



**COLORADO**  
Department of Education

Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
February 18, 2015, Part 4

BE IT REMEMBERED THAT on February 18, 2015,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

Marcia Neal (R), Chairman  
Angelika Schroeder (D), Vice Chairman  
Valentina (Val) Flores (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Steve Durham (R)  
Debora Scheffel (R)



1                   MADAM CHAIR: I believe this brings us to  
2 public participation?

3                   MR. DURHAM: Yes, ma'am. Since we do --  
4 yeah, since we don't have the charter.

5                   MADAM CHAIR: We don't have the charter?

6                   (Pause)

7                   MADAM CHAIR: Great, thank you. If you've  
8 signed up for a public comment, I will call your name to  
9 come to the podium to address the Board. Each person  
10 will have three minutes. Ms. Markel will be timing your  
11 comments, and we ask that you respect the three minute  
12 limitation.

13                   First name I have on this list is Shannon  
14 McGowan? Leslie Caldwell? Leslie here? Are we early?  
15 Ben Valore Caplan (ph)? Thank you.

16                   MR. CAPLAN: Good afternoon, Members of the  
17 State Board of Education, and Commissioner Hammond. I  
18 appreciate your service to the state, and thank you for  
19 this opportunity to speak about assessments in Colorado.

20                   So I'm Ben Valore Caplan. I'm actually a  
21 former educator, certified to teach secondary English.  
22 For several years I developed and ran educational  
23 opportunity programs in Denver, serving youth from low  
24 income communities, who decided to be the first in their  
25 families to graduate high school and attend college. I



1 trained high quality teachers, I developed curriculum, I  
2 worked with testing professionals to develop and  
3 implement useful assessments. Our students made  
4 remarkable progress far beyond that of students who did  
5 not participate in our program.

6 I'm also a business person. I'm the founder  
7 and chief executive officer of an investment advisory  
8 firm, serving the non-profit community. We've doubled  
9 our employee base since launching the firm six years ago,  
10 relying heavily on technically proficient employees  
11 capable of continuous learning, and a rapidly changing  
12 and highly competitive environment. I'm also an engaged  
13 community member. I serve on the Board of Colorado Para,  
14 where I'm actually a vice chair of the Board. I'm a  
15 member of the Rose Community Foundation's Education  
16 Committee; I served as an officer of the board of two  
17 schools. I'm on the Denver Metro Chamber of Commerce's  
18 Education Committee, and I'm a member of Colorado Forum,  
19 a bipartisan group that helps deal with public policy  
20 issues in Colorado, like education.

21 Too often, as you know, bright Colorado  
22 students of all ages are so far behind that they cannot  
23 catch up. They do not realize that their dreams of  
24 becoming engineers, or healthcare workers, business  
25 owners, tradesman -- that these dreams have already been



1 deferred at very young ages. Too often neither they, nor  
2 their parents and caretakers have any idea how far behind  
3 they are. Even their teachers usually only have limited  
4 information about their students' abilities.

5 The updated Colorado Academic Standards are  
6 not perfect, but they do enable students to compete in a  
7 highly skilled job market. These standards guide parents  
8 and teachers as well, so that there is a common  
9 understanding of how students are progressing, where they  
10 have gaps, and whether or not they can meet their goals.  
11 To measure the effectiveness of Colorado Academic  
12 Standards, you need high quality efficient assessments.  
13 PARCC tests are those rigorous exams at this point in  
14 time, and Colorado needs to stay their course with their  
15 implementation.

16 As a Standards and Assessment Task Force  
17 recently reported, testing efficiency can continue to be  
18 improved with PARCC -- we all know that. We can  
19 eliminate duplicate of testing, local assessments can be  
20 rationalized with state assessments to benefit teachers  
21 and students alike. Greater flexibility such as  
22 expanding testing windows, offering a paper and pencil  
23 option -- all of these can improve implementation. The  
24 Task Force has communicated these recommendations to the  
25 State Legislature, and the business community generally



1 supports them.

2                   There's work to be done in fine-tuning the  
3 standards in PARCC -- I don't think anyone disagrees with  
4 that. But to allow districts to opt out of testing is  
5 simply not acceptable. To say that our teachers and  
6 their students can't handle standards in testing, is not  
7 acceptable. Throughout their lives, Colorado students  
8 will be evaluated on what they know, and what they can  
9 do. We do them and their families a great disservice if  
10 we hide what is expected, and avoid evaluating how well  
11 prepared they are for the opportunities to come. Nobody  
12 wins in that scenario.

13                   As a state, we've generally been afraid to  
14 make commitments about what young people need to know in  
15 order to become economically self-sufficient. We've only  
16 gotten away with it because we import so many of our well  
17 educated workers from other parts of the world. As a  
18 fifth generation Coloradan, his family has lived and  
19 worked on the Western Slope in Southern Colorado; here in  
20 Denver Metro, I believe firmly that we can do better for  
21 the children growing up here in Colorado.

22                   MADAM CHAIR: Thank you very much. Bob  
23 Sanders? Rob Sanders? That was this morning, wasn't it?  
24 Angela Dugan? Jill Johnson?

25                   MS. DUGAN: Good afternoon, State Board of



1 Education, thank you so much for your service. I'm  
2 Angela Dugan, and I actually drove up from Colorado  
3 Springs today. Although I may wear many hats in that  
4 community as a mom; and I drove up as a mom, and I want  
5 to first thank you for this morning, tackling the  
6 solution with a 95 percent mandate, when parents want to  
7 opt their children out of a --- out of a testing. I  
8 think that will actually solve, and make my statement  
9 here a -- much quicker and much shorter, so I thank you  
10 for taking action on that.

11 My daughter actually tests very well on  
12 testing, and they usually like to make sure she does  
13 test. And I don't have a large issue with schools doing  
14 some of the issues on testing -- I think it was a little  
15 bit excessive. But recently she was very ill and missed  
16 the testing. When she got back to school, she was  
17 immediately not only faced with all of her AP courses,  
18 and her honors courses, and her extra-curricular activity  
19 in her senior year, she was also being requested to take  
20 a test, and come out of the classes she had just missed  
21 over a week. And it really stressed her out.

22 So I walked in the office and said: You  
23 know what, this is just a test she is not going to take.  
24 It's her last year, she does well, it's stressing her  
25 out, she has more important things to do for her academic



1 success. And I was told; you couldn't opt her out. I  
2 said: That's really odd. What about a medical note?  
3 Well, do we do sort of understand her situation, we can  
4 try to work something out. I'm asking you to please take  
5 up a path, that parents who chose to opt, or refuse their  
6 children out of test have a simple process. A simple  
7 process that when they asked, it is given to them. Their  
8 children aren't then told: You know, your parents are  
9 breaking the law. You know, this might hurt your  
10 college. You know, you need to do this.

11 I am one, and I have another person behind  
12 me who is going to test -- we didn't bring up a lot of  
13 people, because we didn't want to take up a lot of your  
14 time, but we have these stories across Southern Colorado.  
15 And I ask that you help me educate people so that they  
16 can do what's best for their students. It's just such a  
17 simple process, and there's no problem or repercussions  
18 for the schools, or the parents. Thank you.

