negative about what happens to kids.

21 MADAM CHAIR: Go ahead.

22 UNIDENTIFIED VOICE: Thanks, Madam Chair.
23 And just one quick note I failed to mention that two of the
24 schools on here are part of the Pathways Early Grant --
25 Action Grant, as well which is the contemporary learning



1 academy in DPS and Martinez Elementary in Greeley, and this
2 was a really -- for them it was taking early action on those
3 accountability pathways that are outlined in law. And so
4 we've provided very small amounts of dollars to them to
5 start helping the plan and in that case both of those are
6 pursuing innovation pathways.

7 MADAM CHAIR: Okay. Thank you. Any other
8 questions? I would entertain -- oh, are you not finished? Go
9 ahead.

10 UNIDENTIFIED VOICE: We're good -- we're
11 good. I should have vote on there as the first next steps.

12 MADAM CHAIR: Yes.

13 UNIDENTIFIED VOICE: Right?

14 MADAM CHAIR: I'd like to entertain a motion
15 please.

16 UNIDENTIFIED VOICE: I move to approve the
17 department's recommendation of the 2016 school plan type
18 assignments.

19 MADAM CHAIR: Is there a second?

20 UNIDENTIFIED VOICE: Second.

21 MADAM CHAIR: Thank you. Would you call the
22 vote please.

23 MS. CORDIAL: Board member Durham. Absent,
24 not present. Board member Flores.

25 MS. FLORES: I would say yes to the



1 department and no to Denver Public Schools.

2 MADAM CHAIR: What would you call that vote?

3 The motion is to approve the department's recommendations
4 for 2016 school plan type assignments.

5 MS. FLORES: Well, it's very difficult. I
6 mean, I'm approving the department.

7 MADAM CHAIR: Yes or no ma'am. Please.

8 MADAM CHAIR: No.

9 MADAM CHAIR: Thank you.

10 MS. CORDIAL: Board member.

11 MS. FLORES: With qualifications.

12 MS. CORDIAL: Board member Goff.

13 MS. GOFF: Yes.

14 MS. CORDIAL: Board member Mazanec.

15 MS. MAZANEC: Yes.

16 MS. CORDIAL: Board member McClellan.

17 MS. MCCLELLAN: Yes.

18 MS. CORDIAL: Board member Rankin.

19 MS. RANKIN: Yes.

20 MS. CORDIAL: And board member Schroeder.

21 MS. SCHROEDER: Yes.

22 MADAM CHAIR: Thank you. Our next item is
23 the Every Student Succeeds Act state plan development.
24 Commissioner.

25 UNIDENTIFIED VOICE: Thank you, Madam Chair.



1 We are moving on to our favorite topic for Every Student
2 Succeeds Act. So, I am going to turn this over I believe to
3 Alyssa Pearson again and Nazzy (Indiscernible). We
4 practiced this last time and it didn't go very well. Now
5 it's bad. Thank you.

6 UNIDENTIFIED VOICE: Sorry you all, you are
7 going to have to put up with me again, I apologize. So
8 today, we're going to give you an overview of where we're at
9 some of the ESSA committee work and state planned
10 development. We're going to focus in on -- do you want to
11 do this slide? I just realized that this is his first slide.

12 UNIDENTIFIED VOICE: The last.

13 UNIDENTIFIED VOICE: Are you sure? Okay.
14 Sorry about that. We're going to give you details on the
15 ESSA accountability decision points and where we're at with
16 those and the school improvement decision points and where
17 we're at with those. Kind of an update get some, a chance
18 for you all to provide feedback. Get any directive from you
19 all on those topics.

20 So, in terms of accountability, what we want
21 to do is give you a quick update on the Hub and Spoke work
22 where we've gotten with them in terms of the decision points
23 and the conversations. We'll go through three areas,
24 through the decision points that we have recommendations
25 from the Hub on that we did last week, I believe it was



1 around the minimum and size. The other indicator and the
2 methods and criteria for identifying and exiting schools
3 from those different categories that are in ESSA. Then we
4 want to talk with you all a little bit about the
5 participation decision point and get some direction from you
6 all on that.

7 And then the other topics based on time and
8 how were going to do that. These are the areas that we
9 either started with the Hub and didn't finish with in terms
10 of the major racial and ethnic groups. We started that
11 conversation are going back to look at some other data and
12 options. EL Assessment, Eng -- English language, English
13 learner progress indicator. Those two we have not talked to
14 the Hub about yet.

15 We have very strong consensus from
16 stakeholders from a wide range of stakeholders on those
17 recommendations. And then the long term goals and our
18 measures we didn't get to go back to the Hub about either.
19 So those we have slides for you in the packet if you want to
20 look at it. I think in terms of time we probably don't want
21 to go through those step by step until the Hub has a chance
22 to talk about those at the beginning of February and then we
23 can talk with you about those that the February board
24 meeting.

25 But we can just kind of play it by your own,



1 how we're doing on time and how we get into them. So, since
2 we last talked with you as a board about the accountability
3 decision points which was on December 14th, we closed that
4 survey that we had out on some of the major accountability
5 decision points for public input and we closed that on the
6 14th and we've been analyzing the survey results. The small
7 work groups because you know the accountability spoke broke
8 up into even smaller spokes because we have so many decision
9 points.

10 They -- they took that input we got back from
11 the surveys, they worked and analyzed it together and talked
12 about it on January four -- fourth. They also reviewed the
13 feedback from the Hub and from you all from that last
14 meeting and then they had a final recommendation that they
15 prepared to share with the Hub which we did last week. So,
16 all of that kind of has been synthesized and then put back
17 out again.

18 The accountability work group got all of the
19 recommendations and got to see all those pieces. We talked
20 to the Hub and had those votes last week and we started
21 drafting the ESSA steep plan. Part of trying to make sense
22 out of all of it is looking at what the U.S. Department of
23 Ed is asking for in their questions and thinking about how
24 we want to respond, the level of detail, how much of our
25 state system we want to put into our federal plan.



1 So, we've just been, we've been drafting to
2 try and take a look and see what it looks like and get some
3 ideas. Clearly, it's not final because we need direction
4 from the board to say this is good to go but we just wanted
5 to look at it. A bunch of us are also going to DC to get
6 some feedback from peer reviewers on where we are landing
7 and how we're approaching it tomorrow. So, we're headed out
8 later today to do that.

9 All of -- we did not send you all -- all the
10 feedback, the detailed feedback in all the survey results
11 and all the work the small subgroups have been doing. It's
12 all posted up, we sent you the link to it though, it's all
13 posted on the ESSA page for the Hub committee under January
14 19th meeting resources.

15 So, if you want to dig in deep on any of
16 these issues and it's arranged by decision points, you don't
17 have to go through all of that if you just want to look at
18 one of the decision points. You can go see what the survey
19 results were, where the group la -- the small group landed,
20 and their recommendation, and how, how all of that was made
21 like made sense out through all of it.

22 So that's all available for you and if you
23 have any questions about anything specific feel free to let
24 us know about that. We just -- we're trying not to
25 overwhelm you with the amount of material because we know



1 there's a lot there.

2 So, the remaining slides, we've tried to keep
3 it high level for today and again if you want to go deep and
4 anything we can pull up other resources and go into that.
5 The green font on these slides represents the decisions that
6 are needed for the ESSA state plan for the accountability
7 section, and blue you'll see recommendations that are coming
8 from the Hub based on the accountability spokes research,
9 and their discussions, and considerations and all the public
10 input and the survey results that we've got.

11 And the colors in red represent items that we
12 still need some decision from the board about based on the
13 specific options. If we didn't get a solid recommendation
14 from the spoke or Hub and it's coming to you all to talk
15 about or we haven't talked about it with them and we're
16 coming to talk to you all about it. Anything? Okay. So,
17 again here the decision points on where we're at.

18 UNIDENTIFIED VOICE: Are you sure? Okay, go
19 ahead, sorry.

20 UNIDENTIFIED VOICE: Okay. So, the areas
21 where we have recommendations from the Hub for you all that
22 we really want to spend more time on today, we're not more
23 time that go through with you today. Make sure that they
24 align with where you all see things making sense, is around
25 the minimum n which is you know the number of students that



1 we use to put calculations out publicly and hold schools and
2 districts accountable. The other indicator of school
3 quality or student success makes some short term and long
4 term recommendations around that.

5 And methods and identif -- and criteria for
6 identifying exiting schools for these different support.
7 So, in the ESSA there's comprehensive support and
8 improvement schools and targeted support and improvement
9 schools. So, we have recommendations from the Hub on all of
10 those decisions.

11 So, we'll share those with you first and see
12 if you have any input or any concerns about any of those.
13 Then we'll go into the participation decision, what's in
14 law, wha -- what some of the options are there and ask you
15 all for some direction on how you'd like us to move forward
16 with that decision point as we do have state board policy in
17 place, so we just would like some direction from you all on
18 that one.

19 And then the other ones in green are still
20 those outstanding decisions that we can talk about today if
21 there's time where we can easily wait till we have the
22 recommendation from the Hub and more data and then we can
23 talk about that in February with you. Okay?

24 So, in terms of recommendations from the Hub.
25 Turn it over to Tina, she's going to talk first about the



1 minimum n options that number of students, but likely to ask
2 us. Yeah.

3 UNIDENTIFIED VOICE: I apologize. Is it
4 possible where this has occurred that we can get a reminder
5 of where our Hub has diverged from the decision making of
6 the spoke?

7 UNIDENTIFIED VOICE: Yes.

8 UNIDENTIFIED VOICE: And I recognize
9 hopefully that's a minimum of the spokes that were kind of
10 overturned if you will, but it would help my understanding
11 to see where there was serious divergence on the part of the
12 Hub decision making body from the spoke.

13 UNIDENTIFIED VOICE: Absolutely.

14 UNIDENTIFIED VOICE: Thanks so much.

15 UNIDENTIFIED VOICE: Thanks.

16 UNIDENTIFIED VOICE: So, for the minimum n
17 decision point our group had ultimately considered a lot of
18 different recommendations and settled on three options that
19 we had put forth. The first option was to use an n of 16
20 across all indicators.

21 The second option was to essentially maintain
22 our current status quo, which is using an n of 16 for our
23 achievement indicators and our PWR indicators such as grad
24 rate and dropout, and then using a minimum n of 20 students
25 for our growth measures. And then the third option that we



1 would put forth was using a minimum n of 20 across all of
2 those indicators.

3 Ultimately, our small group had initially
4 recommended option two based on the results of the public
5 survey, there was about 41 percent responded that they
6 preferred option three as their primary choice. So, based
7 on some of that feedback as well as the final regulations
8 that were released indicating the need to use a consistent
9 minimum n across all indicators, our small group did
10 eventually put forth option three as our proposed
11 recommendation.

12 When we presented the information to the Hub
13 last week, ultimately the final decision for the Hub however
14 was to go ahead and propose option two which is to maintain
15 our current minimum n for all of our indicators.

16 Ultimately, there was a concern regarding
17 increasing the minimum n for our achievement and PWR
18 measures just really around our small rural schools making
19 sure that schools weren't essentially being able to mask the
20 results of some of their -- if they have a small student
21 population or especially with some other disaggregated
22 groups and there was also kind of this desire to kind of
23 maintain that same minimum n for consistency purposes and
24 communication and understanding longitudinal trends across
25 the measure.



1 So, ultimately the Hub did decide on option
2 two which would be to again, maintain a six -- a minimum n
3 of 16 students for achievement and PWR and a minimum n of 20
4 for our growth measures.

5 UNIDENTIFIED VOICE: Remind me how many dist
6 -- how many districts would lose, how many district's
7 information we would lose if we went to 20 research groups.

8 UNIDENTIFIED VOICE: So, we focus.

9 UNIDENTIFIED VOICE: If that, if that was the
10 fundamental discussion.

11 UNIDENTIFIED VOICE: Correct. So, actually
12 they'll up being more around the school level because of the
13 school accountability demands in ESSA. So, we did look at
14 some of the information.

15 We looked at both 2016 data acknowledging
16 that's only one year of data. So there is limitations and
17 that because as we know the frameworks in the past have
18 consisted of both one year and three year options. So, for
19 that reason we also looked back up the 2014 tcap using an
20 aggregate of three-year data to also, to see how that impact
21 -- that impact on schools looking at both one and three
22 year.

23 When we look at one year we see a much higher
24 percentage or number of schools drop off. So, for example,
25 it's really prevalent and are looking at the elementary



1 level, schools with an elementary grade span, there is a
2 difference of only eight schools when looking at all
3 students category if we're considering only one year of park
4 data.

5 Some of our subgroups in particular are EL
6 subgroup and also our students with disabilities for ELs we
7 lose about 75 schools just with one year of data, and for
8 students with disabilities it's 122. However, if we do look
9 at that three-year aggregate based on tcap data, for ELs
10 that number drops down to 44 schools and for students with
11 disabilities it drops down to 26. So, we do see fewer
12 schools when we do aggregate the data across years.

13 UNIDENTIFIED VOICE: Can you just briefly
14 review how the summer -- how the survey was done and how
15 many participants there were?

16 UNIDENTIFIED VOICE: Yes. I can do that.
17 Sorry, I'm trying to look for my results there. So, I
18 don't-

19 UNIDENTIFIED VOICE: We -- I mean, I can talk
20 to broad surveys while you're looking it up. I can talk --

21 UNIDENTIFIED VOICE: Okay.

22 UNIDENTIFIED VOICE: So, we put out surveys
23 at the end of November that were open through the middle of
24 December. We did these prerecorded webinars, so people
25 could go and either listen or they could read. We had a



1 script to and go through that really frame the issue. You
2 know how weedy this stuff is and it's hard just to say what
3 do you think the minimum n should -- minimum n size should
4 be. So, we wanted to make sure we frame the information
5 around in terms of impact and what the kind of the context
6 for the decision was.

7 We had pre-recorded webinars on all these
8 different decision points. Put them out for public comment.
9 We announced it in the Scoop and the update and lots of
10 friends and sent it out publicly. People could choose which
11 topic they wanted to give input on.

12 So, you know, we had more responses for some
13 decision points than others cause people were just more
14 interested in those decisions than others. I'll let Tina
15 talk about the actual -- the individual results she got from
16 the survey cause I think she's almost ready. I'm talking
17 slowly.

18 UNIDENTIFIED VOICE: Specifically looking-

19 UNIDENTIFIED VOICE: Yeah.

20 UNIDENTIFIED VOICE: -for this -- this
21 particular -- the -- the n minimum and -- and how many
22 people shows chose to complete that survey?

23 UNIDENTIFIED VOICE: So, we had 69
24 respondents for the -- this particular decision point. So,
25 that included both the minimum and -- and the separate



1 racial ethnic groups as well, which is another decision
2 point. So, were 69 respondents. Of those 41 percent did
3 initially decide on option three as their -- so we ad -- the
4 way we structured this decision point is we asked all
5 respondents to rank order their preference of the three
6 options.

7 So essentially, assigning a one two and three
8 for each of them. 41 percent did rank option three as their
9 first choice, 36 percent selected option one as their first
10 choice and 23 percent selected option two as their first
11 choice. When we looked at the average ranking across, we
12 did see that option three had the highest ranking overall --
13 or average ranking overall.

14 Option two had the second o -- highest and
15 option three had the lowest ever drinking, and that is
16 because a lot of respondents did end up selecting option two
17 as their second choice. So, it was frequently in the
18 middle.

19 UNIDENTIFIED VOICE: Thank you.

20 UNIDENTIFIED VOICE: May I -- I guess. thank
21 you. I guess I'm still kind of stuck on why a different
22 number for each. We've been at 16 consistently so far,
23 right? For both or-

24 UNIDENTIFIED VOICE: No.

25 UNIDENTIFIED VOICE: N -- So, we've always --



1 we've used 20 for our median growth percentiles. All of our
2 growth measures. So, for our content area as well as
3 English language proficiency growth has always been a mini -
4 - minimum n of 20. It's just for achievement and those PWR
5 indicators that we've used the minimum amount of 16.

6 UNIDENTIFIED VOICE: So, the advantage -- the
7 advantage of keeping being at 16 for the achievement, that
8 opens up the possibility of having more data that can be
9 reported. It does impact ripples out when you consider how
10 many kids that brings in. I guess -- I mean, I'm not the
11 Hub committee,

12 I'm never saying in this yet but I guess I'd
13 wonder why growth is more is more aggregated and if we're
14 reporting it widespread. I mean, it's not it's not personal
15 and private, it's mo -- it's more program measured. So, why
16 -- why not raise the number? Why make the minimum number
17 higher for growth? If we're looking at -- If we're looking
18 at system wide learning as much as in our case, i -- this
19 just important at this level.

20 Not any more important or less important than
21 individual student grow -- or student achievement. I just
22 wonder, why a larger numbers necessary to-

23 UNIDENTIFIED VOICE: So, when we-

24 UNIDENTIFIED VOICE: Why are we changing it?

25 You know.



1 UNIDENTIFIED VOICE: Yeah. So, the 16 and 20
2 is what we use right now and m -- If you want to get the
3 detailed details, Marie can come and talk but see if I can
4 do at a high level and then, if you guys want to know more.

5 UNIDENTIFIED VOICE: High levels-

6 UNIDENTIFIED VOICE: Back when we first ran
7 the growth model and started rolling that out, Marie and
8 others spent a lot of time looking at the numbers. When you
9 look at the individual growth percentiles and then you
10 aggregate them together to the medians, when that data
11 stabilizes?

12 Because we know, when you are small n, your
13 data tends to be a little bit more volatile across the
14 board. And so, when you look at those distributions, Marie
15 made all these pretty graphs that look by and size and what
16 the medians were. 20 was a mark where that data really
17 stabilized and we felt more confident in using that for
18 accountability decisions.

19 So, that's where 20 came from for growth is
20 just like that statistical soundness in kinda stability with
21 measure. Was that okay? Okay. So, it's I feel like I'm
22 taking a test. It's like my oral exam. Very well. Tell me
23 if I got it right or not.

24 UNIDENTIFIED VOICE: Okay. Thank you.

25 UNIDENTIFIED VOICE: Okay.



1 MADAM CHAIR: So, part of the discussion
2 among us I think has been the Feds would like us to use a
3 consistent number either 1616 or 2020, and we said, "We have
4 a reason for using 16 for achievement and we have a reason
5 for using 20 for growth." So why not? I mean, I think that's
6 what was the discussion at the Hub, which is why we ended up
7 going back to options.

8 UNIDENTIFIED VOICE: I should not even get
9 into that. I mean. Yeah. I -- I mean -- Just some of this
10 -- What's complicating this more is some of the -- some of
11 the expectations from the US Department of Education or in
12 the regulations and some of it's in law, and the
13 requirements have the same minimum and is in the regulation.
14 Right now the regulations are in ho-

15 UNIDENTIFIED VOICE: But not in law.

16 UNIDENTIFIED VOICE: -but not in law. Right
17 now, the regulations are on hold. So it's like -- I think
18 people want to think about what makes sense for the state
19 and not so much what's necessarily in regulations cause we
20 don't know if those regulations are going to go forward or
21 not.

22 UNIDENTIFIED VOICE: So, we might get that
23 flexibility going forward?

24 UNIDENTIFIED VOICE: So, we may have that
25 flexibility anyway, and so I think that's -- and it was part



1 of that timing because when the spoke met last, the
2 regulations still were put in p -- place and talked about
3 that recommendation and it was just last Friday, right, that
4 the that -- the regs got put on hold. So, we're in this
5 very interesting unknown place where it leads us -- at least
6 me to think what -- what's best for Colorado and what makes
7 the most sense in the system, and we can negotiate with the
8 Feds later.

9 MADAM CHAIR: Okay. Thank you. Board member
10 McClellan?

11 MS. MCCLELLAN: If in the event think that we
12 were to uphold the Hubs recommendation and go with one that
13 may wind up being inconsistent with federal mandates in the
14 event that, that were to impact our access to federal
15 funding at some poi -- oh you don't think it would.

16 Well, I -- I just wanted to ask if there is,
17 if there's some unforeseen negative consequences for us in
18 going that route, would we be -- would we have the legal
19 capacity to go back and revisit that sliver of the decision
20 in the event that we needed to.

21 UNIDENTIFIED VOICE: Yeah, and this is a --
22 this is a good question we should remember to clarify this
23 in the beginning. The way it has worked in the past at
24 least with the US Department, of that -- you submit a plan,
25 they review, they'll have peer reviewers, or I think that



1 has been the plan that they'll have pe -- peer reviewers on
2 it. They will then give us feedback. They don't say -- I
3 mean if -- I guess if you met the requirements right off
4 they'd say, yes you're good.

5 Usually they say give us feedback and ask us
6 to revise or re-think. I've never experienced a flat out
7 no, you don't get another chance, you're not going to get
8 money. They'll come back to us and say, "Hey, remember this
9 doesn't align" and we'll have a chance to put forward our
10 case to them and say, "No, this is why we want to do it
11 anyway" or they'll say, "It's not going to fly, you have to
12 change it, and then we'll figure it out."

13 So, what did -- what did they say, we're not
14 getting thrown out of the nest, was that the -- what they
15 used at the hub meeting? Like, we're not going to get kicked
16 out of the nest if we put something forward, that doesn't
17 comply immediately.

18 UNIDENTIFIED VOICE: What if you want out of
19 the nest?

20 UNIDENTIFIED VOICE: Well that's another
21 conversation for you all to have.

22 UNIDENTIFIED VOICE: \$150 million.

23 UNIDENTIFIED VOICE: That's for you all.

24 UNIDENTIFIED VOICE: Who knows?

25 UNIDENTIFIED VOICE: Board member Flores.



1 MS. FLORES: I will ask of rural school
2 districts. What do schoo -- rural school districts think
3 about of the 16th and the 20th?

4 UNIDENTIFIED VOICE: So I can speak a little
5 bit just in regards to our public survey that we did
6 administer. So we did have a pretty equal split. It was
7 basically about a third of the respondents were from
8 suburban areas, a third were from urban, and a third were
9 from rural, and I will say that the -- when we look at the
10 data just by the rural respondents, they also select option
11 three as their primary choice consistent with the overall
12 survey.

13 UNIDENTIFIED VOICE: Ready, go ahead.

14 UNIDENTIFIED VOICE: Okay. So, right now I
15 think -- well, unless we get different direction from you
16 all because the hub is at 16th and 20th, we'll draft, just
17 write the draft that way to see what it looks like. But
18 again, you all have that, you know, you tell us if you want
19 something different in there, and you can do that later too,
20 we can put the draft, we can put it together, do our draft,
21 put the draft up for public comment and then we can revisit
22 it after we get those public comments as well.

