



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
April 8, 2015, Part 4

BE IT REMEMBERED THAT on April 8, 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: Excuse us for the very long
2 Executive Session we had. If anybody is here for the
3 graduation requirements, we have decided to put those off
4 for a month, so you don't need to be here for graduation
5 requirements.

6 Returning to our agenda, and going in the
7 order in which they are, we first need to take up the
8 disciplinary proceedings on 12.02. The next item on the
9 agenda is a consideration of the Office of Administrative
10 Court, case number 2013-0016.

11 UNIDENTIFIED VOICE: What happened to 15?
12 There's another one before that. 12.01.

13 MADAM CHAIR: 12.01, okay. 2015, same
14 thing. Oh, I didn't see that there were two. Okay.
15 Consideration of the Office of Administrative Court, case
16 number 2013-0015. Is there any discussion or is there a
17 motion?

18 UNIDENTIFIED VOICE: I have a motion.

19 MADAM CHAIR: Yes.

20 UNIDENTIFIED VOICE: Which one is that?

21 UNIDENTIFIED VOICE: 12.01.

22 MADAM CHAIR: 12.01.

23 UNIDENTIFIED VOICE: Regarding
24 disciplinary proceedings concerning Office of
25 Administrative Courts, case number 2013-0015, I move to



1 affirm the decision of the Administrative Law Judge.

2 MADAM CHAIR: Is there a second?

3 MS. GOFF: Second.

4 MADAM CHAIR: Jane? We have a motion and
5 a second to affirm the decision of the Administrative Law
6 Judge. Is there any objection?

7 UNIDENTIFIED VOICE: I -- I object.

8 MADAM CHAIR: Would you call the role, Ms.
9 Markel?

10 MS. MARKEL: Madam Chair, is there to be
11 discussion on the motion?

12 UNIDENTIFIED VOICE: Well, we can't discuss
13 much --

14 MADAM CHAIR: Well, I asked for discussion,
15 and she said she objected, so -- nobody else said anything.

16 (Overlapping)

17 MS. MARKEL: Steve Durham?

18 MR. DURHAM: No.

19 MS. MARKEL: Dr. Flores?

20 MS. FLORES: No.

21 MS. MARKEL: Jane Goff?

22 MS. GOFF: Yes.

23 MS. MARKEL: Pam Mazanec?

24 MS. MAZANEC: Yes.

25 MS. MARKEL: Marcia Neal?



1 MADAM CHAIR: Yes.

2 MS. MARKEL: Dr. Scheffel?

3 MS. SCHEFFEL: Yes.

4 MS. MARKEL: Dr. Schroeder?

5 MS. SCHROEDER: Yes.

6 MADAM CHAIR: Motion carries, thank you.

7 Moving on to 1202. Next item on the agenda is consideration of

8 the Office of the Administrative Court, case number 2013-0016.

9 Is there a motion?

10 UNIDENTIFIED VOICE: I have a motion.

11 Regarding disciplinary proceedings concerning Office of

12 Administrative Court, case number 2013-0016, I move to affirm

13 the decision of the Administrative Law Judge.

14 MADAM CHAIR: Is there a second?

15 MS. GOFF: Second.

16 MADAM CHAIR: Pam? Are you seconding, or are

17 you just waving your hand?

18 MS. MAZANEC: No, I'm sorry, I'm trying to get

19 my internet working.

20 UNIDENTIFIED VOICE: Jane seconded it.

21 MADAM CHAIR: Jane seconded?

22 MS. GOFF: I'll second.

23 MADAM CHAIR: Is there any objection? No

24 objection?

25 (Overlapping)



1 UNIDENTIFIED VOICE: (indiscernible)

2 MADAM CHAIR: I'm sorry, I didn't see you.

3 Okay, call the roll please.

4 MS. MARKEL: Steve Durham?

5 MR. DURHAM: No.

6 MS. MARKEL: Dr. Flores?

7 MS. FLORES: No.

8 MS. MARKEL: Jane Goff?

9 MS. GOFF: Yes.

10 MS. MARKEL: Pam Mazanec?

11 MS. MAZANEC: Yes.

12 MS. MARKEL: Marcia Neal?

13 MADAM CHAIR: Yes.

14 MS. MARKEL: Dr. Scheffel?

15 MS. SCHEFFEL: Yes.

16 MS. MARKEL: Dr. Schroeder?

17 MS. SCHROEDER: Yes.

18 MADAM CHAIR: Motion carries. Thank you. All

19 right, we are now moving down to the rulemaking hearing for

20 revision to the rules for the administration of the READ Act.

21 UNIDENTIFIED VOICE: (indiscernible) Chinese

22 endorsement?

23 MR. DURHAM: No, we're going to --

24 (Overlapping)

25 UNIDENTIFIED VOICE: Chinese language.



1 MADAM CHAIR: Oh, graduation requirements, I'm
2 sorry.

3 UNIDENTIFIED VOICE: No. (Indiscernible).

4 MADAM CHAIR: Well, you told me "no".

5 MR. DURHAM: Yeah, no. The guest network is
6 being weird.

7 (Overlapping)

8 UNIDENTIFIED VOICE: (Indiscernible).

9 MADAM CHAIR: Who knows what we're doing?

10 UNIDENTIFIED VOICE: We're on channel one.

11 MADAM CHAIR: Okay.

12 UNIDENTIFIED VOICE: Oh, and we're skipping --

13 UNIDENTIFIED VOICE: (Indiscernible).

14 UNIDENTIFIED VOICE: Gotcha.

15 UNIDENTIFIED VOICE: And we're going to come
16 back and --

17 (Overlapping)

18 UNIDENTIFIED VOICE: (indiscernible).

19 MADAM CHAIR: The rulemaking here at 15.01.

20 UNIDENTIFIED VOICE: You are correct. I
21 didn't -- I didn't know we skipped.

22 MADAM CHAIR: 15.01.

23 MR. DURHAM: And then we'll come back to the
24 Chinese endorsement.

25 UNIDENTIFIED VOICE: Gotcha.



1 MADAM CHAIR: Come back to the Chinese in a
2 few minutes.

3 MR. DURHAM: Do we have everybody
4 (indiscernible)?

5 UNIDENTIFIED VOICE: (Indiscernible).
6 (Pause)

7 MR. DURHAM: All right, Madam Chair?

8 MADAM CHAIR: The Colorado State Board of
9 Education will not conduct a public rulemaking hearing for
10 rules for the administration of the READ Act, CR301-92. State
11 Board approved the notice of rulemaking at its February 18,
12 2015 Board Meeting, and the State Board is authorized to
13 promulgate these rules pursuant to 22-7-1209(1)(a)(e)CRS, at
14 Colorado formal opinion number 14.02. Commissioner, is staff
15 prepared to provide an overview?

