



**COLORADO**  
Department of Education

Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
March 11, 2014, Part 2

BE IT REMEMBERED THAT on March 11, 2014, the  
above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

Paul Lundeen (R), Chairman  
Marcia Neal (R), Vice Chairman  
Elaine Gantz Berman (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Debora Scheffel (R)  
Angelika Schroeder (D)



1                   CHAIRMAN LUNDEEN: The State Board will come  
2 back to order.

3                   The Colorado State Board of Education will  
4 now conduct a public hearing pursuant to 1 CCR 301-1,  
5 Rule 6.0, Sheridan School District's appeal of their 2013  
6 District Accreditation Rating of Accredited with a  
7 Priority Improvement Plan.

8                   At the hearing, each party shall have a  
9 maximum of 30 minutes for oral presentation. The State  
10 Board may interrupt with questions but I would ask that  
11 unless the question is a short, factual question that  
12 Board members hold their questions until after each party  
13 completes their presentation. At that time you will have  
14 the opportunity to question the parties more fully.

15                  The hearing shall proceed as follows: The  
16 district shall make its 30-minute presentation, the  
17 Department shall make its 30-minute presentation, and Ms.  
18 Markel, will you please let each side know when 5 minutes  
19 are remaining in the presentations so they have a time  
20 frame.

21                  After the presentations are complete the  
22 State Board shall discuss and may ask questions of the  
23 district and the Department during its discussions. The  
24 State Board will discuss the issues for up to 30 minutes,  
25 which time may be extended in the sole discretion of the



1 Chair. The State Board shall render its decision by a  
2 majority vote and may do so today, but no later than 30  
3 days from today.

4 Commissioner, do you have anything to add?

5 MR. HAMMOND: No.

6 CHAIRMAN LUNDEEN: At this time I would ask  
7 that Sheridan's representatives introduce themselves for  
8 the record and begin their presentation.

9 Good morning.

10 MR. CLOUGH: Good morning. Do I need to  
11 flick this on or --

12 CHAIRMAN LUNDEEN: It looks as if it's on.

13 MR. CLOUGH: Okay. Good morning.

14 CHAIRMAN LUNDEEN: But do pull it close so  
15 that we can hear you in the room.

16 MR. CLOUGH: Good morning. I'm Michael  
17 Clough. I'm the superintendent at Sheridan School  
18 District. I'd like to introduce the panel. First, the  
19 Board of Education, Mr. Ron Carter, president. Ms. Sally  
20 Daigle is the secretary-treasurer. We have a three-  
21 member board in Sheridan. We have yet to fill the  
22 board's seats since 2007, so there are three members.  
23 And Ms. Bernie Saleh is the vice president. Josh Smith  
24 will be taking care of our technology today, and also  
25 speaking will be executive director of learning services,



1 Jackie Webb.

2 So I'd like to start by introducing Ms.  
3 Bernie Saleh, the board's vice president.

4 MS. SALEH: Good morning. Sheridan School  
5 District is small and it's surrounded by some of  
6 Colorado's largest districts. The challenges it has  
7 faced, however, have not been so small. What Sheridan  
8 lacks in size it makes up for in a caring community, a  
9 supportive staff, a dedicated superintendent, and a  
10 school board that will do everything in its power to see  
11 that the students of Sheridan are afforded the same  
12 education and opportunity as the larger, more affluent  
13 districts in this state, including postsecondary  
14 education, which can make a profound difference in a  
15 child's life.

16 We are committed to providing the quality  
17 education these children will need to be successful in  
18 our ever-changing world and they are worth the investment  
19 of our time, our energy, and our resources.

20 We are here today to exercise our right to  
21 appeal a decision that we do not believe is in the  
22 highest and best interest of the Sheridan students. And  
23 with that I would like to send it back to our  
24 superintendent, Mr. Clough.

25 MR. CLOUGH: Thank you, Ms. Saleh.



1                   First of all, I'd like to thank and  
2                   acknowledge Chairman Lundeen and the Board of Education.  
3                   Thank you for the opportunity to hear our appeal, and  
4                   also to Commissioner Hammond and the CDE staff for  
5                   working with us on this appeal. It was greatly  
6                   appreciated. It's been a journey and I hope that we can  
7                   present our case in a very articulate and succinct  
8                   fashion.

9                   So when we're looking at it, what we're  
10                  looking at are three items: current-year dropout rate,  
11                  current-year graduation data, and recognized success of  
12                  concurrently enrolled students who have completed the  
13                  12th grade. So we wanted to put that forward.

14                 First of all, as you look, one of the things  
15                 that part of the appeal is to allow additional data to be  
16                 presented to the Board of Education as part of the  
17                 appeal, or to CDE in the reconsideration process, and  
18                 this outlines from the Guidance of Reconsideration and  
19                 Appeals that the additional data submitted should be  
20                 limited to a body of evidence that is accepted by the  
21                 local Board of Education and in the school district  
22                 performance frameworks, should be transparent, valid, and  
23                 reliable, make a clear case for why the district or  
24                 school is submitting these data to show improvements, and  
25                 demonstrate direction and duration of school district



1 performance.

2 So everything we are going to present to you  
3 today has been verified by the local leadership of the  
4 district, our Sheridan Board of Education, and CDE has  
5 verified all the data that has been present -- that will  
6 be presented in this appeal.

7 So I want to talk a little bit about  
8 Sheridan. Sheridan is just south of Denver, again,  
9 Bernie said, flanked by many more affluent districts and  
10 larger districts. We have an 80 percent free-and-reduced  
11 population, which is the second-highest in the state,  
12 according to what's in the finance formula. We have over  
13 81 percent children of color, and, alarmingly, our per  
14 capita income in Sheridan, as measured in 2009, was  
15 \$14,575, and that represents a 12.4 percent decrease  
16 since 2000. So that gives you an indication of how the  
17 recession and things have impacted greater on the  
18 Sheridan community.

19 But with that, all demographics aside, in  
20 our district we make no excuses and we expect no  
21 exemptions from accountability. There is nothing that we  
22 will be proposing today that will lower the system. In  
23 fact, we believe what we are proposing today will  
24 actually raise the bar in looking at our accountability  
25 system and accreditation across the state.