19 MADAM CHAIR: Thank you.

20 UNIDENTIFIED VOICE: Thank you.

21 MADAM CHAIR: Jill Johnson?

22 MS. JOHNSON: Hello. I'm Jill Johnson and  
23 I'm here also with -- just as a parent. This is the  
24 first year since my 19-year-old was in preschool, that I  
25 have not been an officer or chaired some sort of



1 committee, so I'm -- I'm backing away a little bit, but  
2 I'm still very involved in the schools. And I also thank  
3 you for excluding parents that refuse their kids from  
4 taking the test in that 95 percent. And I agree, that  
5 should help solve the issue.

6 My son was a senior last year, and our  
7 school volunteered to take the senior science testing.  
8 And he was being bullied by a teacher, and a team at the  
9 school, and was just having a really hard senior year.  
10 And I went to the office and -- actually I called them  
11 and said: He won't be in school tomorrow morning for the  
12 testing, but I'll bring him at lunchtime for his  
13 afternoon classes. And they told me that that was not  
14 allowed. That he would not be allowed back in the  
15 building after I refuse testing.

16 I made a few phone calls, and -- and made  
17 sure that I was right in -- in having him come back to  
18 school that day, and showed up the next day with him in  
19 tow, and said: You know, I know it's not the attendance  
20 office that's making these rules, please direct me to who  
21 I need to talk to, to get him back into school. And they  
22 didn't look happy, but said: Well, never mind. And just  
23 checked him in, and that was fine.

24 There -- there are a lot of stories from  
25 parents; they are all different. The schools are not all





1 on the same page as to why and how to express to parents  
2 who refuse testing; how they are to be addressed. So I  
3 would encourage you to communicate with the school  
4 districts some kind of an outline for the refusal  
5 process.

6 I have your letter from the website -- from  
7 your website, which is a guide to the schools -- how to  
8 encourage them to encourage us to have the kids tested.  
9 And two very, very similar letters from my district  
10 expressing that. And so if you could come up with  
11 something similar to teach -- to teach districts how to  
12 address the parents that are refusing, whether it be for  
13 a philosophical: I don't want them tested at all. Or  
14 for a reason like bullying or health, or whatever. If  
15 they knew how to address us, I think it would make life  
16 easier for the parents, it would make life easier for the  
17 kids, and it would make life so much easier for the  
18 schools who are just trying to make their 95 percent, or  
19 make sure that their -- their status stays the same  
20 whether they have the 95 percent or not.

21 So I just encourage you to come up with some  
22 kind of an outline for them. Thank you.

23 MADAM CHAIR: Thank you very much. Let me  
24 go back to the beginning of the list: Shannon McGowan?  
25 Leslie Caldwell?



1 MS. CALDWELL: Good afternoon, Members of  
2 the State Board of Education; thank you for allowing me  
3 the time today to speak in support of the Colorado  
4 Academic Standards, which I know you'll be addressing at  
5 tomorrow's meeting.

6 My name is Leslie Caldwell; I'm the Vice  
7 President of Education Initiatives at the Colorado  
8 Children's Campaign. We are a statewide, non-profit,  
9 non-partisan research and advocacy organization that  
10 advances public policy that will improve outcomes for  
11 children in the areas of early childhood health and  
12 education. We are an independent organization that  
13 relies on data and research to guide our efforts, and we  
14 are always seeking to answer the question: What is best  
15 for kids? We often say at the Children's Campaign that  
16 what gets measured, gets changed. It's through  
17 thoughtful, reliable, and consistent data that we're able  
18 to address the most pressing needs for children across  
19 our state.

20 There is no question that many students are  
21 succeeding in our public education system, but when we  
22 look at the data, it's also true that far too many  
23 Colorado students are not getting the knowledge that they  
24 need to be ready for college and a career. Fifty-nine  
25 percent of Colorado fourth graders were not reading at



1 grade level in 2014, and when we look at gaps in reading  
2 proficiency between low income and their higher income  
3 peers, there is a 31-point gap, as of 2014. We also know  
4 that nearly one in four Colorado high school students do  
5 not graduate on time, and of those who pursue higher  
6 education, 37 percent require remediation. I know this  
7 is not news to any of you.

8           When we look at this data, we see that too  
9 many of our kids are not getting the quality education  
10 that they deserve. The goal is to improve education in  
11 Colorado, and that's why the state began its effort in  
12 2008 to raise expectations, and improve statewide student  
13 outcomes starting with the bipartisan effort to strength  
14 state standards, and design assessments that are aligned  
15 to those standards. Creative with substantial input from  
16 Colorado educators, experts, and community leaders, the  
17 Colorado Academic Standards set a high bar for all  
18 students.

19           The Children's Campaign supports the  
20 Colorado Academic Standards, which also include the  
21 Common Core State Standards in math and English language  
22 arts, because they are designed to provide our students  
23 with the 21<sup>st</sup> century learning skills needed for success  
24 in a globally competitive and ever evolving economic  
25 landscape. With problem solving, creative thinking, and



1 real world application skills.

2                   When I visit classrooms across the state,  
3 and I speak with educators, they tell me that the shift  
4 in what is expected of their teaching practice, and what  
5 is expected of their students has not been an easy shift  
6 to make. But all will tell me that providing such a  
7 consistent high bar for students is the right thing to  
8 do. Implementing meaningful change is difficult, and it  
9 can be messy. I want to acknowledge the hard work that  
10 educators are doing to implement these changes with  
11 fidelity and with student's interests first.

12                   In just the second full year of  
13 implementation, this is not the time to go backwards. I  
14 urge you to stay the course on Colorado's academic  
15 standards, and aligned assessments, for the sake of  
16 Colorado kids. Thank you for your time.

17                   MADAM CHAIR: Thank you. Jenny Gato (ph)?

18                   MS. GATO: Good afternoon, Madam Vice Chair,  
19 Members of the Board and Commissioner Hammond. My name  
20 is Jenny Gato; I'm an Executive Director of Teaching and  
21 Learning at Adams County School District 50, and a member  
22 of the Colorado Department of Education Assessment  
23 Workgroup now examining the graduation guidelines.

24                   Tomorrow morning, this Board will hold a  
25 steady session on graduation guidelines, and because my



1 school district delivered testimony and support of these  
2 new guidelines two years ago, we thought it might be  
3 valuable to give our perspective on this.

4           When Superintendent Pam Swanson spoke with  
5 you in May of 2013, she said: This discussion about  
6 Colorado High School graduation guidelines goes to the  
7 heart of what we were trying to accomplish in Adams  
8 County School District 50, with our competency-based  
9 system. Our guiding principles at most -- the most  
10 important day for our students is the day after  
11 graduation. Our goal is that every one of our graduates  
12 must be able to go onto higher education without having  
13 to waste valuable time and money on remedial courses, or  
14 they must be able to step into the workforce or military  
15 service, and be able to contribute from day one. It's an  
16 ambitious goal, but one we are making steady progress on.