16 MR. HAMMOND: Yes, and (indiscernible) I'm
17 just going to turn it over to staff, we've discussed this --

18 MADAM CHAIR: Thank you.

19 MR. HAMMOND: -- several times, and now we are
20 ready to (indiscernible) again.

21 UNIDENTIFIED VOICE: Yes.

22 MADAM CHAIR: All right.

23 MR. HAMMOND: And see where we go.

24 UNIDENTIFIED VOICE: Madam Chair?

25 MADAM CHAIR: Yes, thank you.



1 UNIDENTIFIED VOICE: And Members of the Board.
2 We're hear to just present to you once again for consideration
3 revisions to the READ Act rules. We bring these revisions in
4 response to the Attorney General's opinion regarding the
5 identification of significant reading deficiencies for children
6 involved in the Colorado READ Act, K-3 students. You have in
7 your packet a copy of the Attorney General's opinion; you have
8 the PowerPoint slides that we will be sharing in just a moment.
9 You have the proposed rule changes, along with a crosswalk of
10 those changes.

11 Additionally, we'll get to in a moment, that
12 you have feedback from written comments that we've received
13 since the last board meeting, that we'll be glad to address
14 before we move to public comments.

15 So you'll see on this screen, or in your
16 handout, that in the state of Colorado, when we talk about
17 literacy programming, there are really two types of literacy
18 programs that support children in our state. One type of
19 programming is through English literacy instruction; the other
20 type of programming is through bilingual literacy instruction.
21 You'll see on the screen that there are -- the students who are
22 in the English literacy model receive their instruction
23 primarily, or exclusively in English, and then they receive
24 additional support to help develop their English language
25 through English language development programs.



1 In the bilingual literacy programming,
2 students may receive their instruction in more than one
3 language, helping to develop their English literacy, as well as
4 developing or supporting their primary or native language.
5 Depending on the type of programming, the instructional
6 sequence may vary. This is determined basically by local
7 district policy, and programming implementation.

8 On the next slide, what you'll see is a
9 distribution representing the K-3 population in Colorado for
10 which students -- there are 270,000, I should say, kindergarten
11 through third grade students in the state of Colorado. About
12 49,000 of those children -- of those children, are students who
13 speak more than one language; 39,000 of those children are
14 represented here in the chart, because Spanish is their second
15 language -- or primary language, and they developing English
16 language. And then you'll see on the pie that about 6800 of
17 those children are represented in the type of programming for
18 which this opinion applies. That number of students, 6800,
19 represents about 11 districts across the state of Colorado.

20 We have engaged stakeholders and constituents
21 in a process over several months, to help give us the kind of
22 feedback that we need to bring forth the rules that you see
23 before you today, and we have provided for you in the document
24 that you'll see, a crosswalk of those changes. Those changes
25 are minimal and really specifically in response to the opinion.



1 Each of those changes provided in the crosswalk, show the
2 original language, and the proposed language. You also have a
3 copy of those as they would appear in full document for
4 adoption.

5 We have received comments -- written comments
6 from nine commenters over the course of the last several weeks
7 and months, and we have responded and provided you some
8 feedback based on those commenter's questions to us, and you
9 have those available in front of you. Essentially, we are
10 responding to the Attorney General's opinion. We are
11 maintaining local decision making according to implementation,
12 and we are supportive, if you will, to the goal that is already
13 in your READ Act rules, to have an outcome for students, and
14 that is that they be proficient, supported through their
15 identification services by the end of third grade, to be
16 competent, healthy readers; comprehending in English.

17 If you have any questions, we'd be glad to
18 answer them at this time.

19 MS. MAZANEC: Excuse me --

20 MADAM CHAIR: Pam?

21 MS. MAZANEC: Would you just repeat that last
22 -- ?

23 UNIDENTIFIED VOICE: Your rules in your
24 crosswalk document -- your present rules continue to state that
25 we're supportive of students in kindergarten through third



1 grade, through READ Act, in developing their proficiency as
2 readers, and the language says: By assessing them in their
3 language of instruction, leading towards reading comprehension,
4 for these English -- limited English proficiency students, by
5 giving this district criteria and documentation. And it goes
6 on to say: Leading to their proficiency in reading and
7 English.

8 MS. MAZANEC: Thank you.

9 UNIDENTIFIED VOICE: Yes, ma'am.

10 MADAM CHAIR: Any other questions? Go ahead.

11 UNIDENTIFIED VOICE: Madam Chair, we would be
12 ready for public comment. Oh --

13 MADAM CHAIR: Yes.

14 UNIDENTIFIED VOICE: (Indiscernible) now or
15 after public comment?

16 UNIDENTIFIED VOICE: I -- Madam Chair, I would
17 --

18 (Overlapping)

19 MADAM CHAIR: Questions now or -- before or
20 after public comment? You have no preference? What do you
21 think, Deb? Do you want to ask it now? Or wait till the
22 public comment?

23 MS. SCHEFFEL: Can wait till the public
24 comment.

25 MADAM CHAIR: Okay, we'll wait for public



1 comment. Do we have -- do I have that list?

2 UNIDENTIFIED VOICE: She's on her way.

3 MADAM CHAIR: Oh, she's on her way to get
4 public comments. Okay.

5 (Pause)

6 MADAM CHAIR: We sure have lots of public
7 comments today, don't we?

8 (Pause)

9 MADAM CHAIR: Once again, our public comments
10 rules are that people who signed up have three minutes to
11 speak, and Carey, our secretary, will be timing. When she
12 holds up her little three minute thing, you're supposed to stop
13 talking. Finish the sentence and -- and finish as quickly as
14 possible. And if you go on too long, then we quiet you down.
15 And we only have one, two, three, four, five, six, seven, eight
16 people scheduled, so that shouldn't take too long. First
17 person up is Cara Vieska (ph)? Did I do that right?

