



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
November 9, 2016, Part 2

BE IT REMEMBERED THAT on November 9, 2016,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

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



1 CHAIRMAN DURHAM: All right. We'll proceed  
2 out of order for disciplinary item or action item 16.01.  
3 We're pleading Dr. Flores for a motion. No, it's on 02.  
4 Is there a motion on 16.01?

5 UNIDENTIFIED VOICE: Do we have the good  
6 ones?

7 MS. RANKIN: I don't. Let me see, 16.01.

8 CHAIRMAN DURHAM: 16.01. Is there a motion  
9 Ms. Rankin?

10 MS. RANKIN: Regarding disciplinary  
11 proceedings concerning the license charge number 201-3-EC-  
12 283, I move to signify acceptance and approval of the terms  
13 and conditions of the settlement agreement by directing the  
14 commissioner to sign the agreement.

15 CHAIRMAN DURHAM: So I second to that  
16 motion. Second. Yes, Ms. Goff? Okay. It's been moved in  
17 second, that we -- that we accept the recommendation for  
18 16.01. Would you call the roll Ms. Bizy, please?

19 MS. CORDIAL: Board Member Flores?

20 MS. FLORES: Yes.

21 MS. CORDIAL: Board Member Goff?

22 MS. GOFF: Aye.

23 MS. CORDIAL: Board Member Mazanec?

24 MS. MAZANEC: Aye.

25 MS. CORDIAL: Board Member Rankin?



1 MS. RANKIN: Aye.

2 MS. CORDIAL: Board Member Scheffel?

3 MS. SCHEFFEL: Yes.

4 MS. CORDIAL: And Chairman Durham?

5 CHAIRMAN DURHAM: Yes. The motion is  
6 adopted by a vote of six to nothing. Item 16.02, is there  
7 a motion on disciplinary proceedings concerning an  
8 application charge 2013-EC-2651, Dr. Flores?

9 MS. FLORES: Regarding disciplinary  
10 proceeding concerning an application in charge number 2013-  
11 EC-2651, I move to dismiss the charge, and issue the  
12 applicant a license.

13 CHAIRMAN DURHAM: Okay. You've heard the  
14 motion. Is there a second to that motion? Second? Yes.  
15 Ms. Mazanec seconds the motion. Discussion. Seeing none,  
16 Ms. Cordial will you please call the roll.

17 MS. CORDIAL: Board Member Flores?

18 MS. FLORES: Aye.

19 MS. CORDIAL: Board Member Goff?

20 MS. GOFF: Aye.

21 MS. CORDIAL: Board Member Mazanec?

22 MS. MAZANEC: Aye.

23 MS. CORDIAL: Board Member Rankin?

24 MS. RANKIN: Aye.

25 MS. CORDIAL: Board Member Scheffel?



1 MS. SCHEFFEL: Yes.

2 MS. CORDIAL: And Chairman Durham?

3 CHAIRMAN DURHAM: Yes. That motions adopted  
4 on a vote of six to nothing. So we're steaming right ahead  
5 here. Let's go back to -- if everybody has candy, we'll  
6 take a couple of -- we do have birthday cake or actually  
7 cupcakes for Jane and Deb. So we could go eat those now  
8 and sing in the back room or we could proceed with this  
9 legislative priority issue.

10 MS. FLORES: Let's go back and sing.

11 UNIDENTIFIED VOICE: We just sing from here,  
12 right?

13 CHAIRMAN DURHAM: There you have it.

14 MS. CORDIAL: I'm just saying, we don't have  
15 to get up.

16 CHAIRMAN DURHAM: We'll take a five minute  
17 recess.

18 CHAIRMAN DURHAM: We'll just come back to  
19 order of this legislative priorities issue. There are just  
20 a couple of things. Everybody, I'd like everybody to look  
21 at this and read it and see. I mean it's -- it's pretty  
22 general. I did notice and when it -- when it came to  
23 standards and it's -- let's see, which one was it?

24 MS. CORDIAL: I think that's number -- on  
25 the second page, number four.



1 CHAIRMAN DURHAM: Yeah. I'm losing my mind.  
2 Well, I am confused now.

3 UNIDENTIFIED VOICE: I just put those lunch  
4 plate priorities in there.

5 UNIDENTIFIED VOICE: Do you want mine? Very  
6 exciting.

7 UNIDENTIFIED VOICE: And then I called you.

8 UNIDENTIFIED VOICE: No. I'm sure they are  
9 here.

10 UNIDENTIFIED VOICE: You know I didn't want  
11 to call you last night because I thought that's gonna just  
12 --

13 MS. CORDIAL: Are you sure Steve didn't just  
14 take yours?

15 CHAIRMAN DURHAM: I did not, so I found  
16 mine.

17 MS. CORDIAL: Okay.

18 UNIDENTIFIED VOICE: Let's blame it on  
19 Steve.

20 CHAIRMAN DURHAM: Yeah. All right. Pretty  
21 good. Number C on -- number 4C. And if you look at this,  
22 support assessment policies that reduce the scope of  
23 statewide assessment, we've done that, provide relevant and  
24 timely data to educators. Clearly we're not doing that  
25 because the test results come in --



1 UNIDENTIFIED VOICE: Way after.

2 CHAIRMAN DURHAM: Way after the school year.  
3 So that's something we haven't met. "Provides meaningful  
4 experience for students given the opt-out rate." We may  
5 have a little work to do there. "And value of student  
6 performance growth over time." I'm not sure about that one  
7 but I think we have some things on here that we either  
8 ought to try harder to meet or take off because I think the  
9 legislature has to some extent given our test -- the  
10 limitations on the tests we can do, made it difficult to  
11 accomplish some of our own priorities. And I don't think  
12 we've asked the legislature for relief from this, not that  
13 I think this is a good time to do that but -- so Dr.  
14 Flores?

15 MS. FLORES: You know before that, the great  
16 teachers and leaders, I mean we have partnerships and I  
17 know it may mean nothing to just put in internships.  
18 Partnerships is one thing, internships is another that  
19 universities could -- could think about. Like for  
20 instance, I'm thinking that because it's very difficult to  
21 get teachers, it might be worth for kids, for the  
22 community, for teachers, especially, I am thinking of  
23 teachers of color who could get an internship. We're  
24 trying so badly to get those -- those teachers or in areas  
25 where it's hard to attract teachers, where they could get a



1 paid internship. And I'm talking about being in a  
2 classroom for a year where they get paid as -- as an intern  
3 or as a or what is it called?

4 UNIDENTIFIED VOICE: Like apprentice?

5 MS. FLORES: An aid. As an apprentice. In  
6 fact, that's a better -- that's another word, internships  
7 and apprenticeships, and not just partnerships. Because  
8 partnerships really mean with the university and the -- and  
9 the school. Well, this would be too, but they're called  
10 different things. And I'm thinking that we could get  
11 people or even if an internship, if it's done -- send a  
12 student teaching, it's done for a year where they could  
13 also get credit for possibly a master's. There's different  
14 ways in which universities though. I know in Nevada we had  
15 a five year --

16 UNIDENTIFIED VOICE: Five year internship?

17 MS. FLORES: No. We had a five year program  
18 where they could get -- they did an internship, their fifth  
19 year and worked on some classes and were close, very close  
20 then to getting a master's degree, so.

21 UNIDENTIFIED VOICE: What number are you  
22 working from?

23 MS. FLORES: Great leaders and -- it's E.

24 UNIDENTIFIED VOICE: Okay. I see. Okay.

25 Thank you.



1 MS. FLORES: So --

2 UNIDENTIFIED VOICE: You know, I don't  
3 disagree. I just wonder if the legislative priorities are  
4 more useful -- sorry. Sorry, more useful to have be not  
5 too specific. You know, we have -- we have -- so and  
6 whether the word partner --

7 UNIDENTIFIED VOICE: Okay. No problem.

8 UNIDENTIFIED VOICE: Whether the word  
9 partnerships is the best, I don't know but --

10 MS. FLORES: But if we could put internships  
11 and such, it might kind of goggle somebody's mind to --

12 UNIDENTIFIED VOICE: Let me -- let me finish  
13 my thought.

14 MS. FLORES: I'm sorry.

15 UNIDENTIFIED VOICE: We've got some  
16 legislation last year and the last couple of years, it's  
17 produced legislation that does create that -- it sets the  
18 scene for that in workforce development, the whole arena of  
19 workforce development as tied in with, you know,  
20 opportunity. The whole opportunity pitch.

21 MS. FLORES: For teachers though. We are  
22 talking about teachers here.

23 UNIDENTIFIED VOICE: Yeah. And -- and  
24 actually maybe if we put something -- figured out something  
25 for teacher professional development or teacher, you know,





1 and whether that's related to the programs or -- or ongoing  
2 that -- that'd something to talk about. But that might be  
3 a different tech, a new modern tech if we want to put that  
4 in there. I'm just thinking if we get too a laundry list,  
5 we're sort of -- we are sort of biting off more than we  
6 need to, right?

7 MS. FLORES: But just not saying -- if we  
8 can put, you know, maybe slash internship, partnerships,  
9 you know, so that it joggles people's minds to -- to kind  
10 of think beyond of what could be.

11 UNIDENTIFIED VOICE: True.

12 MS. FLORES: Could we talk about this and  
13 then maybe tomorrow we could continue that? Maybe  
14 tomorrow. So I'd like to --

15 CHAIRMAN DURHAM: We're gonna have to  
16 continue this discussion at some point.

17 MS. FLORES: Right.

18 CHAIRMAN DURHAM: But as -- as to whether we  
19 stick with these. And the reason I want everybody to look  
20 at them is they are general, do we need to see if we can  
21 make them more specific.

22 MS. FLORES: Right.

23 CHAIRMAN DURHAM: You know, they've been  
24 used -- this has been used by and large for a couple of  
25 years. Is it really time to go through and update it to



1 two or three things that maybe we would really like to see  
2 at the legislature. Things that we can actually do things  
3 about because if you look at number one, you know, support  
4 development of a comprehensive equal approach to funding  
5 financing Colorado schools.

6 UNIDENTIFIED VOICE: We don't have much to  
7 do.

8 CHAIRMAN DURHAM: But it's really not, you  
9 know, I'm sure people would like it to be up for review,  
10 it's not. And we may just decide that that sounds nice.

11 UNIDENTIFIED VOICE: Yeah. So a lot of  
12 these they support?

13 CHAIRMAN DURHAM: Right.

14 UNIDENTIFIED VOICE: Goodness. What's that?  
15 It sounds like someone is running a vacuum upstairs,  
16 doesn't it?

17 MS. FLORES: Well, there's the -- there's  
18 the other part where we have to think about closing that  
19 gap. And that gap really concerns me because that gap is  
20 growing.

21 UNIDENTIFIED VOICE: Well, yes. So of  
22 course that -- I think that's what everybody is concerned  
23 about.

24 MS. FLORES: Right.



1 UNIDENTIFIED VOICE: The point is State  
2 Board doesn't -- doesn't have the power to set funding or  
3 to change the funding formula. That happens next door.

4 MS. FLORES: But -- but we could say -- like  
5 for instance on the -- on the section for the large gaps  
6 and this is C, promote and support policies and funds. I  
7 mean, we could suggest in funds that positively impact the  
8 closing of the achievement gaps in Colorado because, you  
9 know, we're so far down. And if we support policies and  
10 funds, I mean it's not going to kill us to -- to put that  
11 because we know that if we have more early childhood  
12 education for more kids that are poor and you know, that --  
13 that that's going to help. That's going to help those kids  
14 especially minority kids.