17           The State Board of Education's decision to  
18 enact competency-based graduation guidelines made a bold  
19 statement about the need to push all districts to a  
20 higher level of rigor, and eliminate the opportunity for  
21 students to shop around for a district or school with the  
22 easiest requirements. It has also required districts to  
23 better define what competency really means. That said,  
24 I'm pleased to be a part of the task force that  
25 recognized that there is always room for improvement.



1                   The Department did make a -- did a smart  
2                   thing in pulling diverse groups together to ease the  
3                   transition to these new requirements. Some have voiced  
4                   concern that the taskforce is lowering the bar on  
5                   graduation guidelines, however the taskforce is  
6                   continuing to find ways to create a model that does not  
7                   further Colorado system for creating have's and have  
8                   not's, based on where they live, and the resources they  
9                   have access to. However, we all agree that Colorado must  
10                  have competent high school graduates no matter their life  
11                  circumstances.

12                  Let me offer District 50's perspective on  
13                  what revisions to the Colorado-based graduation  
14                  guidelines need to include. First, recognition that all  
15                  graduation guideline targets must begin at kindergarten,  
16                  and not at ninth grade. This means things like  
17                  flexibility and the assessment timelines; when students  
18                  would take those assessments. Helping out risk students  
19                  become competent graduates often requires more money, and  
20                  in our competency-based system, more time. That's why  
21                  Superintendent Swanson has been so active in supporting  
22                  the Superintendent position paper, allocating additional  
23                  funds to at-risk students and the rural school districts.

24                  While the existing guidelines allow for a  
25                  menu of options to show the highest level of competency



1 for a diploma, and therefore allowing students to  
2 graduate, some of the current indicators do not align to  
3 the Colorado Academic Standards. Explicit and aligned  
4 standards are critical to the CBS model, so making sure  
5 that each thing we put on that menu has an alignment to  
6 the CAS, the standards.

7 Furthermore, while we want all of our  
8 students to perform at a high level of rigor, we believe  
9 awarding a high school diploma tied to college level  
10 success criteria is not appropriate, given many students  
11 will not go on to college.

12 Thank you for letting me provide the  
13 perspective of District 50, and I would be glad to answer  
14 any questions.

15 MADAM CHAIR: Thank you. Those are all the  
16 names that I have on my list, except for Shannon McGowan.  
17 Is there anyone else who wanted to speak today? Shall we  
18 start over here? You guys work it out.

19 UNIDENTIFIED VOICE: Yes, thank you.

20 MADAM CHAIR: Please tell us who you are,  
21 and where you --

22 MS. HOLLAND: I'm sorry, I think I have my  
23 name on your list --

24 MADAM CHAIR: That's okay.

25 MS. HOLLAND: My name is Tammy Holland. I



1 am a farmer's wife; I am a mom from the Byers School  
2 District 32J. My husband and I, we would like to make a  
3 proposal in support of your efforts to respect the  
4 parent's rights to refuse to test.

5 We realize your recent attempt to establish  
6 a procedure for schools to request a waiver from  
7 administering the PARCC testing was shot down by the  
8 Attorney General's Office. It is clear that the  
9 Legislative Branch has taken over control of the  
10 education in Colorado. Would the State Board of  
11 Education consider requiring the local schools to inform  
12 the parents of the proper venues for refusing to test, so  
13 the schools may secure the appropriate documentation to  
14 apply for a waiver, and protect their scores from  
15 students who will intentionally fail the test because  
16 they are not informed of the proper manner by which they  
17 may refuse it.

18 We have entrusted our children into the care  
19 of our schools, and we expect our schools to exercise a  
20 fiduciary duty toward us, the parents, and our children.  
21 The current position of the CDE is requiring schools to  
22 exercise due diligence in attempting to test every child.  
23 This puts the school in a position of having to violate  
24 that fiduciary duty regarding the school's recognition of  
25 parent's civil rights on these matters. The testing and





1 surveys given to our children without our oversight,  
2 implicate the first, the fourth, the fifth, and the  
3 fourteenth amendments. Colorado -- amendment rights.  
4 Colorado revised statute 22.7.409, cited by the Attorney  
5 General, and the CDE, that requires every student to be  
6 tested, speaks to the duty of the schools, but not these  
7 rights of the parents and the students.

8           The civil rights belong to the parents, and  
9 neither the state law, nor the federal in SLB 95 percent  
10 minimum compliance provisions, can revoke or waive our  
11 civil rights. Therefore, it is incumbent on both the  
12 federal and state level to implement policies and  
13 practices that will accommodate these civil rights. The  
14 schools must balance both the interest of the state and  
15 the rights of the citizens. Parents must be informed of  
16 the truth, and their children may not be exploited, just  
17 because they attend public school. The schools must  
18 voluntary -- voluntarily engage in full disclosure and  
19 transparency regarding testing, surveys, data collection  
20 and use, and the schools may not make a political agenda  
21 -- take a political agenda stance, in order to manipulate  
22 parental compliance based on deceptive trade practices.

23           We would like to present a discussion of the  
24 legal issues implicated currently in the state of  
25 Colorado, as a result of current testing and survey data



1 collection.

2 MADAM CHAIR: Ms. Holland, can you --

3 MS. HOLLAND: Yes, ma'am. I'm through, I  
4 just wanted to say, you can ask me any questions you  
5 would like. I have suffered much bullying by my  
6 superintendent in my school district, and my son is  
7 actually beginning to suffer because of the -- you know,  
8 tomorrow is practice testing. And I've been asking the  
9 school for many weeks for the date of practice testing,  
10 because I would be required to pick him up. I take care  
11 of a special needs girl during the week, and when I have  
12 to leave her on a minute's notice, it really has a very  
13 negative effect on her. So their decision to not call me  
14 until about an hour ago and tell me practice testing is  
15 tomorrow, really affects more than just my family. And  
16 so --

17 MADAM CHAIR: Thank you, thank you very  
18 much. Appreciate your comments.

19 MR. HAMMOND: (Indiscernible), Madam  
20 Chairman. I would -- I would ask that since you failed  
21 to uniformly enforce the time limit, that you don't  
22 selectively enforce it from here on out.

23 MADAM CHAIR: Did I -- did I miss on another  
24 one?

25 MR. HAMMOND: Several.



1 MADAM CHAIR: I'm sorry, I didn't see it.

2 MR. HAMMOND: Quite a number, actually.

3 MADAM CHAIR: Anyone else? Please state  
4 your name. My apologies, I didn't catch it.

5 MS. WILLIAMS: We were outside for six hours  
6 today, collect 196 letters we'd like to pass to the --  
7 all the Board Members, and this is the way the people  
8 reject (indiscernible) on (indiscernible) and Common Core  
9 standards, and data collection on our children. So that  
10 will make our total 3300 letters.