1                   So what I want to talk about, just briefly,  
2                   is our journey, and again, I want to acknowledge CDE for  
3                   this. CDE has been a partner on the walk. I started in  
4                   this district in 2008, and I have to tell you, the work,  
5                   it has been challenging. But we have made some wonderful  
6                   progress and I wanted to show you some of the progress.  
7                   Our elementary school has gone from Turnaround to  
8                   Improvement. Part of that was the result of receiving  
9                   some Tiered Intervention Grant dollars that were  
10                  absolutely wonderful in allowing us to make some changes,  
11                  some much-needed changes.

12                  That District Performance Framework was at  
13                  25.7 when we started in 2009, and you know -- I'm sorry,  
14                  the School Performance Framework on what is now Sheridan  
15                  Elementary. And you do get 25 points just for being a  
16                  school. So CDE graciously said that, when they received  
17                  the first round of grants, that you're in the bottom 5  
18                  percent of all schools for performance. But we were more  
19                  honest with our community. We knew that were in the  
20                  bottom 0.5 of all schools. This was one of the lowest,  
21                  if not the lowest-achieving schools in the state of  
22                  Colorado. And we are very proud of the fact that 9 News  
23                  opened in front of the school, with the School  
24                  Performance Framework as showing Sheridan Elementary as  
25                  making some of the greatest progress.



1                   Sheridan Middle is also a TIG school --  
2                   Turnaround, Tiered Intervention Grant -- and it has gone  
3                   from Priority Improvement to an Improvement. Our SOAR  
4                   Academy, that we are very proud of, 147 students strong,  
5                   is a performance-rated school, and our Sheridan High  
6                   School, which also, I think, you'll be able to see, as  
7                   impacted by our appeal -- we are not including that in  
8                   our appeal today but it is impacted by this very data  
9                   point that we are going to -- or these two very, very  
10                  significant data points that we're going to talk about.

11                  This is something we're very excited about  
12                  and couldn't resist putting it into our appeal. But it  
13                  shows our community support, and I want to thank all of  
14                  our community members that are behind me today. Our  
15                  community voted 61-39 to support the BEST and Bond  
16                  project to build Fort Logan Northgate. Isn't that a  
17                  beautiful school? It's going to be so great for the  
18                  Sheridan community. It is absolutely amazing and the  
19                  show of community support is wonderful.

20                  So the first thing I want to talk about,  
21                  about our appeal, is the dropout rate. We are asking --  
22                  and this is probably the biggest piece of flexibility  
23                  that we are asking from the Board -- we are asking to use  
24                  current data. I'm sure I'm speaking to the choir a  
25                  little bit here, but you are probably aware that in the



1 District Performance Framework the data that appears on  
2 the postsecondary career and readiness always lags a year  
3 behind, and we are asking for consideration from the  
4 Board to use current-year data.

5 If you can look, we pulled this directly  
6 from the CDE website to show that it is indeed verified  
7 data. We have a dropout rate of 0.9. That is amazing.  
8 We are very, very proud of that statistics. It isn't our  
9 intent to -- to bring any other district in, but we  
10 thought it was important to present a chart showing the  
11 different dropout rates of our neighbors. And I think we  
12 can point out, in Littleton we're going to catch them at  
13 0.7, but our dropout rate is 0.9.

14 And I want to take you back to -- this is  
15 the second-highest free-and-reduced community in the  
16 state of Colorado. We have made some tremendous strides.  
17 Board, I'd like you to know this is down from about 5  
18 percent, so we're very, very proud of our dropout rate.

19 And with that dropout rate, the  
20 consideration of that data, that moves us in that  
21 District Performance category from Approaching to  
22 Exceeds, and the postsecondary career readiness in the  
23 performance frameworks have a great deal of sway on that  
24 overall numbers. Those points are worth 35 percent when  
25 they work through that District Performance Framework,



1 and that adds an addition 4.34 points onto that overall  
2 total.

3 So the second point we want to make is  
4 around career and postsecondary readiness around  
5 concurrent enrollment, and really taking a look at the  
6 real-time data that exists for Sheridan students. And  
7 this is another very, very important issue to us.  
8 Concurrent enrollment has been around for a long time.  
9 It's known by a lot of different names. It was first  
10 known as Fast Track. It started in 1998. I remember it  
11 when I was a superintendent in Wiley, Colorado, and the  
12 opportunity that it gave students. And it moved and  
13 morphed to Postsecondary Options, and there's been  
14 several iterations of that concurrent enrollment that has  
15 taken place across the state, and it is a good program.

16 I think one of the things we picked out --  
17 we did a lot of study of how it all came about in 2009,  
18 and the changes. And one of the biggest things, it was  
19 made especially and supported by our legislature for  
20 children of color and children that come from very  
21 challenging backgrounds around poverty. And what we see  
22 from the data, that those children who participate in  
23 concurrent enrollment, they return to take another class  
24 at 80 percent. Students who have not participated in  
25 concurrent enrollment are at about 54 percent. And it's



1 been really amazing.

2 We had an opportunity to work -- we've  
3 worked a lot on our presentation, and Ms. Webb and I were  
4 at Starbucks working on the presentation at 10:00 at  
5 night, and here comes one of my former students, our  
6 former student, and gave me a big hug and said, "How you  
7 doing?" And I said, "Well, we're doing all right."  
8 "What are you working on?" and I said, "Well, we're  
9 talking about concurrent enrollment." And she said, Mr.  
10 Clough, I'm getting ready to graduate from Metro with a  
11 bachelor's in business. I couldn't have done it without  
12 the concurrent enrollment." So it's very, very important  
13 in our community.

14 It is very important across the state. It  
15 supports 24,000 kids, and in CDE's report, it reported  
16 \$10 million of saved tuition for Colorado's parents in  
17 college costs. I think that's probably a low estimate.  
18 But it is a program that is supported -- I think it's  
19 supported by the Department, it's supported by the  
20 legislature, I think it's supported by the State Board.

21 So what happens? What I call it is the  
22 push-pull effect. It's where Senate Bill 163 collides a  
23 little bit with 2009 Concurrent Enrollment Act, and then  
24 I think it gets complicated even more when we shower it  
25 with the School Finance Act, and that's what I'm here to



1 talk about today.

2 So, you know what, the laws are really  
3 clear. It is the Sheridan Board of Education's  
4 responsibility to decide who graduates and what those  
5 requirements look like. So I want to move just a little  
6 bit back and talk about the push-pull effect.

7 So in a four-year graduation rate, you are -  
8 - you lose points by the success of your concurrent  
9 enrollment program, and I'm going to be able to  
10 demonstrate that, because what we're going to be talking  
11 about is the freshman class of 2009 and our senior class  
12 of 2013, and it's a cohort of 70 students.