15 UNIDENTIFIED VOICE: I'm not going to point  
16 it out right now but we don't all know that. Some of us  
17 disagree on whether that -- that closes the achievement  
18 gap.

19 MS. FLORES: Well, I think --

20 UNIDENTIFIED VOICE: But I think that -- I  
21 do think that whether you want that, that kind of support  
22 in our legislative priorities or not I -- I agree that it  
23 could be shortened up. So that we don't need to be  
24 specific. We can have more generalized that -- that  
25 actually provide us a lot more flexibility I think in --



1 MS. FLORES: Okay. I'll write one.

2 UNIDENTIFIED VOICE: Yeah.

3 MS. FLORES: I'll write one.

4 UNIDENTIFIED VOICE: So I think we -- we  
5 could sort them up.

6 MS. CORDIAL: So where -- where would the  
7 waiver?

8 MS. FLORES: I'll write one for the gap.

9 MS. CORDIAL: Where would the waiver  
10 priority go? Which under which one of these?

11 CHAIRMAN DURHAM: Well, I think we need to  
12 just add there's as a kind of general, as a specific  
13 problem we need to deal with this year. If presuming we  
14 do.

15 UNIDENTIFIED VOICE: Yeah. I mean we have  
16 to talk about it.

17 CHAIRMAN DURHAM: Yeah.

18 MS. FLORES: I -- I agree it needs to go  
19 somewhere as a research, as a research?

20 CHAIRMAN DURHAM: Yeah. And that's -- it  
21 may need it's own topic and that's a specific area of  
22 interest.

23 UNIDENTIFIED VOICE: Right.

24 CHAIRMAN DURHAM: Everybody look at these  
25 and we'll bring this back in the -- in the future. If you



1 have specific bullet points you'd like to add or delete,  
2 why don't we have those recommendations. In the meantime,  
3 I think we'll have the legislative committee just proceed  
4 off its best judgment at a meeting that can be scheduled as  
5 soon as practical. Okay. We are now on the hour 1:15  
6 having arrived. Rulemaking hearings, let's see, do we have  
7 a motion on 12.01, by any chance? Okay. I'm sorry. Just  
8 a minute, I have to read something.

9                   Okay. Colorado State Board of Education  
10 will now conduct a public rulemaking hearing for the rules  
11 for accounting and reporting. State Board voted to approve  
12 the notice of rulemaking at its September 16, 2016 Board  
13 meeting. A hearing to promulgate these rules was made  
14 known through publication of a public notice on October  
15 10th, 2016 through the Colorado Register and by the State  
16 Board notice on November 2nd, 2016. The State Board is  
17 authorized to promulgate these rules pursuant to 22-2-  
18 107(1)(C) Colorado Revised Statutes. A Commissioner is the  
19 staff prepared to provide a over -- an overview of these  
20 recommendations?

21                   MS. ANTHERS: Yes, Mr. Chairman. Jennifer  
22 Okes, Executive Director of School Finances is here to  
23 provide us with an overview.

24                   MS. OKES: Thank you. Again, Jennifer Okes.  
25 So this should be fairly quick. These are very much



1 administrative cleanup type rulemakings. These are  
2 accounting and reporting rules that just guide -- provide  
3 guidance for the districts on how to account and report for  
4 certain items. And so we're making three changes in the  
5 proposed rulemaking. All of them are due to recent  
6 legislation, one in the '15 session -- 2015 session and two  
7 in the 2016 session. So the first one is in the House Bill  
8 15-1184. That bill added Charter School Networks as a new  
9 type of organization.

10                   And so we are just simply adding that  
11 Charter School Network as these are applicable to Charter  
12 School Networks because of that new addition of that  
13 organization. The second bill was House Bill 16-1354. And  
14 what this bill did is add a new type of fund in statute.  
15 It's the Supplemental Capital Construction Technology and  
16 Maintenance Fund. And so what we would like to do is add  
17 that to the list of statutory funds. And this fund will be  
18 used in the first time given yesterday's election.

19                   So Boulder Valley had a mill levy override  
20 for an operational mill levy that will fall into this type  
21 of fund. So their mill levy was to provide ongoing funding  
22 for capital construction, new technology, existing  
23 technology upgrades, and maintenance needs. And so it's  
24 sort of a blended type of fund. Typically, the other funds  
25 are either capital construction or the ongoing maintenance.



1 This has both. And the wording of Boulder Valley's mill  
2 levy override was very consistent with this statute. So  
3 they'll use this fund for the first time. Again, we're  
4 just adding that into the list.

5                   The third one is House Bill 16-1422. One of  
6 the provisions of that is to add a total program reserve  
7 fund. And so this is in the instance when a school  
8 districts' mill levy generates more revenue. In the past  
9 that no levy had to be reduced. What this provision allows  
10 is the mill levy can say the same and that extra money that  
11 would come in, would go into this new fund, the Total  
12 Program Reserve Fund to be sort of saved in instances when  
13 their local property taxes or local funds reduced and so  
14 the state began providing funds to offset their Total  
15 Program and then they would be hit with that negative  
16 factor for the first time. They could use funds out of  
17 this fund to backfill their Total Program.

18                   So kind of a complex thing. We don't have  
19 any districts that that will affect this year based upon  
20 the preliminary assessed values, but we looked back, or the  
21 fiscal note looked back to last year, and there were four  
22 districts that had this type of provision. So if that fund  
23 were in effect at that time, four districts could have done  
24 it. It's when those oil and gas reserves, you know,  
25 changed the reporting or the total property taxes.



1                   So we don't have any districts using that  
2 fund now, but in the future that could come up. And this  
3 is just a protection for those districts to help them sort  
4 of ease into getting hit with a negative factor for the  
5 first time. So a lot of detailed explanation but really  
6 we're just adding those three terms into the rules and  
7 nothing else.

8                   CHAIRMAN DURHAM: Questions from Members of  
9 the Board? Yes, Dr. Scheffel?

10                  MS. SCHEFFEL: Could you just explain the,  
11 you know, when you look at a -- a statute like this, it  
12 seems looking at the crosswalk, the citation seems pretty  
13 clear and then the language on the rules side doesn't seem  
14 to add clarity but I could be wrong. Usually, you know,  
15 rules create greater detail or blow out implementation  
16 aspects and as I look at it I -- I'm not sure that -- I  
17 guess I don't know how to think about why we need  
18 additional language as rule if the statute is really pretty  
19 clear and straight up.

20                  MS. OKES: Yes.

21                  MS. SCHEFFEL: Maybe you could speak to  
22 that.

23                  MS. OKES: And I think you're exactly right  
24 that there really isn't. The statutes defining the use of  
25 the funds, and so there's not really much more that needs





1 to be added. So what we're simply doing in rule is just  
2 adding this to a list of -- of -- that it will -- these  
3 rules apply to those funds and we list all of the funds  
4 that are statutory just as a citation, so that districts  
5 know there's this list of funds that are created in  
6 statute, and we just list those. So that's all we're doing  
7 here is listing that. So this is a comprehensive list of  
8 all statutorily created funds. The rules that go into --  
9 that have been in existence that define further are for  
10 those non -- statutory created funds that we've wanted to  
11 allow those funds but provide the explanation and rule. So  
12 this change is not to do anything but just say, here's the  
13 total list of current statutory approved funds.

14 CHAIRMAN DURHAM: Further questions? Seeing  
15 none. Is there a motion on this topic Ms. Rankin?

16 MS. RANKIN: Just on 12.01 is that what you  
17 mean?

18 CHAIRMAN DURHAM: Just on 12.01, correct.

19 MS. RANKIN: There may be one here.

20 CHAIRMAN DURHAM: Let's see. I got it.

21 MS. FLORES: I move to -- I move to approve  
22 the rules for accounting and reporting 1 CCR 301-11.

23 MS. RANKIN: I second.

24 CHAIRMAN DURHAM: That's proper promotion  
25 second by Dr. Flores. If votes not unanimous then I'll lay



1 over until the next meeting. Would you call roll please  
2 Ms. Cordial?

3 MS. CORDIAL: Board Member --

4 CHAIRMAN DURHAM: We're working on it.

5 MS. CORDIAL: Board Member --

6 CHAIRMAN DURHAM: Another year or two I'll  
7 have a down payment.

8 MS. CORDIAL: Perfect. Me too. Board  
9 Member Flores?

10 MS. FLORES: Aye.

11 MS. CORDIAL: Board Member Goff?

12 MS. GOFF: Aye.

13 MS. CORDIAL: Board Member Mazanec?

14 MS. MAZANEC: Aye.

15 MS. CORDIAL: Board Member Rankin?

16 MS. RANKIN: Aye.

17 MS. CORDIAL: Board Member Scheffel?

18 MS. SCHEFFEL: Yes.

19 MS. CORDIAL: And Chairman Durham?

20 CHAIRMAN DURHAM: Yes. That motion is  
21 adopted unanimously and that rule is adopted.

22 MS. PEARSON: Thank you.

23 CHAIRMAN DURHAM: Now we will move on to  
24 item 12.02, Colorado State Board of Education will now  
25 conduct public rulemaking hearing for the rules, for the



1 administration of the college entrance exam, 1 CCR 301-46.  
2 The state Board approved, voted to approve the notice of  
3 rulemaking at its September 16, 2016 Board meeting. A  
4 hearing to promulgate these rules was made known through  
5 publication of a public notice on October 10th, 2016  
6 through the Colorado register and by the state Board notice  
7 on November 2nd, 2016. The state Board is authorized to  
8 promulgate these rules pursuant to 22-2-107(1)(C) Colorado  
9 Revised Statute. Commissioners and the staff prepared  
10 provide an overview on this topic.

11 MS. ANTHES: Yes. Thank you Mr. Chair, I  
12 will turn this over to Joyce Zurkowski, Executive Director  
13 of Assessment. Thank you.

14 CHAIRMAN DURHAM: Ms. Zurkowski.

15 MS. ZURKOWSKI: Thank you Mr. Chair. So  
16 HB13 -- HB15-1323 requires the Board to adopt rules  
17 concerning both the administration of a college entrance  
18 exam, as well as students eligible to take the college  
19 entrance exam on a national test date. Historically, these  
20 rules were found in two different places. The proposed  
21 rules consolidate those two different sets of rules into  
22 one place.

23 So what you will find in 301-46 deals with  
24 updates on the students who are eligible to take the test  
25 on a national test date. It removes reference to students



1 who need to submit scores for purposes of NCAA because the  
2 restriction that the NCAA had on the use of college  
3 entrance scores from state delivered tests has been removed  
4 by them, so it's no longer an issue. And we did add in  
5 that students who attend online schools, who are not able  
6 to establish testing sites may also test on national test  
7 dates.

8                   The second piece deals with administration  
9 requirements including security requirements.  
10 Historically, the rules referenced test administration  
11 manual from 2001 by a specific vendor. The proposed rules  
12 do two things. One is eliminate the reference to a  
13 specific vendor and second, make the rules for  
14 administration much more transparent, right within the  
15 rules themselves. They're nothing within these rules that  
16 schools and districts have not already been following  
17 historically. At this point if the Members are unanimous,  
18 the state Board can choose to accept the revised rules for  
19 301-46.