11 My name is Lydia Town Williams (ph) and I  
12 have seen (indiscernible) so I would like to thank you  
13 for what you voted -- five to two, to repeal the Common  
14 Core in Colorado. I applaud your efforts. And I am  
15 Chinese (indiscernible), lives in Parker, Colorado, and I  
16 would like to focus on the survey today. Because this  
17 Colorado (indiscernible) survey is outrageous to me.  
18 Some surveys are fulfillment of individual career  
19 academic plan mandate, and due to contractual going in  
20 the privacy with their party vendors. Are not  
21 necessarily -- are not accessible to parents. The  
22 (indiscernible) primarily involves an inquiry into  
23 children's personal values, religious affiliations,  
24 sexual preference, and political tendencies. This  
25 appeared to be directly contradictory to the federal laws



1 protection of pupil rights or minimum PPRA.

2 Other surveys are administrated in  
3 cooperation between the Colorado's Department Education  
4 and the Colorado Department of Health. The Healthy Kids  
5 Colorado Survey is one such a survey, and it is  
6 particularly shocking in content. The questions include  
7 asking minor children to admit to crimes, incriminate  
8 friends and family, and include personal invasive and  
9 psychological compromising topics of such a degree,  
10 (indiscernible) involvement in (indiscernible)  
11 mistreated. Borderlines are an emotional abuse of a  
12 child, and the reckless intention of (indiscernible) and  
13 of itself.

14 This is administrative, along with the  
15 passive consent -- consent process informing parents that  
16 their child will be participating in a Healthy Kids  
17 survey, and if you do not want your child to participate,  
18 they should inform their school. The content of the  
19 survey is implied to be (indiscernible) and as passive  
20 consent gives more indication to the parents, otherwise  
21 the testing -- the standardized testing are mandatory for  
22 (indiscernible) of both state and federal law and due to  
23 contractual agreement of privacy, there is  
24 (indiscernible) are not subject to parent or a  
25 (indiscernible) oversight.



1                   Questions in the content have been reported  
2                   by students who include searches into their personal  
3                   beliefs and values about children. I saw specifically a  
4                   writing prompt of (indiscernible) ACT Aspire test for  
5                   ninth graders, (indiscernible). (Indiscernible) gave  
6                   examples and supporting arguments. Pop-up surveys during  
7                   electronic testing have reportedly also inquired into  
8                   children’s personal values, sexual orientation, and their  
9                   psychosocial tendencies. Such questions appear to be in  
10                  direct violation of the law as (indiscernible) from the  
11                  (indiscernible) Department of Education to the Colorado  
12                  Commissioner of Education, (indiscernible), like under  
13                  ASAA action section.

14                  So I would like for you (indiscernible) look  
15                  into it, and to see if there’s any, you know, inditement  
16                  possible, and this is not acceptable. It’s very scary,  
17                  actually. I put the -- one of the eight page survey on  
18                  Facebook, and the people told me it’s not just in our  
19                  state, that all over the country. So this maybe is some  
20                  sort of national going on. So thank you for looking into  
21                  it.

22                  MADAM CHAIR: Thank you. Right after her,  
23                  please. Thank you.

24                  MS. SIMPIO : Hi, my name is Sarah Simpιο,  
25                  and my children go to school in Monument, from El Paso



1 County. I'd like to continue this proposal. We had a  
2 group of parents that we had coordinated this statement  
3 for you, together. We had to get a bunch, because we  
4 only each had three minutes.

5 I'm going to speak about egregious state  
6 action. Joyce Zurkowski, the Colorado Department of  
7 Education's Executive Director of Assessments has sent  
8 official letters to the School Boards across Colorado,  
9 addressing the legality of parents refusing to test.  
10 Pursuant to her legal interpretation of the matter,  
11 schools have proceeded to commit egregious acts to  
12 minors, under the understanding that doing so was  
13 fulfilling their legal obligation to test every child. A  
14 litany of these shocking offenses, I presented to you  
15 personally during public comments several months ago.

16 If the state does nothing to stop this  
17 violation of the civil rights of its citizens, the people  
18 will have no choice but to end up in lawsuits and  
19 tumultuous litigation not unlike the last time states  
20 mandated violation of civil rights, and Rosa Parks  
21 refused to comply.

22 This year our special needs children are  
23 particularly at risk. I discovered this just this week  
24 from our principal. The planned testing will -- is new  
25 for the IEP kids. The amount of time normally given to a



1 special needs child is determined by their need. They  
2 get more time. But this year, this gap group of kids  
3 will have to complete the entire test in one day. They  
4 are not going to let the kids come back. So in the past,  
5 what happened to my child, IEP child, he would be pulled  
6 out of math, English, social studies, during regular  
7 school time, in order to finish the test, which he  
8 couldn't finish in the regular allotted time. And I  
9 asked the teachers, please don't do that. I will come  
10 after school, I will accommodate -- and they would not.  
11 So finally, I said, well, I'm just not going to let my  
12 child test.

13 So now, to solve that problem, they're just  
14 going to make the kids finish the entire test in one day.  
15 So a two-hour test may take a special needs kids two,  
16 four, six -- how many hours? How accurate are those  
17 results going to be? Everybody who has ever worked with  
18 a special needs child knows that their ability to perform  
19 to their academic level is about 15 to 20 minutes. All  
20 of the schools use the data from those test results to  
21 populate -- and we all know about this -- the UIP, okay?  
22 The gap kids are the ones that everybody is really  
23 concerned about. Accreditation and everything hangs on  
24 this. So what are those UIPs going to look like after  
25 this year? Our gap kids are going to be failing,



1 according to the test. They don't reflect the ability of  
2 the children. The only thing these tests are going to  
3 do, is abuse the child. Because that child is going to  
4 have to sit there until he finishes this test.

5 The emotional distress that puts on a  
6 special needs child, throws them off for at least a week,  
7 behaviorally, in the classroom. There is no  
8 accommodation allowed for in the law, and that's why I  
9 say the legislature has taken over education. And we  
10 have to push back. We have got to claim our -- the  
11 balances -- the checks and balances that are supposed to  
12 exist, right?

13 Many students are exercising their own  
14 independent refusal. They are just bombing the test  
15 intentionally. They are just marking "C" for all of the  
16 answers. Some of the parents are telling them to, and  
17 united opt out nationally is encouraging a movement to --  
18 for the students to do that. Well, what's that going to  
19 do to everybody's accreditation? That's even worse than  
20 having a formal procedure. So there were other parents  
21 that didn't even come in with us that were asking:  
22 Please implement something so that it balances the  
23 interest of both the state and the parents. Thank you.

24 MADAM CHAIR: Thank you. Sir?

25 MR. BALACINI: Thank you. My name is Bill





1 Balacini; I have a statement, and I also have a signed  
2 statement from a fellow veteran.

3 I am an American citizen, a veteran of  
4 Korean War, a member of the American Legion, chairman of  
5 the Proud to be an American Committee, and also a member  
6 of the Korean War Veteran's National Association. I'm  
7 very concerned with the acceptance of the AP United  
8 States History curriculum and framework by this board.  
9 Pushing aside the weak, phony premise of raising the bar  
10 on national education standards, the corporate visions  
11 presented demean, diminish, and eliminate the historic  
12 development of the United States of America.

13 The United States of America is an  
14 exceptional country based on the wisdom and the foresight  
15 of our founding fathers. We should be very proud of that  
16 heritage, and that heritage should be the foundation of  
17 our American history. So that each new generation will  
18 have solid core values to know who they are, and where  
19 they came from as American citizens.