13 Again, looking at that class, Sheridan has a  
14 tiered diploma program that starts at a very basic  
15 program. There are four tiers now of the diploma, all  
16 the way up from the Sheridan Board of Education requiring  
17 that students that decide to take concurrent enrollment  
18 are responsible to earn more credits in order to earn  
19 what we call our 21st century diploma. So those students  
20 have not graduated. I want to say that again. I think  
21 there has been some confusion, and I think if we were  
22 honest there's some confusion across the state with how  
23 that all works and falls together. But our students have  
24 not graduated. We would like to present our information  
25 and look at those students as being successful, but they



1 have not graduated.

2 So in looking, I want to talk about those 70  
3 students in that cohort of 70 students. This is what  
4 shows, or will show on our District Performance  
5 Framework. I'm going to ask Ms. Webb to talk a little  
6 bit down the line about the clock and what that -- and  
7 how that all falls into place and why this is so  
8 important. But right now I want to focus on that cohort  
9 of 70 kids.

10 So this is verified data again from the  
11 Department, and we've worked together on what we  
12 submitted. But of those 70 kids, 42 graduated. They  
13 elected to take their diplomas. Twenty-two pushed their  
14 diplomas back and opted to go for the tiered diploma.  
15 They did not graduate, but all 22 of those students are  
16 currently enrolled at Arapahoe Community College in a  
17 concurrent enrollment program. So they're all taking  
18 college classes or they are taking, as allowed, remedial  
19 classes in getting ready. What we see is more remedial  
20 classes around math, but -- language arts -- but all  
21 those students are taking a full complement of classes.

22 So if we look at the 42 plus the 22 we have  
23 91.4 percent of our students that are being successful.  
24 But what is reported out on a four-year rate is only 60.  
25 We don't believe that's an accurate picture of what's



1 going on in the district, and I would ask the Board, if  
2 we just came up here and said that Sheridan's graduation  
3 rate was a 60, with the way things have been and the way  
4 things are explained, I think you would believe that that  
5 graduation rate is more indicative of a huge dropout rate  
6 than it is. That's why it's so important to put those  
7 two numbers together, the 0.9 dropout rate and 91.4  
8 percent of our kids that have either graduated from  
9 Sheridan High School or are enrolled in the concurrent  
10 enrollment program.

11 So what we could have done, honestly, is we  
12 could have taken the opportunity away from those  
13 students, and we could have done the math for the  
14 accreditation, and we could have eliminated 14 of our  
15 students, about two-thirds of our students from that  
16 program.

17 CHAIRMAN LUNDEEN: These would be in the  
18 concurrent enrollment?

19 MR. CLOUGH: What's that?

20 CHAIRMAN LUNDEEN: These 14 would be within  
21 that 22 in the concurrent enrollment?

22 MR. CLOUGH: Absolutely. Those 14 would be  
23 from the concurrent enrollment, by going in and clicking  
24 on the graduates in our student information system, and  
25 then those students would be picked up by the CDE end-of-



1 year report that we submit, and our accreditation status  
2 would have been Improvement. So this is looking across  
3 at the chart. It's looking at our graduates.

4 So instead, if we could have a consideration  
5 of our students enrolled in concurrent enrollment we  
6 would pick up 4.34 points, which is a total of 8.6  
7 points. You can see how large of impact concurrent  
8 enrollment and graduation rates indeed have on the  
9 performance frameworks, and that's why we're here today,  
10 to take a look at that.

11 One of the things we've found from the  
12 accreditation and accountability system, directly from  
13 the act, is that should not be adversely affected, your  
14 rating, by ASCENT or the accelerating students through  
15 concurrent enrollment programs. And again, this is  
16 consent. This is ASCENT, which is somewhat different  
17 than concurrent enrollment, but we believe the same  
18 should apply. We think it's only fair.

19 Part of the accreditation system is about  
20 painting an accurate picture to your community of what is  
21 going on in your school, and I don't believe the rating  
22 does, indeed, show an accurate picture of the progress  
23 that we've made and the number of students that are in  
24 concurrent enrollment, which are being successful.

25 So again, we wanted to pull from CDE's data



1 and show that these rates are indeed verified. Again, I  
2 want to stress that we are asking to look at 2013 current  
3 data, not the data that runs one year behind.

4 So I would ask Ms. Jackie Webb if she would  
5 talk to us a bit about why this is so important and a  
6 look at the timeline and what's going to happen to  
7 Sheridan.

8 MS. WEBB: Good morning. Once again, thank  
9 you for the opportunity to be here to speak. One of the  
10 things that I just want to acknowledge is that Michael  
11 and I were both accreditation managers for the State of  
12 Colorado from 2004 to 2008. And what I want to  
13 acknowledge to the leadership of Dr. Hammond and Dr.  
14 Keith Owen is the accreditation system that they've put  
15 together. And I want to also acknowledge, even in their  
16 response to us, I feel like the response was what they  
17 had to say at that time.

18 In my estimate, and they certainly don't  
19 need an endorsement from me, but in my estimate they  
20 worked hard, both as leaders and with their staff, to  
21 consistently apply the accreditation rules across the  
22 state of Colorado. So I just wanted to take a moment to  
23 acknowledge that and my appreciation for that, as a  
24 district leader.

25 What I want to look at here, then, is to



1 really say, so what's the argument and why does this come  
2 into place? Because we've had a lot of conversation with  
3 the state, we've had a lot of conversation with Dr.  
4 Elliott Asp and with Allysa Pearson, and anybody in the  
5 state and the district leadership, and especially in  
6 data, know these two people to be brilliant in what they  
7 know, and they're not going to have errors in any  
8 information they give.

9           So why now? And I'm going to talk to the  
10 accountability clock. Here is the problem, is that even  
11 within this accreditation system they've made a place.  
12 They've said, you know what? That data is going to catch  
13 up. That data is going to show up in either your five-  
14 or six- or seven-year rate. It is going to show up. You  
15 will be given merit for the data that you just showed.  
16 And they are right.

17           The problem is the clock. In seven years,  
18 considering that that data runs one year behind, this  
19 isn't going to show up for another three years. Before  
20 that happens, the State Board will have to take action.  
21 On June 30th of 2016, the Board will have to take action,  
22 and that action, by law, is to take the accreditation of  
23 this district.