20                   CHAIRMAN DURHAM: Thank you. Is there  
21 anyone in the audience who would like to testify? I forgot  
22 to do that on the last one but we did get a sign up sheet  
23 and indicate no one has signed up. So is -- would anyone  
24 like testify on this?



1 UNIDENTIFIED VOICE: I think Ms. (Inaudible)  
2 is trying to (inaudible).

3 CHAIRMAN DURHAM: Yes.

4 MS. FLORES: There are -- I'll grab the sign  
5 up sheet but we are a few minutes ahead of the rule making  
6 hearing so --

7 CHAIRMAN DURHAM: Why don't we have a Board  
8 discussion and then we'll come back for that.

9 MS. FLORES: Okay.

10 CHAIRMAN DURHAM: All right. Discussion or  
11 questions from Members of the Board. Yes, Ms. Zurkowski?

12 MS. ZURKOWSKI: Mr. Chair, one other thing  
13 that I forgot to mention is that there were no comments  
14 submitted in relationship to these rules.

15 CHAIRMAN DURHAM: Okay. All right. Far  
16 ahead of schedule we are, 1:30.

17 MS. FLORES: Three minutes.

18 ALL: Three minutes.

19 CHAIRMAN DURHAM: Three minutes. Anybody  
20 wanna set the clock forward? Yes, Dr. Scheffel?

21 MS. SCHEFFEL: Could you just speak to your  
22 Member when we shifted from ACT to SAT? And was -- how  
23 that was handled and how that went? Does it have anything  
24 to do with these rules? Is that a separate set of rules as



1 to how the procure -- procurement process will the border  
2 right there? Is there a standalone statute?

3 MS. ZURKOWSKI: Mr. Chair. So in -- with  
4 these rules do not address procurement. The procurement  
5 rules exist in a separate set of codes and I am looking  
6 over at our Attorney General Representative. To -- to  
7 specifically address where procurement rules are  
8 established for the state of Colorado.

9 UNIDENTIFIED VOICE: You mean where within  
10 the code of Colorado regulations? (Inaudible) I could tell  
11 you (inaudible).

12 MS. ZURKOWSKI: I was just really asking a  
13 question about -- that is not addressed here at all. This  
14 is just once a test is chosen by the procurement process.  
15 This is how it's administered.

16 MS. PEARSON: Mr. Chair.

17 CHAIRMAN DURHAM: Yes?

18 MS. ZURKOWSKI: (Inaudible) close to seven  
19 different set of (inaudible).

20 MS. PEARSON: So 15-30-15-1323 requires the  
21 Board to adopt rules concerning eligibility of students to  
22 take the test on a national test date and secondly, the  
23 administration rules including security requirements of the  
24 college entrance exams. There is no provision for the



1 Board to set rules regarding procurement activities related  
2 to that college entrance exam.

3 MS. ZURKOWSKI: Okay. Thank you.

4 MS. PEARSON: Sure.

5 CHAIRMAN DURHAM: Further discussion on this  
6 -- this rule and no one is signed up to testify and no an  
7 audience appears to desire to testify and my watch says  
8 12:30 -- 1:30, sorry. All right. Is there a motion on  
9 this?

10 MS. FLORES: Mr. Chair, I move to approve  
11 the amended rules for the administration of the college  
12 entrance exam 1 CCR 301-46. That's 12.02 on the agenda.

13 UNIDENTIFIED VOICE: Second that.

14 CHAIRMAN DURHAM: That has been moved and  
15 seconded. That -- we approve -- we approve the rule making  
16 1 CCR 301-46. If the most -- is the roll call is not  
17 unanimous this will be laid over until the December  
18 meeting. Ms. Cordial, would you please call the roll?

19 MS. CORDIAL: Board Member Flores?

20 MS. FLORES: Aye.

21 MS. CORDIAL: Board Member Goff?

22 MS. GOFF: Aye.

23 MS. CORDIAL: Board Member Mazanec?

24 MS. MAZANEC: Aye.

25 MS. CORDIAL: Board Member Rankin?



1 MS. RANKIN: Aye.

2 MS. CORDIAL: Board Member Scheffel?

3 MS. SCHEFFEL: Yes.

4 MS. CORDIAL: And Chairman Durham?

5 CHAIRMAN DURHAM: Yes. That motion is  
6 unanimously adopted, so those rules are adopted. Now, we  
7 do run the risk of being a little bit ahead of schedule  
8 here. What's this one? 1:45. Okay.

9 UNIDENTIFIED VOICE: Do we have to wait  
10 until 1:45?

11 CHAIRMAN DURHAM: I don't know. We'll ask  
12 legal counsel. Do we have to wait till 1:45?

13 UNIDENTIFIED VOICE: Yeah. Mr. Chairman, I  
14 do believe that you do because the public notice component  
15 of rule making is an essential part of the process.

16 UNIDENTIFIED VOICE: Do we -- do we have any  
17 other items?

18 CHAIRMAN DURHAM: Well, let's see if we can  
19 proceed out of order for --

20 UNIDENTIFIED VOICE: Do you think the amount  
21 of rule making hearing that we can create?

22 CHAIRMAN DURHAM: Yes. How about --

23 UNIDENTIFIED VOICE: What of 13 minutes?

24 CHAIRMAN DURHAM: So the students aren't  
25 here for the awards.





1 UNIDENTIFIED VOICE: So we take a walk for  
2 15 minutes?

3 CHAIRMAN DURHAM: No. Might not come back.  
4 Well, what's left on the agenda?

5 UNIDENTIFIED VOICE: Future business.

6 CHAIRMAN DURHAM: Is that it? How about the  
7 READ Act funding?

8 UNIDENTIFIED VOICE: I can see if Alisa  
9 Dorman is ready.

10 CHAIRMAN DURHAM: That'll be great. Please  
11 check and see if she may be. We'll stand in recess for a  
12 couple of minutes. You are? Do you have budget planning  
13 update?

14 MS. DORMAN: Yes.

15 CHAIRMAN DURHAM: Go on.

16 MS. DORMAN: Thank you, Mr. Chairman and  
17 Members of the Board. It's been about a year ago when we  
18 were asked some questions by the Board that we responded to  
19 regarding our current practices around reporting and budget  
20 planning, and so we're here today just as an informational  
21 item to give you some updates on this last collection and  
22 what plans we have for the upcoming collection. You have  
23 in front of you a -- a presentation, short presentation  
24 with a few slides to sort of guide our thinking and frame



1 the context. You also have a separate handout with  
2 citations directly from statute, just for your reference.

3 I won't be necessarily going through all of  
4 that but just so you would have that available. So we  
5 begin -- just to make sure everybody is aware, the Colorado  
6 READ Act was passed in 2012. It replaced what was  
7 previously known as the Colorado Basic Literacy Act and  
8 they're very different in the way that they restructured.  
9 The READ Act really called us to focus our attention on  
10 what were best practices in early literacy. And in doing  
11 so -- it puts important structures in place, and some of  
12 those are around the way we do assessments, the way we  
13 support students through interventions, the way that we  
14 create individual plans of service.

15 There were some accountability measures put  
16 in place where the READ Act as a part of the UIP process,  
17 Unified Improvement Planning process, as well as a part of  
18 the accountability framework. All of these are very  
19 important. The one thing that it also did is it -- it  
20 instituted a way that we would collect data or information  
21 about many different aspects of the READ Act and then we  
22 would report that back annually to the legislature. And  
23 one of those, which I'll get back to in a minute is about  
24 the way that districts use their Poor People Intervention  
25 funds.



1                   The next slide that you'll see is really one  
2 that just ref -- refreshes our memory about what we do with  
3 regards to the collection of assessments information on  
4 students in kindergarten to third grade. So this is the  
5 assessment timeline. You've seen it before, but it's been  
6 a year ago. The READ Act has two times a year that we  
7 collect student assessment info -- well let me rephrase,  
8 two times a year that districts actually administer  
9 assessment to students.

10                   The Board approved interim assessments are  
11 given at the beginning of the year per year, Board rules,  
12 they're are given again at the end of the year for the  
13 purpose of collecting and reporting data. In between that  
14 time districts choose to use those assessments to monitor  
15 students progress. But what you'll notice on this  
16 particular timeline is that at the end of the year, when we  
17 collect the data from schools and districts about students,  
18 we also use that data to help us over the summer distribute  
19 the per -- pupil intervention dollars, that districts are  
20 being awarded or that they're receiving to support those  
21 students most at risk. That -- those dollars are part of  
22 what is known on the next slide, slide four as the Early  
23 Literacy Fund. So the Early Literacy Fund is a per --  
24 pupil distribution of intervention dollars that really --  
25 per statute goes to four specifically defined service



1 options. So the law says that children who have a  
2 significant deficiency are required by statute to have a  
3 service and intervening service and those services are  
4 listed here. Full-day Kindergarten, Evidence Based or  
5 Scientifically Based Interventions, Summer School Literacy  
6 programs, and or tutoring services. You might recall this  
7 has been asked before but we receive an annual  
8 appropriation of approximately \$33 million that goes back  
9 to districts in the form of per -- pupil intervention  
10 dollars.

11                   So it's additional dollars that they receive  
12 on top of other dollars to help really target support to  
13 those most -- at -- risk readers. We also have as part of  
14 the READ Act requirements in statute that we will collect  
15 data annually and that we will take this data to report  
16 back to the legislature, the impact of the READ Act on  
17 various components. One of those components is about how  
18 those per -- pupil funds are being used. And you'll see on  
19 the next slide, that this is the data that we have that  
20 shows -- it hasn't changed much over time other than a  
21 couple of percentage points, so we just dropped it into one  
22 big view.

23                   You'll see the 2014, 2015, and 2016 data is  
24 represented here on the slide about the distribution across  
25 those four service categories: Full-day Kindergarten,



1 Summer School, Literacy Tutoring programs, or Intervention  
2 Services. That districts have been reporting back to us,  
3 this is how we chose to spend the money in the -- in the --  
4 in the prior year.

5                   So it's an arrears view. It's sort of like,  
6 here, I am and in April to July, and I'm telling you how I  
7 spent money in the past. And you'll see that the most  
8 widely selected type of service option is the Intervention  
9 Services. Those are typically services that are gonna  
10 happen within the school day, where students are accessible  
11 and are receiving those services from staff Members that  
12 are providing them. The next slide reminds us that the law  
13 said there were several things we would report back and  
14 that we would collect. So in 2013, the year following the  
15 READ Act institution of the law, we collected data on the  
16 prevalence of significant reading deficiencies. So that's  
17 like the number of kids, how many were identified, what  
18 does that look like by school and district, did they have a  
19 READ plan or not.

20                   So we would collect assessment information  
21 through that. And then we learned, after a period of time,  
22 that there were some bumps along the way. And in  
23 particular with one subgroup, students with disabilities,  
24 we learned that there were some challenges with reporting  
25 them. So we've made improvements to the collection over



1 time, ensuring that all students who are eligible for  
2 services and for those per -- pupil dollars are able to be  
3 reported.