18 MS. VIESKA: Almost.

19 MADAM CHAIR: Not quite.

20 MS. VIESKA: It's -- it's not a name that
21 everyone pronounces correctly; no worries. My name is Cara
22 Mitchell Vieska; I am a professor at CU Denver, in the
23 Culturally and Linguistically Diverse Education Program. I
24 also lead a collaboration in this state called HELDE; it stands
25 for Higher Educators and Linguistically Diverse Education. And



1 we have submitted written comment, I'm just hear to reaffirm
2 that we feel really strongly that these rules should be passed.
3 We have participated in the development of these rules, and we
4 feel that they've been very participatory and open.

5 We've collaborated with districts and schools
6 and we've heard how valuable these rules would be. But also
7 from like a teaching and research perspective, I can say that
8 these are the right rules to be passed. One of the big
9 confusions around working with bilingual kids, particularly in
10 the realm of literacy, is where does literacy end, and language
11 development begin?

12 And so I just ask you to think for a minute:
13 If I submitted to you right now a test of your literacy skills
14 in Chinese, how well would you do? You are literate
15 individuals, you are very capable and educated individuals.
16 But because you need to develop your language proficiency
17 skills in Chinese, you would not do well with that. That same
18 would be true for German, or any other language that you don't
19 know. Even depending -- even if the orthographic system is
20 different in a language, the literacy skills we develop in our
21 language of strongest proficiency transfer into other languages
22 as we develop those language skills.

23 So it's really important to recognize here, is
24 the opportunity for these rules to reduce the
25 overidentification of students has having a reading deficiency,



1 when in reality they need language development support. And
2 the -- and the kind of interventions that children are given
3 based on having a reading deficiency, are very different than
4 the kind of interventions a child would be given if they were
5 identified as needing English language development support.

6 And so it's really going to be a waste of --
7 and already is a waste of teacher's and student's time, and our
8 valuable state resources to overidentify students having a
9 deficiency in reading, when in reality, they need support to
10 develop their English language skills. So we stand firmly in
11 support of this -- of these rules.

12 Our -- our group represents over 16
13 institutions of higher education. We have some of the premier
14 researchers in the nation studying literacy development for
15 bilingual students who stand behind these rules. And in fact,
16 have conducted research on Colorado data to illustrate the
17 problematic nature of overidentifying bilingual kids as having
18 reading deficiencies, when in reality they are on a natural
19 trajectory towards bilingualism, biliteracy, and -- and strong
20 levels of English proficiency.

21 And I -- in the -- in the written comments
22 that I'm also happy to give a -- the copy of, their citation is
23 there. It's a -- it's a new piece that came out in the Journal
24 of Literacy Research, and it is Colorado research. So we stand
25 firmly in support, and hope that they will be passed.



1 MADAM CHAIR: Thank you. Louis Polza (ph)?
2 Did I do that one right?

3 MR. POLZA: Yeah. Louis Polza. So good
4 afternoon, thank you for giving me the opportunity to
5 contribute. I'm a colleague of Dr. Mitchell-Vieska's in the
6 Culturally and Linguistically Diverse Education Program at CU
7 Denver School of Education, Human Development. And likewise,
8 I'd like to just speak in favor of the revised rules.

9 So there's a robust body of scholarship
10 suggesting that student's literacy skills in the home language
11 transfer and support literacy development in a target language,
12 dating all the way back to the work of Wallace Lambert with
13 bilingual students in the '60s, through to Jim Cummings in the
14 '70s and '80s, through to the work of Sue (indiscernible) now
15 happening here in Colorado in our current times. And these
16 revised rules acknowledge this research, they recognize the
17 value of home language literacy development as a scaffold and
18 stepping stone with its own inherent value of course, but also
19 as a support for the acquisition of literacy in English.

20 As my colleague mentioned, we know that even
21 when orthographic systems and grammar and vocabular may differ
22 across languages, notions of concepts of print, notions of
23 reading for comprehension and for meaning making; those
24 concepts can transfer, and the new rules allow for the
25 disentangling of the -- of -- of recognizing when students have



1 struggles with those concepts, versus when they have struggles
2 with the linguistic system itself. Thank you.

3 MADAM CHAIR: Thank you. Sara Simpino (ph)?

4 MS. SIMPIO: Hi.

5 MADAM CHAIR: Hi.

6 MS. SIMPIO: I'm Sara Simpino, and I have three
7 children in Monument, and my husband is Hispanic; his first
8 language was Spanish. And as a result, my special needs child
9 was test for ELL. He was labeled as an English language
10 learner, due to test results. We've never spoken Spanish to
11 him. He has a learning disability. He has a slow mental
12 processing issue. He has received this label, and we cannot
13 get it off because he cannot get out of the testing
14 requirements because of his learning disability. So he is
15 stuck, as the first person talked about, in over labeling. And
16 this is one of the problems in trying to categorize children,
17 and label them based on all these rules and regulations, is
18 they are human beings, and there is many factors involved.

19 The other thing I'd like to speak to is the
20 fact that he has a slow learning speed, a processing speed with
21 his brain, he cannot read fast. And in the READ Act, for
22 proficiency, there is a speed requirement. He's 13; he's doing
23 fine in school, but he would potentially still be in third
24 grade. Thank you.

25 MADAM CHAIR: Thank you. I have Anita



1 Stapleton down on this (indiscernible); is Anita in the room?

2 UNIDENTIFIED VOICE: I wrote her in because
3 you mentioned if we didn't get in 10:30 (indiscernible) --

4 (Overlapping)

5 MADAM CHAIR: Oh, okay, because that --

6 UNIDENTIFIED VOICE: (Indiscernible).

7 MADAM CHAIR: I'm sure she would be speaking
8 on another area. I just didn't want her to think I was
9 ignoring her. Deama? D-E-A-M-A? With no last name? She was
10 with Anita, I guess. George Garcia.

11 UNIDENTIFIED VOICE: Jorge.

12 MADAM CHAIR: Jorge, sorry.

13 MR. GARCIA: Thank you, Madam Chair. My name
14 is Jorge Garcia. I was going to say, if it please the court...

15 UNIDENTIFIED VOICE: You might as well.

16 MR. GARCIA: Mr. Chairman, Members of the
17 Board, thank you very much. Last time I spoke with you about
18 this issue, I wanted to make the point strongly that any test
19 in English to a student who is not proficient in English, is a
20 test of English. So we need to keep in mind that what we're
21 talking about here is an act that recognizes that it's
22 important to determine whether or not a child needs additional
23 support to learn to read.