24           And what I want to say, as leaders of this  
25 district, is that we have tried desperately -- and I say



1 this not just from the district leadership but I say this  
2 for the principals, I'll say this for the teachers -- is  
3 that we've tried to make the best decisions for kids  
4 every single step of the way. These are kids that don't  
5 have a chance without us. The voice of the community is  
6 just now becoming stronger as evidence as the folks  
7 behind us. They won't see these things and they won't  
8 fight for these things. These are children of poverty.  
9 These are children with nothing -- nothing -- and what  
10 we're asking you to use is data that is current, that's  
11 showing us exactly what has to happen right now. There  
12 is so much urgency around this work -- I can't even begin  
13 to express.

14 And so I want to begin to tie -- I lead the  
15 UIP work in the district, and the UIP, the Unified  
16 Improvement Plan, those actions are tied directly to your  
17 data. You determine what's not working well and you go  
18 after it and you fix it. You figure out why it's not  
19 going well and you go for it. Well, the problem here is  
20 that as you ask me, as a district leader, "What are you  
21 going to do to get that graduation rate up? What are you  
22 going to do to get that dropout rate down where it should  
23 belong?" the action that I would have to write in that  
24 UIP is wait. Wait. Wait for the data to catch up,  
25 because the actions have already been put in place, by



1 the work of our high school principal, Michele Kelley,  
2 and also our SOAR program director, which is an  
3 alternative high school, that these two -- that these two  
4 goals have been met, just not in the technical aspect of  
5 that four-year rate.

6 So the timeline that you have up against the  
7 wall, I just want to you remind you as to where we are as  
8 a district. In 2011, that clock began. We were deemed  
9 as Turnaround, one of the lowest-performing districts in  
10 the state, and honestly, that's unacceptable. And what  
11 this Board and what the state leadership has stood for  
12 and what they've asked for is correct. That is  
13 unacceptable, especially for the poorest among us, to  
14 have an educational system that is not going to allow  
15 them to go anywhere.

16 Year Two, we were able to pull that up to a  
17 Priority Improvement. We're moving along. That's where  
18 you saw the change in Year Two and Year Three. You see  
19 the difference that's happening at the elementary level,  
20 being able to jump up two categories, from Turnaround,  
21 the lowest-performing in the state, as Mr. Clough just  
22 mentioned, up to an Improvement. We're not there yet.  
23 The middle school jumping up to Improvement through the  
24 support of the TIG funding and supports through the  
25 Colorado Department of Education.



1                   Year Four, we're almost there. What's the  
2 biggest thing that's holding us back? What's the biggest  
3 data point that's not allowing us to move to improvement?  
4 The graduation rate and the dropout rate. The dropout  
5 rate, we're there. We're asking you to allow the 0.9 to  
6 be considered. It's been verified. We absolutely know  
7 it. We know who those kids are, and honestly, even those  
8 kids, we're going after those. Five is too many to let  
9 drop through the cracks. It's too many. We'll go after  
10 those kids as well.

11                   2014-15, we go to a transition year. We go  
12 to a new assessment. There are a lot of unknowns here  
13 for the state and for the district. We don't know what  
14 those results are going to look like. It's very  
15 difficult to plan for other than to know that we'll  
16 continue to try and offer the best education that these  
17 kids can possibly have. And then, finally, in 2016,  
18 there will be a performance framework that's going to be  
19 released in the fall of 2016. It will be four months  
20 after the State Board is asked to take action on  
21 Sheridan's accreditation.

22                   So what I'm asking, and what the entire  
23 district is asking is to acknowledge the hard, hard work  
24 that I'd start with the teachers. Their work is so much  
25 harder than ours. One of the facts that we didn't talk



1 about is that we've taken on this -- within the last four  
2 years, replacement or change of assignment of 80 percent  
3 of the staff in the district -- 80 percent -- replacement  
4 of principals that had the ability to be instructional  
5 leaders and have high level of accountability in all four  
6 of the traditional schools. Every one of them was  
7 replaced or promoted from within.

8 So I want to end with that, and I want to  
9 hand it back to Mr. Clough. But I do want to say that  
10 this is why this data and this piece that we're asking  
11 you to consider is so urgent to the community of Sheridan  
12 and also to those folks that are involved in the  
13 educational system.

14 So I'll turn it back over to Mr. Clough and  
15 I personally thank you for your time and your  
16 consideration today.

17 MR. CLOUGH: Thank you. Thank you, Jackie.

18 I hope you can see our passion for what  
19 we're all about. It's been six years. It's just been so  
20 wonderful to see the progress. Robert had a chance to  
21 come out and celebrate with us when we made some of the  
22 leaps. The USDA was there. Elaine, you have been out to  
23 see us, and we are so grateful. So, you know, I want to  
24 say thank you.

25 In closing, I know it all comes down to a



1 number, but what I'm asking you to remember is behind  
2 every one of those numbers is a face. It's a face of a  
3 student who has an opportunity, and this opportunity for  
4 us with concurrent enrollment -- when we came in in 2008,  
5 Jackie and I thought very long and hard about what is the  
6 vision that we want to coalesce the community around,  
7 what's the vision that we want to coalesce our staff  
8 around, and where do we want to start? Where do we want  
9 to start? And we put a vision that every child shall  
10 have a postsecondary option, because that is the goal in  
11 the quality of life. It may not be college. It might be  
12 a certificate as an ASE mechanic. It might be as a  
13 welder. But something beyond that high school diploma,  
14 and that's what we're offering for. That's what we're  
15 offering with concurrent enrollment.

16 I, too, want to say, about the accreditation  
17 system, I remember sitting up on the second floor and  
18 giving the thumbs up or thumbs down. It was solely my  
19 decision as the regional manager to take to the  
20 Commissioner of Education where these districts would be  
21 rated. You might remember, I was the one with the  
22 unfortunate job of going into Greeley and giving them the  
23 news that they were on watch. It was not a pleasant job.  
24 The accountability and accreditation system we have is  
25 light years ahead, but I think there's a small tweak that



1 is needed that recognizes this postsecondary part and  
2 these students that go on for concurrent enrollment.

3 One of the other things that I've learned in  
4 my time is something that hit harder on the poorest among  
5 us. One of the things I've thought about is how about  
6 other districts? Well, one of the things that is a huge  
7 impact is because of our small denominator. So small  
8 numbers of students make great amount of changes on the  
9 accreditation. I think where this is going to manifest  
10 itself -- in fact, I'm sure of it and we're going to see  
11 it -- is with onlines and with charters that have the  
12 small denominators, that that is also going to be  
13 something in our system that we're going to look at.