4                   So you'll see that changed. And then you'll  
5 see another one was we're supposed to report advancements  
6 which the alternative to advancement is retention, so we're  
7 reporting advancement or retention information in our  
8 annual report. And we phased that in, in our reporting  
9 system in 2013, and then required everybody to report it in  
10 '14. And you'll see the next one was the fund usage. We  
11 said, how did you use the funds in the prior year? And so  
12 we implemented that in '14, but required it as a -- as a  
13 hard stop in '15. What we have not done yet with our  
14 collection, and that the law directs us to do, is it  
15 directs us to ask schools and districts before distributing  
16 funds to them in any given year, that we are to ask them in  
17 advance how they intend to use those dollars in the coming  
18 year. And if those dollars are to be used for two things,  
19 which I'll get to in a moment, we are to review those  
20 internally.

21                   So we are on track with implementing that,  
22 and that's what we wanted to share with you today. If you  
23 were to refer to, again, the handout, you will see that, at  
24 the bottom of the handout it talks about the budget plans.  
25 And so I'm gonna refer to where it says, "Each budget year



1 before they receive their per -- pupil monies, the  
2 department will collect from them an explanation in the  
3 manner in which it will use these monies in the coming  
4 year," and the number of students, you know, they plan to  
5 receive that money for. And then it says, "If the provider  
6 intends to use these monies for scientifically based or  
7 evidence based intervention, the department will review  
8 those services and provide the per -- pupil intervention  
9 monies only for services that meet the requirements of  
10 scientifically based or evidence based programming."

11                   And so that is something that we have been  
12 working on. We decided across the summer that we would  
13 engage about 14 school districts from small, medium, and  
14 large locations across the state. We would ask their READ  
15 contacts, their READ respondents, or their collectors of  
16 data, and superintendents to participate and give us  
17 feedback on this last piece of, of law that we have not yet  
18 implemented. And many of them gave us feedback about the  
19 way that they thought that we could do that in the least  
20 burdensome or cumbersome way. And what that looks like for  
21 us this year is that we will begin a process of creating  
22 through our typical collection, which is open from April 1  
23 to July 1, a mechanism for them to complete a survey. So  
24 it's simply a survey that says, "Do you plan to spend your  
25 money in this way? Yes or no?" So of the four categorical



1 areas. And if they intend to spend it for other targeted  
2 intervention services, they will have a drop down menu of  
3 programs that have already been reviewed by Colorado  
4 educators, per the READ Act, that they can select from.  
5 But if they have something that they have not found on that  
6 list, they can submit to the other category. And the other  
7 category would then be reviewed by the department to ensure  
8 its alignment to the statutory definition of scientifically  
9 based or evidence based programming.

10           The next thing that we are looking at on the  
11 second bullet here is not just for -- for the intervention  
12 programming but on the other part of your handout, it talks  
13 about Summer School Literacy Programming. And in the same  
14 way the law has always directed us that if districts choose  
15 to use their monies for the summer school literacy program,  
16 in that same way they are to submit to the department prior  
17 to that choice that they plan to do that for approval, that  
18 this is the way that they will do it. And they have to  
19 assure that they will meet the requirements in the law  
20 which means they'll only serve the children who are at  
21 risk. If there's room available, they can serve the next  
22 level of risk. Right?

23           So they can serve the students with  
24 significant deficiencies first, and if room's available,  
25 those that are still below grade level. And it goes on to





1 say that they will only use scientifically based or  
2 evidence based programming, and that programming must --  
3 and be the type of programming that accelerates student  
4 learning, has scientifically based assessments, monitors  
5 the pre and post progress of kids, those types of things.

6                   So in that part of the collection, in that  
7 survey, we will ask them to simply sign assurances that  
8 they are doing those things. So it's really a checkbox.  
9 "Yes, I will do this. Yes, I agree that we will do this.  
10 Yes, I will agree that we will do this." And in much the  
11 same way, if they select summer school literacy program,  
12 we'll pretty populate it with all of those program  
13 materials that have already been reviewed by Colorado  
14 educators for the READ Act, and let them select those. And  
15 if they find that they have something that's not yet been  
16 reviewed, they can put it into the other category.

17                   And so we just wanted to let you know that  
18 this seems to be the right balance between accountability  
19 with what the law has asked us to respond to, and also from  
20 districts from what would be a low burden impact on them to  
21 do it through the survey form. Because the collection  
22 opens in April, they can begin submitting this before they  
23 ever have to submit their student data. Because it's in a  
24 different format, it's a survey, so we can begin responding  
25 to them rather quickly. So we don't anticipate that this



1 will hold up distribution of funds in -- in this year from  
2 any other given year. The only consideration would be, if  
3 a district had identified something that did not align to  
4 the definition, then we would have to go through a dialogue  
5 about that and sort of work through that process with them  
6 to determine how to best rectify that. Because we want  
7 them to be in compliance with the law, and we want to be in  
8 compliance as well.

9                   So that's a bit where we are. We're  
10 developing our communication strategy right now for schools  
11 and districts. We began -- we're beginning the planning  
12 process of communicating this, EDAC approved, the  
13 Educational Data Advisory Council approved this process at  
14 their September meeting. So we are beginning the  
15 communication to districts and beginning to work with them  
16 on what this might look like. We're beginning to work with  
17 our programmer internally to make sure that our system is  
18 up and running and that we'll have something to start  
19 sharing with districts at the early 2017, so it won't come  
20 as a surprise. So if you have any questions, I'd be glad  
21 to answer them but that's a bit of an update on where we  
22 are with the data we collect and sort of the budget  
23 planning process.

24                   UNIDENTIFIED VOICE: I have some.



1 CHAIRMAN DURHAM: Questions? Yes, so  
2 there's the mic.

3 UNIDENTIFIED VOICE: Do you -- there's a  
4 survey at the front end of this, and --

5 MS. DORMAN: Yes.

6 UNIDENTIFIED VOICE: They -- and they have  
7 already -- from that, they get granted the money or did  
8 they already have the money and then complete the survey?

9 MS. DORMAN: Great question. So we  
10 distribute money after July 1, when our collection closes,  
11 based on the number of kids that they have at risk and if  
12 those kids have been served. And that's how we distribute  
13 the money. So in the collection when it opens, what we're  
14 asking is two things. Already what's there is, we gave you  
15 money. Tell us how you spent it this year. That's already  
16 existing. What will be implemented is, we're about to give  
17 you money.

18 UNIDENTIFIED VOICE: Where are you gonna put  
19 it?

20 MS. DORMAN: And we wanna know where you're  
21 gonna put it.

22 UNIDENTIFIED VOICE: Okay.

23 MS. DORMAN: And that's the last component  
24 here that we haven't yet fully implemented, is the forward



1 view of your plans for the upcoming year to be approved by  
2 the department.

3 UNIDENTIFIED VOICE: Is any of this based on  
4 the number of students that they are serving with that  
5 grant? And -- and is that how the amount of the grant is  
6 determined?

7 MS. DORMAN: Great question. So while this  
8 has a grant code it -- it actually goes out as a per --  
9 pupil type formula if you will -- dollars or any way as it  
10 goes out. So the answer to your question about the way  
11 that it goes out, is we take the appropriated amount when  
12 the session closes, and based on the number of kids they  
13 report with their data, that fell below that cut point for  
14 risk, we take the entire account of number of students with  
15 the entire appropriation. We do a division problem and we  
16 get a per -- pupil allocation. Then we go back in, and for  
17 District A, we say, how many kids did you report? Times  
18 that by the per -- pupil, and then that gets distributed  
19 back to the district for them to use in the coming year.  
20 So we give it to them for the upcoming school year every  
21 July.

22 UNIDENTIFIED VOICE: So if there's not a lot  
23 of money in that fund one year, there could be a lot of  
24 money in the fund the next year and you're still dividing  
25 it by the amount -- I mean the formula is per student, so



1 if students -- how much money that district gets for that  
2 let's say summer school program, could vary from year to  
3 year?

4 MS. DORMAN: It does vary because it always  
5 varies on the number of kids that have been identified at  
6 risk. So we don't have the ability to carry that money  
7 over here at the department level. We distribute the full  
8 33 million, but it is -- an example might be in the '14 --  
9 '15 school year, when we collected data, we had -- that per  
10 -- pupil amount was about \$905. When we collected the '14  
11 -- when we collected the '15 -- '16 data, that we just  
12 finished, that amount dropped to four -- \$847.

13 UNIDENTIFIED VOICE: Okay. So it can --

14 MS. DORMAN: So it is always dependent on  
15 both the appropriated amount, and it's dependent upon the  
16 number of kids that get identified at risk.

17 UNIDENTIFIED VOICE: Is there a -- is -- if  
18 the front end is a survey, is -- is there a back end test  
19 as to what this amount of money has actually improved upon  
20 or an accountability at the back end of that?

21 MS. DORMAN: There has not yet been  
22 instituted -- I think directly to your question, I think  
23 what we are able to do at this particular point is to be  
24 able to show trend data over time. We are preparing to  
25 make available -- much like graduation rate data available



1 in sort of public facing formats, that kind of data for  
2 read, so that we can get trend data by district and by  
3 schools within districts.

4 UNIDENTIFIED VOICE: So what's the trend  
5 based upon? Is it -- is it based upon the survey or the  
6 test that the student might be taking --

7 MS. DORMAN: It would be --

8 UNIDENTIFIED VOICE: -- later on, and then  
9 it shows that they've had some kind of --

10 MS. DORMAN: Our hope is that it will do  
11 some of both.

12 UNIDENTIFIED VOICE: Okay.

13 MS. DORMAN: So we'll be able to see the  
14 trend. A little bit of trend data in the reduction of kids  
15 at risk. So we could see that and maybe unpackage that a  
16 bit. We'll also see the way they've been choosing to -- to  
17 distribute -- use their funds that have been distributed to  
18 them. So if we find that there is a correlation between  
19 reduction of risk and a selection of a type of service,  
20 then we would be able to say, those for which we are seeing  
21 the greatest amount of reduction of risk, choose one  
22 service option or choose multiple service options for kids.  
23 So we haven't yet been able to get to that point but this  
24 should help us get there.

25 UNIDENTIFIED VOICE: Okay. Thank you.



1 MS. DORMAN: Uh-huh.

2 CHAIRMAN DURHAM: Further questions? Yes,  
3 Dr. Schroeder?

4 MS. SCHROEDER: So thanks for sharing this.  
5 This is great information. So am I right in saying that  
6 the READ Act is the only statewide literacy initiative to  
7 we have for K-3?

8 MS. DORMAN: Yes.

9 MS. SCHROEDER: All right. And then we -- I  
10 think we know that we have really robust research in K-3 in  
11 terms of literacy and how to teach it, and what kinds of  
12 interventions have the highest likelihood of success in  
13 addressing risk.

14 MS. DORMAN: Yes.

15 MS. SCHROEDER: And so is that what this is  
16 designed to do? To ensure that the funds have a likelihood  
17 of making a difference for those students that have high  
18 risk for not being proficient in reading?

19 MS. DORMAN: So thank you, and yes, I  
20 believe that. We've been asked recently by legislators in  
21 committee meetings, and those just generally interested.  
22 For example, at the Association of Colorado Educator  
23 Evaluators, so ACEE, similarly wanting to know what are the  
24 correlations, where can we find the greatest impact, what's



1 working, what's not yet working, what can we find a  
2 success.

3                   We've never had the ability to know what  
4 types of programs or materials, schools or districts are  
5 using, and this would be one of those things that we  
6 believe the law was asking us to collect, and that we'll  
7 have a better opportunity to see if there is a connection  
8 between a particular type of program. So like not just a  
9 service selection option, but within a service option, what  
10 particular type of program, right? Your research  
11 supported, that is yielding some of the better results.