23 MS. FLORES: And when -- when you write
24 draft, you put in there the reasoning, am I right?

25 UNIDENTIFIED VOICE: Yes.



1 MS. FLORES: Okay good.

2 UNIDENTIFIED VOICE: To some degree we're
3 trying -- I think we'll probably put in more reasoning on
4 areas that we know we are asking for a little bit more on
5 but we're also trying to keep it pretty succinct and then we
6 can do more of the reasoning and that process -- negotiation
7 proce -- process later if we need to. So that's, at least
8 philosophically where we're leaning on.

9 MS. FLORES: I am thinking more in terms of
10 having the folks that we want feedback from to have a sense
11 for, why we made the choices we made.

12 Uh-huh.

13 UNIDENTIFIED VOICE: But historically it has
14 been 16.

15 UNIDENTIFIED VOICE: That's what we've been
16 doing, a 16 for achievement, 20 for growth.

17 MADAM CHAIR: Okay, go ahead.

18 UNIDENTIFIED VOICE: So the next decision
19 point that was made. I'm filling in for Dan Jorgensen.
20 He's pretty sick right now. So, if I don't know all the
21 details right away, sorry I'll try and catch up. It was
22 around the other indicators. So federal law requires
23 another indicator of student's success or school quality to
24 be used in your accountability system. The indicator needs
25 to be the same across all elementaries, across all middles,



1 across all high schools in the state. High school and
2 elementary can clearly be different, and needs to be valid,
3 it needs to be reliable, it needs to be comparable, and it
4 needs to be able to disaggregate the measure by student
5 group which actually narrows things down a lot for when
6 people start talking in the beginning about all the
7 different ideas.

8 The short term recommendation where we got --
9 we've gotten pretty solid input about 80 percent of survey
10 respondents a little more support this recommendation to use
11 in the short term a student engagement measure of change in
12 chronic absenteeism, right? So chronic absenteeism is
13 defined as missing 10 percent or more of the school year for
14 a student, excused or unexcused, but 10 percent of the year,
15 and to use that for elementary and middles and to look at a
16 change metrics.

17 So to see if a school or -- district is
18 seeing improvement there. For the high school indicator,
19 just because there are some differences in how attendance is
20 taken in across high schools in the state and the
21 meaningfulness of the data, that level the group recommended
22 using the post-secondary workforce readiness indicators,
23 specifically the dropout indicator that we already have as a
24 requirement by state law, and disaggregating that and using
25 that for now.



1 The hub went with this for the short term
2 thinks this makes sense. They want us to talk more about
3 the long term plan, which I will show you in a second. I
4 think lots of people are really interested and see as -- see
5 this as an opportunity to think more broadly about our
6 accountability, but when you look at the data that we have
7 currently collected because nobody right now feels game to
8 ask for schools and districts for another data collection,
9 and that meets the -- the re -- the federal requirements for
10 this indicator.

11 This ar -- you know, our -- our options are a
12 little bit narrow for the short term. For the long term, I
13 think we can always go back and amend our state plan, we can
14 always change things that we want to do, and we want to
15 think a little bit more broadly about what some options
16 might be for the long term. So-

17 UNIDENTIFIED VOICE: Excuse me.

18 MADAM CHAIR: Yes.

19 UNIDENTIFIED VOICE: And this -- this
20 indicator, was that required by law?

21 UNIDENTIFIED VOICE: It's required by law.

22 UNIDENTIFIED VOICE: Darn it wasn't
23 regulation?

24 UNIDENTIFIED VOICE: No, but what's
25 interesting about the indicator is that while it's required



1 to be in there, it also -- well, Marie, tell me if this is
2 law or reg. It can't make a difference between whether or
3 not a school is identified for comprehensive or targeted.
4 So it can't -- that's regs? Okay, okay, so that's regs.

5 So they -- they say have it, but then the
6 regulations said, but it can't make a difference. So
7 sometimes I wonder why you have it, if it can't make it --
8 --

9 UNIDENTIFIED VOICE: Cancels itself out.

10 UNIDENTIFIED VOICE: Why do you have it, if
11 you can't make a difference so -- so I think there's some
12 question of, is this enough of a value add that we want it
13 for our state system and want to include it right now.
14 Again, that was regs though, so if those regs are on hold
15 and aren't in place, then -- then the indicator can be used.

16 UNIDENTIFIED VOICE: Might as well get rid of
17 it.

18 UNIDENTIFIED VOICE: So yes -- thank you, the
19 law does say the waiting for the indicator can't be more
20 than the other indicators in terms of achievement in growth,
21 and graduation rate. So this is the -- the small workgroup
22 made a little timeline to show.

23 So right now if we want to be able to have
24 this short term indicator for the 18 frameworks, which is
25 what the requirement is for -- from ESSA and the U.S.



1 Department of Ed., the data needs be collected now and next
2 year, right? We need to have it in place especially if it's
3 a change indicator, do we able to use an 18 to look at the
4 difference in performance there.

5 So we're thinking that would be use for the
6 18 frameworks, maybe the 19 frameworks, but then the hub is
7 going to talk some more. The small group had a plan for,
8 how do we do this going forward, how do we continue to have
9 this conversation and think more broadly about what we ma --
10 may want in accountability, and what indicators and measures
11 we want to -- may want to build as a state to be able to
12 incorporate in the future. But we're just not there right
13 now.

14 UNIDENTIFIED VOICE: Do I have questions?

15 UNIDENTIFIED VOICE: Yeah, your two n's.

16 UNIDENTIFIED VOICE: Board member Durham, I
17 can't see you at all.

18 MR DURHAM: I'm hiding.

19 UNIDENTIFIED VOICE: Yes you are.

20 MR DURHAM: People who are tardy shall be
21 forced to hide. Thank you. Thank you Madam Chair. I think
22 as I sat through the hub committee meeting on this
23 particular issue, the more I thought about it, it's -- I
24 really think that the, the affected interest groups are
25 pushing hard for as soft a measure as possible. So that in



1 the Hopes perhaps that it might be something that overcomes
2 their failure to meet the hard standards of test scores and,
3 and im -- and student improvement. And so, I certainly
4 don't like the, the concept of student engagement. I
5 particularly don't like it, if it -- if it deals with all
6 absences as opposed to only unexcused absences which I
7 define as those absences that are not sanctioned by the
8 parent.

9 And -- and I don't think this soft measure,
10 unless somebody come up with a really hard, sixth measure
11 should be included, and particularly if it counts to get
12 somebody off the clock, we need to find a hard measure and
13 not a soft measure because I, I have a bad feeling about the
14 trend of student engagement whatever it may be. It's
15 clearly at this point, even the unexcused absences are
16 pretty soft.

17 I guess I would redefine that as truant and,
18 we should, if there's a high degree of truancy perhaps, but
19 absenteeism I don't think is as -- a strict enough measure,
20 particularly if it's going to make a difference so. I think
21 there are lots problems with this and I -- and I -- I think
22 the hub may very well recommend it.

23 It clearly follows the recommendations, I
24 think the spoke committee, but the more I've thought about
25 it, I just don't think it has any meaningful value. Never



1 adds anything to the process, and when we get to plan
2 adoption, I don't think we ought to provide this kind of
3 escape valve for districts looking to find their way to be
4 removed from the clock.

5 MADAM CHAIR: Are you planning to introduce a
6 different one? Because we got to have a measure.

7 MR DURHAM: We have to have a measure and I
8 haven't thought of one. So if we are -- if we end up stuck
9 with, we'll see with -- maybe ask staff to find us the
10 hardest measure they think they can find, and by hardest I
11 mean, the most statistically, justified, clearly measurable
12 standard as opposed to a standard that contains a lot of
13 fluff about how kids feel about school or, you know, we need
14 to be results oriented.

15 Can they read and write? That's really the
16 bottom line, or whether they feel good is, to me, not a
17 particularly important factor.

18 UNIDENTIFIED VOICE: Just because, it's
19 saying -- I mean-

20 UNIDENTIFIED VOICE: Elisa.

21 UNIDENTIFIED VOICE: I think -- I think there
22 could be an option if you all wanted to hold on short term
23 and work on the long term, if you wanted to think about
24 that. I don't know what the US Department of Ed. would do
25 with that.



1 I don't know what you are thinking, you're
2 like -- what are you doing -- saying Elisa? But I think --
3 I think it's something that you could think about talking
4 about doing. I'm sorry, I neglected to mention at the
5 beginning that there is strong research connection between
6 chronic absenteeism and student achievement in school. So,
7 that's where a lot of this came from.

8 That was one of the other requirements, at
9 least, in the regulations is that there is a connection to
10 student achievement and performance and there is a very
11 strong relationship there between the chronic absenteeism
12 rate which excuse and the unexcuse is what the research
13 shows and the actual outcomes. That said, I think -- I
14 think you ought to talk about whether you wanted to put
15 something in or not right now.

16 MADAM CHAIR: Board member Goff.

17 MS. GOFF: Actually, to pick up on what Mr.
18 Durham was saying, I don't disagree. I think this is -- for
19 one thing, is there, is there going to be a need? Do we have
20 it in place? How many hoops do we have to jump through like,
21 others we've jumped through to define chronic absenteeism.
22 It seems like there need to be a pretty clear universal
23 definition agreed to for that.

24 UNIDENTIFIED VOICE: Yep.

25 UNIDENTIFIED VOICE: Then maybe and probably



1 if somewhat accompanying clarification about that versus
2 truancy definition of each for people to make their own
3 news.

4 I -- I know that there has been some push
5 back among the troops in the field about this. Some of
6 these fears, I guess, or worries referenced by -- by Steve.
7 There, you know, it, does this open up for -- for the game
8 to be played? Is there a game to be played? Is there any
9 danger of without a real clear standard and a definition for
10 the chronic absenteeism?

11 And I -- I listen to legislative conver --
12 conversations about this too is the -- making really clear
13 what that is and what it isn't and, and making people
14 assured and confident that when their child is out for a
15 long term medical reason or is at home getting home care and
16 going to school and/or family choice about where -- where
17 and when they choose to take their kids out for any reason.
18 And, you know, a lot of our districts have, sort of, I'm
19 going to be really general in yo -- general here.

20 A lot of our districts have an average of 10
21 days. At that point, the red flags go up. If a student is
22 out for 10 days, some define that as unexcused, some say
23 just total. So that, I -- you kno -- I would encourage
24 somebody to be looking at our local district code of the --
25 code of -- --



1 UNIDENTIFIED VOICE: Discipline.

2 MS. GOFF: -- the discipline codes and how
3 they are, how they're defining that kind of thing if we
4 wanted to do this. I am not opposed to it, I'm also not a
5 big fan of it because I do wonder, if there is to get going
6 on it, if there's enough understanding about what that means
7 and how parents understand how that works and what that
8 means for us and if schools do too.

9 So, I'd say, for now, i -- it feels better to
10 say this is probably a possibility of a great start on the
11 long term plan. Let's take what we learn from this and b --
12 be creative in how to use that information to, to build
13 better things as well. But I, I would say, I just, I just
14 think we, we have the responsibility along with the spoke
15 committee to make sure that the definition is universally
16 understood and, and in a couple of languages besides English
17 as well, when we start communicating all these things, so,
18 thank you.

19 UNIDENTIFIED VOICE: Board member, McClellan.

20 MS. MCCLELLAN: Thank you, Madam Chair. I
21 hope this isn't too granular a question but when I'm looking
22 at how we're gauging High School post-secondary and
23 workforce readiness, for the component for how we measure
24 graduation rate, I know that at the moment we're talking
25 about a modest number of students statewide if I understand,



1 something in the neighborhood of 500 participating in the
2 ascent program. Is this an area where this board has any
3 latitude in the definition of what goes on the positive side
4 of the ledger in terms of graduation rate with, as it -- as
5 it relates to the ascent program, or do we have no choice
6 but to count a fifth year senior who's in the ascent program
7 against the graduation rate?

8 UNIDENTIFIED VOICE: Yeah. I believe it and
9 we can check with Jane later on. But, I believe in state
10 statute, it actually says that, until they finish ascent
11 they can't count as a graduate. But what this board has
12 done is really emphasize the importance of looking at
13 extended year graduation rates so the four year, five year,
14 six year or seven year rate, we calculate all of those in
15 Colorado and for accountability, we use the schools best of
16 the four, five, six or seven year.

17 So, if there are students in ascent, if there
18 are students doing concurrent enrollment that are staying
19 longer, if there are recently arrived English learners that
20 need some more time to graduate, we use the best of
21 graduation rates with school doesn't get ding for doing
22 something to help kids get to that level of, of being ready
23 to graduate, if they just need more time.

24 MS. MCCLELLAN: Thank you very much.

25 MADAM CHAIR: Board member Flores.



1 MS. FLORES: I just wanted say that, just
2 because back on the issue of student engagement and
3 absences, sometimes absences are because of family matters.
4 And I know around the Christmas time, we have around
5 Christmas and other holidays, maybe religious holidays, we
6 have kids that miss school and, you know, we know that
7 happens.

8 I know in Denver, one of the things that were
9 some years ago was when, they had year round schools, and
10 year round schools kind of, helped in getting achievement up
11 especially, for kids who were, lo -- low economic. Kids who
12 were poor. And then we should look at other avenues. But
13 just because i -- it's very salient and it correlates, I
14 mean, that doesn't mean that that's good especially, when
15 you have, you have it for kids that are maybe more favored
16 economically than those that are not and that seems to me
17 kind of, not -- not right.

18 And if we provided other -- other means,
19 after school programs or even in Denver, again, if we
20 provided transportation for kids, which we don't, for many,
21 for many areas, we do for some, we don't for others, and
22 especially our low economic areas in the southwest and in
23 the northwest, we don't do that. So, you know, i -- it --
24 it will be difficult and -- and it, it doesn't seem to be
25 fair. Again, I bring up the fairness issue. People who



1 don't have money.

2 MADAM CHAIR: Board Member, Durham.

3 MR. DURHAM: Thank you Madam Chair. I think
4 I, I think I agree with Dr. Flores an -- and for also for an
5 additional reason, I think this is a measure that will tend
6 to skew heavily against free and reduced lunch kids for a
7 whole variety of reasons.

8 We know that those, we know that they tend to
9 perform at an academically lower rate and/or lower
10 performance than non-trading or reduced ones kids, so it
11 almost becomes, or certainly has a potential of becoming a
12 redundant measure so that you're going to actually measure
13 the effect of poverty twice in, in this rather than once.
14 And I think if we're going to add a sixth measure, we need
15 to find something that's going to measure tr -- try and
16 measure on a little bit of a different basis because I do
17 think this will skew heavily.

18 I think we could price it down and pre --
19 predict the results of this measure now. So, I think we,
20 hopefully, there's some opportunity for some people who are
21 experts in the field to think about some alternatives
22 substantive approaches.

23 UNIDENTIFIED VOICE: So, I think I hear
24 strong interest in this long term considerations to be
25 piloted by districts with alternatives, and-



1 UNIDENTIFIED VOICE: Perhaps the board should
2 take some leadership in that after we get this plan done in
3 creating a process for that to, to move forward. So, it
4 doesn't just fall through the crack.

5 MADAM CHAIR: Any other comments, questions?
6 Board member Flores.

7 MS. GOFF: I'm just going to really summarize
8 here. I -- and here's my wish list. I wish this was an
9 opportunity for us to hit the positive incentive type of, of
10 talk. Of course getting kids to be more regular, those who
11 have struggled with it to get them regularly attending
12 school. Yeah, it's a great goal.

13 My worry about this is that it's on con --
14 it's not within those of us who decide what we're going to
15 aim to do. It's not in our control necessarily. I, I would
16 like to see is go to a more positive tone on something that
17 really is a benefit to all kids in general. Something to
18 give them the spirit of moving forward, which is we probably
19 know in most cases does impact treatment levels for the
20 better performance levels improve.

21 I don't know what the answer is. I'm just --
22 I'm, I'm ki -- disappointed in a way that we have to add
23 another one on. I'm -- I think, you know, if frankly
24 personally if we had been given the choice of what are some
25 of those things you and your state and your citizens have



1 been saying is very important in order to tell the full
2 story of a school or a district, what would you think would
3 best portray yourselves in the -- in a fuller story?

4 I wish we had been given the chance to do
5 that rather -- which we could, but rather than have it come
6 out from the get go. As such a you will think of a good way
7 to show what else. I, I don't -- I don't know if you
8 understand what I'm saying. I just think the tone of this
9 has turned to something that is not really indicative of our
10 -- of our state, and really our country. I, I think this is
11 a good chance to think ahead. I'm hoping we can talk long
12 term on this.

13 I hope we do because it's a good chance and
14 to, to turn the tone a little bit about all of this and get
15 away from what always feels to people like punitive still
16 and that will be that way for a while. But start out
17 punitive, you lessen your chances of getting there
18 proportionately. So, that -- that's I'm sorry to be so high
19 in the clouds, but I, I -- hoping that we take that kind of
20 thinking with us for the long term planning on this.

21 And that includes all the other goals and
22 interims and benchmarks and thinking that we should be doing
23 on this eventually as well. Thank you for listening.

24 UNIDENTIFIED VOICE: Thank you.

25 MS. FLORES: I hear your tone about positive



1 and I think this area that the feds have put upon us is --
2 is negative. If we had really kind of gone on the area or
3 in the direction of saying early childhood matters and if
4 your school has early childhood or your district has early
5 childhood education or a lower pupil teacher ratios, you
6 know, that would be a positive. And to show that, that this
7 is going in the positive direction.

8 I think if you have, for instance, in -- in
9 schools that have a large number of kids that are homeless
10 and we do have in Denver several schools that have large
11 numbers of homeless kids, if we had social workers that
12 would help not only kids, but help families and such, I
13 think this is going in the right direction and if such
14 resources help schools, then that should be highlighted and
15 not, you know, the negative of, oh well, high absenteeism
16 and in performance well, that's just --

17 MADAM CHAIR: Board member Flores, we are
18 just trying to balance the time constraints that we have.

19 MS. FLORES: I know and I was just adding to
20 Ms. Goff's.

21 MADAM CHAIR: Right. We have an opportunity
22 here that we should certainly take.

23 MS. FLORES: Right.

24 MADAM CHAIR: In the meantime. I think a lot
25 of folks who brought this forward felt that this was



1 information that is already being collected by subgroups and
2 therefore is not an additional burden.

3 MS. FLORES: Yeah, but that's the point.

4 MADAM CHAIR: Is not an additional burden put
5 on school districts at this moment. This gives time for
6 school districts to provide input for us to have some really
7 meaningful discussions as a state. What are you-

8 MS. FLORES: But that's because it's the only
9 thing that shows-

10 MADAM CHAIR: Are you arguing with me or
11 what?

12 MS. FLORES: I am. I'm just saying to you
13 that just because you could-

14 MADAM CHAIR: Did you want me (indiscernible
15 or what. Please stop.

16 MS. FLORES: No.

17 MADAM CHAIR: We need to move on.

18 MS. FLORES: Let me just -- let me just say
19 this. If you have a flashlight and if you go out to a
20 district and that's the only thing that pops up because it
21 pops up, you know, that doesn't mean that that's, that's a
22 correlation to, to -- and -- and we know it's a correlation
23 to poverty. And as a-

24 MADAM CHAIR: Board member Flores, are you
25 finished? We really need to get on. I appreciate your



1 thoughts.

2 MS. FLORES: Just because I speak slowly,
3 please.

4 MADAM CHAIR: Board member.

5 MS. FLORES: That's -- and just because the
6 correlation is that you hit the light and that pops up and
7 that's easy.

8 MADAM CHAIR: Thank you.

9 MS. FLORES: That doesn't mean that it's
10 right or fair.

11 MADAM CHAIR: Thank you.

12 UNIDENTIFIED VOICE: Madam Chair? What about
13 remediation rates or?

14 UNIDENTIFIED VOICE: So, we can -- so high
15 schools is more strict for him. We could add more things to
16 high school because state law already has some other
17 indicators in there. With the dropout rate, with
18 matriculation rate, we can use those that we already have.

19 We could add remediation to, the reason why
20 we haven't so far, the remediation data we -- we have access
21 to is only for Colorado colleges. For so -- for students
22 and schools that leave the state, we have their
23 matriculation to outside the state, but we don't have their
24 remediation rates for outside the state, so we don't know
25 that that data is as representative for some schools which



1 are-

2 UNIDENTIFIED VOICE: Is it being collected by
3 the clearinghouse or not?

4 UNIDENTIFIED VOICE: It is not collected by
5 the clearinghouse. You guys tell me, I need to double
6 check, okay, but.

7 UNIDENTIFIED VOICE: What about mobility?

8 MADAM CHAIR: So, mob -- they'd asked about
9 mobility in that -- in that survey, it was asked about
10 truancy, change and chronic absenteeism, and mobility.
11 Mobility is something that people -- that's really in terms
12 of an actionable item for schools and districts, mobility is
13 really outside of a school or district's control, much more
14 so than some of the other indicators, right?

15 Because people -- families need to move and
16 they need to move for very personal reasons or economic
17 reasons that it's hard for a school to adjust for that. The
18 chronic -- the truancy, I think there are some concerns too
19 about more of the correlations with that data. But that
20 change in chronic absenteeism with something in the survey
21 that was rated more actionable.

22 And it's really looking at a change
23 indicator. So, for those schools that have high poverty
24 rates, that have a lot of chronic absenteeism, it's not
25 saying your -- your rate has to be here, it's that you want



1 to get better at it. So, we were visiting a school on
2 Tuesday.

3 That's the measure they track for themselves.
4 They track it by grade, they're looking at students, they're
5 looking at to measure, to see if they're making improvement
6 in some measure that's meaningful for them because they feel
7 they can impact that.

8 When you're at 50 percent or 60 percent of
9 your students chronically absent, then that's something you
10 can really have an impact on because it's not a one off. A
11 kid goes on vacation with their family or a kid, you know,
12 is out, we can take care of the monthly.

13 UNIDENTIFIED VOICE: Yeah, I just think it's
14 a -- it's certainly difficult though-

15 MADAM CHAIR: It's all difficult.

16 UNIDENTIFIED VOICE: Truancy or absenteeism,
17 absenteeism is probably different at say a high school level
18 than it is in elementary school.

19 UNIDENTIFIED VOICE: Yeah, we're not
20 measuring --

21 UNIDENTIFIED VOICE: Yeah.

22 UNIDENTIFIED VOICE: And it's also difficult
23 for schools to have an impact on, I mean, I hate to use the
24 -- the phrase at the end of the day, but at the end of the
25 day, schools can and teachers can really encourage, but a



1 lot of that is outside of their control.

2 UNIDENTIFIED VOICE: Uh-huh.

3 UNIDENTIFIED VOICE: And it -- and it -- and
4 it's also not all that meaningful. It sure like to find
5 some sort of measure. I know we need to move on and we can
6 talk about this later, but I'd like to find some sort of
7 measure that matters for all kids in all schools. And it's
8 about what happens when they're in school, not about whether
9 they're there or whether, you know, what is happening with
10 them at school.