20 Peter Wood, President of the National  
21 Association of Scholars calls the new AP U.S. History  
22 framework a briefing document on progressive and leftist  
23 views of the American past, one which leads together a  
24 vaguely Marxist, or at least materialist reading of the  
25 key events with the whole litany of identity group



1 grievances. Conservative author, Stanley Kurtz, asserts  
2 the College Board is pushing U.S. History as far to the  
3 left as can get away with at high school level.

4 This trend is an insult -- an insult to  
5 every American, especially those veterans who served, and  
6 those that died defending this nation, it's heritage, and  
7 it's constitution. This trend has to be reversed. Your  
8 position at this time is to determine how soon that will  
9 happen, so that we -- we the people -- can secure the  
10 blessings of liberty for ourselves and our posterity.

11 Before I read the statement from Joe  
12 Annello, let me share with a brief bio on Joe. As an 18-  
13 year-old infantry squad leader of a machine gun squad, he  
14 was in a position in North Korea in 1951 that was overrun  
15 by the time he is in the Korean War. Badly wounded, he  
16 and others were taken prisoners. His friend, Hershey,  
17 carried Joe for about ten hours. Then they were  
18 separated when the Chinese made Hershey leave him at the  
19 side of the road. He was picked up by another Chinese  
20 unit two years later. With his wounds, Joe survived 31  
21 days of food and medical depravation, his PO War Camp --  
22 POW camp was rescued by American forces of the 1st  
23 Calvary Division.

24 After 22 years of service, Joe returned as  
25 Command Sergeant Major in Japan, and had been awarded a



1 Silver Star, Purple Heart, Combat Infantryman's Badge,  
2 the POW Medal, and other individual citations. When  
3 asked: How did you survive that time as a prisoner, Joe  
4 has often stated that he was able to survive because of  
5 his faith in God, and his love and belief in his country.  
6 Joe and his friend, Hershey -- and his name is Hiroshi  
7 Miyamura, who was awarded the Congressional Medal of  
8 Honor for Action in Korea, had co-authored a book Forged  
9 in Fire - The Saga of Hershey and Joe.

10 And now, if I may read a statement -- and  
11 this is addressed to the Colorado State Board Members:  
12 "Having served in the Armed Forces in this great country  
13 for 22 years, I feel that my opinion concerning the  
14 Common Core educational program deserves some  
15 consideration. I believe that the imposition of national  
16 standards isn't constitutional. There is nothing in the  
17 U.S. Constitution that authorizes the Federal Government  
18 to exercise any control over education. This limitation  
19 has reinforced long-standing federal law that forbids the  
20 Federal Government to mandate, direct, or control schools  
21 curriculum program of instruction, or allocation of state  
22 and local resources.

23 The control of public school curriculum is  
24 very desirably prized for those who seek to control our  
25 future. Common Core is not about students who actually



1 have a grasp (indiscernible) facts of true set of core  
2 value. Common Core is about obsession with race, class,  
3 gender, and sexuality as the forces of history and  
4 political identity. Nationalizing education by Common  
5 Core is about promoting an agenda of anti-Capitalism,  
6 sustainability, white guilt, global citizenship, self-  
7 esteem, (indiscernible) cultural (indiscernible) and  
8 language. This is done in the name of consciousness  
9 raising, fairness diversity, multiculturalism.

10 To this is I say: (indiscernible). I  
11 believe that the way to go and have state and local  
12 control of the educational system, allowing parents to  
13 choose the school they want for their children, private  
14 choice, it would sort -- private choice would sort out  
15 the curricula that would do the job of educating our  
16 children. Respectfully submitted, concerned citizen, Joe  
17 Anello."

18 MADAM CHAIR: Thank you.

19 MR. BALACINI: Thank you.

20 MR. RICHARDSON: Good afternoon, Chairman  
21 Neal, Board Members, Commissioner Hammond. I appreciate  
22 the -- excuse me -- I appreciate the opportunity to share  
23 my thoughts on recent changes to the AP U.S. History  
24 course. My name is Chris Richardson; I'm a Colorado  
25 parent, a retired soldier, and a member of the Elizabeth



1 School Board, though I'm speaking on my own behalf today.

2 At last month's board meeting, Chairman  
3 indicated that we should consider sending another letter  
4 on the new AP History framework to the College Board. I  
5 urge you to follow through on that before the comment  
6 period ends at the end of this month. I claim no special  
7 credentials for teaching post-secondary history; I'm an  
8 American who for over 25 years has sworn to defend our  
9 constitution. This is not an oath that I take lightly,  
10 and though not a teacher of history, I'm an avid student  
11 and in years past I've been a participant in history.  
12 Now no single course taught in the limited time available  
13 between bouts of standardized testing can be exhaustive,  
14 and no single course can cover every aspect of our  
15 nature's -- our nation's rich and varied history, but the  
16 new framework concerns me. It seems negatively focused  
17 and limited in what is taught.

18 The previous guidance to teachers was only  
19 about eight pages long and provided great latitude. This  
20 is ideal in Colorado, a local control state, such as  
21 ours, where text and curriculum are, and should, remain a  
22 local matter. Though I understand the course is  
23 controlled by the College Board, this new framework, some  
24 60 pages, depending on how you count, reads much more  
25 like a test prep manual than a course outline. This is a



1 problem. Though nothing in the new framework precludes  
2 teaching additional material, the sheer volume of the new  
3 requirements will allow this to happen. As classroom  
4 time, one of our biggest educational resources is very  
5 limited. The specific topics demanded by the framework,  
6 skew towards the negative. I'm keenly aware that we're  
7 not perfect as a nation, and I'm not calling for a  
8 sugarcoated presentation of our history, but a balanced  
9 one. A history that celebrates the liberation of Europe,  
10 while lamenting the internment of Japanese-Americans. A  
11 history that discusses the evils of slavery, but  
12 acknowledges it has a 5,000 year old history and one that  
13 an institution that was established in our land when we  
14 were part of the British empire, and a practice we ended  
15 in our country at great cost and suffering, within 80  
16 years of the ratification of our Constitution.

17 A history that can examine our racial  
18 divide, and still celebrate the great accomplishments and  
19 equality that men like Dr. Martin Luther King sparked. A  
20 history that explores the difficult decisions our country  
21 made to end the horrible war with nuclear weapons, but  
22 also decided and accomplished the task of sending men to  
23 the moon. We are a nation that on balance has brought  
24 much more good to the world than bad.

25 This course is conducted all over the



1 country, it appeals to the brightest of our students, and  
2 it provides an opportunity to save a bit of tuition as  
3 costs soar. It should not present an ideologically  
4 slanted view; it must be balanced. If a student chooses  
5 to take a U.S. History course in college, they are free  
6 to apply to UC Berkeley or CO Boulder. They are free to  
7 apply to Hillsdale College, or CCU. These institutions  
8 are very likely to teach very different presentations and  
9 perspectives on our history, but that's their choice.  
10 The freedom to choose is lacking for a high school  
11 student when only one single, one-size fits all, AP U.S.  
12 History course is available.