12                   MS. SCHROEDER: Right. Okay, well thanks  
13 for your hard work. It's such a great target audience,  
14 these students K-3.

15                   MS. DORMAN: Thank you.

16                   MS. SCHROEDER: It makes a huge difference  
17 on a trajectory over the course of the student's lifetime  
18 in school, so thank you.

19                   MS. DORMAN: Thank you.

20                   MS. SCHROEDER: Thank you.

21                   CHAIRMAN DURHAM: Further questions? I have  
22 one. Are we working on a -- currently on a task force,  
23 little task force on teacher's licensure to add  
24 qualifications for this particular instruction? And if so





1 how are we making -- I'm sorry. And if so are we making  
2 progress in that area?

3 MS. DORMAN: So yes, and that's a work that  
4 our Office of Literacy is currently in partnership with our  
5 Professional Licensing section and our Educator  
6 Effectiveness section, where we have been discussing what  
7 the next steps in that are. I believe that you received a  
8 presentation over the summer and that a task force is being  
9 considered for implementation, I think in early 2017, where  
10 we will begin the conversations again about how your rules  
11 state this, the law states this, how we get highly  
12 effective teachers who are knowledgeable in the teaching of  
13 reading to be able to be supporting the K-3 particularly,  
14 literacy impact in Colorado. Thank you.

15 CHAIRMAN DURHAM: So we -- we don't have a  
16 final answer to that question, but it is in progress?

17 MS. DORMAN: I don't have a final answer.  
18 It is in progress in that we are working with that office.  
19 They've asked for our partnership. And the last we spoke,  
20 which was about a week ago, the plan was that we would  
21 start in the -- in the launch of 2017. Sort of working  
22 through that, I think the process would be to bring back  
23 some recommendations from that task force, maybe spring to  
24 summer for all of you.



1 CHAIRMAN DURHAM: Okay, then I think  
2 anything we could do to expedite that area. It's so --

3 MS. DORMAN: Okay.

4 CHAIRMAN DURHAM: It's very important. And  
5 -- keep moving forward, Dr. Flores?

6 MS. FLORES: Would -- would a recommendation  
7 be to require a reading course in the State of Colorado?

8 MS. DORMAN: So there are several things  
9 that I might have to defer to Dr. Colleen O'Neill to answer  
10 some specific questions related to that and what is in  
11 practice right now. I think that this is a continuation of  
12 a discussion about the type of licensure exam that we  
13 currently have and how that licensure exam process actually  
14 measures a teachers sort of pre -- learn, you know, pre --  
15 entry into the fields knowledge in those skills. I believe  
16 you have alluded to that before that it's important that we  
17 have teachers who have the knowledge and skills necessary  
18 to do the K-3 literacy work. And so that's what I believe  
19 the task force is -- is set forth to do is to look at how  
20 we currently examine teacher knowledge pre -- entry into  
21 the field.

22 MS. FLORES: We -- we examine but do we  
23 actually train teachers in reading? Is there a course that  
24 trains teachers in reading? And I don't mean teaching it



1 here and there in different courses but a course that is  
2 structured to?

3 MS. DORMAN: I'm not aware of a single  
4 course that is uniformly accepted or used across all  
5 universities and in the state that would address that  
6 question. But again, I think Colleen would be better  
7 prepared to respond to what is at each of the universities  
8 differently because they do submit those program  
9 requirements to the Department for review.

10 MS. FLORES: But the state does not require  
11 it.

12 CHAIRMAN DURHAM: Not -- not yet. It's not  
13 yet, the answer is not yet.

14 MS. DORMAN: I think the answer is not yet.  
15 We have a -- an exam but I can't speak to the coursework  
16 and the exam is an entry exam.

17 UNIDENTIFIED VOICE: But as I think, Dr.  
18 Scheffel has mentioned we have a program quality standards  
19 for all of the programs. And within that our literacy  
20 standards that are higher ed programs have to outline and  
21 teach to.

22 CHAIRMAN DURHAM: Any further questions?  
23 Great. Thank you very much Ms. Dorman. We appreciate it  
24 very much.

25 MS. DORMAN: Thank you for your time.



1                   CHAIRMAN DURHAM: Thank you. And we'll now  
2 go back to the rulemaking hearing items, 12.03 and excuse  
3 me, Colorado State Board of Education will now conduct a  
4 public rulemaking hearing for the rules for the  
5 administration of the ACT assessment on national test date,  
6 1 CCR -- yes, ma'am?

7                   UNIDENTIFIED VOICE: Didn't we already do  
8 that?

9                   CHAIRMAN DURHAM: No. Not 03.

10                  UNIDENTIFIED VOICE: No, we did 02.

11                  CHAIRMAN DURHAM: We did -- we did 02.

12                  UNIDENTIFIED VOICE: I'm sorry. I'm sorry.

13                  CHAIRMAN DURHAM: CCR 301-54. The State  
14 Board voted to approve the nodes rule making in its  
15 September 2016 Board meeting. A hearing to promulgate  
16 these rules was made known through publication of a public  
17 notice on October 10th, 2016 through the Colorado register  
18 and by the State Board notice on December 2nd, 2016. The  
19 Board is authorized to promulgate these rules pursuant to  
20 22-2-107(1)(C) Colorado Revised Statutes. Commissioner is  
21 the staff prepared to provide an overview?

22                  MS. ANTHERS: Yes, I will turn it back over  
23 to Joyce Zurkowski.

24                  CHAIRMAN DURHAM: Thank you.



1 MS. ZURKOWSKI: Thank you. This is the  
2 second part of the rules that historically have dealt with  
3 the college entrance exam. These rules have now been  
4 incorporated into the rules you just adopted about 15  
5 minutes ago. So what we are suggesting is that these rules  
6 are repealed as a standalone set of rules.

7 CHAIRMAN DURHAM: So this is to just repeal  
8 the existing rules. There is one person signed up to  
9 testify. Yes? No? Ms. Sampayo? Yes, care to join us,  
10 state your name if you would please. Please proceed.

11 MS. SAMPAYO: Yes, my name is Sarah Sampayo  
12 and I'm from Monument, Colorado. And I'm here just  
13 speaking on my behalf as a parent and I am a Board Member  
14 in our district, I am not speaking on behalf of the Board.  
15 This is a commentary on the rules for administering the ACT  
16 tests. I have addressed the following concerns way back in  
17 February of 2015 and would like to renew these concerns  
18 today. Before administering any standardized test  
19 including the ACT, there should be an instruction to the  
20 students. Something to the effect of "If you are  
21 confronted with a question that asks your personal  
22 attitude, values, or beliefs, raise your hand and alert the  
23 test proctor, so that this may be investigated."

24 Government should not be measuring and  
25 testing our kids according to their attitudes, values, and



1 beliefs. Under the old ESSA, this was specifically  
2 forbidden. When I challenged our administrators and  
3 legislators in 2015 to implement this testing instruction,  
4 I was told it could not be done because only the students  
5 are allowed to see the test. Not exactly a logical  
6 response but that was the response I got.

7                   After our kids took various standardized  
8 tests, we got reports, for example, a writing prompt on the  
9 fall ACTS fire test for ninth graders asked, how is  
10 resisting conformity valuable? Analyze, give examples and  
11 supporting arguments. Other standardized test questions  
12 including writing prompts like, there's an immigrant family  
13 in this country that decides to return to Mexico, explain  
14 why they might leave. I get it we're measuring the  
15 student's ability to express themselves in writing. But  
16 what else are we measuring?

17                   It is our job to protect our kids and you  
18 are a stopgap. What I am requesting is a simple process  
19 and if nothing is on the test that measures their values  
20 and beliefs, then no harm in having the instruction. It's  
21 simply a form of protection to allow a minimal level of  
22 oversight and it would go a long way in restoring trust.  
23 Thank you.

24                   CHAIRMAN DURHAM: Thank you, Ms. Sampayo.  
25 Is there anyone else in the audience who would like to



1 testify? Seeing none. This concludes the rulemaking  
2 hearing for the administration of the ACT assessment on  
3 National Test Date, 1 CCR 301-54. Is there further  
4 discussion in the motion? Yes, Ms. Rankin?

5 MS. RANKIN: I -- I -- I have a question for  
6 Ms. Zurkowski. On -- is -- this is a very simple question  
7 and I probably should know the answer but this is all READ  
8 Act -- I mean crossed that. We're getting rid of this  
9 because it's ACT, is that correct? And now we're -- we  
10 have a black and white version that may be ACT taken its  
11 place. Tell me that's right?

12 MS. ZURKOWSKI: Mr. Chair.

13 CHAIRMAN DURHAM: Yes.

14 MS. ZURKOWSKI: Close. So you are  
15 absolutely correct that as you look at the proposed changes  
16 to this set of rules, it is all redlined. It is -- we are  
17 proposing that these be eliminated. We have taken the  
18 rules for administration of the college entrance exam on a  
19 national test date and incorporated them directly into that  
20 higher set of rules that deals with administration of the  
21 college entrance exam.

22 When you do a comparison of the wording in  
23 your redlined version to what is included in 1 CCR 301-46,  
24 you will see that reference to a specific vendor has indeed  
25 been eliminated. You will see that references to the



1 National Collegiate -- Collegiate Athletic Association has  
2 been deleted because it is no longer relevant. You will  
3 see carry over in terms of students who may need to take  
4 the test on a National Test Date due to legitimate  
5 instructional curricular or other activities.

6                   And then lastly, what was included in the  
7 old rules deals with how the department is notified of  
8 students who need to take the test on a National Test Date.  
9 In the prior rules, it required that schools and districts  
10 submit a roster of students. In the revised rules that you  
11 have adopted, what they are required to provide to us are a  
12 number of students, and to maintain that roster locally and  
13 have it available to us should we need to see it. So  
14 everything that's redlined here that is relevant in 2016  
15 and none is included in the rules that you adopted  
16 previously.

17                   MS. RANKIN: So this is basic housekeeping  
18 and updating of legislation. Thank you.

19                   CHAIRMAN DURHAM: Thank you. Yes, Dr.  
20 Scheffel?

21                   MS. SCHEFFEL: Could you comment on Ms.  
22 Sampayo's suggestion that there be a prompt like that?  
23 Would that fit in these rules that we're considering right  
24 now?





1 MS. ZURKOWSKI: Mr. Chair, so the set of  
2 rules that you are considering right now solely deal with  
3 identifying those students who are eligible to take the  
4 college entrance exam on a national test date. So that  
5 would be typically on a Saturday. It would not be  
6 appropriate to start referencing actual administration.  
7 That is frankly, proprietary to the vendor on those  
8 national test dates.

9 CHAIRMAN DURHAM: Yes.

10 MS. SCHEFFEL: But when we look at 4.01,  
11 there's all these list of -- list of directives to whomever  
12 is administering the tests, remain alert and vigilant,  
13 don't discuss or memorize, ensure that students do not use  
14 monitor materials, guard against, and so forth. It strikes  
15 me that if we were going to put something like that in  
16 there for own purposes, it would sort of match the section  
17 in terms of content. Can you comment on that?

18 MS. ZURKOWSKI: Mr. Chair. So you are  
19 referencing the set of rules that you have already adopted  
20 as opposed to this set of rules that solely deals with  
21 eligibility of students to take the assessment on a  
22 National Test Date.