24 And you have the Attorney General's opinion
25 saying that being assessed in Spanish was part of the intent of



1 the READ Act. So you have the READ Act, you know what the
2 legislature intended. You have the Attorney General's opinion,
3 so you have the highest legal opinion, short of a court, saying
4 that these are the appropriate changes to the rule. But you
5 also have heard some of the research, and I suggest that we
6 have an ethical duty to -- if we must assess, and the law --
7 this law says we must assess these children. If we must
8 assess, then we must assess ethically in the manner that will
9 give us valid results.

10 And simply stated, to teach a child who is
11 learning to read in Spanish, because of our local control
12 guarantees, to -- to teach a child in Spanish and then use
13 results of an English test to determine whether or not they
14 have a -- a -- a problem with reading, is clearly invalid, and
15 therefore, unethical.

16 I'm not going to waste any more of your time.
17 I just simply want to repeat that in the context of the READ
18 Act, with the law being made clear to us by Attorney -- then
19 Attorney General John Suthers, and the feedback that the
20 Department has received from the locals, what's best for kids
21 is that we pass these revised rules and go about working with
22 our children in our classrooms. Thank you.

23 MADAM CHAIR: Thank you. Very interesting.
24 Alyssa Whitehead?

25 MS. WHITEHEAD: Hi, I'm Alyssa Whitehead-Bust,



1 I'm the Chief Academic and Innovation Officer in Denver Public
2 Schools, and appreciate the opportunity to speak to the Board
3 again today about the district's strong support of the proposed
4 rules.

5 You've heard me speak before about our
6 gratitude for the opportunity both to collaborate with staff,
7 and to express our support for rules that allow us to do a very
8 important assessment to identify students who have significant
9 reading deficiencies; but to do so in a manner that honors the
10 assets and unique structural needs of our English language
11 learners.

12 In our district of 90,000 students, nearly 40
13 percent come to us with the asset of a native language other
14 than English, and as we think about our assessment programming,
15 it's incredibly important to us, within our district, to assess
16 using appropriate measures and assessment techniques. The
17 unique needs of our students to first and foremost become
18 literate, to be able to read, write, speak and listen on grade
19 level.

20 In our context, we honor the opportunity to
21 develop literacy both in a student's native language, and in
22 English, but also as you've heard from speakers before me, to
23 develop uniquely the English language of our English language
24 learners. And we believe there are unique assessments and
25 instructional programs that allow us to develop English skills



1 as distinct from literacy skills.

2 Third, an incredibly important in our
3 biliteracy context, we believe deeply in maintaining the asset
4 of a student's native language. We believe that students who
5 come to the district with a native language other than English,
6 are entitled to the right to maintain that asset as part of
7 their familial and community, as part of their future work
8 attributes, as well as is part of their academic pursuits. In
9 our particular case, we have found that our students who enjoy
10 English and Spanish in their day-to-day instruction, outperform
11 their peers who speak only English as their first language.

12 For those reasons, we are in strong support of
13 the rules, and appreciate the opportunity to address you today.

14 MADAM CHAIR: Thank you. And Dr. Darlene
15 LeDoux (ph)?

16 MS. LEDOUX: Good afternoon, it's -- thank you
17 for your service to Colorado and to all of our students. As a
18 native Denverite and Coloradan, and as the Executive Director
19 of Academic Achievement for English Learners in the Denver
20 Public Schools, I would like to speak to you today from the
21 voice of parents.

22 We gathered parents of our English learners,
23 and asked them: What do you think? Tell us what -- why --
24 what would you like us to do, and how would you like us to work
25 with your children? Because we truly value the voice of our



1 parents. And this is what they said: They want -- they value
2 that their children speak, read, and write in English, and in
3 Spanish. They want their children to be able to speak with
4 their own family members in their native language, and also to
5 be able to be successful in college and career, and get good
6 jobs. They said "get good jobs", is how they -- they worded
7 it.

8 They want their children to be -- to be
9 bilingual, and have more opportunities so that they could help
10 their families, and they could help their community. They want
11 their children to learn English and Spanish at the highest
12 levels. They want them to be smart in both. And throughout
13 the world, they know, because many of them come from other
14 countries -- many countries, of course; they know that more
15 than one language is valued, and they're -- they're quite
16 confused sometimes as to why we don't seem to value that in the
17 United States, and they want to make sure that we continue to
18 honor their language. But of course, I'd like to highlight,
19 they also want their kids to learn English at high levels.

20 We have, as Alyssa mentioned, we have 34,000
21 students in the Denver Public Schools that speak languages
22 other than English, and are learning English. And of the
23 34,000 students, the majority are Spanish speaking. Our
24 parents have the right to choose a classroom that -- where
25 their children can learn content in their native language, and



1 English, and/or just in English. And we want to continue --
2 the parents want to be continue -- the right and the privilege
3 to be able to choose that, because in either classroom, their
4 kids will be English proficient.

5 And I just would like to highlight for your
6 information -- on the ACCESS assessment, which is the score of
7 English language proficiency for the state of Colorado, our
8 students in Denver had a six percent gain last year. We
9 continue to have some of the highest scores in the state, and
10 that's our fifth straight year in a row of gain in English
11 language proficiency. So I just would like to remind you about
12 the benefits -- the academic benefits for our kids, and that's
13 why we strongly support the recommendation of our colleagues,
14 and the Colorado Department of Education specific to the rules,
15 and the READ Act. Thank you.

16 MADAM CHAIR: Thank you. Gregory? Did you
17 send an email to Ms. Schroeder?

18 MR. GREGORY: (Indiscernible).

19 MADAM CHAIR: Gregory? How many students are
20 with you?

21 MR. GREGORY: I'm sorry?

22 MADAM CHAIR: Would -- would you come to the
23 mic please?

24 MR. GREGORY: Oh yes.

25 MADAM CHAIR: You said you wanted to testify,



1 and you had some other people --

2 MR. GREGORY: Not on -- not on this issue, I'm
3 sorry.

4 MADAM CHAIR: Oh, you're on a different issue?

5 MR. GREGORY: Yes, thank you.

6 MADAM CHAIR: Okay, all right. Thank you for
7 your time. Then is there anyone else who wants to speak on
8 this issue? If not, we'll close that, and go back to our -- go
9 back to the business at hand. All right.

10 Thank you all very much for those of you who
11 spoke. I had a better appreciation for Hispanic children who
12 are learning to speak English. And they can't speak Spanish,
13 or -- you know, the whole thing. I've got a much better
14 picture of that from listening to you. I appreciate that. All
15 right, (indiscernible). Who's next? Are we going to proceed?