14 But I want to move on because we're not here  
15 about changing the system today. We're only here about  
16 asking the Board to give us consideration to look at the  
17 dropout rate, consider concurrent enrollment, and allow  
18 us to use verifiable data that is current.

19 Again, I really want to thank you for your  
20 time, and one thing I always like to end my presentations  
21 with an invitation. We love to show off our district.  
22 We have a number of visitors coming into our district.  
23 And I do want to end with a story. I don't know whether  
24 any of you were there but I had a very, very agitated  
25 speaker at "Amendment 66, Now What" (ph). I volunteered



1 to sit on a panel and I had a very agitated speaker that  
2 came after me, that it's time for superintendents in the  
3 poorer districts to quit their whining and pull  
4 themselves up by the bootstraps and get creative and  
5 figure out a way to get it done. And he was screaming at  
6 me from the back of the room and I thought, well, I  
7 didn't sign on for this on a nice Thursday night.

8 But I said, "Sir, I'd like to invite you to  
9 come to the district. Before you judge us, come and take  
10 a look." You know what? That gentleman came out. He  
11 honored his word. He sat down with me. We had a cup of  
12 coffee and then we went and visited schools.

13 We have become friends. He says, "I can't  
14 believe what I saw. I would put my child in those  
15 schools." And that was a wonderful testament, and again,  
16 I want to thank you for the opportunity and I hope you  
17 will give, you know, consideration to our appeal. Thank  
18 you so much.

19 CHAIRMAN LUNDEEN: Thank you. Let's let --

20 MS. BERMAN: Well, I'd like a clarifying  
21 question.

22 CHAIRMAN LUNDEEN: Okay. Clarifying  
23 questions allowed at this point --

24 MS. BERMAN: This is just clarifying.

25 CHAIRMAN LUNDEEN: -- and then we'll take a



1 presentation and then we can have discussion and more  
2 questions.

3 MS. BERMAN: Yes. Now this is just  
4 clarifying. I want to be very clear what your appeal is  
5 about, so that's what I wanted to clarify.

6 So my understanding is that what you are  
7 appealing are 14 students -- is that the right number? --  
8 14 students that have been in concurrent enrollment, that  
9 have not received their diplomas and have not graduated,  
10 and you would like these 14 students to count towards  
11 your graduation rate.

12 MS. WEBB: Can I answer that?

13 MR. CLOUGH: Yes.

14 MS. WEBB: What we would like to have --  
15 thank you for the question -- what we would like to have  
16 considered is the data that verifies their success rate,  
17 that these are all students across the board that have  
18 successfully completed the 12th grade. However, they  
19 can't technically be counted in the graduation rate  
20 because they've not received their diplomas.

21 We did show evidence to the Colorado  
22 Department of Education that the diplomas were printed in  
23 advance, but it was as a cost savings to our district.  
24 Those diplomas were not issued. They are held and not  
25 given to them until they have completed the requirements



1 --

2 MS. BERMAN: Are they dated?

3 MS. WEBB: Are they dated.

4 UNIDENTIFIED VOICE: Yeah. I just looked at  
5 them. They are dated.

6 MS. WEBB: I believe they are. I believe  
7 they are.

8 MS. BERMAN: So they are dated before they  
9 graduate?

10 MS. WEBB: They are, but as I said, it truly  
11 was as a cost savings to the district. The students do  
12 not have copies of these diplomas and they are not  
13 recognized as graduates within the system.

14 MS. BERMAN: So I think the answer to my  
15 question is that I framed it correctly --

16 MS. WEBB: Yes.

17 MS. BERMAN: -- and that that is the essence  
18 of your appeal? I just need to understand the appeal.

19 MS. WEBB: Absolutely. So there really are  
20 two central points. One is to acknowledge the dropout  
21 rate, and two, to allow additional data to acknowledge  
22 the success rate of the graduates and the students that  
23 are currently in concurrent enrollment.

24 MR. CLOUGH: If I could interject, I think  
25 it is -- that's what makes it very complex. Because when



1 you throw in -- when I said the push-pull effect I also  
2 listed the Colorado Finance Act, which is, I think, where  
3 the Board's position is -- I'm sorry, CDE's position,  
4 from their position statements, is yes, but they're  
5 wanting to call them graduates and as soon as they call  
6 them graduates then we need to think about how we're  
7 going to have that PPR refunded. Those students have not  
8 graduated. They have not received a diploma. They have  
9 additional requirements.

10 We do it, in Sheridan, and I'm not sure -- I  
11 did look at some of the others -- but if it's important  
12 on your clarification -- I don't want to go on and on,  
13 Elaine, if it's not helpful, but we do it a little bit  
14 different in Sheridan than other districts do it, in  
15 terms of that graduation. And I could address that or  
16 CDE, I'm sure, could also.

17 CHAIRMAN LUNDEEN: Fair enough. Does that  
18 get you -- and we can come back to this because this is -  
19 - I think you put your finger on the crux.

20 At this point I would ask the Department's  
21 representatives to introduce themselves, for the record,  
22 and begin their presentation. And same rules -- 30  
23 minutes, 5-minute heads-up, and we'll interrupt with  
24 clarifying questions, hold policy questions to the end of  
25 the presentation.



1 MR. OWEN: Good morning, Mr. Chair. My name  
2 is Keith Owen, Deputy Commissioner with the Department of  
3 Education, and I will introduce each of our members of  
4 our team as we go through our presentation.

5 So first, I'd like to say good morning to  
6 our Board, Chairman, Commissioner. I'd also like to  
7 thank and acknowledge Sheridan School District's  
8 leadership and community members for being here today.  
9 We're happy to have such a good turnout to hear what I  
10 think is a very important decision that's in front of the  
11 Board today.

12 Our response to the Sheridan School  
13 District's appeal is to divide it into four sections. I  
14 will review the first section, which is a brief overview  
15 of the accreditation process and what has led us to this  
16 hearing today. Allysa Pearson, our executive director of  
17 accountability, will review the second section, which  
18 will cover three specific conditions that were brought to  
19 CDE by Sheridan in their Request for Reconsideration.  
20 Leanne Emm, associate commissioner, and John Fero, from  
21 the Attorney General's Office, will discuss school  
22 finance and law as it relates to one of the conditions  
23 that Sheridan brought forward in their Request for  
24 Reconsideration. And finally, Dr. Elliott Asp, special  
25 assistant to the commissioner, will conclude with the



1 decision in front of the State Board of Education today.