23 CHAIRMAN DURHAM: Correct. Further  
24 questions? Yes, we could. Please, Dr. Scheffel.



1 MS. SCHEFFEL: So you're saying, if we look  
2 at the redlined version that there's no room for the  
3 language it was in the previous iteration of these rules?

4 CHAIRMAN DURHAM: Ms. Zurkowski?

5 MS. ZURKOWSKI: Mr. Chair, I think if you  
6 are looking at the set of rules that are 1 CCR 301-54, I  
7 think what you are currently looking at might be the 301-  
8 46. And again, this was part of the confusion that we were  
9 trying to straighten out by having just one source of rules  
10 related to the college entrance exam that you are  
11 identifying. So the administration rules were those rules  
12 that were included in 1 CCR 301-46 that you have previously  
13 adopted.

14 MS. SCHEFFEL: I remain confused because I'm  
15 looking at the redlined version, the crosswalk, and the  
16 previous version. And I'm just saying, there is precedent  
17 for language in the previous version that talks about  
18 administration. Now, most of that has to do with the  
19 vendor but I'm just asking if this appears to be an issue.  
20 I'm just saying where would that language fit. I don't  
21 know.

22 MS. ZURKOWSKI: Mr. Chair.

23 CHAIRMAN DURHAM: Yes.

24 MS. ZURKOWSKI: So again, the rules  
25 regarding actual administration, so not student eligibility



1 on a national test to -- test date but on the actual  
2 administration the test itself, falls under the 1 CCR 301-  
3 46 as opposed to the 1 CCR 301-54.

4 MS. SCHEFFEL: So if we were adding language  
5 addressing Ms. Sampayo's issue where would it go? If we  
6 wanted to -- to add it, I don't even know where it would  
7 go?

8 MS. ZURKOWSKI: Mr. Chair. So  
9 administration rules, I would suggest, should fall under 1  
10 CCR 301-46. And there would be concerns about the  
11 suggestion that is being made, I believe, without the  
12 vendors being here. It would violate essentially, the  
13 confidentiality of the assessment itself. It would violate  
14 test security of the assessment itself, and this assessment  
15 obviously is used in states other than Colorado. If the  
16 Board wanted to give direction to the department for the  
17 assessments that truly are Colorado assessments to include  
18 such language, we would have much more flexibility to do  
19 that.

20 I do wanna note that there had been concern,  
21 and I'm not gonna remember when it first came out, about  
22 the students survey that is included in the college  
23 entrance exam. And we did share with you the language that  
24 is included in the directions to the students about which  
25 pieces of information are required, which pieces of



1 information are not required, which piece of -- pieces of  
2 information, frankly, we strongly discourage them from  
3 providing during the testing session, and if they want to  
4 include it, they can go into the system later on regarding  
5 highly sensitive issues such as religious background.

6 CHAIRMAN DURHAM: Yes, let's proceed.

7 MS. SCHEFFEL: I was looking at 4.01 in the  
8 set of rules that you reference and for example, not  
9 allowing students to select their own seats. Are you  
10 saying that this language -- some of it is drafted by the  
11 vendor and some of it is not?

12 MS. ZURKOWSKI: Mr. Chair. So the language  
13 that you find in 1 CCR 301-46 is language that the  
14 department drafted looking at the administration  
15 requirements from art, not art, but our nation's two main  
16 college entrance exams. So that would be ACT and College  
17 Board. And we basically, looked for where is there  
18 agreement in terms of what the administration requirements  
19 should be. And those are what are included at a high level  
20 here.

21 MS. SCHEFFEL: My sense is just I don't know  
22 how -- how much this is a concern to parents. I've heard  
23 some parents, I just don't know if we want to do more  
24 research on whether or not that would be helpful or not.  
25 But I appreciate your coming to this meeting.



1                   CHAIRMAN DURHAM: Thank you. I think --  
2 think in part to production, I think the answer is that  
3 because we're dealing with national college entrance exams  
4 if -- if it is their proprietary policy not to allow a  
5 proctor to read the question that might be an estoppel  
6 against Ms. Sampayo's suggestion. And we might not be able  
7 to force that on them, clearly on tests that, I would guess  
8 like PARCC, if we wanted to have such an instruction, I  
9 would suspect we have plenty of ability to accomplish that.  
10 And if we -- we want to look at that, we could ask to have  
11 to provide us some draft language and where we might insert  
12 it in -- in other testing protocols or rules. But I think  
13 it's hard with -- it's unfortunately harder with ACT  
14 because I would concur with Ms. Sampayo those are not  
15 appropriate kinds of questions. Further?

16                   UNIDENTIFIED VOICE: Yes.

17                   CHAIRMAN DURHAM: Let's go.

18                   UNIDENTIFIED VOICE: As far as the future of  
19 ACT here, any other than the aspire portion of it which now  
20 -- I don't know what to think about anything we've got, but  
21 what grade, you know, depending on what grade level aspire  
22 really pertains to more or is -- is there more than one  
23 grade level where it's gonna be -- gonna be always a  
24 habitual, a regularly given exam in some form or another.  
25 It may not be our college entrance exam, state subsidized



1 college entrance exam. And I think that's another thing.  
2 But kids are -- are free to sign up and take the ACT. Does  
3 any of this actually apply to the state program of our  
4 college entrance exam or not? Because if we're going  
5 somewhere that, that's you know, it's a discussion worthy  
6 of merit in time but is really -- is it relevant to this  
7 issue right now?

8 CHAIRMAN DURHAM: Yes, Miss?

9 MS. ZURKOWSKI: Mr. Chair, you are  
10 absolutely correct in identifying that as a state, we are  
11 no longer giving the ACT exam, right? We -- for our  
12 college entrance exam, we are now giving the SAT starting  
13 this year. There are still districts that -- and students  
14 who will choose to take the ACT just like when we were  
15 administering the as -- sorry, when we were administering  
16 the ACT Statewide, there were students who chose to give  
17 the SAT or take the SAT. The specific assessment that was  
18 referenced earlier today was actually ACT Aspire which is a  
19 -- an assessment that precedes the ACT. It actually starts  
20 in grade three and goes all the way up through grade 10.  
21 That has never been part of the state system and there are  
22 schools and districts that have chosen to adopt ACT Aspire  
23 as their district assessment but it has never been part of  
24 our state assessment.



1 CHAIRMAN DURHAM: Further questions? I  
2 think, Commissioner, maybe the thing to do is add to the  
3 request in the list of actions requests and the list of  
4 things that would follow up on, and so we'll get a reminder  
5 on those prior to the next meeting. Okay. Thank you. All  
6 right. Now is there a motion of --

7 UNIDENTIFIED VOICE: I move to repeal the  
8 rules for the administration of the ACT assessment on a  
9 national test date 1 CCR 301-54.

10 CHAIRMAN DURHAM: It's proper motion. Is  
11 there a second?

12 UNIDENTIFIED VOICE: I second.

13 CHAIRMAN DURHAM: Second. It has been moved  
14 and seconded. And that we appeal these rules. The vote  
15 must be unanimous otherwise will be laid over until the  
16 next meeting. Would you call the roll please, Ms. Cordial?

17 MS. CORDIAL: Board Member Flores?

18 MS. FLORES: Aye.

19 MS. CORDIAL: Board Member Goff?

20 MS. GOFF: Aye.

21 MS. CORDIAL: Board Member Mazanec?

22 MS. MAZANEC: Aye.

23 MS. CORDIAL: Board Member Rankin?

24 MS. RANKIN: Aye.

25 MS. CORDIAL: Board Member Scheffel?



1 MS. SCHEFFEL: Yes.

2 MS. CORDIAL: And Chairman Durham?

3 CHAIRMAN DURHAM: Yes. That motion is  
4 adopted unanimously and that rule is adopted. We will now  
5 proceed to 12.04, rules for the administration and  
6 certification oversight of the current online programs.  
7 Colorado State Board of Education will now conduct a public  
8 rulemaking hearing for the rules for the administration  
9 certification and oversight of Colorado online programs 1  
10 CCR 301-71. The State Board voted to approve the notice of  
11 rulemaking at its September 16th, 2016 Board meeting.

12 A hearing to promulgate these rules was made  
13 known through the publication of a public notice on October  
14 10th, 2016 through the Colorado Register and by State Board  
15 Notice on its November 2nd, 2016. State Board is  
16 authorized to promulgate these rules pursuant to 22-2-  
17 107(1)(C) CRS. The commissioners and the staff prepared  
18 for an overview.

19 MS. ANTHES: Yes. Thank you, Mr. Chair.  
20 I'm gonna turn this over to Mr. Misti Ruthven, Executive  
21 Director of Innovation and Pathways.

22 CHAIRMAN DURHAM: Okay. Please proceed.

23 MS. RUTHVEN: Thank you (inaudible). Thank  
24 you, Mr. Chair, Members of the Board. So just to give the  
25 report -- a reminder about the notice of these rules today,





1 they're coming to you as an update and what prompted these  
2 rules was two things: the passage of House Bill 16-1222,  
3 as well as an update from legislative legal services. So  
4 there's three sections that are being noticed and really  
5 looked at for change review 2.01, 7.01, and 7.02. The  
6 first in 2.01 that change that's outlined here is a phrase  
7 to reflect statute and update the definition of Authorizer  
8 to add or online school. So essentially, what that does is  
9 update that to say, Authorizer means an entity that  
10 authorizes an online school or online program.

11 So online school's missing which is also in  
12 statute, so that's a technical update to reflect statute as  
13 well. The other change that was made was prompted, as I  
14 mentioned, by House Bill 16-1222. There are two changes  
15 here that are outlined on -- as I mentioned section 7.01  
16 and 7.02. This removes the notification to CDE if an  
17 online school changes their education service provider and  
18 then adjusts the language about expansion of grades for  
19 online schools as well.

20 So those are the two changes that are  
21 prompted by legislation. The folks that were notified of  
22 these rule changes. This was sent to the superintendent  
23 list, as well as the online stakeholder list, which include  
24 all online schools here in the State of Colorado, as well  
25 as stakeholder groups. There were no -- there were marked



1 -- there were policies -- there were no comments received  
2 to date for these rules.

3 CHAIRMAN DURHAM: Okay. No one has signed  
4 up to testify on these rules. Is there anyone in the  
5 audience who would like to comment? Seeing none. Is there  
6 a motion or let's -- is there a motion -- This concludes  
7 rulemaking hearing, the rules for the administration  
8 certification and oversight of Colorado Online Programs 1  
9 CCR 301-71. Is there a motion on the staff?

10 UNIDENTIFIED VOICE: Yes.

11 CHAIRMAN DURHAM: I'm sorry. Yes?

12 MS. SCHEFFEL: Is this is the second time  
13 we've looked at this, so can we consider this again? Or I  
14 can't remember if we opened a rule hearing before and now  
15 this is our second look at this or this is our first look?

16 CHAIRMAN DURHAM: Yes, you can -- If there's  
17 a no vote on this motion just even one, it will be carried  
18 over the next meeting for a final vote. So we can do that.  
19 If anybody would like more information, that's not a bit of  
20 a problem, Dr. Scheffel.

21 MS. SCHEFFEL: I'd like more information as  
22 I have more questions.

23 CHAIRMAN DURHAM: So this -- by the easiest  
24 thing procedural. You should vote no one the adoption of



1 this motion, it will automatically lay over for the  
2 provision of additional information.