16 UNIDENTIFIED VOICE: Madam Chair, I believe
17 now it's open for your discussion about the rules.

18 MADAM CHAIR: Okay, questions from the Board?
19 Pam?

20 MS. MAZANEC: If we value bilingualism, why
21 would we not test a Spanish speaking student in English, until
22 after the third grade? If we change the rules as proposed,
23 isn't it true that Spanish speaking students might not ever be
24 assessed in English through these approved interim assessments
25 until after the third grade? Is that true?



1 UNIDENTIFIED VOICE: Madam Chair?

2 MADAM CHAIR: Yes.

3 UNIDENTIFIED VOICE: It is possible, as you
4 described, that a student may be in the K-3 range for which
5 READ Act applies, and that if their instruction, per the
6 Attorney General's opinion, was being provided in both English
7 and Spanish, and they were eligible to take the Spanish
8 assessment as a choice that the district would make, that that
9 district could remain in making that decision for that child
10 through the entire K-3 range. However, your rules, as they are
11 presently, do state that -- as I was mentioning, in 9.01(e),
12 that your rules currently state that they should be assessed in
13 the language or languages of instruction, leading towards
14 comprehension in English. So -- but it is possible.

15 MS. MAZANEC: That's -- that's a statement
16 that does not require English language learners to be assessed
17 in English, correct?

18 UNIDENTIFIED VOICE: Madam Chair?

19 MADAM CHAIR: Yes.

20 UNIDENTIFIED VOICE: I would -- I would say
21 that you are correct that that is a possibility.

22 MS. FLORES: May I state something, Madam
23 Chair?

24 MADAM CHAIR: Yes. Put your mic down, please.

25 MS. FLORES: I did teach, but we had to assess



1 English every year, to see how -- and in English, to see how
2 kids were gaining. How much English they were gaining. So
3 they have to be taught. I don't know, this is -- this happens
4 in Denver Public Schools. I can't imagine that it wouldn't
5 happen in other places where you need to know how English --
6 how much English is -- is being gained every year. And that
7 was one of the areas where I was checked of as a teacher.

8 So I -- I -- I've never been in a classroom
9 where -- even if I were, bilingual, meaning if the -- if -- if
10 the instruction were in another language, you also have to
11 start very early with English, and they must be able to get to
12 a certain point in English to -- or else -- I just don't see
13 how by third grade, many kids have to take -- in three years,
14 they have to take their tests in English, because they've been
15 in system for three years. So I've just never been in -- and
16 I've taught in many school districts in the country, but
17 English was something that was always very important, and it
18 was tested.

19 MADAM CHAIR: And your response?

20 UNIDENTIFIED VOICE: Thank you, Madam Chair.

21 I would -- I would want to just reiterate that the READ Act is
22 differentiating between assessment for the purpose of
23 identifying those children most at risk for reading difficulty
24 --

25 MS. FLORES: So it's just for reading?



1 UNIDENTIFIED VOICE: So -- so the READ Act is
2 looking at literacy, specifically reading, in the -- in the
3 assessments that we measure. So I just want to be clear that
4 that is different than what assessment might be placed in other
5 types of programming. That would be assessments towards
6 language proficiency.

7 MS. FLORES: Exactly.

8 UNIDENTIFIED VOICE: So they are --

9 UNIDENTIFIED VOICE: Excuse me, but -- so that
10 test, you're referring to the ACCESS test? Which is about
11 language proficiency, but not about reading proficiency.
12 Right?

13 UNIDENTIFIED VOICE: Madam Chair, would you
14 like for me to respond?

15 MADAM CHAIR: Yes, please.

16 UNIDENTIFIED VOICE: I would say, yes, that
17 the ACCESS test serves a different purpose than the READ Act
18 interim assessments. The READ Act interim assessments are
19 looking for students who are most at risk, who have reading
20 difficulties through a prevention oriented mindset,
21 (indiscernible) so we can catch early, to prevent interventions
22 from happening later. ACCESS is an assessment that looks at
23 multiple components that measure English language development
24 in different domains.

25 MADAM CHAIR: Thank you, thank you. And more?



1 Jane?

2 MS. GOFF: Yes. I don't know that everyone
3 would have picked up on it in the same way, or have the chance
4 to read the whole set of rules, but there is a much appreciated
5 by me reminder, reiteration, whatever you want to call it, of
6 the order of skill building, and the order of the progression
7 of language acquisition, which includes the listening, the
8 reading, the speaking and -- writing and then speaking, in that
9 order -- or listening, speaking, reading and writing. So the
10 progression is very important. And in any regard, the reading
11 component is the base, it is the foundation for expanding on,
12 and -- and the blossoming on those -- all of the other skills.
13 And there is really no stop, it's a continuous cycle of skill
14 building. If -- when the reading is focused on, and -- and you
15 can identify accurately where deficiency might be, and really,
16 on the other hand, where the strengths are with reading, it
17 helps an awful lot to plan out, and -- and integrate ways to
18 build up the others as well.

19 So the reading is a completely different
20 skill. You know, I am a language teacher by career, I've been
21 doing it for a long time. So the whole idea -- and the mention
22 in there of -- excuse me -- the three to -- or three and/or
23 five years when ideally -- and this is true of all languages,
24 it is much better to predict that it will take seven to ten
25 years in order to build adequate what we would say, fluency



1 communication ability.

2 I -- I -- I am appreciative of the new rule
3 change proposals. I think this is a -- I think it's wise. I
4 do not feel that it precludes any emphasis in a classroom or
5 otherwise on English language building, because frankly I live
6 a life of -- where one builds the other. You cannot -- you
7 cannot not not impact the skill level in one by -- you just do.
8 You've got two things going on at once.

9 The other thing, at some point down the road
10 perhaps, I would like to be -- I would like to know, at some
11 point, we talk about low-achieving/high-achieving, whether it's
12 district schools, classrooms, as far as language ability is
13 related. How many of our top achieving students and prize
14 winners are -- are involved in multiple language activities?
15 If we have heritage links and so forth. There is -- there is
16 such a growing body of evidence about the value of second and
17 more language learning and how that builds on the skills that
18 are just innate in all content areas.

19 So thank you. I -- I'm pretty sure I
20 understand what the difference is between looking for reading
21 proficiency, or significant deficiency, versus the linguistics
22 part of it. I don't think we have to give up the linguistics
23 building in any language if we -- if we focus on what these
24 rules are trying to do.