13 I will end by urging you to submit a second  
14 letter to the College Board; a letter that demands a less  
15 restrictive and more balanced framework for our teachers  
16 to work from. Thank you for your time.

17 MADAM CHAIR: Thank you very much. Are  
18 there more folks here who would like to speak?

19 MS. MILLER: Thank you. Thank you, my name  
20 is Deanna Miller; I'm from Albert County, and I am the  
21 guardian of a great nephew who I -- who lives with us.  
22 And this week I asked -- I sent in my paper for refusal  
23 to test for him, and because I know a lot about this, I  
24 have been following this for the last four years, I was  
25 not intimidated. But if I were a parent who did not what



1 all was happening, I would have been very intimidated  
2 because first I was told I would be jeopardizing the  
3 school's funding. Then I was told I would be  
4 jeopardizing the accreditation rating of the school, and  
5 then I was told I would be jeopardizing grant money for  
6 the school. So I would just like to give that as a  
7 background.

8 This fall, taxpayers in the state of  
9 Missouri filed a petition for injunction against  
10 participation in their testing consortium on several  
11 grounds, namely that such an agreement violates the  
12 compact clause of the U.S. Constitution, Appendix C.  
13 They have already received a temporary restraining order  
14 until the matter is settled. Virtually every one of the  
15 points mentioned in the Missouri filing applied to the  
16 state of Colorado.

17 A question to ponder is whether our State  
18 Attorney General should consider defending the  
19 sovereignty of the state of Colorado, against the federal  
20 overreach embedded in the mandatory testing. To  
21 mandatory testing, the federal government had used --  
22 used the use of Title I funds to violate the Colorado  
23 state constitutional provision regarding local control  
24 over education. Our representatives have done nothing to  
25 stop this, and the people are starting to refuse to





1       comply with this violation of our state and federal  
2       rights.

3                       Colorado Revised Statute, CRS 22-7-409 is  
4       frequently cited Colorado statute that requires that  
5       every child must be tested. But other portions of that  
6       same statute regarding funding mandates are not equally  
7       enforced. Why don't we enforce this portion, the 1G2 of  
8       22-7-409, which states the assessments described in this  
9       Paragraph G, shall only be developed or administered to  
10      the extent that federal monies are received to pay for  
11      such development and administration. It is the intent of  
12      the general assembly that no state money shall be used to  
13      develop or administer the assessments described in this  
14      Paragraph G.

15                      Through PARCC, the State of Colorado has  
16      ceded sovereignty, authority, control over educational  
17      policy, curriculum, children's rights over intellectual  
18      property, children's rights to privacy, violated federal  
19      laws, provisions protecting pupil privacy rights of  
20      parents, to review materials that include questions of a  
21      personal nature. Parental rights to direct the education  
22      of their children and endanger the viability of our  
23      schools, as well as property values in the state of  
24      Colorado. Thank you.

25                      MADAM CHAIR: Thank you very much. Thank



1 you.

2 MS. CALLAN: Good afternoon, my name is  
3 Shannon Callan. I am a passionate, committed, elementary  
4 school teacher with ten years of experience in schools in  
5 both the USA and abroad. My undergrad is in early  
6 childhood education. I received my post-graduate  
7 educator training at both Harvard and Columbia, and I'm  
8 currently completing an MA in IT School Librarian and  
9 Instructional Leadership at CU.

10 I moved to Dubai in 2006 to teach at the  
11 UAU's highest rated American International School, Dubai  
12 American Academy, which also adopted the standards in  
13 2010. During my tenure at DAA, I was a classroom  
14 teacher, a learning support teacher for K to 2, and I  
15 served as the elementary literacy coach, and was an  
16 active member of several core subject committees.  
17 Working with different grade levels, in a variety of  
18 positions, allowed me to monitor growth and development  
19 from a wider perspective. Our initial transition year  
20 was a major growth year for both teachers and students,  
21 similar to what schools in Colorado are just now  
22 experiencing. But once we passed those early stages of  
23 implementation, I saw firsthand, through everyday  
24 classroom interactions, and data from both nationally and  
25 internationally benchmarked assessments, how the



1 standards positively impacted students, teachers, and our  
2 surrounding school community.

3           Since the standards pushed critical  
4 thinking, communication, and technology skills, our  
5 lesson plans included more opportunities for students to  
6 use the highest levels of thinking to analyze, evaluate  
7 and create, to demonstrate friendliness, adaptability,  
8 empathy and politeness during group work, and resolve  
9 conflict. To experiment with different learning  
10 techniques, and express where, when, why and how a  
11 strategy worked best, to practice self-management and  
12 self-assessment, to make deeper connections between  
13 classroom learning and the real world. From 2010 to  
14 2013, student performance improved on the following  
15 assessments: The PISA Academic Attainment went well  
16 above international expectations, which out passes the  
17 USA. Our DRA -- the diagnostic reading assessments,  
18 there was a noticeable increase in students reading at or  
19 above grade level expectations, and considerable  
20 improvement in the content of oral and written  
21 connections and responses.

22           Our IB, there was an increase in mean scores  
23 and pass rates, and the means and pass rates were higher  
24 than worldwide scores. When I moved to Colorado, I was  
25 shocked and surprised that re-writing 20 year old



1 standards to meet national and international benchmarks,  
2 to increase college and career readiness, to incorporate  
3 21<sup>st</sup> Century learning skills, and to facilitate quality  
4 instruction, was still a debate. A combination of  
5 negative campaigning and informational literacy are  
6 responsible for misinformation and untruths floating  
7 around at the moment, and I find it disheartening, and  
8 somewhat ironic.

9           Compared to D.C., Puerto Rico, and the other  
10 49 states of America, Colorado eighth graders most  
11 recently ranked 32<sup>nd</sup> in reading, 40<sup>th</sup> in mathematics, and  
12 40<sup>th</sup> in graduation rate. Colorado students shouldn't have  
13 to go an international school in Dubai to get a  
14 competition education.

15           When you choose a career in professional  
16 education, you subsequently become an advocate for  
17 lifelong learning. Highly effective teachers not only  
18 advocate, but practice lifelong learning by perusing  
19 professional development opportunities, staying abreast  
20 of current research and experimenting with new  
21 instructional practices and innovative uses of  
22 technology. Just remember, the standards are not a  
23 curriculum, it's a set of expectations and goals that  
24 remember, before leading to sustainable and meaningful  
25 improvements, restructuring efforts are often accompanied



1 by the J Curve. And remember that Colorado has one of  
2 the highest population growth rates in the country.  
3 However, jobs of the future will be outsources to non-  
4 native students that were held to the rigor and high  
5 expectations of the standards.

6 Let's close the gap by raising the bar. Our  
7 children deserve it.

8 MADAM CHAIR: Thank you.

9 MS. MARIN-SIMON: Good afternoon, I'm Carol  
10 Marin-Simon. Thirty years as a teacher in public  
11 schools. I ended my last ten years in guidance and  
12 counseling. I once was young, and now I'm old, and I  
13 know that in 1985 we had a world class education in this  
14 country. We put men on the moon. But now I'm going to  
15 talk about privacy.