3 MS. SCHEFFEL: Okay.

4 CHAIRMAN DURHAM: Okay. All right, further  
5 discussion. All right. Yes, Ms. Rankin?

6 MS. RANKIN: I move to approve the rules for  
7 the administration, certification, and oversight of  
8 Colorado online programs 1 CCR 301-71.

9 CHAIRMAN DURHAM: Further discuss or I'm  
10 sorry, is there a second to that motion?

11 MS. FLORES: I'll second it.

12 CHAIRMAN DURHAM: It has been moved in  
13 second, Dr. Flores seconds it. Please call the roll. If  
14 there's no further discussion, please call the roll.

15 MS. CORDIAL: Board Member Flores?

16 MS. FLORES: Yes.

17 MS. CORDIAL: Board Member Goff?

18 MS. GOFF: Yes.

19 MS. CORDIAL: Board Member Mazanec?

20 MS. MAZANEC: Yes.

21 MS. CORDIAL: Board Member Scheffel?

22 MS. SCHEFFEL: No.

23 MS. CORDIAL: Board Member Rankin? I'm  
24 sorry I totally missed you.

25 MS. RANKIN: Yes.



1 MS. CORDIAL: And Chairman Durham?

2 CHAIRMAN DURHAM: No. That motion passes by  
3 a vote of three to two, but a unanimous vote as required.  
4 So the rules will be added to our December Board meeting  
5 for final approval and where it will require a majority  
6 vote. The -- good. I think --

7 UNIDENTIFIED VOICE: (Inaudible).

8 CHAIRMAN DURHAM: You got one more? Yes,  
9 13.01. Which is the recognition of Colorado's outstanding  
10 schools. So we'll proceed -- are we ready for that, Ms.  
11 Schroeder?

12 MS. SCHROEDER: (Inaudible).

13 CHAIRMAN DURHAM: All good. Good. All  
14 right let's start and the -- the next item on the agenda  
15 for -- is for the recognition of KIPP --

16 MS. CORDIAL: KIPP.

17 CHAIRMAN DURHAM: KIPP Denver Collegiate  
18 High School and in Denver Public Schools. Commissioner,  
19 we'll turn this over to you for this recognition.

20 MS. ANTHES: Yes. Thank you, Mr. Chair. I  
21 will -- at this time I will call my assistant commissioner,  
22 Barbara Hickman to read us a little bit about this award.

23 MS. HICKMAN: Thank you, Interim  
24 Commissioner Anthes and Members of the Board. It is my  
25 pleasure today to honor KIPP Denver Collegiate High School



1 and Denver Public Schools. Mr. Kurt Pusch is the Chief of  
2 the Schools and Miss Anna Mendez-Hickman, in no relation to  
3 me, is the principal. She could not be here today, but he  
4 is here representing the school.

5                   The ECT College and Career Readiness  
6 campaign provide states with a platform to recognize  
7 exemplary efforts in college and career readiness in the  
8 following categories: Student high school, post --  
9 secondary institution, and employer. The campaign -- the  
10 campaign was developed to help states shine a light on  
11 individuals and institutions that are doing more with less,  
12 overcoming obstacles in serving as examples to others to  
13 improve the condition of college and career readiness for  
14 all. One high school in the state of Colorado earned a  
15 national semifinalist distinction as an exemplar for  
16 college and career readiness.

17                   KIPP Denver Collegiate High School and  
18 Denver Public Schools was identified as one of four high  
19 schools in the nation that are doing an exemplary job  
20 preparing our students for college and careers after  
21 graduation. Since graduated its first class in 2013, 100  
22 percent of KIPP Denver's seniors have been admitted to  
23 college, nearly all of them were first generation college  
24 students. Many of the open enrollment schools, 400  
25 students previously attended low-performing schools and on



1 average enter KIPP to grade levels behind. The school's  
2 student population is 94 percent Hispanic and 95 percent of  
3 the students are eligible for free and reduced lunch.

4                   Students at KIPP Denver Collegiate have  
5 steadily improved year after year and their readiness for  
6 college and the school remains committed to its students  
7 after graduation, as KIPP helps alumni navigate the social,  
8 academic, and financial challenges they might encounter as  
9 they proceed towards a college degree. We honor KIPP  
10 Denver Collegiate High School for its recognition as a  
11 National Semi Finalist in college and career readiness but  
12 beyond that for their very strong leadership preparing our  
13 students for continued success.

14                   Please help me recognize Mr. Kurt Pusch and  
15 Ms. Ana Mendez-Hickman, who is not here, as he comes  
16 forward and says a few words about his school. Mr. Pusch?

17                   (Applause)

18                   MR. PUSCH: Thank you. Mr. Chair, Members  
19 of the Board, thank you for this recognition of our  
20 dedicated teachers and staff at KIPP Denver Collegiate High  
21 School. In 2009, we opened our doors to provide a path for  
22 our students through and through college. We've now  
23 graduated four senior classes and over 85 percent of our  
24 alumni have matriculated to college. This spring, we'll  
25 graduate our first class of alumni from college. We are



1 proud of the growth and continued accomplishments of our  
2 KIPPsters and we know that we still have important work  
3 ahead of us. I'm honored to accept this award today on  
4 behalf of the hundreds of KIPPsters and their teachers at  
5 KIPP Denver Collegiate High School, who right now carrying  
6 this mission forward. Thank you.

7 CHAIRMAN DURHAM: Thank you, Mr. Pusch. On  
8 behalf of the state Board, I'd like to commend you for your  
9 dedication to helping students achieve and for inspiring  
10 students in both Colorado and your home schools to attain  
11 high levels of academic performance. Once again, thank you  
12 very much and if you'd come forward, we have a certificate  
13 for you and a photo with Dr. Anthes and Dr. Flores. And  
14 the rest of us we'll get out of the picture.

15 UNIDENTIFIED VOICE: Now. There you go.

16 CHAIRMAN DURHAM: All right. Thank you very  
17 much. Okay, let's see. I think --

18 MS. CORDIAL: We're right on time.

19 CHAIRMAN DURHAM: We're right on time. What  
20 are we supposed to be doing?

21 UNIDENTIFIED VOICE: 14.01?

22 CHAIRMAN DURHAM: Okay, 14.01.

23 MS. CORDIAL: We have a request.

24 CHAIRMAN DURHAM: Okay, 1401. We have a  
25 request from Peetz School --



1 UNIDENTIFIED VOICE: (Inaudible).

2 CHAIRMAN DURHAM: All right. Next time on  
3 the agenda as consideration of Peetz Plateau RE-5 School  
4 District waiver request. Commissioner?

5 MS. ANTHES: Yes. Thank you, Mr. Chair, I'm  
6 going to turn this over to Lori Heller, K6 Principal and  
7 Beverly Davis, Kindergarten Teacher in the Peetz Plateau  
8 School District. Thanks for joining us.

9 MS. HELLER: Board Members and Mr. Chairman.

10 CHAIRMAN DURHAM: Ms. Heller.

11 MS. HELLER: On behalf of -- On behalf of  
12 Peetz Plateau RE-5 where we respectfully -- resubmitting  
13 our application for waiver of CRS227 -- 104, subsection 2A,  
14 regarding the school readiness assessment TS Gold. We  
15 greatly appreciate the time spent looking for the  
16 (inaudible) school procedures and considering this request  
17 again. Our school districts and teachers fully support and  
18 implement all of the adopted Colorado's State standards and  
19 objectives. We work very hard to align our classroom  
20 instruction with state standards to ensure students meet  
21 these standards, to help students be as successful as  
22 possible.

23 We're not arguing any of the facts regarding  
24 what skills students need to have to be ready for school,  
25 nor do we dispute the indicators of future, social and





1 academic success. As we submit our waiver request, we are  
2 seeking respite from the addition of repetitive input of  
3 anecdotal information to prove students progress toward  
4 meeting these standards. We at Peetz, have and will  
5 continue to assist students based on longer factors of  
6 child development, early childhood education in Colorado  
7 state standards. We hire teachers that are highly  
8 qualified in these fields, we monitor our teachers methods,  
9 teaching skills and student growth as prescribed by SP191.  
10 We want our students to be successful in as many ways as  
11 possible from their first days and beyond. Our schools  
12 have been accredited, and accredited with distinction since  
13 2010. We work hard to earn this accreditation rating. It  
14 does not just happen. Our kindergarten teacher Mrs.  
15 Beverly Davis is here today with me to describe her  
16 experiences in early childhood education and the impact TS  
17 Gold has had in her classroom.

18 CHAIRMAN DURHAM: Ms. Davis.

19 MS. DAVIS: Hello, Mr. Chair and Board  
20 Members. My name is Beverly Davis and I thank you for  
21 allowing me to speak about the TS Gold Assessment Peetz  
22 School. This is my eighth year teaching kindergarten at  
23 the Peetz Elementary School, and I have a bachelor's degree  
24 in Social Sciences with an emphasis in Elementary  
25 Education. I absolutely love teaching kindergarten



1 students. I truly believe that I have the best job in the  
2 world. Prior to teaching kindergarten, I opened a  
3 preschool with an establish -- established organization,  
4 and I spent countless hours researching policy and  
5 curriculum. I learned so much during that time. I was the  
6 preschool Director and a teacher for four years at this  
7 place. Then I spent two years as a licensed home day care  
8 provider. After that, I spent several years subbing in  
9 preschool through sixth grade classrooms. I was thrilled  
10 when the kindergarten position opened in my community,  
11 because I loved the amount of academic and social growth  
12 you see during this foundational school year. I was  
13 introduced to the TS Gold during the 2014 -- '15 school  
14 year.

15                   Mrs. Amy Duncan, our -- our school's  
16 preschool director and teacher, encouraged me to practice  
17 it with pat practice administering the TS Gold assessment  
18 because it would be required in the kindergarten classrooms  
19 the following year. Mrs. Amy Duncan has been the preschool  
20 director and teacher for 17 years, 13 of them have been at  
21 the Peetz School. We work very well together and we  
22 support each other professionally. Our classrooms are in  
23 the same building and we communicate regularly about our  
24 students and the strategies to help them.



1                   After giving the TS Gold assessment to two  
2 of my kindergarten students as a trial, both Mrs. Duncan  
3 and I came to the conclusion that although the birth  
4 through kindergarten TS Gold was valuable for our preschool  
5 students, it was not a beneficial assessment when it came  
6 to assessing the kindergartens -- kindergartners at Peetz  
7 Elementary. It was not a practical assessment to use with  
8 my kindergartners because many of the students who came  
9 from the Peetz Preschool were already testing in the purple  
10 band of the kindergarten assessment when they left  
11 preschool in May. It was incredibly hard to show growth  
12 according to the TS Gold assessment because many of the  
13 students were at a high -- at the high end of the  
14 assessment when they came to me.

15                   Last year, I administered the birth through  
16 kindergarten TS Gold with my entire class. Honestly, I  
17 feel that this makes assessments and the evaluation tools  
18 that we currently have in place are more valuable. They  
19 provide a more concise and clear picture of my students,  
20 and they are considerably less time consuming. These tests  
21 include Star Early Literacy, Aimsweb, NWA Maps, the  
22 Kindergarten assessment we created off the state standards  
23 and our Peetz Elementary Kindergarten evaluation report,  
24 which is our standard based-- or standard based report  
25 card.