25 MADAM CHAIR: Thank you, Jane. Any more



1 questions from the Board? Any comments from (indiscernible)?
2 Deb?

3 MS. SCHEFFEL: Thank you. Thanks for the
4 great discussion so far. My concern is that -- I -- I really
5 appreciate the comments, because I think they go right to the
6 heart of the issue, which is, we want to honor ELL students
7 biliteracy and bilingualism. We need that. Parents want that.
8 Our society wants that. We need that. The -- the question I
9 have is the confusing language being used to achieve that.

10 So if we look at the AG's opinion, part of the
11 problem perhaps rests in a confusion about the question and the
12 opinion. But if I look at Page 2, the top of the page, it
13 says: The question at issue here is whether the READ Act
14 effectively prohibits dual language programs by requiring
15 reading proficiency to develop -- to be developed in English
16 only. The rules in the statute expressly prohibit that out of
17 the gate. So that wasn't a question that was really needing to
18 be posed, because the law and the rules already said it
19 required assessment in English and Spanish.

20 Further on the same page, specifically, the
21 question presented is whether those districts utilizing
22 literacy instruction in both English and Spanish must assess
23 whether the students have a significant reading deficiency in
24 English only. Again, the original rules and law expressly
25 prohibited that -- prohibited that. And said that testing must



1 be in Spanish and English. So I think the prompt for this
2 adjustment of the rules was based on questions that in some
3 ways need -- need not have been posed based on the statute and
4 the rules, which is why this whole discussion strikes me as odd
5 from the beginning. So I don't know how the questions got
6 posed, but I just know that in the statute, in the rules, it
7 said already: Students must be tested in English and Spanish.
8 So if we honor biliteracy and bilingualism, I think these rules
9 actually put us behind.

10 And so I'd like to ask three questions; tell
11 me if I'm interpreting the language wrong then. I -- I think
12 if I read these -- this new iteration of these rules correct, I
13 think that whereas in the previous set of rules, there was a
14 provision for those who speak a first language other than
15 English in the law, exempting them from retention. Now, those
16 students could be retained simply because they are ELL. I
17 wonder if someone from the Literacy Unit, perhaps you, Alyssa,
18 could address that. I think in a way, we're turning it back,
19 such that we could now retain those students merely because
20 they are ELL.

21 MADAM CHAIR: (Indiscernible) talking it out?

22 UNIDENTIFIED VOICE: I just wanted to get --
23 Madam Chair --?

24 MADAM CHAIR: That's fine. (Indiscernible)

25 UNIDENTIFIED VOICE: Get to the right page, to



1 be able to respond. So the law as it is in statute provides a
2 protection for students who are English learners, who if tested
3 in English and found that their language was the contributing
4 factor to their identification, would be exempt --

5 UNIDENTIFIED VOICE: Right.

6 UNIDENTIFIED VOICE: -- from certain
7 discussions, like that of retention. On Page 4 in the opinion
8 -- I'm going to get to the right place here -- it does say that
9 these students would essentially -- I'm trying to find where it
10 is -- would -- would be -- would potentially be subject to a
11 retention discussion, when their identification was actually
12 determined to be a deficiency in reading. And so that
13 protection would then be removed if their identification was
14 through a Spanish assessment.

15 MS. SCHEFFEL: So whereas before, in the
16 previous iteration of the rules, we could not hold those
17 students back, merely because of a -- because their first
18 language is Spanish. Now they can be held back. I think that
19 that puts us back 20 years. So that's one problem I have. I
20 have other issues, if I can continue.

21 UNIDENTIFIED VOICE: Madam Chair, I'm sorry,
22 just to be clear, I may have left out just one distinguishing
23 point that I just want to be clear about. The -- the
24 designation of the significant reading deficiency is what
25 subjects a child to a discussion about having retention as one



1 strategy for supporting that child. So that determination
2 through the READ Act, and through the opinion, can now be made
3 in English or in Spanish, so that we would not have the
4 consideration of language being a part of the discussion, but
5 rather we would have the identification correct in knowing that
6 it was in fact a deficiency in reading. So I just wanted to be
7 sure that I had said that correctly.

8 MS. SCHEFFEL: But if we don't have data in
9 both languages, how can we make that determination?

10 UNIDENTIFIED VOICE: So -- Madam Chair?

11 MADAM CHAIR: Yes.

12 UNIDENTIFIED VOICE: May I just reiterate and
13 ask her question again? Are you saying, if we have only
14 Spanish, or only English interim assessment data for children
15 in this type of programming, we wouldn't necessarily know that
16 they had developed the goal of biliteracy? I'm -- I'm re-, I'm
17 asking; is that your question?

18 MS. SCHEFFEL: Yes. Yes.

19 UNIDENTIFIED VOICE: Okay.

20 MS. SCHEFFEL: It seems to me we can make that
21 determination if we have contrasting data in both languages.
22 If those -- these students don't have to be tested in English
23 at all, then how can we make that distinction?

24 UNIDENTIFIED VOICE: Madam Chair?

25 MADAM CHAIR: Go ahead.



1 UNIDENTIFIED VOICE: Again, as part of local
2 programming, that would be a decision that a local district
3 could make as far as the way that they would approach
4 measurement of student's progress towards the goal.

5 MS. SCHEFFEL: So we've having a hard time on
6 this Board in trying to sort out these nuances, and now we're
7 just going to say the districts can "figure it out"? I mean,
8 they may be able to, but all I know is, when I look at the data
9 for ELL students, if you look at the tenth grade data, these
10 students are being grossly underserved in this state. We need
11 their bilingualism. We need to know that they're achieving in
12 English and Spanish. And now we're creating rules that because
13 in my thought, I think because the questions were not posed
14 accurately, we are now reversing it such that we can hold these
15 students back because we don't have the data to -- to call that
16 out.

17 UNIDENTIFIED VOICE: We didn't have the test
18 tools -- the testing assessment tools --

19 MS. SCHEFFEL: So that's one issue.

20 (Overlapping)

21 UNIDENTIFIED VOICE: And how things develop.

22 MS. SCHEFFEL: Excuse me, that's one issue. I
23 wonder if I may raise another.

24 MADAM CHAIR: I would -- are you finished
25 answering?



1 UNIDENTIFIED VOICE: Yes, Madam Chair, I don't
2 think there was another question.

3 MS. SCHEFFEL: I think another issue that's, I
4 think, been confusing in this discussion is the ACCESS test.
5 And we're using the word "language" in many different ways. We
6 have oral language, listening and speaking, and written
7 language, reading and writing. And when we talk about the
8 ACCESS test, it is not a literacy test. So to say that
9 teachers and -- and schools will have literacy data, using
10 ACCESS, that can somehow take the place of the assessments that
11 -- that were able to give us the contrasting data in the
12 previous set of rules, which really are pretty much the same
13 except for 9.01(d), is not accurate. So I think we need to be
14 very clear on that.