11 UNIDENTIFIED VOICE: So, I think you all can
12 have it, if you want him to think about saying, no, we don't
13 want to put forward something short term. We're working on
14 a long term plan, but right now, we don't feel like we have
15 a measure that we've landed on that we think adds enough
16 value to add to our frameworks and we could see what
17 happens.

18 We can submit that to the US Department of Ed
19 and see, we could have this as a backup plan in case they
20 say, you have to have something now. If that's where you
21 want to all go. So, I think there's some options there.

22 UNIDENTIFIED VOICE: Okay.

23 UNIDENTIFIED VOICE: And then we definitely
24 have a plan for that long term of let's, let's talk more and
25 think about what other options there are and what we want



1 for our schools to your point, Ms. Goff about what -- what's
2 our vision and what do we really want to be saying and so
3 that we could build towards that.

4 MADAM CHAIR: I would suggest that we look at
5 some of the data. On chronic absenteeism as a predictor of
6 achievement because there are actually some studies that are
7 pretty compelling.

8 MS. GOFF: Well, I have no doubt there's a --

9 MADAM CHAIR: Board member Goff.

10 UNIDENTIFIED VOICE: No -- --

11 UNIDENTIFIED VOICE: -- predictor, but I'm
12 not sure I want to ding a school for it.

13 MADAM CHAIR: That and a little step beyond
14 what it -- what is -- what's your prediction about how many
15 states will probably go toward this particular extra
16 indicator because one positive of doing this in addition to
17 some other would be that there would -- then there would be
18 some little wider pool where we could talk about how that
19 played out.

20 My only hope would be that out any state
21 who's going to conclude that in their extra indicator list,
22 has a common vision of what that means. I, I just -- I
23 don't think we learn much if we don't have a -- something to
24 grab a hold on to connect the dots. So, a, a, a common
25 definition would be hopefully.



1 UNIDENTIFIED VOICE: We can report back to
2 you after, we're --

3 UNIDENTIFIED VOICE: Yeah -- --

4 UNIDENTIFIED VOICE: -- going to meet with
5 other states tomorrow and I think about 10 states have state
6 plans, so that I think that's what you said Pat, and we can
7 look and see what they're proposing so far, but.

8 MS. FLORES: That would be great, yeah.

9 MADAM CHAIR: School identification, please.

10 MADAM CHAIR: Thanks.

11 MS. NELSON: Just to provide some context and
12 background. Good morning everyone. I'm Naseema Jerry
13 Nelson (ph). We do have to identify under the statute two
14 categories of schools, schools that are identified for
15 comprehensive and targeted support and improvements. There
16 is a -- subcategories under each.

17 We have to identify schools that are in the
18 lowest performing 5 percent of Title I schools and ones that
19 are -- any high school that has a graduation rate below 67
20 percent as well as any additional targeted schools which are
21 schools that have chronically low performing student groups.
22 The student groups, any time we're talking about school
23 identification, the four groups that we're talking about are
24 -- are English learners or students with disabilities,
25 students from any major racial ethnics -- ethnics -- ethnicity



1 and students of poverty.

2 The targeted schools or schools that have a
3 consistently underperforming student group but one of the
4 four, if they become chronically underperforming those
5 additional targeted, then they have to be re-categorized or
6 re-identified for additional support. The decision points
7 that we had discussed as part of the small group that were
8 submitted as part of our survey and have brought forth to
9 the hub committee, there was really strong consensus on
10 majority of them with the exception of one, which I'll talk
11 about in just a second.

12 But these were the decision points and these
13 are the recommendations that our spoke is made to the hub
14 and the hub has supported to bring forth to you and we'd
15 like direction from you in regards to how we should address
16 this and move it forward. We are writing it into the plan
17 as mentioned earlier and we'll continue to look for your
18 direction and support on where we should go with this. For
19 identification of both types of school comprehensive and
20 targeted, the spoke has come --recommended to the hub and
21 hub is recommended to you that to use three years of data
22 for identification.

23 They have -- the recommendation is also to
24 identify schools annually. So in other words, run the
25 analyses each year to see if we have any new schools that



1 are low performing or underperforming for their student
2 groups and on board those schools. And the identification
3 for it to last for three years for the comprehensive not the
4 targeted. The targeted identification, the length of it and
5 the exit criteria are left up to the districts. Far and
6 lowest performing 5 percent , the recommendation is to use
7 the percent -- total percentage points earned on the SPF and
8 use the lowest 5 percent of the Title -- identify the lowest
9 5 percent of Title I schools based on that total percentage
10 of points earned.

11 For the identification of high schools, our
12 spoke committee and the field and the hub all have
13 recommended very strongly that we do what's in best interest
14 of Colorado students, in spite of the fact that the
15 regulations call for using only four-year graduation rate.
16 We would like to propose and move forward with the option of
17 using the four-year grad rate plus the extended grad rate,
18 which is continuing our protocol of using the best of four,
19 five, six or seven year grad rate.

20 For the consistently underperforming, this
21 was the area that there was mixed results from the survey.
22 So, therefore, our small group felt that the hubs should
23 weigh in on this and make the determination as to what
24 should be recommended to the state board. There were 40
25 percent of the respondents on the survey felt that the



1 consistently underperforming should be based on all
2 indicators as it states in statute.

3 That definition and that criteria would
4 produce a very small number of schools that would be
5 identified for such support and improvements. Our committee
6 felt that it was more reflective of our state and more
7 appropriate for us to identify using a minimum of the three
8 indicators.

9 Just a reminder that all of the indicators
10 that we have to use include, everything that's in our SPF.
11 So achievement for English language, arts and math, growth
12 for English language arts and math language proficiency
13 progress and PWR and once we have it the other indicator.
14 We've made -- we made some projections based on, one year of
15 data in regards to how those two options would weigh out and
16 we would get a very small number, something in the tune of
17 60 students, I mean, 60 schools, I'm so sorry, 60 schools if
18 we use -- they have to have enough students and each one of
19 those indicators in order for them to even be in the
20 analyses.

21 And therefore, we would only get 60 schools
22 that would get identified for targeted support. The
23 alternative in using a one year of data and using a minimum
24 of three indicators, meaning that if they had too few
25 students, for three of those indicators but they had enough



1 students for to, you know, for three indicators for, like
2 say, if they had achievement English language arts and
3 achievement math and growth math, that's three indicators if
4 they have enough students to be included in that calculation
5 and they are not meeting expectations for those student
6 groups on those three indicators, then they would be
7 identified.

8 That methodology produces somewhere closer to
9 100, its 96 schools that get identified. That's based on
10 one year of data. We do project that once we have three
11 years of data and can use it for analyses, that's going to
12 produce a much larger number of schools. So, but we don't
13 know exactly what that is going to be until we have more
14 years of data. And that's -- that was the hub's
15 recommendation is that we use that minimum of three
16 indicators.

17 For the additional targeted, it's pretty
18 prescriptive in statute that has to be our lowest performing
19 student groups. And for the exit criteria, the
20 recommendation is for the school every year when we run the
21 analyses, any schools that no longer meet that exit criteria
22 after those three years, then they would be exited from
23 support and improvement status. Sorry that was a lot of
24 information very fast. May I clarify anything for you?

25 MADAM CHAIR: Yes, Board Member, Goff.



1 MS. GOFF: Yes, we are -- the last bullet
2 there, low performing lowest 5 percent Title I schools,
3 correct?

4 MS. NELSON: That's a very good question,
5 ma'am. For the comprehensive identification, lowest 5
6 percent does have to be Title I for this additional
7 targeted, initially, when they get identified, it's any
8 school that has a low performing student group, meaning
9 they're in the lowest performing for those student groups.
10 What we are required to do then is to, define an exit
11 criteria which we have done that it's the exit criteria as
12 they no longer meet the identification criteria, we are
13 giving them three years to meet that exit criteria.

14 If they do not meet our exit criteria within
15 those three years and they continue to have low performing
16 student groups and they are Title I, then they become
17 comprehensive. So, any school can be identified for
18 additional targeted but after three years, before they're
19 moved to the comprehensive category and rec -- receive that
20 support, they would have to be Title I first.

21 UNIDENTIFIED VOICE: You know, whenever you
22 all feel it's a good idea, would you -- would you clarify
23 what we're talking about as it relates to the Title I on
24 this law? I mean, we're not -- I'm hoping I am kind of clear
25 on that because I -- --



1 UNIDENTIFIED VOICE: Comprehensive, targeted.

2 UNIDENTIFIED VOICE: -- I'm not sure when I -
3 - when I'm speaking with people out there, it doesn't come
4 up as being a kind of a focus point of this -- of the whole
5 law. And that, I think is some -- something that we're all,
6 it's incumbent on all of us to be able to remind folks that
7 the idea is of ESSA and the umbrella says equity and it says
8 Title I and we're -- we supposed to be, to my understanding,
9 focusing on those needs.

10 Not that all schools don't get the attention
11 in this, but when we're talking about allocations and
12 priority list, I think if you would help me, just remind me
13 that you know, a little reminder. Here's where that applies
14 to this particular topic.

15 UNIDENTIFIED VOICE: Sure.

16 UNIDENTIFIED VOICE: I think it's interesting
17 because it's -- the ESSA is different than NCLB and that you
18 know the -- the comprehensive law is 5 percent and its
19 specific Title I schools, but the other identifications are
20 not. Like there for all schools in the state where NCLB was
21 very narrow. We ran adequate yearly progress in all
22 schools, but it only had consequences for the Title I
23 schools.

24 So, it's kind of -- it's moving out and
25 looking at all schools from the state a little bit more than



1 we did previously.

2 UNIDENTIFIED VOICE: It does -- it does feel
3 more double -- double stranded where we are focused on
4 addressing the needs of the at risk but it does benefit.
5 We're all in it together. Maybe that's what --

6 UNIDENTIFIED VOICE: Yeah, and there are
7 schools -- there's a lot of schools in the state that have
8 at risk children that aren't getting Title I funds.

9 UNIDENTIFIED VOICE: Right.

10 UNIDENTIFIED VOICE: Right, like, you know,
11 there are districts that get their allocation, there is a
12 whole number of reasons why those schools that do have high
13 percentages of at risk students aren't getting served a
14 Title I of dollars.

15 UNIDENTIFIED VOICE: Okay.

16 MADAM CHAIR: Go ahead.

17 UNIDENTIFIED VOICE: Do you all have any
18 other questions on this? Do you want to -- I think we can
19 move forward with the draft and then you can see how and we
20 will put it out for public comment and see how it looks and
21 the feedback we get.

22 MADAM CHAIR: Board Member Durham.

23 MR. DURHAM: Just one, when you do that could
24 you please indicate how this differs from current practice.

25 UNIDENTIFIED VOICE: Okay.



1 MR DURHAM: It would be helpful to know,
2 thank you.

3 UNIDENTIFIED VOICE: Okay. And just to
4 clarify different from the current practice in terms of
5 state law different or under the waiver we had similar types
6 of identification but not exact.

7 MR DURHAM: Just the way we do it now.
8 However it is we're doing and now --

9 UNIDENTIFIED VOICE: Okay.

10 MR DURHAM: How does this change, what
11 changes and then I guess secondly is that change going to
12 result in your judgment of more schools to deal with fewer
13 schools to deal with, what's going to be the result of the
14 change.

15 UNIDENTIFIED VOICE: Okay, that's -- make you
16 like a very complicated picture to explain every single
17 thing like that. Explain that or something like that.

18 UNIDENTIFIED VOICE: It won't be hard.

19 UNIDENTIFIED VOICE: We will figure out how
20 to note that.

21 UNIDENTIFIED VOICE: Ms. Rankin.

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: I'd like to see that in
24 a crosswalk with one side being what's now and the other
25 side being what is --



1 UNIDENTIFIED VOICE: Okay.

2 UNIDENTIFIED VOICE: -- recommended I guess
3 is the word I'm looking for. And how many people, Nazzy,
4 were involved in this survey.

5 UNIDENTIFIED VOICE: Say 69 responded?

6 UNIDENTIFIED VOICE: Well, there were 69 and
7 the other one is just the same one.

8 UNIDENTIFIED VOICE: We had 69 as well.

9 UNIDENTIFIED VOICE: Okay. I'm sorry, I just
10 had it open. I opened the wrong one.

11 UNIDENTIFIED VOICE: We didn't set it up so
12 that-

13 UNIDENTIFIED VOICE: Yeah, I don't -- we
14 don't know, now we don't know because we had separate little
15 surveys out.

16 UNIDENTIFIED VOICE: It seems like a very
17 small impact is-

18 UNIDENTIFIED VOICE: We set our insights at
19 70 and then this doesn't count? Okay, so we have one more
20 topic that we need to talk about for accountability today.
21 If that would be okay to do that now and then before we
22 transition to school improvement, which is the participation
23 decision point.

24 So what is in the U.S. Department of Ed's
25 plan template for what we need to cement is really asking us



1 how Colorado will hold schools accountable for the 95
2 percent state assessment participation rate requirement and
3 that's a requirement for -- overall for the school and for
4 individual disaggregated groups and that little box we just,
5 you know, took a little picture for you what the template
6 looks like and what they're asking us for right there.

7 MADAM CHAIR: Is this in the law or in the
8 regs?

9 UNIDENTIFIED VOICE: It is in the law that we
10 need to have this requirement. So here's a little bit of an
11 overview of our different participation policies and
12 requirements that we have going on. So federal law requires
13 that 95 percent of students be assessed, but states decide
14 how participation factors into those accountability systems,
15 okay.

16 Federal law also requires that
17 nonparticipants below 95 percent are counted as non-
18 proficient and we're looking at achievement which is
19 something we have not done in the state and personally I
20 have some concerns about that because I think it leads to
21 some misleading data. So, but today we're just talking
22 about the first part about the participation rate and that
23 impact on accountability.

24 Federal law also recognizes states may have
25 opt out laws. That's about all it says. The regulations



1 didn't address it and again those regulations are on hold
2 now and we had actually, when we had submitted comments on
3 the regulations we wanted some clarification. What does it
4 mean that you say you recognize our opt out laws and then
5 you have these other requirements over there. So yes, I
6 haven't read those comments. I don't know what they
7 responded to for that one, we will have to look, go back and
8 look.

9 In terms of state policy we have state
10 statute now that acknowledges the rights of parents to
11 excuse children from testing, right and then in that law it
12 prohibits schools and districts from penalizing parents or
13 students from wanting to excuse themselves from testing and
14 then it also doesn't allow -- encouraging students not -- it
15 doesn't prohibit schools and districts from putting an
16 unfair burden on families that want to take the assessments.

17 So schools and districts are walking this
18 very fine line. They feel like they can't encourage people
19 to test. They can't make it hard to opt out, there -- they
20 -- when you talk to them they're trying to figure out -- a
21 lot of them are trying to figure out how do we walk this
22 line that we're in compliance on both sides. So they're
23 working hard to figure out what that means.

24 As you all well know, there's a state board
25 motion in place from February of 2015 that says districts



1 should not be held liable for parent opt out. So as you saw
2 this morning, that's why we had the policies we do about
3 only lowering when it's not about parent excusal.

4 So we've got that policy in place. And then
5 finally with the state law, districts are required to have a
6 policy in place for how parents can excuse their children
7 from state tests. So each district had to adopt a policy,
8 they've got their own procedures for how to tell a parent
9 that they can, if they want to have their child excused, how
10 to do that.

11 They also have to report every year an
12 assessment calendar to parents so they know what assessments
13 are given and why over the school year, okay. That's a
14 recap of kind of where we're at.

15 This was the final USD regulations, we turned
16 this in before on Thursday before the regs are on hold. But
17 what was in those regulations, forgot about that I'm sorry,
18 was that our options as a state with the regulations are
19 options where we can lower schools rating, we could give
20 them the lowest rating on the achievement indicator, we
21 could identify them for targeted support and improvement or
22 a sufficiently rigorous state determined action or set of
23 actions. Before it said equally rigorous and they revised
24 after they took comments and that came out to be
25 sufficiently rigorous.



1 That said, these are now on hold. So we'll
2 see what that means. But that's all -- those are the
3 options if a school district was below the 95 percent. And
4 how we can do that on our accountability.

5 MADAM CHAIR: Board member Durham.

6 MR DURHAM: Thank you, madam chair. I would
7 submit that all page 19 is in violation of state law and
8 state board policy.

9 UNIDENTIFIED VOICE: This one?

10 MR DURHAM: 19. I'm sorry, 18.

11 UNIDENTIFIED VOICE: Next page.

12 UNIDENTIFIED VOICE: I'm sorry, you're right.

13 UNIDENTIFIED VOICE: Okay. The federal reg
14 one. Okay.

15 MR DURHAM: Is in violation of state law and
16 state board policy and that we might be well served to
17 simply submit to the department that state law prohibits us
18 from complying with these provisions.

19 UNIDENTIFIED VOICE: Are you okay if I share
20 some of the options that came up --

21 MADAM CHAIR: Yes. Go ahead.

22 UNIDENTIFIED VOICE: -- in this process and
23 then we can talk through it? So option one is to use our
24 current policy, you know, go into what that is in place
25 right now cause we do have a policy that meets, I think the



1 board has felt it meets our state law requirements and where
2 we are and what the board's motions and policies are in
3 place.

4 Some of the other ideas we started having a
5 conversation with the spoke on this a little bit and then it
6 was clear the board wanted to be able to talk about this
7 further. So we kind of put things on hold. But some of the
8 other options that were brought forward were -- was an idea
9 of tiered system of interventions based on the participation
10 rates.

11 You know, we have schools that are at 92, 93,
12 94 percent. That's very different than a school at an 11
13 percent or 20 percent or a 0 percent participation rate. So
14 to think about things differently like that, there's a lot
15 of conversation about incentives and if there were a way to
16 build incentives in the system for participation.

17 As we talked about that further, it get --
18 that gets a little challenging because an incentive, if you
19 don't get the incentive, then it feels like you're being
20 held liable. So thi -- this is very complicated and if
21 there was a clear answer on this, I would think that we
22 would have found it and figured out a way. But this is,
23 like, the stickiest policy issue I've ever -- I've ever
24 experienced in my time here.

25 And then the fourth option was really, it's



1 similar to our current policy but it's a little bit -- a
2 little bit different and kind of going back to where we had
3 been in the past around requests to reconsider a policy of,
4 you hold schools and districts accountable and then through
5 request to reconsider they can show, "No, we've worked with
6 families. We've done our -- done our due diligence and
7 because -- but parents still chose to opt out and so please
8 give us our rating back." So, those were some of the
9 options. But let's talk a little bit about what's in
10 current policy right now.

11 UNIDENTIFIED VOICE: Well, how can we give a
12 rating if there is no data?

13 UNIDENTIFIED VOICE: For the -- that's a
14 different case, right? There's definitely -- there's plenty
15 of schools that are not at 95 percent that -- but we have
16 data to give ratings for.

17 UNIDENTIFIED VOICE: Got it.

18 UNIDENTIFIED VOICE: But they --

19 UNIDENTIFIED VOICE: So --

20 UNIDENTIFIED VOICE: -- still don't meet the
21 95 percent

22 UNIDENTIFIED VOICE: So yeah, you -- you're
23 going to have to set that one.

24 UNIDENTIFIED VOICE: Okay.

25 UNIDENTIFIED VOICE: In some way that --



1 UNIDENTIFIED VOICE: Yes.

2 UNIDENTIFIED VOICE: -- that it make some
3 kind of sense.

4 UNIDENTIFIED VOICE: Yes. And -- yes.

5 UNIDENTIFIED VOICE: Okay.

6 UNIDENTIFIED VOICE: Thank you. So what we
7 have in current policy, you are, not this past summer, the
8 summer before, so that was '15, I spent a lot of time when
9 we needed to get our waiver renewed. Remember, we had to go
10 through that whole waiver renewal process and then the law.
11 Yes to say it was passed after all that. But through that
12 process, we had to figure -- we had to report to the -- we
13 had to have a plan for the US Department of Ed on how we
14 were using participation and accountability.

15 Right after waiver was approved, the US
16 Department of Ed also asked us for a letter. They said we
17 see your participation rates in Colorado, you need to tell
18 us what -- what you're going to do about this and how you're
19 using it for accountability. So we took the language that
20 we put in the waiver and we sent that right back to them.
21 And then they were thinking waiver is going to expire, so we
22 need to have some agreement.

23 So what's in our agreement with them right
24 now is that we calculate and report participation rates
25 overall, and for all the segregated groups. And we've been



1 trying to be very diligent about anytime we put achievement
2 data out, having the participation rate right there because
3 it's an important interpretation that show. That schools
4 and districts that were below the 95 percent would address
5 that in their unified improvement plan. Again, it's an
6 interpretation issue. So as you're analyzing your data and
7 saying where your strengths are and where you may want to
8 focus, you've got to take that participation rate into
9 consideration. We are --

10 MR DURHAM: Excuse me, Madam Chair. It would
11 appear mean that that requirement of including something in
12 a participation plan is in violation of our policy of not
13 providing any penalties for any districts that don't achieve
14 the 95 percent as a result of parent opt out and that --
15 that --that something that under current board policy, we
16 cannot require because it doesn't -- by definition, doesn't
17 need improved.

18 UNIDENTIFIED VOICE: So, the way we've
19 phrased that and when we're working with schools and
20 districts, it's really about addressing it in terms of when
21 you look at your data, you're looking at the participation
22 rate too. I would -- I would be hesitant for a school to
23 write a whole plan on what they need to do for math if the
24 math results are representing 20 percent of their students,
25 right?



1 They want to say this math data from the
2 state represents 20 percent of our students. We want to
3 consider these other local data on our math achievement so
4 that we really understand what our math achievement is.
5 Does it make sense? I see what you're saying, Steve.

6 MR DURHAM: Well, it's -- it's a very clever
7 and thoughtful way about getting around a board policy. And
8 the board -- the policy says there'll be no penalties
9 assessed to a district for failure to meet 95 percent as a
10 result of parental exclu -- exclusions, excuse -- pa --
11 parental excuses. So the -- the -- the question is, does
12 that constitute a penalty and so you want to take it -- I
13 don't know that it's all that definitional because I think
14 it's really black and white. If they're required to do
15 something as a result of parental refusals, that's penalty
16 as far as I am concerned and is prohibited by board policy
17 at the present time.

18 And I think staff has done a very good job
19 trying to -- trying to -- to comply with or trying to meet
20 the demands of more than one master. One master being the
21 United States Department of Education the other being the
22 state board. And I think it's time that we recognize that
23 the Department of Education is not first to be served but
24 students of Colorado are first to be served and the parents
25 of Colorado were first to be served. And there are elected



1 officials at the legislature have a policy which is
2 supported by the policy of this board.