2           So today you are being asked to determine if  
3 Sheridan School District's accreditation rating should be  
4 changed from Accredited with Priority Improvement to  
5 Improvement. We will help you understand the root issues  
6 around this appeal, answering why this change would be  
7 made, and if it should be made. We will assist you by  
8 providing the facts around the appeal and understanding  
9 the policy implications of your decision so that you can  
10 make the right decision for all the students in the  
11 state.

12           CDE has thorough reviewed Sheridan School  
13 District's performance, beginning in August 2013, and  
14 continuing through the request for reconsideration  
15 process and also the appeal process. After carefully  
16 analyzing the student performance data for the district,  
17 looking at additional information and data submitted by  
18 the district, and running additional analysis, CDE firmly  
19 believes that Sheridan School District made local  
20 decisions that led to the district being Accredited with  
21 Priority improvement plan. As a result of these local  
22 decisions, the Department was unable to change the rating  
23 as requested by the school district.

24           Throughout this process it has become clear  
25 that Sheridan is asking CDE to create a unique



1 accreditation process for their one district, that if  
2 approved would interfere with the state's responsibility  
3 of ensuring a fair, consistent, and uniform system of  
4 statewide accountability for all school districts.

5 So your role. The State Board of Education  
6 plays a very important role in education accountability  
7 in Colorado schools and districts. You have guided and  
8 developed the rules for the implementation of Senate Bill  
9 163, and you have the responsibility to safeguard a  
10 statewide education system that prepares all students, as  
11 outlined in your mission.

12 The Education Accountability Act requires an  
13 annual review of student performance which results in the  
14 Department assigning a District Performance Framework and  
15 an accreditation rating to every school district in the  
16 state. The Department provides preliminary District  
17 Performance Frameworks, also referred to as DPFs, in  
18 August of each year. Districts have through October to  
19 submit a Request for Reconsideration if they believe the  
20 DPF doesn't accurately represent the district's  
21 performance.

22 Sheridan worked with the Department  
23 beginning in September on their submission and sent a  
24 final request on October 14, 2013. Through that process,  
25 CDE and Commissioner Hammond determined that we could not



1 approve Sheridan's rating -- Sheridan's request to  
2 reconsider, and the final accreditation rating of  
3 Accredited with Priority Improvement was shared with the  
4 Board of Education in November of 2013. Following that  
5 decision, the district decided to appeal the decision to  
6 the State Board of Education, which brings us here today.

7 Statute and rules allow districts to appeal  
8 this accreditation decision to the State Board, and the  
9 State Board has the authority to make a final decision on  
10 this appeal.

11 Statute and rule do not add further criteria  
12 to the decision-making -- decision, beyond the  
13 requirements outlined for accountability, which include a  
14 system that holds school districts accountable on the  
15 same set of indicators and related measures statewide,  
16 supported by consistent, objective measures; also,  
17 reports information concerning performance that is  
18 perceived by educators, parents, and students is fair,  
19 balanced, cumulative, credible, and useful.

20 The State Board of Education may conclude  
21 that the additional information around students that met  
22 graduation requirements, as evidenced by diplomas  
23 provided by the district, indicates that a rating of  
24 Accredited with Improvement is a more accurate picture of  
25 the performance of the district. As stated earlier, it



1 is within the State Board of Education's authority to  
2 make that decision today.

3 Today we will help the State Board  
4 understand why CDE could not approve the change in the  
5 accreditation rating. Although we will outline three  
6 conditions that needed to be met for Sheridan School  
7 District's plan to move up a level, it really falls on  
8 one main condition that ultimately prevented the  
9 Department from making this change.

10 While you will hear more throughout our  
11 presentation, I want to be clear that when Sheridan  
12 provided diplomas dated 2013, marked as Appendix B in  
13 your packet, to CDE for 19 students, and then clearly  
14 indicated on their Request for Reconsideration, marked as  
15 Appendix A, that these same students met graduation  
16 requirements set forth by the Sheridan Board of  
17 Education, we became concerned. Sheridan did not certify  
18 these students as graduates in 2013 but presented and  
19 argued during the request for reconsideration process  
20 that these students should be counted as graduates.

21 Why? Why would a district make these  
22 statements, provide this type of evidence, but not take  
23 the appropriate credit for student success? Sheridan  
24 made the decision to not accurately report these students  
25 as graduates in the 2013 end-of-year report.



1        Additionally, CDE learned through this process that for  
2        16 of these students, where diplomas were submitted to  
3        the Department, where Sheridan stated that they had met  
4        graduation requirements, these same students were now  
5        marked on the 2013 October Pupil Count Report as retained  
6        12th-graders and they are still enrolled in Sheridan  
7        School District in the fall of 2013.

8                    As you will see in the attorney general's  
9        informal opinion, marked as Appendix G, this is not an  
10       allowable practice under state law, with one exception,  
11       which is the ASCENT program, which was not utilized by  
12       the Sheridan School District. We will highlight today  
13       that there are avenues for school districts to take  
14       advantage of these great postsecondary classes for  
15       students. They can use the ASCENT program, they can use  
16       concurrent enrollment, but the legislature has put very  
17       clear parameters around their use, and all school  
18       districts are expected to follow these parameters.

19                   Alyssa Pearson will continue and make a  
20       point of the three conditions that Sheridan outlined in  
21       their argument.

22                   MS. PEARSON: Good morning. So there are  
23       three conditions that are needed in order for Sheridan to  
24       earn enough points on the performance framework to earn  
25       an Accredited with Improvement rating. Two of those



1 conditions are acceptable to CDE. We can find precedent  
2 or figure out a way to make those work. There is one  
3 condition, however, that is not.

4 The two acceptable conditions, the first one  
5 is to use the final 2013 graduate rate data and dropout  
6 rate data instead of the 2012 data. As the district  
7 mentioned earlier, we do have to use the 2012 data. It's  
8 lagged in this performance framework. The reason for  
9 that is districts start submitting the data at the end of  
10 the summer so that they get credit for students that  
11 complete over the summer, or graduate over the summer.  
12 Then there's a reconciliation process that happens, so we  
13 can find kids across the state. So if a student left one  
14 district, moved into another, we match those up so the  
15 district doesn't get them as a dropout. So that has to  
16 happen during the fall.