15 That language has been very diffuse in our
16 discussions. The districts don't have data allowing them to
17 make the determination that this law attempts to help schools
18 and districts make, to figure out why students are not
19 achieving in reading. And they won't have that data. And the
20 ACCESS test certainly does not give them that data. And you
21 know, if we want to pull up the actual items on the test, it is
22 not a literacy assessment.

23 So I would like to know that we're supporting
24 bilingualism, biliteracy, and ELL achievement in this state.
25 And when you look at the data right now, it's a abysmal. And



1 to me, these rules set us back substantially.

2 MADAM CHAIR: Any reply to Deb before we move
3 on?

4 UNIDENTIFIED VOICE: I was -- no, Madam Chair,
5 thank you.

6 MADAM CHAIR: Pam?

7 MS. MAZANEC: The original language in the
8 rule said that you are allowed -- districts are allowed to
9 assess in English and Spanish, so long as you don't supplant
10 it. I mean, it can supplement, but not replace the English
11 language assessment. Tell me why that is too much ask.

12 UNIDENTIFIED VOICE: Madam Chair?

13 MADAM CHAIR: Yes.

14 UNIDENTIFIED VOICE: And we may also turn it
15 to Tony, because that is the actual question that was asked in
16 the formal opinion. But I will -- I will share that what --

17 MS. MAZANEC: I'm sorry, what are -- what are
18 you saying was the actual question?

19 UNIDENTIFIED VOICE: The question about can't
20 -- or what are rules stated, and if we had overstepped from
21 what the statute said in terms of making it a supplement. I
22 mean, a -- not supplanting the English assessment. What we
23 found in working with districts, was an unintended consequence
24 of the rules; which was that folks who are implementing
25 bilingual programs, by the fact that we were acquiring the



1 identification of a reading deficiency to be in English, there
2 was an unintended impact of having students falsely identified
3 who were Spanish speakers in that mix, and it was a language
4 issue, not a literacy issue.

5 And so to allow what the opinion -- we asked
6 them for help to understand; did we overstep in our rules? And
7 the form opinion came back and said, yes, folks should have the
8 ability to assess for that literacy piece in Spanish and
9 English. They could choose. So it's for that identification -
10 -

11 (Overlapping)

12 MS. MAZANEC: But that's an "or", aren't you
13 telling me that they actually -- what we're providing here is
14 an "or", not an "and".

15 UNIDENTIFIED VOICE: Correct. They could test
16 in English --

17 (Overlapping)

18 MS. MAZANEC: Why isn't there -- why isn't it
19 an "and"?

20 UNIDENTIFIED VOICE: -- or Spanish.

21 MS. MAZANEC: Why don't we have an "and"?

22 UNIDENTIFIED VOICE: And I'll turn it over to
23 -- to Tony, to talk about, because we looked at that option.

24 MR. DYL: Well, yeah, that's right, and I
25 think that the short answer to that question is that it would



1 result in unnecessary double testing. Here's the problem --
2 (Overlapping)

3 MS. MAZANEC: How can it be unnecessary?

4 MR. DYLAN: -- and I think that Jorge Garcia
5 actually kind of drilled down into this. The original regs
6 said: In grades K-3, determination that a child has a
7 significant reading deficiency in English, will be based on.
8 This was interpreted in the field as meaning that even if you
9 have a kindergartner who speaks fluid Spanish, and doesn't know
10 English, you give them the English version, and you say, if
11 they can't finish it, that kid has a significant reading
12 deficiency. The kid might read perfectly well in Spanish, but
13 they interpret our regs to say, no, you have to make that
14 determination based solely on English. That was the original -
15 - that was the original question posed. And the answer was:
16 Well, no, you're not actually looking at English literate -- at
17 English acquisition; what you're looking at is reading and
18 literacy acquisition.

19 And in grades K-3, it's possible that there
20 could be kids who don't have a reading deficiency, they just
21 are reading in a different language.

22 MS. MAZANEC: But we still want them to read
23 proficiently in English, even if they are reading proficiently
24 in Spanish. Do we not?

25 MR. DYLAN: Yes, we do.



1 MS. MAZANEC: And if we do, how --

2 MR. DYLAN: There is -- and that's however,
3 where ACCESS comes in. There's actually an entire --

4 (Overlapping)

5 MS. MAZANEC: It's not a reading --

6 MR. DYLAN: -- system of English language
7 acquisition in the state. It's -- it's not part of the READ
8 Act, but it's there and presumably these -- these kids who are
9 identified as ELL, will be in both. They might be in -- they
10 will be in either a bilingual or, you know, another English
11 language program. But then you have a separate issue of
12 reading acquisition.

13 MS. FLORES: Madam Chair?

14 MADAM CHAIR: Yes.

15 MS. FLORES: If you recall, we had a school
16 district that we looked at last -- the last time that we met,
17 and they had a 12 percent special ed population. And I'm sure
18 that that 12 percent population was there because they weren't
19 using instruments in Spanish, you know, to show whether -- most
20 of the time, special ed is because of reading, not usually
21 because of math or so. And I -- and I voiced a concern about a
22 large number of -- 12 percent is a large number of kids who are
23 special ed.

24 Now, had they been tested in reading in their
25 native language, it might have been a different thing. It may



1 -- they may have gone down to three, four -- four percent. And
2 this is kind of the issue that I think is before us, and why we
3 can't use the DIBELS test and so I'm so glad that we have other
4 instruments in Spanish. And we're going to look at one in
5 Chinese, and that -- that's going to help our kids. That
6 really is going to help our kids so that they are not
7 identified as special ed.