3 Now, I know there are lots of interest groups
4 and edge in the reform community don't like the policy. But
5 if they want us to change our policy, they should go across
6 the street and see if they can pass a bill that will allow
7 districts to penalize students whose parents refuse
8 participation.

9 If they do that, then they can come over here
10 and suggest that we find some enforcement. But for us to
11 just finesse this and say we're doing something we're not
12 doing, well, you've all been very good at it and I'm
13 appreciative. I think it's time to just state the facts as
14 they are and let's see what the United States Department of
15 Education is willing to do about it, if anything.

16 UNIDENTIFIED VOICE: So --

17 MADAM CHAIR: This doesn't make any sense,
18 Steve. Address participation rates and unified impro --
19 that just means you talk about it, right? And you look at
20 how you can have a unified improvement plan for your kids.
21 This is about ki -- this is about student achievement. So
22 are you suggesting we don't have a unifying improvement plan
23 for districts that opt out?

24 MR. DURHAM: I simply would suggest that they
25 don't address the opt out. They may need a unified



1 improvement plan for other reasons but they don't need one
2 for opt out because there's no penalty or were adverse
3 consequence for opt out and there's no way to prevent opt
4 out. So it's -- I mean, I know what we've done and -- and I
5 know it's staffs done and they've done a good job. That's
6 not the issue here.

7 The issue is are we going to just ex -- are
8 we going to be honest and reflect Colorado reality in what
9 we tell the federal government? And if they don't like it,
10 then they should go to the legislature and suggest the
11 legislature make a change because for us to try and enforce
12 penalties on something that the state law prohibits --

13 MADAM CHAIR: I'm not seeing the penalty.
14 Steve, where's the penalty. I'm not -- -- I'm not-

15 MR DURHAM: Because they -- they have --
16 because they have to come up with a plan to address
17 something that they are not required to address, I view that
18 as a penalty. It may be a matter of semantics or
19 definition.

20 MADAM CHAIR: I think so.

21 MR DURHAM: But I view it as a penalty.

22 UNIDENTIFIED VOICE: I agree. Oh my God.

23 MADAM CHAIR: This is -- makes nice -- makes
24 no sense at all.

25 MS. FLORES: Well, you have some districts



1 like Denver, that really doesn't collect and doesn't allow
2 for parents to agree -- I mean, if you read their consent or
3 not consent for taking the test, it would take several
4 lawyers to understand that. And so in a sense, they are
5 making it difficult for parents to really opt out and so,
6 that -- if they do that, then they lower the rating.

7 UNIDENTIFIED VOICE: Really? I don't think
8 they are allowed to, they don't (indiscernible).

9 MADAM CHAIR: Board member Rankin.

10 MS. RANKIN: Board member, Durham, are you
11 recommending that we not even address any participation of
12 the test, but it's just whoever is there that, what we have
13 is what we need to work with, and submit that because that
14 would comply with our state board, would it not?

15 MR. DURHAM: Provided, I think the only --
16 the only proviso that the only thing that the legislature
17 has excused and the only thing the state board doesn't hold
18 district account -- accountable for is parental -- is
19 parental opt out. I mean, this is not Ferris Bueller's day
20 off, if a kid doesn't want to take the test, there are
21 consequences both to the child and if the district then
22 can't make that stick, to the district.

23 But -- but the law deals only with this one
24 specific kind of opt out. All other kinds of opt out should
25 be addressed and -- and districts have wide latitude as to



1 how to deal with students and/or penalize students who
2 simply on their own decide they've got something better to
3 do that day. But-

4 MS. RANKIN: So -- then -- then leaving off
5 the parental permission to not be there for the test, would
6 -- would agree with our law the way it stands in our state
7 right now.

8 MR. DURHAM: Perhaps one way to do it would
9 be just simply say we will report, we will report all data
10 exclusive.

11 MS. RANKIN: Yes.

12 MR DURHAM: We will not include in the
13 denominator -- I think it's the denominator. We will not
14 include in the denominator parental opt outs and that we
15 will just inform Federal Government, we are not including
16 those. Let's see what they do.

17 MS. RANKIN: We can do that.

18 UNIDENTIFIED VOICE: When you said the law --

19 UNIDENTIFIED VOICE: That makes it very
20 simple.

21 MADAM CHAIR: That is what we just did.

22 UNIDENTIFIED VOICE: Isn't it simple?

23 MADAM CHAIR: Right, isn't that we just did?

24 UNIDENTIFIED VOICE: For the state
25 accountability, exactly.



1 UNIDENTIFIED VOICE: That's exactly --

2 UNIDENTIFIED VOICE: That's exactly what we
3 did.

4 MADAM CHAIR: So, I'm still figuring out what
5 that second item is and why it's not legal to address it
6 because it could include parental opt out, it could include
7 other kind of opt -- Ferris Bueller's Day Off.

8 UNIDENTIFIED VOICE: I think it needs to be
9 specified.

10 MADAM CHAIR: I think maybe it needs to
11 clarified.

12 UNIDENTIFIED VOICE: Clarified that it's only
13 a --

14 MR. DURHAM: Exclusive of opt out. Yeah, you
15 could do that exclusive of opt out being not in denominator.

16 UNIDENTIFIED VOICE: Exclusive of parental --

17 MR. DURHAM: Parental opt out yes thank you.

18 UNIDENTIFIED VOICE: Okay. Do you do you all
19 want to hear about the other options, you want to -- it
20 seems like this is where you are landing but you tell me
21 what you would like --

22 MADAM CHAIR: Well, I would like to hear
23 about the incentives.

24 UNIDENTIFIED VOICE: Okay.

25 MADAM CHAIR: Because I don't know that the



1 incentive piece necessarily goes contrary to option whether
2 that's something that can be added to option one but
3 apparently you guys have some concerns about.

4 UNIDENTIFIED VOICE: Shall I --

5 MADAM CHAIR: So, I would just like to hear
6 about them.

7 UNIDENTIFIED VOICE: So, some of the
8 potential incentives that were identified and we did some
9 research with other states because other states were
10 thinking about the students to see is that you would get
11 bonus points in the frameworks if your participation rates
12 were between 95 and 100 percent. You get a notation on your
13 framework instead of maybe noting low participation, you get
14 a high participation notation with the awards that go out to
15 schools and districts that they would only go to the schools
16 and districts with participation rates at 95 percent or
17 above.

18 The benefits of doing that is it values
19 participation, it's not a punishment but there's a
20 conflicting message around parent and school district rule
21 and it may skew the performance ratings some, I guess you
22 could do -- you could do those things on just the
23 accountability participation rate or move the parent
24 excusals from it and then look at that rate for giving --
25 for you doing those bonuses you could do that and kind of



1 take out that conflict. This came from stakeholders from
2 the work group, just to be clear. People were sharing ideas
3 and gathering information. So, I think there's some options
4 there.

5 I think, what I've heard and when people
6 start talking about it and take it down the road is, even if
7 it's an incentive, even if it's only about bonus points,
8 somebody else is going to say well why couldn't I have
9 gotten those. I wanted to get those and I didn't get those
10 because parents chose -- made this choice but you could do
11 it on the accountability participation rate and you could do
12 it that way.

13 UNIDENTIFIED VOICE: Well certainly, would
14 you recognize high participation with a notation?

15 UNIDENTIFIED VOICE: Yes.

16 UNIDENTIFIED VOICE: We've got some districts
17 that are very upset.

18 UNIDENTIFIED VOICE: Yeah.

19 UNIDENTIFIED VOICE: Because their kids are
20 showing up and so they would like to somehow in their
21 community be acknowledged for that and I don't know whether
22 just acknowledging high participation is punitive to anyone.
23 Yeah, Gold Star.

24 MR. DURHAM: I think --

25 MADAM CHAIR: Board member Durham.



1 MR. DURHAM: Thank you, Dr. Schroeder. I
2 think we've -- we've discussed in the past that there are
3 districts and I think a large number of them plus interest
4 groups that believe it is unfair because they work hard to
5 get all their tests, all their kids tested and other
6 districts their students, they probably work, if not work at
7 it, at least acquiesce to noncompliance. And I understand
8 the tensions that creates within the education community.
9 But failure to award bonus points because you're complying
10 with state law is a penalty at least in my judgment.

11 MADAM CHAIR: Yeah and I'm not suggesting to
12 bonus points, I am talking strictly about acknowledgement.

13 UNIDENTIFIED VOICE: Is this an area where
14 the working group diverged from the recommendations of the
15 hub? Is this -- can you give us kind of a feel for where
16 they landed and I recognize there are several options here
17 so we may not have one that represents a plurality of the
18 working group members.

19 UNIDENTIFIED VOICE: Sure. So, this decision
20 point we actually kind of put on hold for input and
21 everything because the board has strong feelings about this
22 and has policy in place we want to talk with you all first
23 before we -- it hasn't got to the hub. It hasn't gone out
24 for stakeholder input.

25 MR. DURHAM: And I would agree I think that



1 providing a notation of participation is simply providing
2 factual information so long as it has no consequences and
3 simply noted, I don't have a problem with that, but when you
4 go to the next one providing recognition. Well, what kind
5 of recognition seems probably unnecessary?

6 MADAM CHAIR: Board member Goff?

7 MS. GOFF: Well, another part of that too is
8 -- okay. Well, the third bullet says schools and districts.
9 I guess, what do we have? Really, this is not a really
10 important question for this right now but if this, if the
11 elementary schools are making the district's average
12 participation rate in the high 90s, in the high 90s and the
13 high schools are not helping in that participation rate get
14 where it is, do you -- what would happen you know if you
15 recognize even with a notation or a little thing, the
16 district, that sends, it that didn't send any message at all
17 to me.

18 UNIDENTIFIED VOICE: You're worried that --

19 MS. GOFF: I mean I'm worried that --

20 UNIDENTIFIED VOICE: All gets watered out
21 when you combine.

22 MS. GOFF: There are various levels of a
23 district even if it's a one school district, that's
24 something to keep in mind that you know.

25 UNIDENTIFIED VOICE: That's a good point.



1 MS. GOFF: Do we want to tell the whole
2 picture? Not just participation but on the whole picture or
3 not. That's all.

4 MADAM CHAIR: Board member McClellan?

5 MS. MCCLELLAN: In remembering the maps that
6 you shared recently, that kind of outline where we're seeing
7 high rates of opting out and higher rates of participation,
8 I do think that making sure that we're communicating clearly
9 where we basically had holes in the data is beneficial
10 because really what we're trying to get a picture of is
11 where we're getting it right and where we may need more
12 targeted resources or where we're struggling and it's hard
13 to do that where we have holes in the data.

14 So, I think that having that mechanism by
15 which you can give a shout out to the districts that are
16 participating is not inappropriate given that the end goal
17 is to get a clear picture statewide that allows parents
18 whatever the condition of their child's school to be able to
19 make an informed comparison.

20 MADAM CHAIR: Comments?

21 UNIDENTIFIED VOICE: Well, it's a diffi --
22 it's a difficult -- I don't like the idea of incentivizing
23 for the same reasons that member Durham was talking about.
24 We've -- we've made a statement that we're not going to
25 punish parents or districts for opting out. So I -- I



1 don't like the -- I think the best idea is just put the
2 information in as -- as Steve said and leave it at that.

3 I -- I understand that a lot of, well,
4 certainly a lot of districts, maybe some of us, and some
5 parents all think that it's important to have the
6 participation so that we have a clear picture of how schools
7 are -- are doing. And yet we're also saying you have the
8 right to say no, if you feel strongly that you do not want
9 to have your child take it.

10 So it's -- it's difficult to land on a way
11 to do this that would satisfy or make sense for everyone.
12 So I think that -- that member Durham's idea is the best.
13 That we simply say, this is what the participation is,
14 period.

15 UNIDENTIFIED VOICE: Yeah.

16 MADAM CHAIR: But we're not saying that any
17 accountability reports. We're saying it's low
18 participation, if it's low participation, but we're not --
19 right now we're not showing -

20 UNIDENTIFIED VOICE: If that's accountabil -

21 UNIDENTIFIED VOICE: The districts that have
22 had, in the actual accountability frame.

23 UNIDENTIFIED VOICE: In the framework.

24 MADAM CHAIR: So, all -- all we're doing now
25 is actually being more consistent, for the low



1 participation, it's indicated and now we're adding that for
2 the districts that have above 95 percent , they have high
3 parti -- participation, and we're recognizing that. So
4 we're not really differentiate right now, we're actually not
5 getting the whole picture, we're getting more of the whole
6 picture by identifying the districts.

7 The districts that have high participation
8 rates want their community to know that. This is what I
9 have heard loud and clear from a few of my districts. They
10 want -- they're -- when they see the discussions about low
11 participation, they want to be able to shout out to their
12 community, our students had 90 some percent whatever and
13 they're trying to find ways to show it.

14 And I think it would be really helpful for it
15 to be on the accreditation record. That doesn't -- to my
16 understanding it doesn't penalize anybody.

17 UNIDENTIFIED VOICE: Yeah. I think they paid
18 the newspaper to show it, too.

19 UNIDENTIFIED VOICE: Well, just if it shows
20 up on the thing.

21 UNIDENTIFIED VOICE: Yeah. And we've got-

22 UNIDENTIFIED VOICE: We have --

23 UNIDENTIFIED VOICE: Newspaper to, you know?

24 UNIDENTIFIED VOICE: We have the actual

25 participation rates for everybody posting.



1 UNIDENTIFIED VOICE: Yeah.

2 UNIDENTIFIED VOICE: So on that front page
3 remember we talked about the top part, the high level, and
4 then the actual participation rate today. But we don't call
5 out -- it just it doesn't have that descriptor, so I think
6 that would be an easy option that we could do.

7 UNIDENTIFIED VOICE: So when I looked at
8 comparisons of the accreditations for the different school
9 districts, they did not recognize the district that had very
10 high participation, cause it wasn't on their radar, because
11 that's not where they look. They were actually looking on -
12 -

13 UNIDENTIFIED VOICE: But that's not
14 necessary, districts can recognize themselves for their --
15 --

16 UNIDENTIFIED VOICE: Yeah.

17 UNIDENTIFIED VOICE: I mean you don't need to
18 be recognized by us for participation, do they?

19 UNIDENTIFIED VOICE: I don't think we should
20 be.

21 UNIDENTIFIED VOICE: Yeah.

22 UNIDENTIFIED VOICE: I just want to make sure
23 that we're being very clear and very fair in differentiating
24 between giving some kind of reward or a penalty, and simply
25 offering basic transparency. So my suggestion is simply



1 that, however we do it, that we find a way of clearly
2 communicating where there are holes in the data due to high
3 rates of opt out, for the sake of transparency and clarity.
4 I think that's one of the basic tenets of good governance is
5 that we offer that transparency, so that -- so that the data
6 we're providing is truthful.

7 UNIDENTIFIED VOICE: Madam Chair, it's school
8 choice week.

9 UNIDENTIFIED VOICE: Thank you. Sorry, we
10 thought, they came and said we have a delivery of towels.

11 UNIDENTIFIED VOICE: I have more at home-

12 UNIDENTIFIED VOICE: Scarves, scarves
13 (indiscernible).

14 UNIDENTIFIED VOICE: Of course.

15 UNIDENTIFIED VOICE: What did they do with
16 you?

17 UNIDENTIFIED VOICE: Okay. So I think what
18 I've been hearing you all say is option one clarified that
19 this is about the accountability participation rate, and
20 kind of excuse was pulled out. Would you like us to have
21 that conversation with the Hub that that whether board
22 instruction is?

23 MADAM CHAIR: Yes, yes.

24 UNIDENTIFIED VOICE: And go from there with
25 that. Okay, we'll write that out so we can see what that



1 language looks like, and clarify it and then we can talk
2 about it with Hub in the beginning of February, and then if
3 you all want to talk about it, we can bring your -- their
4 responses back to you at that February meeting. We've got
5 time on the agenda for that. Is that-

6 MADAM CHAIR: Folks, okay.

7 UNIDENTIFIED VOICE: Does that fit for you
8 all?

9 MADAM CHAIR: Okay. Steve are you fine with
10 us going to Hub?

11 MR DURHAM: Can you repeat that? I'm sorry.
12 Are you fine with that going to Hub?

13 UNIDENTIFIED VOICE: That we wouldn't take
14 option one. Clarify it's about the accountability
15 participation rate only and bring that to the Hub.

16 MADAM CHAIR: We'll bring the whole
17 discussion to the Hub and let them run around with it.

18 MR. DURHAM: Yeah, okay.

19 UNIDENTIFIED VOICE: Okay. And then I also
20 hear for next year putting on an indication of high
21 participation, we can go look and see. We've got the -- you
22 know, we've got the -- you know, release today but we could
23 go back and see if there's a way that we could buy those for
24 high participation on this year's reports, and my team might
25 kill me for saying that.



1 UNIDENTIFIED VOICE: Yeah, they might kill
2 you.

3 UNIDENTIFIED VOICE: They're getting their
4 daggers out there.

5 UNIDENTIFIED VOICE: So, for next year
6 absolutely is on the list for that recognition there. I
7 just -- as description of the participation rate, okay.
8 Thank you.

9 UNIDENTIFIED VOICE: Uh-huh.

10 UNIDENTIFIED VOICE: I think you can be done
11 with us now. All these slides in here just so you know they
12 can be for your reference. These are the decision points
13 that either are on this one. We started talking about with
14 the Hub and they asked for more information. So we're going
15 to bring back more to them or we didn't -- we ran out of
16 time that last meeting.

17 So we'll talk with them that Monday before
18 your board meeting on Wednesday, so we'll bring that to you.
19 In the materials you get for that because it's Monday to
20 Wednesday, you'll probably see the same things that the Hub
21 will get and then we can update you based on how the
22 conversation on Monday goes. That makes sense?

23 MR DURHAM: Okay.

24 UNIDENTIFIED VOICE: But that's with all
25 these other slides are and I'm just going to click through



1 them, so that we can have the School Improvement spoke ready
2 to go.

3 UNIDENTIFIED VOICE: Can we go back? Just to
4 one slide, page 25.

5 UNIDENTIFIED VOICE: Certainly.

6 UNIDENTIFIED VOICE: Page 25?

7 UNIDENTIFIED VOICE: It's disaggregating
8 minority students?

9 UNIDENTIFIED VOICE: Yes.

10 UNIDENTIFIED VOICE: Tell me how that's
11 determined. Is it self-identified? Is it parents?

12 UNIDENTIFIED VOICE: Yes. It's in the
13 enrollment process for districts, how they collect that
14 information every year. And I -- we could get somebody
15 before the next board meeting to come talk about that
16 process because I -- it probably differs a little bit for
17 each district, but I know CDE has guidelines for doing
18 enrollment and taking all that kind of directory
19 information.

20 UNIDENTIFIED VOICE: Differentiating for each
21 district-

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: -- was -- that was what
24 I was curious about. Thank you.

25 UNIDENTIFIED VOICE: Okay. I mean, there's



1 guidelines across the state but I'm sure districts have
2 differences in how they go about doing that. But we can get
3 somebody who actually is the expert on that to come talk
4 with you.

5 MADAM CHAIR: Board member Durham.

6 MR DURHAM: Thank you. This is the issue we
7 voted on some time ago on the recall front of four to three
8 vote on exactly how to do this. So this-

9 UNIDENTIFIED VOICE: Meaning the combined
10 group on?

11 MR DURHAM: So, this going to be back in
12 front of us.

13 UNIDENTIFIED VOICE: This is a little
14 different.

15 UNIDENTIFIED VOICE: This is different.

16 UNIDENTIFIED VOICE: I was just wondering
17 that --

18 UNIDENTIFIED VOICE: This is different than
19 that combined group conversation, that combined group
20 conversation was thinking about English learners, students
21 with disabilities, economically disadvantaged, and the major
22 racial ethnic groups all in one combined group. This is
23 English learners, students with disabilities, students
24 eligible for free or reduced lunch separate each of those
25 separate. And then how do we think specifically the major



1 racial and ethnic groups? How do we do that?

2 The performance frameworks have looked in
3 terms of minority that saw the data as reported by my
4 minority which is defined as, any student who is not white,
5 but with what's in the law of what we've gotten for feedback
6 from a lot of different stakeholders. There's a
7 conversation, we should we be reporting separate? Should we
8 be doing accountability by the separate individual and
9 groups, or major racial ethnic groups?

10 So, it's a little bit different because in
11 this case students aren't getting double counted in the
12 major racial or ethnic groups there and one or another
13 they're not. Whereas with English learners or free reduced
14 lunch they may be in multiple groups.

15 MR. DURHAM: All right, thank you.

16 UNIDENTIFIED VOICE: Yeah, it's-

17 UNIDENTIFIED VOICE: It sounded really
18 familiar to me, too.

19 UNIDENTIFIED VOICE: Yeah. It's similar but
20 not the same.

21 UNIDENTIFIED VOICE: It's similar but-

22 UNIDENTIFIED VOICE: It's a level deeper I
23 think, if you kind of think of it that way. So we're
24 learning, we're looking at some more options than what's on
25 that slide, after the Hubs conversation so the team is



1 running a whole bunch of numbers to see what the impact is
2 of doing a few different other options, so we'll bring that
3 to you in February. Okay. Do you all need a break?

4 UNIDENTIFIED VOICE: Yes.

5 UNIDENTIFIED VOICE: If you want, we -- I
6 think the school improvement group thought they need --
7 could use an hour to do their material maybe a little less,
8 (indiscernible) conversation the other day.

9 UNIDENTIFIED VOICE: While we eat.

10 UNIDENTIFIED VOICE: While you get some food.
11 I don't know, if you're hungry my stomach is growling.

12 MADAM CHAIR: Is it noon? Is it-

13 UNIDENTIFIED VOICE: It's ten of.

14 MADAM CHAIR: It's 10 to 12:00. That's good
15 break of time. What if we take about 15 minutes and chomp
16 lunch, does that work? Guys?

17 UNIDENTIFIED VOICE: And we can bring it back
18 here.

19 UNIDENTIFIED VOICE: Okay.

20 MADAM CHAIR: Do I have to bang the hammer?
21 Break time.

22 (Lunch break)

23 MADAM CHAIR: Folks, can we return to the
24 meeting, please. I need some help. Who is our next
25 presenter? Will that be Ms. Medlar (ph), Mr. Sherman (ph),



1 Mr. Bylsma (ph). I can't see that far. Thank you.

2 Proceed, you guys can flip a coin as to who is first.

3 UNIDENTIFIED VOICE: Thank you.

4 MS. MEDLAR: We flipped a coin already and I
5 lost, so, I'm going first.

6 MADAM CHAIR: Thank you. Ms. Medlar.

7 MS. MEDLAR: So, thank you. So, we have kind
8 of our latest thinking I need to let you know that we are in
9 our rapid iteration process. Things are quickly evolving, I
10 would say not even within the last 24 hours. Did we get new
11 information? So, it's good.