1                   This year was a little different. I  
2 administered the birth through third grade TS Gold instead  
3 of the birth through kindergarten TS Gold. This newer  
4 assessment aligned a bit more with the assessments and  
5 benchmarks that I used regularly, but it still did not  
6 provide me with any new information that I did not already  
7 gather through our other classroom assessments and test.  
8 In fact, approximately 85 percent of the data that I  
9 entered in the TS Gold report came from the assessments  
10 that I administered at the beginning of the school year. I  
11 often feel as though I'm sacrificing instruction time for  
12 assessment and data collection.

13                   Furthermore, every time one of the  
14 checkpoint dates rolls around, I lose at least a day of  
15 instruction time. The time consuming  
16 assessments that provide me with little data should not  
17 compromise instructional time with my kindergartners. I am  
18 frustrated with the time I have to take to plan for a  
19 substitute teacher, and the time I have to spend entering  
20 data that I already have documented in several other  
21 places. It takes almost a full day to enter the data that  
22 I've collected.

23                   I know that the goal of the TS Gold is for  
24 the classroom teacher to enter data in real time and record  
25 authentic data and information, but honestly there's not a



1 lot of downtime or moments in a active kindergarten  
2 classroom to log on to an iPad or a computer and enter bits  
3 of data here and there. My primary responsibility is for  
4 the daily instruction on my students. Their behavior and  
5 routine would suffer if I gave away to this constant  
6 interruption. I am the only teacher in my kindergarten  
7 classroom.

8 TS Gold would work in classrooms with two  
9 teachers or a teacher in a paraprofessional. One teacher  
10 could focus on teaching and classroom management, while the  
11 other teacher could enter data. The time it takes to  
12 effectively administer the TS Gold is a big reason why many  
13 schools have resorted to bringing in groups of teachers to  
14 assess the students on TS Gold. This in turn affects the  
15 interreliability of the test.

16 I believe that TS Gold forces teachers to  
17 over assess and under teach. I want my students to master  
18 basic skills and concepts, but I feel like TS Gold forces  
19 me to be so focused on students being ready for  
20 kindergarten that I am sacrificing time preparing them for  
21 first grade. One of the most valuable in telling  
22 assessments is given four months before kindergarten even  
23 begins. Because of our small community, our school knows  
24 which of our preschoolers are enrolled to attend  
25 kindergarten for the following year. For students who do



1 not attend preschool, there are reminders and newspapers  
2 and posters around town reminding parents to register for  
3 kindergarten.

4                   In April, we hold a Kindergarten Roundup. I  
5 take the opportunity to meet with each of the preschoolers  
6 in our school and the other children who plan to attend  
7 kindergarten in Peetz. This allows me to get to know each  
8 of them and it gives me a chance to administer the  
9 kindergarten assessment that begins on page 10 in our  
10 packet. Then in late April, parents attend a Kindergarten  
11 Roundup. At the roundup, I am able to give parents  
12 information about our kindergarten program, and I can also  
13 give the parents the results of the kindergarten  
14 assessment. It is a convenient time to provide letter and  
15 number cards for the students who may need them, discuss  
16 how to practice rhyming, hand out a name practice pages,  
17 give educational computer game and DVD recommendations and  
18 answer any questions.

19                   This assessment that I complete in April  
20 with the preschoolers help -- preschoolers helps me to plan  
21 for my upcoming year. It lets me know which students may  
22 need additional instruction in reading or math. It also  
23 lets me know which students will possibly need to be moved  
24 to the first grade reading group. Regardless of where the  
25 preschoolers are in the spring, I will once again give this



1 -- the students the kindergarten assessment before school  
2 starts in August.

3                   Oftentimes the academic data that I provide  
4 each preschool parent with in the spring allows parents to  
5 informally or formally work on some of the skills their  
6 child may need to practice -- practice on during the summer  
7 months. But regardless of -- regardless of how prepared or  
8 unprepared my students are when they start kindergarten, I  
9 know that it is my job to make sure that they go to first  
10 grade prepared. I worked tremendously hard to make sure  
11 that each student gets what they need, whether it is at the  
12 intervention level or the enrichment level.

13                   As of this time in the school year, all of  
14 my students are counting by fives and by tens to 100. Over  
15 half of my nine students are counting by ones and twos to  
16 100 and can write to 100. Seven out of nine of my students  
17 are independently writing simple sentences complete with  
18 capitals, spaces, and periods. My students can do simple  
19 addition and can rhyme well and they are reading sight  
20 words and sounding and blending out words.

21                   My kindergarten assessments are put into a  
22 child's file folder so they can be shared with the first  
23 grade teacher. I understand that the TS Gold ensures  
24 kindergarten readiness but the data collected from the TS  
25 Gold does not transfer the upper grade levels. Therefore,



1 it is not the longitudinal piece of data. Grade level  
2 teachers refer to our Alpine -- Alpine database to see a  
3 child's longitudinal progress in Aimsweb, NWA Maps, and  
4 Star Early Literacy. Our staff at all grade levels feels  
5 that the assessments we use are successful and meet the  
6 needs of our students. Our parent community is familiar  
7 with the tests we use and they can view how their child  
8 progresses throughout the grade levels.

9           The data that I collect for my -- from our  
10 assessment tool -- tools and from simple observation of my  
11 nine kindergarten students are so valuable. I am in  
12 constant communication with my parents. I send out weekly  
13 newsletters to my parents. These newsletters inform  
14 parents about fun activities we do in the classroom, topics  
15 of studies, reminders of upcoming events, and things they  
16 can be working on at home. I also e -- mail and text  
17 parents throughout the week. The parents know that my line  
18 of communication is always open. When there is a concern  
19 academically or socially, I communicate this to parents.

20           I also take time to send out positive text  
21 messages when a student does something great or even if  
22 they lose a tooth. Our quarterly report cards also gives  
23 the parent -- parents valuable information on their child  
24 in both academic and social emotional areas. Students at  
25 our school go to technology and library one time per week.





1 The school counselor comes to the classroom each week to  
2 discuss Passive Behaviors to the Seven Mindsets.

3                   My kindergartners also go to music class  
4 four times per week and they are very fortunate to get  
5 physical education every day. All of these extra classes  
6 gives them time to develop socially, physically,  
7 emotionally, and creatively. Along with having math,  
8 spelling, phonics, writing, reading, science, and social  
9 studies, my students also have time at free choice centers  
10 where they can choose what to do, decide how to play or how  
11 to play and to interact socially. In the end, it does not  
12 matter if my students come to me kindergarten ready or not.  
13 It is my job to teach them. It is my job to communicate  
14 with the parents and to give my students the resources they  
15 need to be successful. It is my job to advocate for my  
16 students and to spend extra time supporting them. It is my  
17 job to seek interventionists, counselors and other teachers  
18 who can help them grow.

19                   The TS Gold is a well-intentioned assessment  
20 but it puts an unnecessary time constraint onto me as a  
21 teacher and in the end it does not add anything to the data  
22 that I've already collected. Our preferred methods of  
23 assessment work. Our data shows that our students are  
24 successful and that they are showing growth. Please give



1 our school district an opportunity to use what works best -  
2 - best for us. Thank you for your time.

3 CHAIRMAN DURHAM: Thank you, Ms. Davis. Any  
4 questions for Ms. Heler or Ms. Davis. Yes, Ms. Rankin?

5 MS. RANKIN: First of all, Ms. Davis, thank  
6 you for what you do. It's very interesting to hear that  
7 you're kindergarten teacher and do all this stuff. How  
8 many students do you have in your classroom?

9 MS. DAVIS: I have only nine this year.

10 MS. RANKIN: Nine?

11 MS. DAVIS: Uh-huh.

12 MS. RANKIN: I still think you should get a  
13 raise.

14 MS. DAVIS: Well, thank you.

15 MS. RANKIN: Very, very, very nice  
16 presentation.

17 MS. DAVIS: That's all. Thank you.

18 CHAIRMAN DURHAM: Question? Yes, Dr.  
19 Scheffel?

20 MS. SCHEFFEL: Yeah, I agree. I mean it's a  
21 great example of what teachers do when they're great  
22 teachers and they have passion for what they do. So thank  
23 you for what you're doing and the holistic approach you  
24 take and the attention to detail and the passion for it.  
25 It's a great example.



1 CHAIRMAN DURHAM: Further questions or  
2 discussions? Seeing none. As our motion -- Ms. Rankin?

3 MS. RANKIN: I move to approve the waiver  
4 request from Peetz Plateau RE-5 School District for CRS 22-  
5 7-1041(2A) School Readiness Assessments.

6 CHAIRMAN DURHAM: Is there a second to that  
7 motion?

8 MS. FLORES: I second it.

9 CHAIRMAN DURHAM: Board Flores seconds the  
10 motion. Is there further discussion? Seeing none.

11 MS. CORDIAL: (Inaudible). We are missing a  
12 Board Member.

13 UNIDENTIFIED VOICE: Should I go find her?

14 CHAIRMAN DURHAM: See if she's available.  
15 Board, five minutes. Two minutes, maybe.

16 UNIDENTIFIED VOICE: I think you're first --

17 CHAIRMAN DURHAM: No, no. That's what I --

18 UNIDENTIFIED VOICE: I have vote left. Am -  
19 - am I voting?

20 MS. RANKIN: Yeah.

21 CHAIRMAN DURHAM: You will be, in one  
22 second. Motion is to approve the waiver, it's a motion.  
23 It's been moved and seconded and Ms. -- would you like any  
24 discussion, Ms. Goff?

25 MS. GOFF: No, I'm fine.



1 CHAIRMAN DURHAM: Okay. Would you call roll  
2 please, Ms. Cordial.

3 MS. CORDIAL: Board Member Flores?

4 MS. FLORES: Aye.

5 MS. CORDIAL: Board Member Goff?

6 MS. GOFF: No.

7 MS. CORDIAL: Board Member Mazanec?

8 MS. MAZANEC: Aye.

9 MS. CORDIAL: Board Member Rankin?

10 MS. RANKIN: Aye.

11 MS. CORDIAL: Board Member Scheffel?

12 MS. SCHEFFEL: Yes.

13 MS. CORDIAL: Chairman Durham?

14 CHAIRMAN DURHAM: Yes. The motions adopted  
15 by over five to one. We'll now proceed. Thank you very  
16 much.

17 MS. DAVIS: Thank you.

18 UNIDENTIFIED VOICE: Thank you very much for  
19 your time.

20 CHAIRMAN DURHAM: We'll now proceed to -- I  
21 think that's -- we've done it, right?

22 MS. CORDIAL: Afternoon public comment?

23 CHAIRMAN DURHAM: Afternoon public comment.

24 I knew we had something left. So we'll see if anyone

25 signed up for afternoon public comment. That's where my



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1 new office is. Sixteenth Broadway. Looks like I'll be  
2 right in the -- somebody prey shooting at us. Thank you.  
3 No one has signed up so I think we're now -- I think we've  
4 covered all of the business on the agenda today including  
5 Board Reports, Individual Board Reports. We will --  
6 anything else for the good of the order before we adjourn?  
7 Seeing none. We'll adjourn till 9:00 a.m. tomorrow  
8 morning. It should be a short meeting tomorrow. Thank  
9 you. (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 October, 2018.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
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