17 Districts are allowed to revise and updated  
18 their graduation rate and end-of-year data through  
19 September, and then they have another window and it's  
20 from October 1st through October 24th to do that. So  
21 there's this whole long process. That's why the data  
22 isn't ready when we have the frameworks come out.

23 We could use 2012 data for all other  
24 districts. We could set a new precedent and change it  
25 and use 2013 through the appeals process. It will just



1 have to have some implications for our timelines. We  
2 won't be able to finalize those ratings in November if a  
3 district wants to request to use the more recent  
4 graduation and dropout rate data. But it is important to  
5 look at that recent data.

6 Then the second condition that wasn't  
7 mentioned very much, but we want to make sure it's clear,  
8 is to remove the alternative education campus students  
9 from the district's data. So most of the data that the  
10 district presented was for -- overall for the district  
11 without those alternative education campus students  
12 included. Removing them has a large impact, and I'll  
13 show you that in a minute.

14 But we've done that for other districts,  
15 like they mentioned their alternative education campus  
16 has an alternative education campus rating of  
17 performance. It's different than the regular performance  
18 rating. But they earned that and they met that criteria  
19 to look at the district's performance without those  
20 students included. Six other districts were approved for  
21 that this past fall, based on the legislation, so it's  
22 something that has a precedent and is acceptable.

23 However, there's one condition that CDE  
24 cannot approve, and that's using those 19 additional  
25 students that the district certified as non-graduates but



1 then submitted diplomas for to count them as graduates,  
2 or for us to consider as graduates, and we can't consider  
3 that, for a number of different reasons.

4 Oh, and just so you know, in the appendix F  
5 in your packet you'll see the certification page for the  
6 end-of-year report for 2013, and that's where the  
7 superintendent signs off. This happens for all  
8 districts. They sign off on the graduation rate, dropout  
9 rate data for the district, saying it is accurate, that  
10 it represents their district.

11 CHAIRMAN LUNDEEN: That's in the appendix?

12 MS. PEARSON: Appendix F.

13 CHAIRMAN LUNDEEN: Yeah. Okay. Thank you.

14 MS. PEARSON: So there are a few different  
15 issues with allowing this. First and foremost, CDE has  
16 not approved, nor does allow a district to submit a  
17 request to reconsider based on inaccurate data  
18 submission. It opens up a whole bunch of issues with our  
19 data and our data accuracy if we start allowing districts  
20 to say, later on, "That wasn't accurate. Please look at  
21 this instead."

22 Just this year, in the fall, we had another  
23 district that's on the accountability clock as well, come  
24 to us and say, "We've discovered we made mistakes with  
25 our dropout rate and graduation rate data. We know our



1 rates are really different. Can we submit that to the  
2 request to reconsider process?" And we showed them, in  
3 our policies, where we don't allow for that and they did  
4 not submit a request. So this request here, in this  
5 consideration, would open up the opportunity for inequity  
6 in the way the ratings are distributed.

7 And then, finally, we can't approve this  
8 condition because, as Dr. Owen mentioned, there are 16  
9 students that are now receiving -- that the district is  
10 receiving funding for. They are coded as retained  
11 students, 12th-grade retained students, but we have  
12 diplomas. The district submitted diplomas for those  
13 students, in Appendix B, showing that the students did  
14 meet graduation requirements, and they state very clearly  
15 in their request to reconsider to us in October that said  
16 that students were qualified to graduate because they met  
17 the district's graduation requirements.

18 So let's look a little bit --

19 UNIDENTIFIED VOICE: I'm confused.

20 MS. PEARSON: Okay.

21 UNIDENTIFIED VOICE: So are the 16 students  
22 the same 16 students as the 14 students that they were  
23 talking about before?

24 MS. PEARSON: Mr. Chair.

25 CHAIRMAN LUNDEEN: Please.



1 MS. PEARSON: I believe so. We -- there's  
2 some confusion with the numbers of kids -- wasn't sure  
3 about the 14. We've been talking about 16 with the  
4 district since the fall. But the 16 are a subset of the  
5 19 that they told us met graduation requirements. So of  
6 that subset of the students with diplomas that they  
7 submitted saying had met graduation requirements, 16 of  
8 them have re-enrolled in the school district in 2013.

9 UNIDENTIFIED VOICE: And these are the same  
10 students -- are these the same students that the district  
11 is saying did not receive diplomas?

12 MS. PEARSON: Mr. Chair, I would have to let  
13 the district answer that.

14 UNIDENTIFIED VOICE: Okay. I know we don't  
15 want to -- I don't know if you want to get into that now,  
16 but it is a little confusing.

17 CHAIRMAN LUNDEEN: There's a quick answer.  
18 Conceptually, are they the same students?

19 MS. WEBB: They are, but if you look at the  
20 actual numbers in the end-of-year report you're going to  
21 see that the number is actually 23. As Mr. Clough  
22 discussed, one of them was retained, 22 of them then were  
23 coded as still enrolled or in the district. And so when  
24 the data was submitted to CDE in the fall, the end-of-  
25 year data was not yet finalized, and so after this piece



1 that Alyssa talked about, that the district and the state  
2 goes back and forth, of verifying numbers of students,  
3 the actual number that we're talking about are 23  
4 students, in addition to the 40 who actually did graduate  
5 from Sheridan High School.

6 CHAIRMAN LUNDEEN: Okay, and we'll give you  
7 leniency on time. Go ahead.

8 MS. PEARSON: Okay. So we want to talk a  
9 little bit about what the actual data is showing. This  
10 comes straight from the district's 2013 final District  
11 Performance Framework report. You have that in Appendix  
12 C, if you want to look through the whole report. But we  
13 just want to help remind you all how graduation works in  
14 the performance frameworks, because it's unique. It's a  
15 little bit different than how other states do it or how  
16 we've done it in the past.

17 The way the Colorado decided on  
18 accountability for graduation rates is we look at the  
19 best of the four-, five-, six-, or seven-year rates. We  
20 don't just use the four-year rate, and that's very  
21 intentional, because we know some students take longer to  
22 graduate. They need more time than four years to be able  
23 to meet those graduation requirements. And we want the  
24 accountability system to reflect that. We don't want  
25 there to be a disincentive in accountability to say, "Oh,



1 his four years are up. Well, we're done with you." So  
2 that's why we very purposely used the best of the five-,  
3 six-, or seven-year rate.