8 MADAM CHAIR: Deb?

9 MS. SCHEFFEL: Excuse me, and I think you make
10 the exact point that needs to be made, which is why testing
11 needs to be in both languages. When you limit it to one
12 language, you have no contrasting data to answer the "why"
13 question at all. And that's why I feel like the two -- I mean,
14 if -- if -- if this opinion is based on the argument of the
15 ACCESS testing, which is not literacy, and double testing, I
16 think it -- it's a specious argument. We are not doing double
17 testing. We are doing assessment in both languages, which is
18 what we must do --

19 (Overlapping)

20 UNIDENTIFIED VOICE: We've been doing double -
21 -

22 MS. SCHEFFEL: --which is what we must do to
23 identify, why the difference?

24 UNIDENTIFIED VOICE: Double testing is
25 (indiscernible) --



1 MS. SCHEFFEL: And I think when we're only
2 teaching in Spanish, we can't get the goal of this Act, which
3 is, proficiency in English and reading. So again, I feel like
4 this sets us back, because we'll end up retaining students that
5 we wouldn't have otherwise retained, because we don't have the
6 contrasting data. And not having any data during K-3, on a
7 subset of the population that are so poorly served in our
8 system anyway, we can't identify how they are even doing. And
9 that was the intent of this Act.

10 And so I -- I -- I feel that the language
11 around this issue has become so unclear -- I'm not sure why.
12 But again, when I look at the question in the opinion, and when
13 I look at the outcome of these adjustments in the rules, we end
14 up serving these students far less well than we are even
15 serving them now, which is not well. So --

16 MADAM CHAIR: Any further comments? Angelika?

17 MS. SCHROEDER: Well, even if we agree with
18 you; if the Attorney General said, that's going beyond the
19 legislation, we can't -- we should not be doing that. I mean,
20 this goes back to what is it that is our job? Which is to set
21 rules to the legislation.

22 MS. SCHEFFEL: And Madam Chair?

23 MS. SCHROEDER: Am I wrong?

24 (Overlapping)

25 MADAM CHAIR: Yes.



1 MS. SCHEFFEL: Because -- because the language
2 in the opinion relates to something that didn't exist. It
3 never was English only. That wasn't the point. It was always
4 required in English and Spanish.

5 MS. SCHROEDER: I mean, I'm a little
6 flummoxed, Deb, because I don't know that I -- I mean, I can't
7 agree or disagree with you, this is not my area of expertise.

8 MS. SCHEFFEL: Well, we can point to the
9 language in the original --

10 MS. SCHROEDER: My point is -- my point is
11 that what we've been told is that we went beyond the language
12 of the legislation, and this is designed to get us back on
13 track. Am I wrong?

14 MS. SCHEFFEL: Yeah, I think you're wrong,
15 because the -- because the question was not accurate.

16 (Overlapping)

17 MADAM CHAIR: Steve?

18 MR. DURHAM: Thank you, Madam Chair. If I
19 understand it, the READ Act is designed to determine whether or
20 not a child can read at grade level in its language neutral in
21 that determination. At least, that's the Attorney General's
22 opinion. Is that a fair assessment?

23 MR. DYL: Yes. Yes, it is.

24 MR. DURHAM: Even -- so its language neutral
25 in whether they can read in -- they can read in Spanish, they



1 meet the compliant -- or, they comply if they can read in
2 English; they comply. Is it of value, and the opinion of the
3 educators to be able to know what the proficiency is in English
4 since sooner or later that's going to get to be a critical
5 element? And is that important to do in grades K-3, and does
6 this rule change eliminate a requirement or in fact institute a
7 requirement of -- of Spanish testing only for Spanish speakers?
8 And then, I guess for the Attorney, is it possible to require
9 testing in both languages if that's an issue?

10 MR. DYL: Madam Chair?

11 MADAM CHAIR: Yes, Mr. Dyl.

12 MR. DYL: There's actually the -- the second
13 part of the opinion, which is: Who decides? Who decides which
14 assessment? And that -- that is under the statute left up to
15 the local districts. And there's a reason for that. And the
16 reason is that there's a whole host of different types of
17 language acquisition programs. There are some programs out
18 there that use a methodology -- agree with it or not, but
19 they'll say: We'll start with Spanish -- almost -- mostly
20 Spanish in the early years, and then add English later on.

21 There's other ones that are immersion
22 programs. We start out -- we start with English, you know,
23 right off the bat. So -- well, in (indiscernible) it's kind of
24 a one -- how do we do a one-size-fits-all? And we leave it up
25 to the districts to decide what's programmatically appropriate.



1 So you might have an immersion program, what would make sense
2 to do only English, or do double testing. You have bilingual
3 programs where that may not make as much sense in the earlier
4 grades.

5 MR. DURHAM: So then it's your opinion that --
6 that the state of the law is that it is ultimately a district
7 decision, whether there is a test given in English to non-
8 English speakers?

9 MR. DYL: Ultimately, yes.

10 MR. DURHAM: Thank you.

11 UNIDENTIFIED VOICE: (Indiscernible)

12 MADAM CHAIR: Any further questions? This
13 concludes the rulemaking hearing, for the rules of the
14 administration of the READ Act. Is there further discussion?

15 UNIDENTIFIED VOICE: Do you want a motion?

16 MADAM CHAIR: Is the Board ready to adopt
17 those rules? If so, is there a motion?

18 UNIDENTIFIED VOICE: I will make one. I move
19 to approve the rules for the administration of the READ Act.

20 MADAM CHAIR: Is there a second?

21 UNIDENTIFIED VOICE: I second it.

22 MADAM CHAIR: Any discussion? Shall we call
23 the roll?

24 MS. MARKEL: Steve Durham?

25 MR. DURHAM: No.



1 MS. MARKEL: Val Flores?
2 MS. FLORES: Yes.
3 MS. MARKEL: Jane Goff?
4 MS. GOFF: Yes.
5 MS. MARKEL: Pam Mazanec?
6 MS. MAZANEC: No.
7 MS. MARKEL: Marcia Neal?
8 MADAM CHAIR: Yes.
9 MS. MARKEL: Debora. Scheffel?
10 MS. SCHEFFEL: No.
11 MS. MARKEL: Angelika Schroeder?
12 MS. SCHROEDER: Yes.
13 MS. MARKEL: So Madam Chair, the motion fails
14 because it's not unanimous?
15 MADAM CHAIR: Right.
16 UNIDENTIFIED VOICE: So it comes back the next
17 time.
18 MADAM CHAIR: We need to -- we will come back
19 and take another vote next meeting, in which a simple majority
20 will prevail. Okay. Thank you very much. You -- you
21 performed before the firing squad.
22 UNIDENTIFIED VOICE: Thank you.
23 (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

Kimberly C. McCright

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