12 So, we have you know just kind of hot off the
13 presses, but just know that things are evolving in a good
14 way. Not that they're jumping from here to there in terms
15 of what we're recommending, but just fine tuning some
16 things.

17 Okay. So, we were able to meet with you guys
18 a while back and I just -- we want to let you know where we
19 are in terms of our spoke and our hub presentation as well.
20 But just to remind you, if you can harken back to about the
21 last hour ago, when Nazzy was presenting on the
22 identification process for those schools that are
23 comprehensive support and targeted support. So, those are
24 the -- the types of schools we're talking about.

25 Based on the recommendations that have been



1 coming from that group and from the hub, these are about the
2 numbers of schools that we're talking about that would be
3 identified. Now, granted these, well, these are based on
4 estimates. They will change over time.

5 But with the continued discussion there,
6 we're talking about 85 to 125 conference schools being
7 identified next year with best data that we have now and
8 then for target schools that would be anywhere from 75 to
9 200. Okay?

10 So, those are the numbers we're talking
11 about. When we had shared with you before, we've really
12 stuck to these three decision areas, the template for the
13 state plan has shifted a bit, but these are really -- this
14 really gets that the -- the bulk of what needs to be decided
15 and presented in that state plan. So, we'll start off with
16 the states supports.

17 So, I'm going to walk you through all this.
18 And then Peter's going to jump in a little bit more with our
19 most -- most recent thinking based on all these groups
20 you've been talking about too, to see now. So, we'll start
21 off here.

22 If you remember the State Department is --
23 has an obligation to provide some support to these schools
24 and so these are the things that we've been asked to look at
25 kind of just flesh out what that would look like, and what



1 does that mean for supports for comprehensive and what does
2 that mean for target schools. So, we had shown this to you
3 before. This is one of the things where, this is where we
4 were, it's so cute. We've come so far since last time.

5 But just, as a -- as a reminder, this is what
6 we had shown you before and really focusing and categorizing
7 those ports around planning, around those evidence-based
8 interventions and around a menu of supports. Okay. So,
9 we're going to go into way more detail about that. This is
10 here, we just want to -- this is actually pulled from a
11 slide that I believe Peter and Nancy presented to you last
12 week, right? So, there should be a reminder to that and
13 that's the reason we have a here's to remind you that
14 there's been a lot of work especially over the last few
15 years around types of supports for these schools.

16 A lot of good experimentation, I would say.
17 And I think some potential positive results. And that's
18 what they were presenting to you before. So, what we're
19 saying is we have some things already in place. We're going
20 to build off of that as we build the system. Okay. So,
21 you're going to hear us maybe even talk about things like
22 the network or connect for success as a part of this system,
23 but we want to at least orient you to this work that's
24 already underway.

25 Also, want to point out as we talk about



1 funding that when we look at tiered intervention grants
2 those are pretty massive grants with fairly mixed results.
3 But then when, you know, as we've gotten better, as
4 departments gotten better, as the field has gotten better,
5 it really targeting what kind of supports are needed.

6 You'll see things like turnaround and connect
7 for success are needing smaller pots of money. Now, they
8 need more access to staff and so there is, that side of this
9 as well. But in terms of grants to the sites that we're
10 able to make them a little bit smaller and have some pretty
11 positive results. Okay. So, this is just to ground during
12 which what's here in now. Okay.

13 So, now, we have done a survey, we've put it
14 out to the spoke and to the public on the sort of proposal
15 of, if we were to do planning supports and build on what we
16 are already doing, folks tended to agree in both the public
17 and with the spoke, with some tweaks, you'll see a little
18 bit of partial agreement there. And essentially what people
19 are asking for is more detail. And so, that's some of the
20 iteration that we are going to share with you later, that
21 Peter's going to talk in more detail about. Okay. So, I'm
22 -- I'm going to ask you to hold on, there.

23 But these are generally, what the
24 recommendations have been. And that is that we want to have
25 a strong planning process, that incorporates an external



1 review that can look different and different, we've got --
2 we've got some formal processes, but we also know that there
3 are folks that can be brought in and hired to do this as
4 well. So, there's at least having that external lens in
5 there and really meaningful community engagement in that
6 planning process.

7 We want to be able to match the identified
8 needs of that school. We want to match the action to meet
9 the needs. That it's not just a general thing and we're
10 looking around but it's actually a matching process. That
11 we're differentiating for the schools context, so really
12 considering rural versus urban needs, where they are on the
13 clock, readiness for change, things like that.

14 Pulling in those evidence-based strategies
15 that will get into a little bit more in a second. And then
16 using a three year cycle this is something that's
17 specifically asked for in the state plan. We were
18 originally set for a year, but to align better, I think with
19 what was being recommended from the accountability group and
20 that identification process, the three-year cycles probably
21 makes more sense and at the end of that cycle, I think some
22 decisions probably need to be made on, and a lot it needs to
23 be aligned with our accountability clock.

24 So, all that work that you guys have been
25 doing for the end of the clock needs to align with this as



1 well. So ideally, if we're identifying a school that is
2 just entering the clock, they've got about three years of
3 working with it and then we can get into that more rigorous
4 action planning for the end of the clock. Obviously,
5 there's some that will be not quite there. So, we will need
6 to work that through as well. But sort of trying to line up
7 the state system with what we're proposing.

8 Okay. So, we don't have that in there. So,
9 we did run this past, our spoke and the hub, and people were
10 generally in agreement, got the thumbs up on that. So, just
11 to let you know, there's people are thinking that's the
12 right direction to go in. Moving on to the next decision
13 area around evidence-based interventions.

14 We had laid out some pros and cons for you
15 last time we met. And pretty much to lay it out that's
16 having a list of pre-identified evidence-based intervention
17 strategies, what have you, will actually really helped to
18 motivate, not motivate, that is not the right word.

19 That would actually help schools and that
20 it's not some of the work's already been done for them so
21 that they can move a little bit more rapidly, they can build
22 on examples. Hopefully, even examples from within our state
23 that we're able to point them toward some concerns that
24 would -- that come from having a pre-vetted list, wanting to
25 make sure that there's rigor in there, that there's capacity



1 by the State Department to be able to do this. People will
2 jump right to action before actually investing in their own
3 planning. It's not just a matter of doing something that's
4 been proven, but actually making sure it matches your
5 identified needs.

6 So, you know, really kind of weighing those
7 two things. When we put it out to the public and to the
8 spoke, what we essentially heard was that -- that both the
9 smoke -- spoke, the spoke and the public actually agreed
10 that some sort of vetting process needed to happen. There's
11 a little bit of difference on how -- how much would be
12 required. So, it was, I think we were really as we read
13 through the comments, it was really more focused on, can you
14 treat it more as a reference list so that people can make
15 informed choices.

16 There needs to be flexibility to make sure
17 that people can innovate at the local level as well and that
18 they then have a rubric that they can refer to to determine
19 whether those are evidence-based or not. Okay. So, the
20 recommendations we really, I think we really tried to say,
21 yes, the state has a role to play here and do some of that
22 pre-vetting.

23 There's actually numerous national resources
24 that we can tap into as well as the way to expand our own
25 capacity. We think that, probably having that be a resource



1 and a reference for schools and districts that it's not they
2 are only limited to a list and that having something like a
3 rubric available so that we can expand it over time as
4 needed would be a smart way to go.

5 We also know that research will continue to
6 evolve and strategies or services that are effective at one
7 point in time may not always be effective later. So, we
8 really want to make sure that flexibility is built in and
9 really emphasize that this is a part of planning. You need
10 to identify those, what's going on in your context. So that
11 then, you're matching it to the appropriate intervention or
12 strategy or partner group.

13 Okay. So, that was essentially what we -- we
14 threw out there. Sorry. I'm -- I'm operating from two
15 different decks, so this is a different one. So, we did run
16 this by the spoke and by the hub and they were in agreement
17 that this was a logical way to go. So, again thumbs up,
18 keep on moving. Okay. So, then we get into the really fun
19 part.

20 UNIDENTIFIED VOICE: Yeah, thanks. So, then
21 we get into the allocation of school impro -- improvement
22 resources, and if you remember even in our conversation with
23 you guys previously, this always generates a lot of
24 discussion as is the case with every group that we meet
25 with. So, knowing that, I'm going to try and frame out sort



1 of the thinking of where we are, and where we are at this
2 point in time and that's where I'll kind of hand things over
3 to Peter to, to give more detail.

4 So, just as a reminder, you've seen this,
5 this po -- pie chart numerous times, but it's always helpful
6 to remind you using estimates or best estimates of funds
7 that we have available to now. The state we think would get
8 over all for ESSA about 150 million. When where -- the
9 portion of dollars that we are talking about is that yellow
10 slice, which is much smaller and that would be about 10, ni
11 -- \$10-million, we're talking about for distribution to
12 these identified schools. So, that's comprehensive and
13 targeted. 95 percent of that needs to be distributed
14 directly to schools. Okay?

15 So, it's -- it's nothing to sneeze at, but
16 it's also not a huge bottomless pit of, of resources. Okay?
17 And then just to remind you, we have bi -- these big ranges,
18 and in schools that will be identified and if anything else,
19 Nazy keeps reminding us these numbers may grow as we pull
20 in and aggregate those three years of data and are able to
21 like pull in more of the rural schools as well. Okay? But
22 this is where we are at at this point in time for planning
23 purposes.

24 We've talked about this, I think I made those
25 big points there too. We've got some things to build off as



1 well. But essentially, the question is, so in -- in that --
2 in that process, how do we -- how do we dole out that money,
3 how do we actually get it out there in an effective way?
4 We've laid out there.

5 Do we do it through a formula process, a
6 competitive process, or a hybrid process. That was what was
7 originally put out there. I think since then, we've also
8 realized that there are some, some limitations of the
9 language that we probably use. So, I'm going to try and
10 walk you through some of these really quickly now and I want
11 to throw out there when we think historically formula, that
12 means that, you know, some calculations are done and an
13 amount of money is made available, and, you know, this
14 district or this school, you'll -- you have access to X
15 amount, right?

16 This is -- this is what you get, provide a
17 budget make -- let's make sure that the actions are
18 allowable and on you go. So, little oversight and
19 leveraging of action from the state's role versus the
20 competitive side where here's a pot of money, here's who's
21 eligible, write your best plan, and some will get awarded
22 and some will not.

23 So, we've kind of have this concept of
24 winners and losers. But, you know, definitely, people
25 putting their best thinking forward and really striving for



1 something there. When we're talking hybrid, we're talking
2 about is there a way to blend some of the elements of -- of
3 two of them, okay?

4 And I want to show you this next piece here
5 because I think the graph is actually pretty interesting.
6 When we threw it, threw these questions out to the public
7 and to our spoke you'll see that for the most part hybrid is
8 coming out sort of a recognition. That something worth a
9 blending of the two, it makes sense. But when you look at
10 sort of the runners up the -- the public tended to push more
11 toward the formula, and the spoke tended to push more toward
12 competitive.

13 So, I think then that what -- that's been
14 doing is provoking us to have a little bit more conversation
15 of why are we getting such a dichotomy there. And when you
16 really peeled away and take away the language of competitive
17 and formula, I think what you're seeing is that the field is
18 asking for predictability in the funds, right? They need to
19 know what's there. It's really hard for them to plan, and
20 if they have a struggling school, they need to know they're
21 going to have access to these resources. So, what we think
22 as we peel it back, that's what we think is being asked for.

23 And when we hear a desire for more of the
24 competitive piece, we th -- what we think we're hearing is,
25 we want innovation, we want investments in strong activities



1 are going to lead to change. That we're not just putting a
2 lot of money out there and we're not sure what's going to
3 happen, or you're getting really mixed results, right? So,
4 how do you balance the two?

5 And so, as a result, this is sort of a
6 general sense of the -- the concepts that we're putting out
7 there for recommendation that we are figuring out a way to
8 differentiate for and provide access to services not
9 necessarily always money, but services at a minimum, but
10 also funds as possible to comprehensive and targeted
11 schools.

12 A larger portion will be allocated to the
13 comprehensive schools. Those are the most struggling
14 schools, and I believe in the law it actually even states
15 that. So, certainly a larger portion would, would be --
16 would be allocated for that. Okay? That, you know, based on
17 discussions, that we're recommending that it would be
18 through a hybrid method that balances predictability with
19 this effective practice, and that it would take on more of a
20 let's look at your needs and then match action and funding
21 to those needs that are established.

22 So, we're calling it tentatively, sort of a
23 needs-based approach rather than a formula or competitive,
24 and that's we want to emphasize and fund planning
25 activities, community engagement, and then those evidence-



1 based intervention strategies and partners and then also the
2 ongoing progress monitoring that's needed.

3 And then finally, we are -- we, the State
4 Department, needs to build in an ongoing review to make sure
5 that nobody is falling through the cracks, right? So, in our
6 current system, sometimes people fall through the cracks.
7 We've got competitive grants where not everyone is able to
8 get them, but then really hold them accountable to, you said
9 you would do this and we're looking for these kinds of
10 student results, after a certain amount of time, we're not
11 seeing that. Is this the best fit or is this -- or is this
12 not really a good resource for you?

13 So, that is generally it. I will let you
14 know that when we presented this to the hub, they -- there
15 was a lot of discussion and they felt like they wanted more
16 detail before they gave their, their thumbs up. On this,
17 they were feeling like we were heading into a fairly good
18 direction, but definitely had a lot of questions and we knew
19 we needed to work to articulate this more.

20 We have since been able to meet with our
21 spoke. I want you to -- I want you to understand this is
22 all within a week. So, we've been working hard and so now,
23 Peter's going to take it from here to show you where we are
24 currently. Okay? Yeah.

25 UNIDENTIFIED VOICE: Excuse me. I'm



1 referring to page 58. If you could go back, please yes.

2 UNIDENTIFIED VOICE: Oh, that's me. I'm
3 sorry. I was watching this computer.

4 UNIDENTIFIED VOICE: Right? It's not -- well
5 not, it's page 58. It's this one. Page numbers are off a
6 little bit between your-

7 UNIDENTIFIED VOICE: They're a little off,
8 yeah.

9 UNIDENTIFIED VOICE: Yeah. There's such a
10 disparity. I mean, there's such a disparity between -- it's
11 this one right here.

12 UNIDENTIFIED VOICE: Here.

13 UNIDENTIFIED VOICE: That one way.

14 UNIDENTIFIED VOICE: That one? Yeah.

15 MS. FLORES: Yeah. There's such a disparity
16 between the formula between the spoke committee and the
17 public committee.

18 UNIDENTIFIED VOICE: Right.

19 MS. FLORES: And I'm wondering how the spoke
20 committee is made up. Is that really made up of, of parents
21 and, and, and administrators and teachers and does that have
22 a good blend of that?

23 UNIDENTIFIED VOICE: I mean, we certainly
24 have the list that we can get you.

25 MS. FLORES: Well, no-



1 UNIDENTIFIED VOICE: Yes. To answer your
2 question-

3 MS. FLORES: I'm very concerned about that
4 disparity. And I'm thinking that that the public may have
5 more of a reality than possibly the spoke committee if it's
6 not -- if it's -- if -- if the spoke committee is made up as
7 is the hub committee, which is a lot of nonprofits and such,
8 I -- I would have wished that that would have been different
9 than maybe we could have chosen a, a person, a parent from
10 each congressional district. And maybe possibly an
11 administrator or teacher somebody who works in the school-

12 UNIDENTIFIED VOICE: So, let me talk -- so we
13 can follow up

14 MS. FLORES: -on each congressional district.

15 UNIDENTIFIED VOICE: We can definitely follow
16 up and send you the list, but I will assure you that it's we
17 worked really hard to get a blend of -- of different types
18 of voices in there. So, we -- and on the spoke results, so
19 committee results, everyone participated.

20 MS. FLORES: Right.

21 UNIDENTIFIED VOICE: So, we have -- we do
22 have parent -- parent representatives. We actually don't,
23 we have teacher representatives, but not necessarily a
24 current teacher just because we were meeting during the
25 school day.



1 MS. FLORES: Right. Do you -- --

2 UNIDENTIFIED VOICE: We have -- we have rural
3 and urban district administrators. And they've been very
4 vocal and very active. It's -- it's everyone is, is at the
5 table and -- and voicing.

6 MS. FLORES: Because when you have psy --
7 psychologically, I think when you give people that and they
8 are, you know, they can't make a decision, that's what you
9 come up with. You come up with everybody trying to, you
10 know, try to get on that other side and the other side and
11 the hybrid is -- is -- is perfect for a group that can come
12 to.

13 UNIDENTIFIED VOICE: So what, that's what, so
14 if you can hold with us-

15 MS. FLORES: Well, but --

16 UNIDENTIFIED VOICE: We want to talk you
17 through what we're proposing for the hybrid because we
18 really -- and that's why I wanted to point out when we peel
19 it back, it's really can we balance this need for
20 predictability with this need for really effective practice.
21 And so that's the hybrid method that we want to propose to
22 you now that this is the hot off the presses part. Can you
23 -- can you hold it in there with us for a sec and then --
24 and then we'll come back?

25 MS. FLORES: Yes, sure.



1 UNIDENTIFIED VOICE: If that's -- okay.

2 Great. Okay. I'm going to hand it over to you and --

3 MR. PETER: That's great. Thank you, Madam
4 Chair. So, what we all have also done with our -- with --
5 with these committees and with our work is tried to develop
6 some diagrams because a lot of this is cyclical in nature.
7 There's -- there's a lot of different variables that are
8 moving around.

9 So, if you'll work with -- work with me a
10 little bit on this diagram, the -- excuse me. The purpose
11 of the diagram is really to try to express with you sort of
12 what would be that annual cycle of how we go, the process
13 that we use at CDE to, as Lisa pointed out, to really ensure
14 that we're matching up the needs of our school, identified
15 schools and districts with the resources that we have. And
16 those resources are both dollars and CDE staff and our
17 energy and our support systems, but also partner
18 organizations or other resources that are outside.

19 We know that CDE is not the answer to -- we
20 don't hold the -- the cards for every -- for the solution
21 for all districts and schools out there. So, we've -- we're
22 thinking about a system of how that -- how we can be agile
23 and flexible in that. So let's quickly walk you through
24 this. So, I guess it's counterclockwise.

25 UNIDENTIFIED VOICE: Can we get up there?



1 Would that --

2 MR. PETER: I can.

3 UNIDENTIFIED VOICE: Can you -- is it okay if
4 you talks -- goes up there and walks you through it?

5 UNIDENTIFIED VOICE: Sure.

6 MR. PETER: It's probably easier than, is
7 that right?

8 UNIDENTIFIED VOICE: Okay.

9 UNIDENTIFIED VOICE: Sure.

10 UNIDENTIFIED VOICE: Do we -- does he need a
11 pointer too?

12 UNIDENTIFIED VOICE: Does it need any mics?
13 Can we -- can we have that area please?

14 MR. PETER: Yeah. Just speak up.

15 UNIDENTIFIED VOICE: Are we recording?

16 UNIDENTIFIED VOICE: Use your teacher voice.

17 UNIDENTIFIED VOICE: Yeah. So, let me know
18 if this is not loud enough. So, as you all know we have --
19 we have a cycle where there is performance readings. Where
20 there are performance readings that are -- that are better
21 set out each year. We want to have a process by which we
22 really think carefully and work with districts around their
23 needs assessment.

24 So, and thinking about what they need, what
25 their root causes are for their school or their districts,



1 and what they need to improve. In some cases, we know that
2 -- that they know that very well, that maybe they've had a
3 formal diagnostic process recently or they've got -- there's
4 a district that has a number of schools that are low
5 performing, and they're -- they've done a lot of analyses of
6 that and they have a pretty good sense of what's needed.

7 Other districts we know don't have that
8 information. Maybe there's new leadership, maybe things
9 have changed in that district, or maybe they just really
10 need support to dig in. So, we think about a differentiated
11 needs assessment process, and we know that that takes time.

12 So, again, some cases on one end of that
13 spectrum, it may be -- there may be a lot of knowledge and
14 it may be just a matter of articulating what -- what are
15 needs in some schools. In others, it might be a much more
16 formal process that might take quite a while, it might take
17 resources, it might take time to schedule, and it might take
18 time to -- to digest that. And we know that the community
19 engagement is a really critical part of that process.

20 So, we think about that -- we think about the
21 fall into the winter being the time to for -- for us to
22 really support schools and districts, to think about that
23 diagnostic needs assessment. And then at some point, we
24 want those schools to be able to apply to us for supports,
25 or to apply for -- for resources.



1 Currently, I know someone asked earlier sort
2 of what's -- what's current and what's future practice.
3 Currently -- right now, we have I think five applications
4 that are open for a lot of the grants that we've been in
5 supports, that we've been talking about over the last few
6 weeks. Some have closed recently, but there are a number of
7 them.

8 And we know that there are some districts
9 that are applying to all five of those, and so that's --
10 that's challenge for us, is to think about working with
11 districts to say, "Hey, you're applying for all of these."
12 And we want the -- each of those processes to have the
13 integrity that they need to have, and some grants and sports
14 have different -- different criteria.

15 What we'd like to do is have more of the -- a
16 sort of a one stop shop or an umbrella application, where
17 after that needs assessment, we can work with districts and
18 schools to apply for supports or to -- and to write up a
19 plan of what they think they would really need to -- to --
20 to be supportive for their efforts. And we think that if we
21 consolidate that in one -- through one process, that we'll
22 be able to support them with a much more holistic sense of
23 what they need, and we think that that would be a lot more
24 efficient with -- in terms of resources as well.

25 So, this -- this funnel sort of represents



1 that process. Then we'll develop a way by which we would
2 select and match those -- those -- the needs of those
3 schools and districts of those identified schools and the
4 supports that are available. So, some of those are CDE
5 supports and some of them may be outside.

6 So, these are really simple -- simplistic way
7 to represent that. But trying to talk about some of our
8 more intensive supports, some of our more moderate supports,
9 the leadership development addresses much more individual or
10 teams of folks. This I didn't -- district identified
11 strategy. So, in some cases as we know, there are a lot of
12 districts that are doing fantastic work.

13 They've got great pipelines that they've
14 built in around, how they support their schools. So, those
15 may -- those districts may say, "Hey we've -- we've got this
16 covered, or we have a lot of infrastructure, or we'd like to
17 tap into some of the things that are offered here." Or there
18 may be other -- they may say, "Hey we -- we don't want to
19 work with CDE but we do want to work with an outside
20 organization that we've -- that have been identified or
21 that's been -- that we've heard has been effective.".