16 Children cannot be protected, because the  
17 consortium of states owns the children's intellectual  
18 property simply by virtue of their participating in PARCC  
19 developed materials. And PARCC maintains the right to  
20 sell the data collected. This includes surveys which are  
21 imbedded via pop-ups, substantive questions in the test,  
22 and even scratch paper that is submitted with student  
23 identifiers, and then processed for meta dating analysis.  
24 These materials cannot be fielded out, and our teachers  
25 and administrators are not even allowed to know of the



1 presence of each of these questions. There is no  
2 oversight in violation of the Colorado Open Records Law,  
3 as this is a taxpayer funded matter.

4 The legislative body has ceded control over  
5 curriculum in violation of the Colorado State  
6 Constitution. The UIPs for the schools across the state  
7 are populated with data only from these standardized  
8 tests. The UIP is then used to determine curriculum  
9 developments and gaps, teacher training, student course  
10 needs, and funds allocation. The UIP also determines  
11 school accreditation, and ultimately affects the property  
12 values of the state of Colorado, and the viability of its  
13 school districts. Therefore, via PARCC consortium, the  
14 State of Colorado has ceded the right to the citizens  
15 over these matters to a third party that is exempt from  
16 review and oversight from the citizens of the state of  
17 Colorado. PARCC contract was entered, signed under  
18 coercion, and in violation of the separation of powers.

19 The legislature passed a law requiring --  
20 requiring the Governor, the Commissioner, and the State  
21 Board of Education President to sign an MOV contract into  
22 a consortium. They were not free to do otherwise. Such  
23 a contract should be void at (indiscernible). Parents  
24 are led to believe that the mere presence of their child  
25 in a public school as a result of the interconnected web



1 of MOU, state statutes, federal regulations, FERPA  
2 changes, and state laws that this divest the public  
3 school students of privacy rights, and the parents' right  
4 to oversee their child's education. Thank you so much.

5 MADAM CHAIR: Thank you. Is there anyone  
6 else? Ms. Hudak (ph).

7 MS. HUDAK: Thank you, Madam Chair. I'm  
8 Evie Hudak, and I'm not here today as a former member of  
9 the State Board of Education, or a former Senator. I'm  
10 actually here representing Colorado PTA, and the 25,000  
11 members of PTA. And I have a couple of handouts for you.  
12 These are press releases from PTA. I don't know if  
13 you're aware that we have been working with the  
14 Department of Ed on the explanation -- the short  
15 explanation of the standards for each grade level, and  
16 helping the Department ensure that these are in parent  
17 friendly language.

18 I'm here today to share with you two of our  
19 press releases. The first one is to let you know that  
20 Colorado PTA supports the Colorado Academic Standards,  
21 and the Common Core State Standards. We believe there is  
22 a great deal of false information out there about what  
23 the Common Core is. That it is the standards. We  
24 believe that schools should focus on high standards for  
25 what students learn in academic subjects, and they should



1 adopt curriculum to meet those standards. As our  
2 president, Michelle Winson said: We live in a highly  
3 mobile society, we don't want children of these families,  
4 or our military families penalized when moving from state  
5 to state. We believe consistency in education is vital  
6 to ensuring that children have every opportunity to reach  
7 their full potential.

8 Our other press release is that we support a  
9 reduction in state testing. And if you look at this, you  
10 will see that we have very specific recommendations, and  
11 I know it isn't your decision, it is the legislature's,  
12 but we thought that you should know where we stand on  
13 state testing, and part of it sort of does relate to you,  
14 because we would like the Department of Education to seek  
15 a waiver from the U.S. Department of Education to allow  
16 us to use the ACT toward the federally mandate  
17 requirement for testing in English language arts,  
18 mathematics and science, once in high school. And if  
19 that waiver is not granted, our secondary position is  
20 that testing in high school should occur in tenth grade  
21 for English language arts and math, and in 11<sup>th</sup> grade for  
22 science, and we would like the ACT to continue to be  
23 used, because we believe that is the most relevant to  
24 students.

25 And regarding social studies, we think that





1 the state mandated CMAS assessment should be eliminated.  
2 If the legislature decides that social studies testing  
3 should continue, we recommend that it only occur in sixth  
4 to ninth grades, and that it is not necessary to test  
5 social studies in early elementary grades. Also, PTA  
6 believes that parents should be able to opt their  
7 children out of testing, and that parents should be able  
8 to make this choice without worrying about the negative  
9 impacts that would have on their teachers and schools.

10 We support early childhood education, and  
11 the school readiness assessments and the READ Act tests.  
12 And finally, we believe that the state should allowed the  
13 PARCC test to be administered as a paper and pencil test  
14 for rural, elementary, and special education students.

15 MADAM CHAIR: Thank you. Hi.

16 MR. WOODWARD: Good afternoon. My name is  
17 David Woodward; I'm the Elementary Math Specialist for  
18 Boulder Valley School District, and I've devoted my  
19 career to improving math education for all students. We  
20 come to you today to speak about the very important issue  
21 of the Colorado Academic Standards for mathematics.

22 Please understand the standards, and the  
23 assessment of the standards are two separate issues. My  
24 comments today relate specifically and exclusively to the  
25 standards themselves. Now is the time for Colorado



1 schools to stay the course. The Colorado Academic  
2 Standards, based on the Common Core State Standards for  
3 mathematics are rigorous, well-articulated, and focused.  
4 For the past five years, Colorado districts have made  
5 significant investments in professional development,  
6 curriculum materials, and countless hours to implement  
7 programs designed to obtain the ambitious learning goals  
8 outlined in the Colorado Academic Standards for  
9 mathematics.

10 We are finally poised to begin reaping the  
11 benefits of those investments. Now is the time to stay  
12 the course. We must accept that there will never be a  
13 set of standards that everyone agrees upon. There are  
14 things that I might have changed if I had been given the  
15 choice, but now is not the time to make those changes.  
16 There has been some debate over whether the standards are  
17 balanced in their expectations. They are.

18 Consider this: The previous Colorado  
19 Standards for mathematics did not explicitly set the  
20 expectation that all students know from memory their  
21 basic facts. The CAS does. The previous standards did  
22 not mention traditional algorithms for the basic  
23 operations. The CAS does. While maintaining the  
24 expectation that students will understand the mathematics  
25 that they are doing. There are good standards. They do



1 set clear, challenging, yet attainable expectations.  
2 They hold very positive potential for improving outcomes  
3 for all students, but only if we are given enough time to  
4 work with them.

5 School improvement takes time. And we are  
6 still very much in the transition. Now is not the time  
7 to blur the vision; rather to reaffirm the vision. We've  
8 all heard concerns regarding the implementation of the  
9 standards, just as we heard before with the previous set  
10 of standards. However, implementation is a district and  
11 a school based responsibility. Please don't allow your  
12 opinions to be swayed by the voices of those who are  
13 concerned over curriculum implementation. That's our  
14 responsibility, and we're working to get it right.