22 So, this would be a -- this would be a
23 process that would probably take a couple of months, but we
24 think that it could be an iterative process between CDE
25 working with districts and schools, to ensure that they --



1 that they come out at the other end with the kind of support
2 and the resources that they need. So, in some cases, a
3 school may -- may need quite a bit of money. They may need
4 \$100,000 to implement some of these supports. In other
5 cases, they may need \$20,000 or maybe not -- none at all.

6 And so, I think our goal here is, as Lisa
7 indicated before, rather than sort of simply distribute the
8 same number of dollars out to identified schools, we would
9 rather see this happen, and so the districts and schools can
10 use funds and the support structures as real leverage to --
11 to make changes that they need in their district. So, not
12 only to implement great practices and to think about their
13 systems at the district level, but -- but also to think
14 about this in a savvy way around their politics, around
15 their community engagement, and again sometimes it's not the
16 amount of money but it's rather that there is -- that
17 there's perhaps a smaller grant, and as -- as you've seen,
18 we've -- we've leveraged I think some smaller grants.

19 And then just finishing out that cycle, so
20 the green box over there, clearly there's sort of
21 implementation and progress monitoring and collecting of
22 data, and looking at the outcomes, those are the things that
23 we -- that we all really care about. So, there's a cycle of
24 evaluation and reporting on these grant structures, and we
25 would make that a little bit more consistent than it is now



1 across different grant structures.

2 And then back around the top, so some of
3 these are multi-year experiences or not. So, schools, we
4 would have would come back around and say, this is -- these
5 are the resources that have been impactful or not. And
6 internally, we would make more strategic decisions around
7 how we allocate resources.

8 UNIDENTIFIED VOICE: So, if I can just point
9 out too, so where that hybrid piece comes in, is that once
10 they're identified, we -- we're committing. We're saying,
11 we'll work with you in some way to help you identify what
12 makes sense, you know, get you some resource or some
13 supports. Right?

14 So, we're -- we're committing to you. It's
15 not a winner or lo -- there's not winners and losers. It's
16 about identifying needs, and then matching supports to match
17 that. Now, there is a, I hate to use the word
18 competitiveness built-in, but just to, you know, anchor it
19 in that original wording, certain supports only have so much
20 capacity, and so we want to be really careful about if we
21 want to make sure people are ready for those supports.

22 And so, those that are ready and -- and want
23 that should be able to get that, but there's a certain
24 number. Those that want it but are not ready, we can then
25 work with them and tailor the supports that then -- and



1 maybe in the following year, that they could get one of
2 those parts. So, that's where we're saying we don't want to
3 just do competitive or formula, we want to actually take the
4 best of both, and -- and -- and build this kind of newer --
5 newer way of doing things. So, just to kinda close the loop
6 on that. Yeah.

7 UNIDENTIFIED VOICE: So, are you saying that
8 prior to this, you had several different grants and
9 districts, or schools could apply for any or all? And now
10 you're saying instead of that, you have a pot of money
11 available to all schools who are in need, being what all
12 schools program improvement in turnaround, or--

13 UNIDENTIFIED VOICE: It'll be schools that
14 are identified under ESSA as -- as --

15 UNIDENTIFIED VOICE: Under ESSA.

16 UNIDENTIFIED VOICE: Targeted and
17 comprehensive schools.

18 UNIDENTIFIED VOICE: Maybe we should get some
19 more categories. Anyway, so you're going to do that, but
20 then still, they need to come up with an idea that CDE
21 agrees with. Just CDE or the feds too have to agree to. I
22 mean, this -- this looks a little vague to me.

23 UNIDENTIFIED VOICE: Just to acknowledge it
24 is vague, we know that this is -- we do have a couple of
25 other slides that sort of drill down into some of these.



1 So, I think, especially these pieces down at the bottom,
2 that selection matching process, it's something we -- we are
3 working to flush out.

4 But it's -- as a new process, there's a lot
5 of details, and we know the devil's in the details in these
6 things. But we do have a couple slides that-that dig into
7 that more. So, this would be CDE -- a CDE driven process.
8 It's not something that we have to go to the federal
9 government for their approval at all.

10 UNIDENTIFIED VOICE: Okay. So it's CDE
11 driven, but it's also CDE, when you say it's somewhat would
12 you say, matching and --

13 UNIDENTIFIED VOICE: Uh-huh.

14 UNIDENTIFIED VOICE: Supports and match.

15 But-

16 UNIDENTIFIED VOICE: So, yeah.

17 UNIDENTIFIED VOICE: I'm just -- I'm just
18 worried about schools that might know very well what to do
19 and how to do it, and need the funds.

20 UNIDENTIFIED VOICE: Absolutely.

21 UNIDENTIFIED VOICE: So by --

22 UNIDENTIFIED VOICE: But I'm concerned about
23 CDE so creating winners and losers by saying, "No, we don't
24 agree."

25 UNIDENTIFIED VOICE: So, and -- and that's --



1 I mean some of that is just implementing the law. I mean in
2 the law, it says that the plan needs to be agreed to, you
3 know, that it's essentially the school, the LEA and the
4 state, coming to agreement on that. So, there's -- it's
5 already that sort of an expectation at least for the
6 comprehensive schools.

7 UNIDENTIFIED VOICE: To have to come to
8 agreement on the actual plan?

9 UNIDENTIFIED VOICE: Uh-huh. Uh-huh. And
10 we're -- what we're saying is where --

11 UNIDENTIFIED VOICE: But the plan could be
12 vague, couldn't it?

13 UNIDENTIFIED VOICE: And if it -- if it -- if
14 they can show that the strategies are selecting, or evidence
15 based, and that it's actually matched to their needs, like
16 yeah, you know, and you -- and you're ready to go off.

17 That's why we're trying to say we've got some districts
18 identified strategies where they don't want to necessarily
19 tap into CDE led supports, and they want to go off on their
20 own. And we know there's districts out there that -- that
21 are very capable and -- and have good reason to do that.

22 You know, that's a part of the system that
23 we're trying to build in there, so that it's not -- CDE has
24 a role to play and making sure that the dollars are being
25 used effectively, and that there's progress monitoring going



1 on checking in, are you doing what you said you would do?

2 But there's -- in some cases, yeah, we can back off.

3 UNIDENTIFIED VOICE: Okay.

4 MADAM CHAIR: I have a question. Do we have
5 the capacity to handle 775 schools?

6 UNIDENTIFIED VOICE: I don't really want to
7 answer that. That would be challenging. Yeah --

8 MADAM CHAIR: I mean I'm just looking at 162,
9 775.

10 UNIDENTIFIED VOICE: No. And -- and I know
11 that -- I know that with the work jointly with the
12 accountability committee, the -- those -- those ranges those
13 numbers are still in flux.

14 MADAM CHAIR: Okay.

15 UNIDENTIFIED VOICE: But I think as we hone
16 in on that, that we're -- we're -- we're all very acutely
17 paying attention to that. And we know that clearly like we
18 can't -- we can't do some of the intensive sports with that
19 many schools. And so, I think the capacity of our staff and
20 the -- how much -- how much each of these different supports
21 requires is really, those are important factors.

22 And no -- and you know, frankly, that's --
23 that's not changing. Like that's something that we consider
24 all the time now. But I think that this process is a way
25 for us to work more collaboratively, more strategically, and



1 I think more efficiently.

2 MADAM CHAIR: I'm on.

3 UNIDENTIFIED VOICE: It is on.

4 MADAM CHAIR: For those of you who have been
5 around here for a long time, I'm listening to this and then
6 are, there's these, thoughts are coming about the KD audit
7 and some of these other things that we used to do. And I'd
8 like to compare and contrast them. Think about how they
9 worked, how they worked differently than this. I don't know
10 if they were title one or not.

11 UNIDENTIFIED VOICE: I'm sorry, what audit
12 did you say?

13 UNIDENTIFIED VOICE: It's called the KD
14 audit. What is it?

15 MADAM CHAIR: Where CDE folks or CDE
16 representatives, they may have not even been employees, they
17 came into districts to help districts address needs or
18 identify needs or -- --

19 UNIDENTIFIED VOICE: So -- yeah.

20 MADAM CHAIR: And I'm just feeling like
21 there's some of this that I've heard before, and I'm trying
22 to figure out what are we doing that's new and different?

23 UNIDENTIFIED VOICE: Right. So, the KD
24 audits have kind of gone by the wayside and we've been
25 concentrating more on the school level audits, so the school



1 sports teams.

2 MADAM CHAIR: The KD audits were district?

3 UNIDENTIFIED VOICE: The KD audits were
4 district level. School support teams for school level, and
5 we have a similar process where we have trained some
6 external vendors to, to do that school support team process,
7 using the same indicators, basically standards and
8 indicators that were used in the KD audits.

9 And that would be wrapped into that whole
10 needs assessment and diagnostic portion of this. There are
11 other processes as well. As Lisa mentioned, there are
12 districts that have auditors, if you want to call them that,
13 support teams that come in and assess their schools and
14 their districts.

15 MADAM CHAIR: That they hire independently.

16 UNIDENTIFIED VOICE: That they hire
17 independently. So we want to keep the door open for that as
18 well. We understand that there are a variety of options for
19 them. You know, if they have a relationship with a group
20 that seems to really meet their needs, we don't want to
21 close the door on them because we have a process of our own.
22 So that whole process, at the school level, would happen in
23 that needs assessment diagnostic portion, but it would not
24 only be limited to the SSTL.

25 However we are in the process internally at



1 looking at the different processes we have to do to conduct
2 those needs assessments so that there's some alignment and
3 continuity from our end on that. So, we do feel that that's
4 like the foundation for moving forward, whether they do it
5 through us, through a team that we helped them identify.
6 But that's like Step one.

7 Some of them might have already gone through
8 it in the past 12 months, where they'll be able to bring
9 those the results of that review into their plan. But, yes,
10 we do believe that that's really the foundation beginning
11 point of that planning phase to determine which one of,
12 which one of these interventions they might want to want to
13 choose.

14 So, our school support team process also does
15 include a planning portion as well. So, it's not really
16 just coming into review, but we also provide planning
17 support. So, as a result of the review, where do you go
18 from here? And so, I think that lends nicely into this
19 model, as well.

20 UNIDENTIFIED VOICE: Seems like a lot.

21 UNIDENTIFIED VOICE: Well, yes. It is a lot
22 and I think, anyway, to tackle trying to support a lot of
23 schools out there with varying needs is challenging. This
24 is certainly acknowledged. This is very high level. And if
25 there is a future date or if that if you wanted more



1 information as we drill into some of this, we'd be glad to
2 provide that for you. Sure. So, whereas subcommittee did
3 to ask for more information and wanted us to return.

4 Our spoke committee was quite comfortable
5 with this. We had a really I'd say a vigorous conversation
6 yesterday for a couple of hours. But in the end, we sort of
7 asked thumbs up or down and everyone put their thumb up.
8 There were some questions and suggestions, of course.

9 MADAM CHAIR: Did they have capacity
10 concerns?

11 UNIDENTIFIED VOICE: I'm sorry?

12 MADAM CHAIR: Did they have capacity concerns
13 whether we could actually pull this off?

14 UNIDENTIFIED VOICE: Certainly, that's been
15 part of our conversation.

16 MADAM CHAIR: Okay. Board member Flores?

17 MS. FLORES: You know, I'm just wondering --
18 There are some districts that don't have, you know, all
19 these people that can -- that are riders and such. I'm
20 talking about smaller districts that don't have the capacity
21 to do that. Will the -- when it gets to the competitive
22 part of it, will the department help these people who really
23 need it? And I'm sure there's lots of districts who need it,
24 but really hone in on those districts that are in great
25 need, who don't have other resources and such to help them



1 in the competitive side of that money, to get that
2 competitive money.

3 UNIDENTIFIED VOICE: Mr. Sherman go ahead.

4 MR. SHERMAN: Yes, certainly we do and we
5 would support smaller districts in that process. And I
6 think, part of that needs assessment process would be
7 helping them formulate what they most need there and I think
8 that that all ends up in a much more positive targeted
9 application and request.

10 MS. MAZANEC: You can just call me Pam Audit.
11 So, we're going to hear about this more. Does -- is this is
12 something we're supposed to approve of today? This is just
13 information, correct? So, we're going to hear more about
14 this because I think all that selection and match and needs
15 assessment diagnostics -- not that I don't think you guys
16 are smart and all that, I just want to make sure that we're
17 not making this harder for districts or schools who need
18 help.

19 UNIDENTIFIED VOICE: Absolutely.

20 MS. MAZANEC: And who may know what they
21 need, and I just don't want to create a different kind of
22 hoop, but hoops, nonetheless.

23 UNIDENTIFIED VOICE: I think, big picture
24 kind of the compare and contrast that you were asking for of
25 what we've done and what we're doing. I think what we've



1 done in the past is a lot of good individual grants and
2 reviews and supports in different places and we've tried out
3 a lot of things and learned a lot of things. But schools
4 and districts kind of had to find their way to them, and the
5 big picture of what this is that we go to them with --
6 here's the big picture process.

7 Let us help you or you tell us what it is
8 that you need and make sure you get those needs. Because
9 the way it's been -- you all have asked a lot of questions
10 about which schools and districts have come to us asking for
11 help that are on the clock and who's taking it and who
12 hasn't and who's come and who hasn't. And to some degree,
13 we've been up to them. We've definitely done outreach to
14 them, but it hasn't been a comprehensive process, we'll
15 reach out on this grant or that grant.

16 And so what this is really getting at, and
17 it's high level right now because we're all just trying to
18 get the big concepts in and then figure out the details is
19 we go to that, we say "Here's the big picture. Let's work
20 together on what you need and make sure you get some
21 support, and that you don't get lost because you are a
22 little small district and you don't have time to write a
23 grant or you're a big district and you want to do your own
24 thing and so you're not going to jump through the state's
25 hoops because you want to do your own thing.



1 But that we can really make sure everybody
2 gets the funding based on the priority needs and their
3 identification, and that we help find the right place for
4 them. Be it with their own district and doing their own
5 thing or with one of the supports we have with us. So,
6 that's the big picture idea.

7 As we get the numbers, I think we're going to
8 have to talk about capacity and who we prioritize for
9 support. But I think big picture, we really want -- the
10 goal is to make it easier for the districts to make sure
11 that we're getting to all of them and getting them matched
12 up with the right kinds of supports.

13 MADAM CHAIR: Great. Any more questions?
14 Thank you very much, folks. I appreciate this. Great
15 report. Now, I believe we're going to move to a legislative
16 update. Is Ms. Mellow here? Yes, she is. So, we're going
17 to give you a couple of seconds to shift. Ms. Mello, we're
18 going to have to give you a name, a name.

19 (Pause).

20 MADAM CHAIR: Do we have to be online for
21 this or are you going to explain them all?

22 UNIDENTIFIED VOICE: Madam Chair, I hope I
23 can give you enough information orally. I'll try.

24 UNIDENTIFIED VOICE: I've read the little
25 summary but I -- that was yesterday and this is today. So -



1 -

2 UNIDENTIFIED VOICE: And I apologize. I'm
3 just, I'm just kind of getting all my stuff together here --

4 MADAM CHAIR: Yeah. Take a breath.

5 UNIDENTIFIED VOICE: -- so if I can maybe
6 have just one more minute and then --

7 MADAM CHAIR: Take a breath. We'll eat some
8 chips.

9 UNIDENTIFIED VOICE: Madam Chair, I'm ready
10 if you all are.

11 MADAM CHAIR: Please proceed.

12 UNIDENTIFIED VOICE: Thank you. It's nice to
13 see you all. It's a little bit of an odd angle this time.
14 So, I'll try to face you all the best as I can. I'll try to
15 do some yoga whi -- while I present.

16 We have had two legislative contact meetings,
17 have worked through large for -- a large number of bills
18 that have been introduced. Most of the recommendations so
19 far to monitor, all of that is reflected on your bill chart.
20 That bill chart is updated on a regular basis so if you want
21 to know if a bill is dead or alive you can always call me.
22 But that bill chart is intended to be a tool for you for
23 that kind of information as well. So, the first thing we
24 want to talk with you about today is, the waiver bill.

25 And what I am this is not a piece of



1 introduced legislation. This is you all had asked me to
2 explore legislation around innovation and district waivers.
3 You had some questions about that at the last board meeting.
4 So, I want to respond to those questions and then get your
5 sense of -- sorry. It seems like something interesting
6 happening behind me and we can just talk through what you
7 all want to do about that waiver bill.

8 So, that that is your bill and your decisions
9 at this point. So, there are two main issues. And again, I
10 want to be really clear, especially for those who may be
11 listening, this is not about charter school waivers. This
12 has nothing to do with charter school waivers.

13 This is only related to innovation waivers
14 and district waivers. And I think issues broadly that you
15 all were wondering about, was is there an ability to set a
16 time limit on those waivers when you grant them? And if
17 there was perhaps an ability to have a more consistent
18 standard which is two types of waivers. You, specifically,
19 asked us to look into kind of the legal -- how much legal
20 authority you all have to do that right now and whether
21 legislation is necessary? The answer is -- is yes.

22 If you want to require a time limit on
23 waivers, that would take statutory change. And if you want
24 to change the criteria for either or both of them, that also
25 would require statutory change. It is not something that



1 under the current law, you have the ability to do through a
2 rule making process. So, let me pause there because I'm
3 guessing there may be some dialogue about that.

4 MADAM CHAIR: Board member, Flores.

5 MS. FLORES: So, you're basically saying that
6 we can't say you have -- if we give you this this right, you
7 have to come back to us in three or five years, in order to
8 see whether you're actually doing this and that it's
9 working. So we don't have that right.

10 UNIDENTIFIED VOICE: Dr. Flores, yeah,
11 exactly. Under current statute, the board does not have
12 that right or ability to force the district to come back.
13 So, th -- the outline and I do not have a bill draft and I
14 apologize that is that is a function of the fact that the
15 people of the Capitol are drafting lots and lots of bills
16 right now and we're just in the queue. And it's -- we just
17 don't have anything yet. But the outline, conceptual
18 outline, that we had discussed with board member, Goff and
19 board member, Durham in the (indiscernible) contact meeting,
20 was that there would be a five year so you would grant
21 waivers for five years and then you can review them for
22 cause after five years.

23 So, it doesn't necessarily -- we got a little
24 pushback from folks at the Capitol about the idea of forcing
25 districts to come back in and kind of justify it all again.



1 But, if you have reason to think there might be a problem or
2 that it's not, you know, being used the way you want it to
3 be or something like that, you would be able to review it
4 for cause after five years.

5 And the other thing I'll just do the timing
6 issues and then we can do the standard issues is that so any
7 waivers that you've already granted, the five years would
8 essentially start once the bill goes into law because I
9 think a lot of people would have questions about that. So,
10 again, let me just pause and see if you want to talk about
11 that amongst yourselves or if you have questions.

12 UNIDENTIFIED VOICE: This is a proposed bill?
13 Right, your proposed bill?

14 UNIDENTIFIED VOICE: Your proposed bill,
15 potentially, yes. Yeah.

16 MADAM CHAIR: And examples of cause would be?

17 MR DURHAM: Would be we probably establish
18 them by policy or rule but things like a deterioration in
19 performance test scores decline in district ratings, school
20 ratings things like that.

21 MADAM CHAIR: Right.

22 Would constitute a legitimate cause?

23 UNIDENTIFIED VOICE: For review, not
24 necessarily for term gratification.

25 MR DURHAM: Right. You just give us the



1 opportunity to revoke but not require us to do so.

2 MADAM CHAIR: So, that would mean that maybe
3 at the end of five years, the district would send a letter
4 to the board that said, we have this waiver statutorily is
5 under review. Now we continue to be accredited with
6 distinction and blah blah blah. We have no changes and then
7 we would say, yes or no? Or I mean, what's the process-

8 MR DURHAM: I think the way the process would
9 work, when you're when you're doing something for a cause
10 is, it would be incumbent on staff to monitor these
11 occasionally. Let us know that there is a problem and then
12 we would kind of issue a show cause notice at that point.

13 MADAM CHAIR: Okay. That makes sense.

14 UNIDENTIFIED VOICE: Okay.

15 MADAM CHAIR: Questions?

16 UNIDENTIFIED VOICE: Does this preclude the
17 local district? I guess, if we granted it, then even if the
18 local district had questions, we still are the ones that
19 make these decisions or can they question it after the end
20 of five years?

21 UNIDENTIFIED VOICE: Board member, Durham has
22 a response.

23 MR DURHAM: I think a good district can
24 terminate at any time they want.

25 UNIDENTIFIED VOICE: That's why it's so I was



1 hoping that would.

2 MR DURHAM: That's correct. They're not
3 stuck with a with a policy that they voluntarily sought for
4 any period of time.

5 MADAM CHAIR: And for schools of innovation,
6 they automatically, I believe, review those schools. Isn't
7 it every five years?

8 UNIDENTIFIED VOICE: I apologize that's not
9 an area of expertise but I heard that's from the audience.

10 MADAM CHAIR: I think that's already by
11 statute or rule, I don't know which, but they -- the
12 district itself reviews that this is more about what we what
13 we see and do.

14 MS. RANKIN: I just have follow-up up on
15 that. How did you come to three years? I just think that
16 they've been doing it for five years, any time after that,
17 if there's a cause, the first or second year after the five
18 year, do we have to wait for three years? That would be
19 eight years seems like a relatively long time. I think the
20 first five years is a long time. I think it should be three
21 consistently. But did you have a discussion about that,
22 Board member Durham?

23 MR DURHAM: I think kind of into two parts.
24 Ms. Rankin, it's would be sort of ex post facto for us to
25 expire waivers that currently don't expire in statute. So,



1 you'd have to run for the term of the whatever time is I
2 think, just as a problem as a legal practical side. Five
3 years is perhaps a long time but I think we were to some
4 extent looking at what we thought we could get past and it
5 could be that we could short period of time might work out
6 and I just don't know.

7 MS. RANKIN: I feel that if we have three
8 years and then renew for three that's six but at least, we
9 have a check and balance before it gets too far down the
10 road. And if we feel we need to do it, I think sooner
11 rather than later. I don't want to get the situation of
12 having intentions of doing something but not being able to
13 do it what we feel.

14 MADAM CHAIR: For example, one of the things
15 that we require as a replacement plan and it would seem to
16 me that it would make sense for us to be able to be to know
17 that after three years, in fact, that replacement plan has
18 been implemented. I think there's absolutely no monitor --
19 from what I can tell there's absolutely no monitoring
20 whatsoever. And so we know even though we may think the
21 placement plan is just fine, we don't know that it's
22 actually going to be implemented. And I think that's that
23 would be the argument.

24 UNIDENTIFIED VOICE: So, so cause could bring
25 them before us which could be lower performance or higher



1 performance and -- and then is the only -- then there would
2 have to be some sort of, I assume, process for what we do
3 about it. If they come before us and how we make those
4 decisions.

5 MADAM CHAIR: Another hearing?

6 UNIDENTIFIED VOICE: Yeah and I just got -- I
7 just need to register that I'm not so sure that I'm really
8 liking this notion altogether and I'm wondering what -- what
9 this bill is going to look like and-

10 UNIDENTIFIED VOICE: Madam Chair, board
11 member, Mazanec, again, this is a board something you all
12 have asked me to explore so you all get to tell me what you
13 want it to look like. Now, I then have to work with the
14 legislature as well. Right I mean they may have something
15 to say about it as well so they're a little bit of a two way
16 communication street but I work for you all. And you -- if
17 you all have consensus on certain points, you can tell that
18 to me and I will go do my best to have the legislation
19 reflect that.

20 UNIDENTIFIED VOICE: That really wasn't for
21 you, Jennifer.

22 UNIDENTIFIED VOICE: Oh, I'm sorry.

23 UNIDENTIFIED VOICE: I ha -- I just I have a
24 little bit discomfort around this but, then this was just
25 for the -- the innovation, correct? We're always --



1 UNIDENTIFIED VOICE: No, innovation and
2 district waivers, not charter school waivers.

3 UNIDENTIFIED VOICE: Okay. Innovation and
4 district waivers.

5 Madam Chair, I -- I believe this came about.
6 When we started granting waivers and then discovered that it
7 was ad infinitum and there were no checks and balances and
8 it was just a forever sort of thing and we felt
9 uncomfortable about -- I mean, maybe the local board isn't
10 paying enough attention and all of a sudden, parents are
11 writing to us and saying there's a problem there. There's
12 nothing we could do unless we had some legislation. Is that
13 correct?

14 MR. DURHAM: Madam Chair, I think yes. I
15 think if you remember, it really kind of started almost with
16 the TS Gold and the waivers and from TS Gold and I think we
17 concluded that the legislature put those kindergarten
18 readiness standards in the law for a reason. And then,
19 virtually everybody opts out. And, perhaps that's okay with
20 the legislature, but it certainly didn't seem to match their
21 intent, and they were opting out in such a way that if
22 particularly, if they used innovation status to opt out,
23 that it turned the statute I think almost meaningless.

24 And if the legislature thinks it's important,
25 if they don't think it's important they should repeal the



1 statute. If they do, then they should expect some
2 reasonable review mechanism. I don't -- I think there isn't
3 necessarily anything wrong with waiving those per se, in
4 fact, it may be a very good idea. But, I think without any
5 review, we're really -- we really should tell the
6 legislature they should repeal the statute because the
7 effect is about to be they're not going to get what they
8 thought they're going to get.

9 UNIDENTIFIED VOICE: I see -- I'm sorry, I
10 see another question.

11 MADAM CHAIR: Ms. Goff?

12 MS. GOFF: I'd be -- I'm either trying to
13 direct us back to the point of what we're trying to
14 accomplish here or not. I guess, Jennifer, I -- I'm sorry
15 if you already mentioned this and I missed it. Is there
16 interest? Is there enough intrigue over there by someone to
17 consider sponsoring this bill or introducing it?

18 UNIDENTIFIED VOICE: Madam Chair, board
19 member Goff, I do believe we can find sponsors for the
20 legislation and so, okay.

21 UNIDENTIFIED VOICE: You believe so, okay.
22 So then, I guess the next thing that I'm still struggling
23 with my -- was prior. If we're talking about a 3-year
24 window of time when the average contract at least my
25 instinct tells me the average contract is now five-ish



1 years, there's a way to more directly tie the length of this
2 waiver thinking period to the length of the contract.

3 I don't -- I don't recall frankly; there
4 aren't that many waiver requests that are not charter
5 related. But how many of them are -- changed their waiver
6 requests? Once in a while someone will add one or two. But
7 the basic core of waivers that are requested are not that
8 much different each time that the contract comes up for
9 renewal.

10 UNIDENTIFIED VOICE: What -- what contract?

11 UNIDENTIFIED VOICE: Well, I mean a waiver
12 request, sorry. So, even if we say, even if we would, oh,
13 okay, I know.

14 UNIDENTIFIED VOICE: I'm lost.

15 MR. DURHAM: I think, Madam Chair --

16 UNIDENTIFIED VOICE: I'm going down a wrong
17 path.

18 UNIDENTIFIED VOICE: I think you're mixing
19 apples and oranges.

20 UNIDENTIFIED VOICE: I am -- I am and I'm
21 sorry about that. I'm just interested in, if this -- if
22 there is a length of time involved in this, can we put it
23 that -- that it's somehow aligned to something else that
24 goes on.

25 MADAM CHAIR: Well, I think --



1 UNIDENTIFIED VOICE: That's -- that's all I'm
2 saying.

3 MADAM CHAIR: Wasn't the five years in part
4 because of the five-year innovation length anyway that
5 district will be reviewing? Innovation, I'm not sure where
6 your five-year discussion came from.

7 MR. DURHAM: I think it just may have been
8 arbitrary to some extent, but I think there was also some
9 consideration of how often charter school contracts are
10 reviewed, which then triggers the automatic review of their
11 waivers. And charter schools vary anywhere from five-15 or
12 three-15. So, it varies all over the board.

13 I think we're just trying to pick a number
14 that we found defensible.

15 MADAM CHAIR: Well, it -- --

16 MR. DURHAM: I think five -- my own
17 conclusion was five years is probably a little simpler
18 across the street than three but, if the board wants to try
19 three, we should try it. I'm ambivalent as to whether we do
20 it in three or five personally. But whatever you all think.

21 UNIDENTIFIED VOICE: I don't know if today's
22 necessarily when we have to get granular about this, but-

23 MR. DURHAM: We do have to put it in a bill.

24 UNIDENTIFIED VOICE: Yeah.

25 MR. DURHAM: And we do need to go to the



1 drafting. So, we need to let Jennifer know to start at
2 three or start at five and it doesn't mean we can't revise
3 that.

4 UNIDENTIFIED VOICE: Just a thought. We've
5 been talking a lot today about two to three years
6 accountability arena.

7 UNIDENTIFIED VOICE: Title one.

8 UNIDENTIFIED VOICE: Yeah, the title one,
9 everything we kind of talked about is in that range. I
10 wonder-

11 UNIDENTIFIED VOICE: Let's just -- I say
12 let's line them up. Let's -- let's keep things that we're
13 trying to do here in the same number of years. It won't be
14 the same years. What is our sort of operating timeline for
15 doing things and in schools or having if they're on waivers,
16 three years, three to four is three years. I -- I'm feeling
17 right now that's enough time to tell if something's
18 happening.

19 UNIDENTIFIED VOICE: So, Madam Chair, if I
20 may, I think what I'm hearing, but I want to check in and
21 you all tell me if I've got this wrong. That at least you
22 would want to start at a three year. Is that your
23 consensus? Is that your direction to me? Well, okay, how
24 about just your direction to me?

25 MR. DURHAM: I wonder if she would kind of



1 sponsor she's comfortable with.

2 UNIDENTIFIED VOICE: Yeah.

3 UNIDENTIFIED VOICE: Yeah.

4 UNIDENTIFIED VOICE: Yeah, I can do that.

5 UNIDENTIFIED VOICE: Thank you. So, there
6 was one other issue we have to discuss.

7 MADAM CHAIR: Yeah, there's still a second
8 part to this whole bill, which was the innovation the
9 criteria for grantee innovation status. If you've got a
10 district that's in the tank anyway, and it comes and asks
11 for innovation status, and our only criteria can be that
12 it's not going to get worse. I think some of us feel that's
13 extremely low bar.

14 MR. DURHAM: I think we came up with some
15 conceptual language. Do you have that?

16 UNIDENTIFIED VOICE: Yeah. Madam Chair I, I
17 think that the conversation with board member Goff and board
18 member Durham, was that perhaps the standard that's in place
19 right now for district waivers which I'll read that to you.
20 This is from statute. I think this is from Statute.

21 UNIDENTIFIED VOICE: District waivers.

22 UNIDENTIFIED VOICE: District waivers must be
23 approved if the waiver enhances educational opportunity and
24 quality within the district, and the cost of complying with
25 the requirements for which the waiver is requested



1 significantly limit educational opportunity within the
2 district. And the thought was to take that standard and
3 apply them to both waivers.

4 UNIDENTIFIED VOICE: To both.

5 UNIDENTIFIED VOICE: Yeah.

6 MADAM CHAIR: I like that.

7 UNIDENTIFIED VOICE: Repeat it.

8 UNIDENTIFIED VOICE: Sure. District waivers
9 must be approved if the waiver enhances educational
10 opportunity and quality within the district, and the cost of
11 complying with the requirements for which the waiver is
12 requested significantly limit educational opportunity within
13 the district. So you have to approve it if you think it's
14 going to improve the education quality. And if you think
15 the things that you're waiving are -- are costing the
16 district a lot of money that's not helpful.

17 MADAM CHAIR: Or time.

18 UNIDENTIFIED VOICE: I mean to put that in my
19 own words.

20 UNIDENTIFIED VOICE: Time as well.

21 UNIDENTIFIED VOICE: Yeah.

22 UNIDENTIFIED VOICE: That's fine.

23 UNIDENTIFIED VOICE: I like it.

24 UNIDENTIFIED VOICE: Does this, is this going
25 to be -- is this two separate bills?



1 MR DURHAM: No.

2 UNIDENTIFIED VOICE: Or is it -- if we put it
3 all in one does that sort of lead one to believe that all
4 the waiver, that the timeline part of this, oh, never mind.
5 I don't -- I don't -- I'm not putting it as a priority right
6 now. I just wondered if it, if it --

7 MR. DURHAM: I -- I don't --

8 UNIDENTIFIED VOICE: Two bills or one.

9 MR. DURHAM: There's no problem with the
10 terms of the title restrictions, the constitutional title
11 restrictions for use in one bill, it's perfectly
12 permissible.

13 UNIDENTIFIED VOICE: Okay.

14 UNIDENTIFIED VOICE: And I think simple for,
15 certainly for the, for Jennifer and I think as a practical
16 matter to keep all these issues together so the legislature
17 can focus on at one time.

18 UNIDENTIFIED VOICE: If we can do it. Yay,
19 it's good.

20 MADAM CHAIR: So we have to make sure we
21 leave out charters.

22 UNIDENTIFIED VOICE: Absolutely. That, that
23 I mean that is been you all have been very clear about that
24 all along and that will --

25 MADAM CHAIR: It's never our intent.



1 UNIDENTIFIED VOICE: -- be my instructions to
2 the drafter.

3 MR. DURHAM: And we can defend that. They
4 have other constraints.

5 UNIDENTIFIED VOICE: They have their own laws
6 --

7 UNIDENTIFIED VOICE: Yeah.

8 UNIDENTIFIED VOICE: Okay. So I will
9 proceed. I will work very, very hard to actually get a
10 draft bill for you all to consider the next time you all are
11 together and we're talking, which I think is in a couple of
12 weeks, February 8th I think. So, I think I have and what I
13 need to, to get started. Thank you.

14 MADAM CHAIR: And thanks you too. That's --
15 that's even better. That criteria is better than I could
16 have thought of. It's great.

17 UNIDENTIFIED VOICE: Okay. So, there are
18 four bills that the legislative contacts have recommended,
19 either recommended support or opposition or recommended that
20 the full board just have a discussion. So, we will work
21 through those. I've, I've kind of ordered them in what I, I
22 think might be the shortest conversation to the longest
23 conversation. But of course you will get to decide that not
24 me.

25 Senate Bill 76 is a highly technical, very



1 technical very small change to the statute. All it does is
2 allow the department to spend gifts, grants, or donations
3 money in this particular program, if it gets it. Because
4 the way it got drafted, which was just, this happens
5 sometimes with the capital bills get passed and they,
6 there's some weird thing and it doesn't make sense.

7 The way the statute is right now is for these
8 public school performance academic performance awards,
9 whatever money were to be given to the district, or to the
10 department, you can't spend it. So, this is very technical
11 in nature. And I, forgive me, your alleged contacts are
12 recommending a support position.

13 MADAM CHAIR: Support, okay.

14 MR. DURHAM: Do you need a motion.

15 UNIDENTIFIED VOICE: Oh do I have to
16 [inaudible].

17 UNIDENTIFIED VOICE: I think so.

18 MADAM CHAIR: Yes please.

19 MR. DURHAM: I move that we support Senate
20 Bill what, 76.

21 MADAM CHAIR: Yes, 76.

22 UNIDENTIFIED VOICE: I second.

23 MADAM CHAIR: Thank you. Anyone opposed?

24 MS. FLORES: I -- I would like to just add
25 that sometimes high performing schools are not the ones that



1 need the money.

2 MADAM CHAIR: That's a different bill.

3 UNIDENTIFIED VOICE: Well so, this bill does
4 not actually award. There's no money that goes to the
5 districts, they get a trophy. And it's for academic
6 performance. I mean the statute actually specifies the
7 trophy. So, it's very specific.

8 MR. DURHAM: It's a very long, it's a very
9 long story.

10 UNIDENTIFIED VOICE: I was going to invite
11 that but then I --

12 MADAM CHAIR: All right proceed please.

13 UNIDENTIFIED VOICE: I think you have a
14 motion. Did -- did you vote on it?

15 UNIDENTIFIED VOICE: Yeah.

16 UNIDENTIFIED VOICE: We're done.

17 UNIDENTIFIED VOICE: Oh I'm sorry. Okay. Oh
18 yeah.

19 UNIDENTIFIED VOICE: Oh yeah. We flew
20 through that one.

21 UNIDENTIFIED VOICE: Sorry I missed that.
22 Okay. Hospital 1106 extends the early childhood leadership
23 commission. This is an existing entity that will go away
24 unless they reenact it, which is very common practice in
25 Colorado statute. So it's not that there's anything in



1 particular about this entity that's inviting this level of
2 scrutiny. Most of the things like this the State creates
3 have an end date on them, so that people can have a
4 conversation about it.

5 This is essentially a coordinating body
6 between all the different state agencies that have some
7 responsibility in early childhood education. So Dr. Melissa
8 Colman sits on this commission right now on behalf of
9 Department of Ed. There are representatives from the
10 Department of Human Services, the Healthcare Policy and
11 Finance. Excuse me I'm sorry.

12 UNIDENTIFIED VOICE: What?

13 UNIDENTIFIED VOICE: I thought you had a
14 question. I'm sorry.

15 UNIDENTIFIED VOICE: No.

16 UNIDENTIFIED VOICE: Okay. My apologies.
17 So, you know really all this is doing is extending that
18 commission. If the discussion yesterday at the alleged
19 contact meeting, I think staff expressed the opinion that
20 they find this to be a valuable opportunity to interact with
21 other agencies, and had to reduce redundancies and, and that
22 they have had, they have, they've found value in working
23 together and trying to pr -- create more consistency amongst
24 the different programs. Your alleged contacts are
25 recommending a support position on this as well.



1 UNIDENTIFIED VOICE: But without this bill
2 they go away?

3 MADAM CHAIR: Yup.

4 MR. DURHAM: Think --

5 MADAM CHAIR: Sunset it.

6 MR. DURHAM: Yeah.

7 UNIDENTIFIED VOICE: Sunset.

8 UNIDENTIFIED VOICE: Madam Chair I think I
9 need to recommend.

10 UNIDENTIFIED VOICE: I'd hate to vote against
11 something that would actually sunset some legislation.

12 MR. DURHAM: I think, I share that as a
13 general rule of thumb, I think Dr. Colman indicated that
14 oftentimes this group finds duplicative programs and that
15 they will eliminate those that are unnecessary, and that
16 they've been able to eliminate conflicting rules and
17 regulation. So on that basis it seemed like a good idea to
18 go ahead and let that continue.

19 MADAM CHAIR: Value added. Can I have a
20 motion please. Thank you.

21 MS. GOFF: In accordance with staff
22 recommendation and in consideration of the fact that this is
23 a priority for less early childhood education, I move that
24 we support House Bill 17.

25 MADAM CHAIR: Thank you. Second?



1 UNIDENTIFIED VOICE: I second.

2 MS. GOFF: 17. I'm so sorry. House vote 17
3 11 06. I beg your pardon.

4 UNIDENTIFIED VOICE: I knew what you meant.

5 MADAM CHAIR: Any opposition to that motion?
6 None? Thank you.

7 UNIDENTIFIED VOICE: Okay. The next bill to
8 discuss is House Bill 2082, best building today technology
9 grant funding. So, I went back and took a closer look at
10 this bill between our alleged contact meeting yesterday and
11 today, and so what I'm about to say is a little different
12 than what our discussion yesterday.

13 Just want to flag that for board member
14 Durham and board member Goff. As I'm sure you know the,
15 first 40-million that comes in from marijuana, I think it's
16 marijuana excise tax, it's one of the marijuana tax streams,
17 goes into the best program. What this bill would do is save
18 the next five million that comes in, and this is what's
19 different about our discussion yesterday. Goes -- goes --
20 also goes to the best program but must be used for
21 technology purposes.

22 And it defines technology in the bill. It is
23 not a capital definition of technology, so it's not
24 necessarily -- I always think of those pipes that bring
25 broadbands to schools. I'm sure they're not really pipes



1 but, you know, whatever, that more infrastructure type
2 thing. This is you can actually buy like computers and
3 iPads or, you know, whatever the district will want. Now,
4 it still has to go through the regular grant process, I
5 mean, the districts have to apply for the money, the best
6 board makes that consideration. They make recommendations
7 to you while you still approve those. None of that changes.

8 The other important thing about this bill is
9 that it tells the best board in making their decisions to
10 take into consideration where most of the marijuana revenue
11 comes from. So, what it's trying to say is that most of the
12 marijuana revenue is coming from the metro area. And yet,
13 the metro area, in the perception of the people who are
14 supporting this bill doesn't get its fair share of best
15 funding.

16 I mean, I think that's -- I'm putting that in
17 rather -- rather direct terms, but I'm trying to make it
18 easy to understand. And again, this is not my opinion, this
19 is just I think what the -- the goal here is to say, we
20 think all the money is coming from one place, and that
21 should be taken into consideration when deciding which
22 grants to do.

23 MS. FLORES: For any money this past year but
24 yet for, you know, there are some schools. But yet they
25 went for and asked the public for three quarters of a



1 billion dollars in taxes, which they got, you know. So,
2 some districts can't. Some districts, you know can -- maybe
3 smaller districts cannot do what Denver can do. So, I'm
4 sorry that-

5 UNIDENTIFIED VOICE: Madam Chair, Dr.
6 Florence, I again, I apologize. I don't feel like I'm
7 really on top of my game today, but your boar -- your
8 alleged contacts were recommending in a post position on
9 this bill. It's probably an important piece of information
10 for your conversation.

11 MADAM CHAIR: Yeah, so tell us-

12 UNIDENTIFIED VOICE: I move that we oppose
13 it.

14 MR. DURHAM: Second.

15 UNIDENTIFIED VOICE: Yeah, it's not --

16 MADAM CHAIR: So, what's the -- what's the
17 reasoning, please?

18 MR. DURHAM: I think the reasoning is
19 twofold. One, the whole concept of this program, regardless
20 of funding source, has been to essentially provide equal
21 opportunity to children throughout the state by eliminating
22 the physical facilities differences from district to
23 district, or trying to.

24 And secondly, I think the use of this money
25 for technology when you don't even have enough money to fix



1 leaky roofs is way out of priority, and to -- well, it's
2 nothing certainly, if we had all the money in the world,
3 we'd certainly want to spend some of it on technology, but
4 until we get the physical plant of the State in order,
5 adding another use just dilutes the available funds.

6 MADAM CHAIR: Well, they aren't available,
7 though, right?

8 UNIDENTIFIED VOICE: Yeah.

9 MADAM CHAIR: This is a legislative
10 prerogative as to how-

11 UNIDENTIFIED VOICE: Well, Madam Chair and
12 again board member Durham , I apologize, because I think we
13 had -- I don't think we were -- I was accurately
14 understanding or staff was the bill when we discussed this
15 yesterday.

16 So this is not taking away from the \$40
17 million that already goes. What it is saying is the next
18 five million that comes in goes for it. I don't know that
19 this will change your point, I just want to make sure that
20 we all understand that.

21 MR DURHAM: It doesn't.

22 MADAM CHAIR: Board member McClellan.

23 MS. MCCLELLAN: Thank you so much Madam
24 Chair. I -- I am concerned that many in the State of
25 Colorado in voting in favor of this statewide measure that



1 legalized marijuana in the State of Colorado, may have been
2 doing so in the hopes that this would free up revenue or
3 produce revenue that would help in the funding of our public
4 education system, among other priorities.

5 And it is not my understanding that those
6 voters who may never partake in marijuana themselves, were
7 aware that we were going to follow any kind of formula that
8 would target spending, with the logic of, you smoke it, you
9 spend it. I just don't think that that was the logic that
10 voters were given when they may have voted in favor of the
11 measure. So, I just think it's inconsistent with the
12 promise to the voters.

13 MS. FLORES: Right. And I can think of
14 better ways to spend the \$5-million than technology. I
15 mean, there could be -- like for instance, this year, what
16 the Governor did in recommending giving us \$9.8-million for
17 social services or counselors and such in -- in high
18 schools.

19 MADAM CHAIR: So, that's legislature's
20 prerogative. I mean, I think we all would spend that small
21 amount of money, perhaps in some different ways.

22 MS. FLORES: Well, that's right. But
23 technology, we could use training ESL teachers which we
24 need. We could -- I mean there's-

25 MADAM CHAIR: Thank you.



1 MS. FLORES: I -- I agree with -- with you.

2 MADAM CHAIR: In this one I'd like -- first
3 of all I'd like a motion.

4 UNIDENTIFIED VOICE: I believe there's a
5 motion on the table.

6 MADAM CHAIR: Oh, I'm sorry. Who made it?

7 MR. DURHAM: There's a motion.

8 UNIDENTIFIED VOICE: I just have one more
9 thing to say. Dr. Florence I agree with you 100 percent.
10 And I know there are a hundred people across the street that
11 have their opinions on where every penny over that best
12 grant should be spent.