15 If this Board chooses to, or even suggests  
16 that it might change the standards at this time, it risks  
17 undermining the progress that we are making. However, if  
18 you resolve this debate with an affirmation that now is  
19 the time for us to maintain the current standards, the  
20 effect will be profoundly positive. We will redouble our  
21 efforts, and achieve excellent learning outcomes for all  
22 of our students, with the confidence of knowing what  
23 direction we're heading. I urge you, reaffirm your  
24 commitment to the Colorado Academic Standards, aligned  
25 with the Common Core State Standards for mathematics. It



1 is absolutely the right thing to do for our students.

2 MADAM CHAIR: Thank you.

3 MS. STAPLETON: Hi, my name is Anita  
4 Stapleton, and I'm from Pueblo County, and I'm just going  
5 to make a quick statement of disagreement with that  
6 gentleman.

7 I think if Colorado stays in the Common Core  
8 Standards, assessments and curriculum, that we will be  
9 forcing our children to leave public schools and run to  
10 homeschooling and our charter schools are just giving  
11 everything that the public schools are giving. So we're  
12 not going to have anything special there anyway.

13 I'm here to talk about data. Data is the  
14 new currency in PARCC, among other private corporate  
15 entities is using their privileged status as the  
16 mandatory testing survey mechanism to covertly mine data  
17 from our children. Federal laws protect children's  
18 privacy regarding online data collection, but not in  
19 public schools. Public schools have become data  
20 laundering outlets, and our state representatives have  
21 ceded the authority of our teachers and administrators to  
22 protect our children.

23 The only way to protect the civil rights of  
24 our children is simply refusal to participate. I spoke  
25 with a candidate running for Attorney General, who



1 claimed that if he were elected, he would get rid of  
2 Common Core and PARCC testing. I asked him, how? And he  
3 said, by enforcing our laws and our State Constitution.  
4 The rights of parents to direct the education of their  
5 children has been established and affirmed repeatedly by  
6 the U.S. Supreme Court. However, there is more than one  
7 constitutional right at play in current state  
8 administered testing, and surveys due to the embedded  
9 data collection and surveys that come with the current  
10 mandatory tests. Therefore, these tests enter into the  
11 realm of First Amendment free speech, and free exercise.  
12 Fourth Amendment, Fourteenth Amendment, due process, and  
13 even possibly the First Amendment rights against self-  
14 incrimination. See the Healthy Kids Colorado survey that  
15 we have submitted.

16 So far, the CDE has implied that the state's  
17 duty to enforce provision CRS 22-7-409 supersedes any  
18 previously established state constitutional or federal  
19 law over matters of parental and students educational  
20 rights. Such a narrow treatment of these critical  
21 issues, considering the fundamental rights at play, is  
22 troubling and dangerous. We the people of Colorado would  
23 respectfully request our representatives to investigate  
24 further into the civil rights and jeopardy, as a result  
25 of this aforementioned (indiscernible) state action. We



1 ask that you take any and all appropriate measures to  
2 protect the interest of the state of Colorado, and its  
3 citizens to the fullest extent allowed by your elected  
4 capacity.

5 Sincerely, Dr. Auni (ph) and Sara Simpia  
6 (ph), Beau and Cheryl Darnell, Mike and Tracy Burnett,  
7 Michael and Tonya O'Hare, Bill and Hilary Bendamule (ph),  
8 Mike and Anita Stapleton.

9 And in closing, I'm going to read you this:  
10 I was the greatest, I was the best, then I went to school  
11 and they gave me a test. The questions were hard, about  
12 things I didn't know. The answers were tricky, and I had  
13 to go slow. When the bell rang, I wasn't done. My  
14 teachers told me I wasn't the only one. I waited for  
15 months to see how I did; when my dad saw the score, he  
16 flipped his lid. Now I'm just a number, and it's pretty  
17 low. And I'm scared of school, and I don't want to go.  
18 Did my mom and dad lie when they said I was the best? I  
19 guess they did, that's what it says on the test. My  
20 teacher said, no, she said the test is all wrong. But  
21 two years in third grade is way too long. I used to be  
22 happy, climb trees and just play, but now I just study  
23 and take tests for tests sake. I'd rather just stay home  
24 and play, if I could choose. Hey, Mom, hey, Dad, can I  
25 just say I refuse?



1 (Applause)

2 MADAM CHAIR: Thank you. Is there anyone  
3 else who would like to speak?

4 MR. SINGER: Yes. My name is Tom Singer;  
5 I'm from Fort Collins. I have a much broader issue to  
6 present to you. I would have been here saying the same  
7 things that -- the same discussion this Board has had;  
8 I've been listening to your hearings. Except for several  
9 things: My son got kicked out of high school at 16, and  
10 then all three of my boys ended up being IT engineers.  
11 The son who got kicked out, got a ten year jump on his  
12 brothers. My daughter has homeschooled her children, and  
13 I see a striking difference between children who are  
14 homeschooled and -- and my grandchildren who are not.

15 Do you realize that children who are  
16 homeschooled, and do not spend six, seven hours a day and  
17 however long it takes to get there in school, laugh over  
18 a hundred times a day? I read it, and I did not believe  
19 it. But then I took some hours and I counted. If you  
20 realize that children who are homeschooled and are free  
21 to play most of the time, spend maybe an hour a day,  
22 about 60 percent of them don't get schooled at all. they  
23 are just left to learn on their own. The problem is this  
24 over schooling, and under educating. People need to  
25 think about it.



1 I have one grandson who didn't read until he  
2 was almost eight. And at 11 he was reading at the 12<sup>th</sup>  
3 grade level on an Iowa test. Now what -- what are these  
4 standards going to do to him? He's going to spend three  
5 years being taught he can't read, because he's sitting  
6 there and other kids are learning to read, he's not  
7 reading. Is he gonna just fake it? What's he going to  
8 do? He's going to assume, I can't read.

9 In World War II was the last war in which  
10 the typical GI went to the old grammar schools. They  
11 were open only three months a year. The children went to  
12 them for usually about three years. And 96 percent of  
13 those GIs could pass the Armed Forces qualification test.  
14 The K through 12 education kicks in, by the Korean War  
15 it's 83 percent. By the Vietnam War it's 71 percent, and  
16 in 2009, an outfit called Mission Readiness, a bunch of  
17 admirals and generals, did a press release based upon the  
18 Department of Defense statistics. Only 56 percent of  
19 American boys could pass the equivalent of the Armed  
20 Forces qualification test. I mean, it's horrifying.

21 It's assumed here that schooling, on both  
22 sides of this room, that schooling and education are the  
23 same thing. They aren't. I was down in Texas, one of my  
24 jobs was to sit there with -- okay, I'm sorry, my time is  
25 up, I will have to talk to you another day.





1                               MADAM CHAIR: Thank you. Thank you for  
2 speaking. Anyone else like to speak? Thank you very  
3 much for coming. We def appreciate your input and the  
4 time you've given to us. We will recess until tomorrow  
5 morning, 9:00.

6                               (Meeting adjourned)

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C E R T I F I C A T E

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of January, 2019.

/s/ Kimberly C. McCright  
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