13 MADAM CHAIR: All right. Call the vote,
14 please? We're opposing, right?

15 UNIDENTIFIED VOICE: Pam made the motion.
16 Sorry?

17 UNIDENTIFIED VOICE: To oppose.

18 UNIDENTIFIED VOICE: Yes to oppose. Board
19 member Mazanec made the motion, and board member Durham
20 seconded.

21 MS. MAZANEC: Thank you. And I slept through
22 it.

23 UNIDENTIFIED VOICE: Board member Durham.

24 MR. DURHAM: Yes.

25 UNIDENTIFIED VOICE: Board member Flores.



1 MS. FLORES: Yes.

2 UNIDENTIFIED VOICE: Board member Goff.

3 MS. GOFF: Yes.

4 UNIDENTIFIED VOICE: Board member Mazanec.

5 MS. MAZANEC: Yes.

6 UNIDENTIFIED VOICE: Board member McClellan.

7 MS. MCCLELLAN: Yes.

8 UNIDENTIFIED VOICE: Board member Rankin.

9 MS. RANKIN: Yes.

10 UNIDENTIFIED VOICE: And board member
11 Schroeder.

12 MADAM CHAIR: No. I like technology. I want
13 technology. Schools can't give the park to us because they
14 don't have enough technology.

15 UNIDENTIFIED VOICE: That's right.

16 MR. DURHAM: There's another good reason. I
17 hadn't thought of that one.

18 MADAM CHAIR: I know, I know.

19 UNIDENTIFIED VOICE: Okay. So, I think the
20 vote is to oppose by a vote of six to one.

21 MADAM CHAIR: Correct.

22 UNIDENTIFIED VOICE: Thank you. So, the last
23 bill to discuss is House Bill 2089, parent choice in low
24 performing school districts. This is sponsored by
25 Representative Paul Lundeen who has made a special point of



1 asking me to tell you all that he would have liked to be
2 here to talk to you about this today, he's in committee.

3 I'm going to do my best to explain this bill
4 an -- and kind of easier to understand terms because the
5 bill itself I think is a little challenging to read, and I
6 will do my best -- --

7 MADAM CHAIR: It is.

8 UNIDENTIFIED VOICE: And I welcome
9 corrections from people sitting behind me, if I do it wrong.
10 And Alisa, you can always correct me. So, for districts
11 that reach the end of the clock. And as you know you have
12 six of them that you are -- five of them that you are going
13 to be considering shortly. This says that they must take
14 the State share of -- of funding. So, on a per pupil basis
15 whatever the State share is and it's different in every
16 district, and give parents control over that money. They
17 set up an account for the parents essentially, put the State
18 share amount into that account, the parent has to spend it
19 on an educational purpose. Those are defined in the bill.
20 There-it's a fairly broad definition.

21 The parent can choose to stay at the school
22 they've been at and then the district keeps that money. The
23 parent can choose to go to a nonsectarian private school
24 with that money, the parent can choose to buy tutoring
25 services with it, or computers with it, or you know,



1 anything that is educational, they -- the parent deems as
2 educationally appropriate for the child.

3 The home district -- so -- so the district
4 that is in -- in the low status that this is occurring in,
5 still owns the accountability for those kiddos. So, when
6 they -- so they still have -- of course parent choice is an
7 important part of our testing system, but they -- they would
8 be expected to take the State assessments. It's a little
9 unclear how you might do that in, for example, a private
10 school.

11 UNIDENTIFIED VOICE: Just go back to the home
12 school and take it.

13 UNIDENTIFIED VOICE: Yeah, well, I mean,
14 there are some logistical I think interesting questions in
15 this.

16 MS. FLORES: Yes.

17 MR. DURHAM: Yes.

18 UNIDENTIFIED VOICE: With the home district,
19 I'll just simplify to say the home district still owns the
20 responsibility for assessment and accountability, for any
21 student who chooses to not be in that district but is using
22 the funding because they reside there.

23 UNIDENTIFIED VOICE: I move -- I move to
24 support.

25 MR. DURHAM: Second.



1 UNIDENTIFIED VOICE: May I ask a question?

2 UNIDENTIFIED VOICE: Sure.

3 MADAM CHAIR: They're there.

4 UNIDENTIFIED VOICE: They're posted and I
5 sent you the link last night, but just based on our previous
6 meeting, we didn't have a lot of a turnaround time. So, for
7 the next legislative update meeting and for the legislative
8 update at the February board meeting, we can be sure to have
9 those bills for you in advance.

10 UNIDENTIFIED VOICE: Yeah, because I don't
11 remember getting it.

12 UNIDENTIFIED VOICE: Well, it's online.

13 MADAM CHAIR: You got the link last night.

14 UNIDENTIFIED VOICE: Comments?

15 UNIDENTIFIED VOICE: Link online. Do you see
16 it? Is that it?

17 MADAM CHAIR: Are you ready to vote, guys?
18 Any comments?

19 UNIDENTIFIED VOICE: Yeah, I have a few.

20 UNIDENTIFIED VOICE: Well.

21 MR. DURHAM: I have a few comments. I think
22 this bill is not perfect and has its share of technical
23 problems, all of which could be ironed out. But I think,
24 the practical and the question the legislature is going to
25 get to decide and I didn't think in reviewing this bill that



1 the board should sit idly by and without expressing an
2 opinion because I think the opinion -- the opinion is
3 fundamental.

4 I think they're going to get to choose
5 between we have school districts that are by any measure
6 failing, have failed, they have failed at least to kids for
7 almost half of their academic careers because they're --
8 they've been on the clock for six years given the one year
9 that was the one intervening year. So, question is, are we
10 going to keep these kids trapped in these districts or are
11 we going to try and find a way to allow them to seek a
12 better education?

13 And I think that's a worthwhile discussion
14 because we're not talking about act -- we're not talking
15 theoretically about kids that are getting a good education
16 and whether they should be allowed to choose, their parents
17 should be allowed to choose better options for them. We're
18 talking about kids that we know to a moral certainty are not
19 receiving a good education, are not being well served by
20 their districts, and does someone have the moral obligation
21 to try to provide these kids with options that will yield a
22 better alternative?

23 So, I asked for the bill to be on the agenda
24 for the board to make a decision because I believe that the
25 issue couldn't be any more clearly framed than it is framed



1 by this bill and these districts. Thank you.

2 MADAM CHAIR: Board member Flores.

3 MS. FLORES: But didn't we have a Supreme
4 Court decision against vouchers? Isn't that what we just had
5 this past year?

6 MADAM CHAIR: No. I think-

7 UNIDENTIFIED VOICE: Oh you mean against the
8 Douglas County case?

9 MS. FLORES: Against vouchers.

10 MR. DURHAM: No, I think the decision made -
11 - - -

12 UNIDENTIFIED VOICE: That wasn't on the
13 statewide -- --

14 MR. DURHAM: Against nonsec -- the question
15 about sectarian or nonsectarian schools. This -- this bill
16 clearly shows nonsec -- nonsectarian, so that that would --
17 would not bring into play the court decision.

18 MADAM CHAIR: We did have this about 20 years
19 ago and it was deemed unconstitutional.

20 UNIDENTIFIED VOICE: That was a statewide
21 voucher case, you know. Is that what you're talking about?

22 MADAM CHAIR: Yes. You know, I can't
23 remember. I can just sort of -- Oh, Tony, thank you.

24 UNIDENTIFIED VOICE: There have been two
25 statewide decisions on vouchers. I have not yet, I haven't



1 read this bill, but it does sound to me like whoever drafted
2 is very aware of those and has drafted it with those in
3 mind.

4 The first one, the statewide voucher program
5 was found unconstitutional because it violated local control
6 in that it mandated the school districts to use local tax
7 money to fund vouchers. This uses only the state -- --

8 MADAM CHAIR: State money.

9 UNIDENTIFIED VOICE: -- PPR and thus avoids
10 that problem. And of course it avoids the more recent
11 problem in the taxpayer's public education case by excluding
12 religious schools.

13 There will be people, should this pass,
14 who'll argue that that violates the free expression clause
15 of the United States Constitution because you're
16 discriminating against people on the basis of religion, but
17 there is a majority on the Colorado Supreme Court who
18 disagrees with that right now, so.

19 MADAM CHAIR: Thank you.

20 UNIDENTIFIED VOICE: Sure.

21 UNIDENTIFIED VOICE: Call a vote?

22 UNIDENTIFIED VOICE: Well, let me --

23 MADAM CHAIR: Member Goff?

24 MS. GOFF: This one is slightly different
25 from at le -- it might have been two years ago we talked



1 about something kind of similar, but I -- I am not --
2 choice's great.

3 What I'm worried about with this kind of bill
4 right now is that -- it's the -- first of all, the -- the
5 overall financial context we're in, asking districts to go
6 through and I know it can be simplified and there are ways
7 to handle it, but the, the mechanics of this right now have
8 me stumped. I know that's not the important point.

9 But when you're taking -- when you're
10 creating accounts and you've already got a district budget
11 based on a certain number of kids, accounts, and the value
12 of each to me, that seems rather complex and burdensome, but
13 that's not the real point either. The real point here is
14 it's -- it's local control in another kind of sense.

15 In a way this is -- this is forcing a school
16 district into providing choice, essentially or opening the
17 door to choice. If the district doesn't choose to take part
18 in a choice program, that's one thing, but being essentially
19 told by law you will create choice to me, that that's a
20 little bit conflictive.

21 The other thing too is that these kids, if
22 you've got students who are -- if -- a student may be
23 sitting in the middle of a turnaround district every day and
24 I guess it's their choice to not take part in a choice
25 program, but in a way it's -- it's like grouping all these



1 students in a district under a category. And what the --
2 what is the expectation of that? I know you -- I know you
3 won't see it that being that complicated.

4 I'm concerned about timelines too. We did
5 talk a bit about it yesterday with, so how long before the
6 choice occurs? Is the district or are the families aware of
7 this? And how -- how -- what -- how -- what kind of other
8 obligations and constrictions and timelines and rules have
9 to be set up so that people realize what kind of timeline
10 they're looking at in terms of finding out, (a) that their
11 district does turn around or even priority improvement? How
12 much time should families be allowed and will that happen?

13 I am not in favor of the, the lack of detail.
14 I'm sorry to say. I have no problem with good quality
15 choice programs, but it needs to be done, in my most basic
16 opinion, from the initiative of the community. And I agree
17 that districts would have that choice, but it doesn't sound,
18 it's not coming across that way to me. So, I oppose it.

19 MADAM CHAIR: Board member Flores?

20 MS. FLORES: And vouchers are just not what I
21 think our constitution that talks about education for our
22 kids was really discussing. In fact, I think there is a
23 statement that says that we are not going to, you know,
24 allow rich people to take over schools. And this is what
25 this will do. I mean, it's not just the Wal-Mart who are



1 coming to this, but it would be everybody, and everybody's
2 in it, (Indiscernible) in it, (Indiscernible) and every
3 billionaire basically has their hands in the till
4 (Indiscernible) education. I'm sorry.

5 And this will open it up to every Tom, Dick
6 and Harry, to have money to open up a private school and
7 have the same scenario that's going on with charter schools.
8 And we know that a lot of charter schools are just money
9 making for certain people, and I -- I just do not agree. I
10 think that we have boards, we have this board, we have local
11 public boards that look over policy, and look over the
12 monies, they're public, they're not private. And I would
13 just hate for us to go in this direction in this state. I'm
14 sorry.

15 MADAM CHAIR: Are we ready to vote?

16 MS. FLORES: Rebecca I think was --

17 MS. MCCLELLAN: Thank you, Madam Chair. My
18 concern is that this might create a relatively unpredictable
19 financial volatility that would be a further challenge for
20 our local elected school boards as they try to meet their
21 budget concerns and serve their students as best they can in
22 a challenging budget environment. And so, I'll be voting no
23 on this. Thank you.

24 UNIDENTIFIED VOICE: Yeah.

25 UNIDENTIFIED VOICE: When we look at the



1 public schools right now, we're looking only at the ones
2 that are in turnaround status or at the very bottom. If we
3 want to continue down the road we've been going, I think we
4 should stay with the status quo.

5 With a local control state, you can't get any
6 more local than the parents. I think this bill, house bill
7 17-1089, will give an opportunity to all students. And
8 it'll be in charge at the local control. It gives them an
9 option to get out of the turnaround, or failing status that
10 they're in. It's a vote for the students and the
11 opportunities they will have in Colorado.

12 MADAM CHAIR: Board member Durham.

13 MR. DURHAM: Thank you. Thank you Madam
14 Chair. There -- there really is no more local in the words
15 local control than parents making decisions that are best
16 for their children. So, I don't think we -- did I knock it
17 out or --

18 UNIDENTIFIED VOICE: Oh yeah.

19 MR. DURHAM: Good. Probably knocked it out.
20 Got a little close. Sorry. But, so, I don't know if the
21 local control -- there we go. I don't know if the local
22 control argument works in this case not only for the reason
23 that it puts the parents in charge, but more importantly, if
24 there is ever an example of local control failing, this is
25 it.



1 And so the question is; will the general
2 assembly and will this board tolerate this much failure? And
3 I think that simplifies this issue as just -- makes it just
4 a simple and straightforward as it can get.

5 People with resources can choose any
6 education they want for their children. People without
7 resources are stuck in these districts. This is a chance to
8 give the people who are stuck and don't have choice, choice.

9 Rich people already have choice. You don't
10 need to give them anything. But these districts are by and
11 large economically challenged, and they're certainly
12 performance challenged. So, the question is; are we willing
13 to do anything meaningful for these students? And if we
14 don't do something like this, we'll have these districts in
15 front of us pretty soon. And the question then becomes; are
16 we really going to do anything meaningful for these students
17 then? And I don't think I'll prejudge or speculate that on
18 that, but I'm concerned that the actions that we are likely
19 to take are inadequate, and that we will sentence these
20 children to additional years of failure.

21 MS. MAZANEC: I'm not -- --

22 MADAM CHAIR: Ms. Mazanec?

23 MS. MAZANEC: I'm not sure there's anything
24 left to be said now --

25 MS. GOFF: I have a question.



1 MS. MAZANEC: -- but I'm -- I -- I agree
2 there's nothing more local in control than parents. And my
3 concern is that I hope that this board never puts schools or
4 institutions or buildings in front of children.

5 And as I said, this is not -- although I'm a
6 believer in school choice for all, this bill is addressing
7 children who are being failed over and over and over again
8 for years. I can't force them back into that school and
9 back into that same failure for the sake of a building. So,
10 if we're going to put kids first, I think this is an easy
11 decision. I'll be voting yes.

12 MADAM CHAIR: Board member Goff.

13 MS. GOFF: Aside from all of that, what about
14 where is this going to work best? Does this, does this limit
15 the chances of certain kids and parts of the state to even
16 have a chance to take advantage of it? I --

17 UNIDENTIFIED VOICE: Only because they don't
18 have a private school available?

19 MS. GOFF: No, because, no because they're in
20 a -- they're in an area it could be -- it could be small,
21 but it could be a little bigger than tiny small, where there
22 is no other place to go. So, no matter if they chose a
23 private school or- -- or another just another school, where
24 do they have to choose?

25 UNIDENTIFIED VOICE: May not be perfect for



1 all children but it would -- it would be good, it's not
2 perfect it can never be perfect.

3 MS. GOFF: I know. I know but-

4 UNIDENTIFIED VOICE: It's not only --

5 MS. GOFF: -- if you've got -- if you've got
6 a small district that is predominantly made up of turnaround
7 situations, sorry, that these kids are in a turnaround
8 situation. And if they don't have access to the choice to
9 begin with what -- what, you know, this is what's hard these
10 days. I'm not blaming anybody. It's just -- --

11 UNIDENTIFIED VOICE: (Indiscernible).

12 MADAM CHAIR: That's a basic as -- well, I
13 mean, there's a basic assumption that is being made which is
14 that private schools are better. And there is absolutely no
15 evidence of that either. So, if there's nothing in there
16 that assures that other schools are better how are we
17 helping kids.

18 MADAM CHAIR: Right.

19 MADAM CHAIR: This is kind of silly.

20 MS. FLORES: And then we've had 25 years of
21 ref-

22 UNIDENTIFIED VOICE: We were all out of time.
23 Can we call the vote?

24 MS. FLORES: Well, I'll just say one thing.

25 We have -- we've had 25 years of reform that has basically



1 decimated schools.

2 MADAM CHAIR: Okay Val.

3 MS. FLORES: Public schools. So, I mean-

4 UNIDENTIFIED VOICE: Can we vote please.

5 MS. FLORES: Well, let me just finish my
6 sentence. So, I mean, we -- we haven't had really basic any
7 -- any change for -- for kids in the last 25 kids-

8 MADAM CHAIR: Okay. You finished your
9 sentence. Please.

10 MS. FLORES: -- 25 years other than the
11 privatization, which are charters which have not worked.
12 And then we want to get it even more into privatization.

13 UNIDENTIFIED VOICE: We got more bills to get
14 to.

15 UNIDENTIFIED VOICE: We do?

16 UNIDENTIFIED VOICE: Yep. Okay ready? Oh, do
17 they work

18 UNIDENTIFIED VOICE: Did the whole thing get
19 killed?

20 UNIDENTIFIED VOICE: You'll just have to talk
21 loud.

22 UNIDENTIFIED VOICE: Okay. Well, I'll just
23 go ahead and call it. Board member Durham.

24 MR. DURHAM: Yes.

25 UNIDENTIFIED VOICE: Board member Flores.



1 MS. FLORES: No.

2 UNIDENTIFIED VOICE: Board member Goff

3 MS. GOFF: No. Not yet.

4 UNIDENTIFIED VOICE: Board member Mazanec.

5 MS. MAZANEC: Yes.

6 UNIDENTIFIED VOICE: Board member McClellan.

7 MS. MCCLELLAN: No.

8 UNIDENTIFIED VOICE: Board member Rankin.

9 MS. RANKIN: Yes.

10 UNIDENTIFIED VOICE: Board member Schroeder.

11 MADAM CHAIR: No.

12 UNIDENTIFIED VOICE: Okay. So, that fails.

13 MADAM CHAIR: So, do we oppose it now or do

14 we just leave it? Board member Goff.

15 UNIDENTIFIED VOICE: What was the motion?

16 the motion was to.

17 UNIDENTIFIED VOICE: Support it.

18 MS. MAZANEC: Support it.

19 UNIDENTIFIED VOICE: So, we voted to support

20 it.

21 MS. GOFF: No. we voted to oppose it.

22 UNIDENTIFIED VOICE: Oh, it's back on.

23 UNIDENTIFIED VOICE: We actually --

24 MS. GOFF: We've voted to support it.

25 MR. DURHAM: Not to support it.



1 MS. MAZANEC: Not to support it. Okay.

2 UNIDENTIFIED VOICE: The motion was to
3 support it. You voted not to support it.

4 MS. FLORES: Yes.

5 MS. SCHROEDER: Correct.

6 MS. GOFF: So, there is no statement, it's
7 only the motion that's made.

8 UNIDENTIFIED VOICE: So, we have no position?

9 UNIDENTIFIED VOICE: That's correct. Do you
10 want another motion?

11 UNIDENTIFIED VOICE: No position.

12 MADAM CHAIR: We either have no position or
13 we have another motion. What is your wish?

14 UNIDENTIFIED VOICE: Does someone have a copy
15 of our legislative priorities or procedures handy.

16 MADAM CHAIR: That would be helpful.

17 UNIDENTIFIED VOICE: Because I think it's
18 spelled out there how that works.

19 UNIDENTIFIED VOICE: Yeah, but if had another
20 motion, really you can-

21 UNIDENTIFIED VOICE: Just a sec, just a sec.

22 UNIDENTIFIED VOICE: Do you -- do you want to
23 table this until the next board meeting and we'll get the
24 copy of the procedures, I don't know, unless Bizzy can bring
25 them up quickly.



1 UNIDENTIFIED VOICE: Got them right here.

2 MS. GOFF: She's got it think it speaks to
3 that in there.

4 UNIDENTIFIED VOICE: I mean. I-

5 UNIDENTIFIED VOICE: You mean you want to go
6 on record as opposing this versus not supporting it?

7 MS. GOFF: I don't think that's how it is.

8 UNIDENTIFIED VOICE: I don't think that's how
9 it comes out. I think it's, there is another --

10 UNIDENTIFIED VOICE: Do you know what our
11 procedures are?

12 UNIDENTIFIED VOICE: No. I don't have it in
13 front of me. I don't think the procedures speak to this
14 particular situation. I think you as a board are clearly
15 having a conversation and that is appropriate and-

16 MADAM CHAIR: I think Commissioner Anthes has
17 a good idea we'll just table it till next time.

18 UNIDENTIFIED VOICE: That what?

19 MADAM CHAIR: Table it till next time.

20 UNIDENTIFIED VOICE: Till next time till we
21 figure out whether -- what -- what are-

22 UNIDENTIFIED VOICE: If a super majority
23 cannot agree to support or oppose a bill, the second
24 consideration is how the bill might be amended to enable the
25 board to reach a super majority support. If the board is in



1 disagreement regarding the ability to amend-

2 UNIDENTIFIED VOICE: We are not going to have
3 a super majority either way.

4 UNIDENTIFIED VOICE: Yeah.

5 UNIDENTIFIED VOICE: Okay. So let's just let
6 it go. No?

7 UNIDENTIFIED VOICE: The board.

8 MS. MAZANEC: If we are giving an opinion and
9 four people say "No", three people say "yes", so that's a
10 vote.

11 MADAM CHAIR: That's a vote but it's not a
12 super majority.

13 MS. FLORES: We could make another -- another
14 propose to vote another way.

15 UNIDENTIFIED VOICE: What we can do, one of
16 the options is that, the next board meeting or here I
17 suppose, someone who voted on the prevailing side can move
18 to reconsider and we can take another vote. We can do
19 another motion that's one option. The other is to just let
20 it stand.

21 MR. DURHAM: Point of order Madam Chair.

22 MR. DURHAM: Sure.

23 MR. DURHAM: There is no motion on the table
24 so there's nothing to debate.

25 MS. GOFF: Not now, there isn't. But we did.



1 MR. DURHAM: If someone wishes to make a
2 motion that's up to the chair whether she wishes to continue
3 this discussion with another motion or wishes or whether
4 the-

5 MADAM CHAIR: I say it is two minutes after
6 two and we have been told that we must vacate at 2:00.

7 MR. DURHAM: What?

8 MADAM CHAIR: And therefore.

9 MS. GOFF: Do we have to two more bills?

10 UNIDENTIFIED VOICE: No. That's it. We're
11 done.

12 UNIDENTIFIED VOICE: We are?

13 MADAM CHAIR: Yeah. Let's just table this
14 guys.

15 UNIDENTIFIED VOICE: Thank you.

16 MADAM CHAIR: Do we need a vote?

17 UNIDENTIFIED VOICE: No.

18 UNIDENTIFIED VOICE: Close us out.

19 UNIDENTIFIED VOICE: Meeting is recessed
20 until February 8th. Thank you.

21 MS. FLORES: Can I just make a statement?

22 MADAM CHAIR: To yourself, yes. Say
23 everything you want but we're not listening.

24 (Meeting adjourned)

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CERTIFICATE

I, Kimberly C. McCright, Certified Electronic Transcriber, for the State of Colorado, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of October, 2018.

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

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