4 As you can see, this is Sheridan's data, and  
5 again, it's 2012. It's not the more recent 2013, but  
6 this is what was on their framework. Their four-year  
7 rate was 31.2 percent. But you can see, as you look back  
8 at the five-year rate -- and we used the ones in the gray  
9 cells, the six-year rate, or the seven-year rate -- you  
10 can see that their rates increased, and we used the  
11 seven-year rate of 71.7 percent for their accountability.  
12 So we're reflecting those students that take longer to  
13 graduate, that as soon as they're marked as graduates by  
14 the student, when they meet those graduation  
15 requirements, we use that for accountability and assign  
16 points that way.

17 And I also just want to clarify that  
18 students who do not graduate in the four-year rate or the  
19 five-year rate, if they've continued on, those students  
20 are not counted as dropouts. I know there's been some  
21 confusion about that. They're not counted as graduates  
22 because they haven't graduated yet but they are not  
23 dropouts because they are continuing on in the school  
24 district.

25 So that's where we started with the 2013



1 official data, the official District Performance  
2 Framework data.

3 So I want to walk you through, a little bit,  
4 in more detail, of what the district is requesting and  
5 how these different conditions affect their graduation  
6 rate.

7 The first part that the district requested,  
8 and we worked on to validate with them, was to use the  
9 official certified 2013 rate instead of 2012, and this  
10 includes all students, including all students in  
11 alternative education campus, because that's the  
12 district's data. You will see that the district has a  
13 40.2 percent four-year, on-time graduation rate, so  
14 that's increased from the 31.2 percent in the prior year.

15 Across the top you'll see the four-year rate  
16 for minority students, for economically disadvantaged  
17 students, for English learners, and then the 2013 dropout  
18 rate, which is 2.6 percent, and that's, again, overall  
19 with all students in the district is 2.6 percent. Using  
20 that 2013, and just the four-year data, it leads to a  
21 Priority Improvement rating. So that's the first  
22 condition.

23 Then the second condition the district is  
24 asking for, they didn't talk specifically about it, but  
25 based on the numbers provided we need to do this as well,



1 is to remove those students in the alternative education  
2 campus and look at that impact on the performance  
3 framework. So when you do that you can see the increases  
4 that happen to the graduation rate. The overall rate  
5 goes up to 60 percent, and you can see it for the  
6 disaggregated groups as well. And at that point the  
7 dropout rate changes, and that's where the dropout rate  
8 of 0.9 percent comes in. That's the dropout rate for the  
9 district with the alternative education campus students  
10 removed. However, just doing that still leads the  
11 district to a Priority Improvement rating.

12 Finally, the last condition that they're  
13 asking to look at is looking at these eligible-to-  
14 graduate students. We were working with a 19 number of  
15 students. That's what came in from the district in the  
16 request to reconsider. These are the students that for  
17 whom we have diplomas, some of which who graduated with  
18 honors or high honors. When you look at adding those  
19 students in we have a graduation rate of 87.1 percent.  
20 It looks really different. It's much higher. That would  
21 earn a Meets Rating on the accountability framework. You  
22 can see the impact on the disaggregated groups as well.  
23 The dropout rate, however, remains the same. That's  
24 because the students were not counted as dropouts. The  
25 dropout rate remains constant at 0.9 percent.



1                   And finally, at that point, when you use all  
2 these three conditions, then that's where the district  
3 would earn enough points to earn an Improvement rating.

4                   So now we're going to switch gears a little  
5 bit, because we know that these issues are complicated  
6 and they have a lot of finance and legal implications and  
7 we want to give you a chance to really look through those  
8 and understand that last, so I'm going to turn it over to  
9 Leanne Emm.

10                   MS. EMM: Thank you. Leanne Emm.

11                   Mr. Chair, good morning, members of the  
12 Board.

13                   Funding has been raised as an issue within  
14 this appeal process, and I would like to provide some  
15 information -- information regarding the overlap of the  
16 graduation requirements and the funding.

17                   Districts certified both end-of-year data  
18 and October pupil count data to the Department. These  
19 are two separate collections that are strongly linked  
20 together. These collections are also compared to help  
21 verify eligibility for funding.

22                   Graduation data is certified by the district  
23 within the end-of-year collection. In the October pupil  
24 count collection, districts certify which students should  
25 be counted for funding. If a student has met graduation



1 requirements then the district reports these students as  
2 graduates. Once a district has reported them as a  
3 graduate they are no longer eligible for funding and  
4 subsequently not reported in the October count as  
5 eligible. Sheridan chose not to report students as  
6 graduates on the end-of-year report, even though diplomas  
7 were issued for the students and submitted to CDE.  
8 However, a subset of these students, 16 of them, were  
9 also reported for funding on the October pupil count.

10 The student funding issue is a separate  
11 process from the appeal, although the data is linked.  
12 Each year, the Department goes through a process to  
13 cross-check the end-of-year data against the October  
14 pupil count data. If there are students that have been  
15 reported as graduates, we also check to make sure that  
16 they're not also counted for funding. This is not  
17 allowed. If it is determined that a student has been  
18 submitted both for graduation and for funding then the  
19 district is required to correct that data prior to  
20 certification of those files.

21 Outside of this verification process, any  
22 discrepancies that arise for student funding is  
23 reconciled through the October pupil count audit process,  
24 and this process is one that the Department utilizes for  
25 each district on a rotation basis. Once again, if it has



1       been determined that a student has met those graduation  
2       requirements they are no longer eligible for funding.

3                   In Appendix G, the attorney general  
4       information opinion that discusses this -- discusses this  
5       concept further, and Mr. John Fero will address that  
6       opinion.

7                   MR. FERRO: Thank you. Jonathan Fero here  
8       from the Attorney General's Office, and you do have  
9       before you the opinion that was drafted by my colleague  
10      and also your counsel, Tony Dyl. Tony is out and asked  
11      me to stand in for him today, but I wanted to make it  
12      clear that not only have I reviewed the research and what  
13      he prepared for you in writing. I have looked at that  
14      independently and I 100 percent concur with what is  
15      stated there.

16                   And we do always call these, as you know,  
17      informal opinions from the Attorney General's Office. I  
18      think in this particular instance that's not the most  
19      accurate characterization because I don't consider this  
20      to be an opinion at all. It's a very clear - it's not  
21      very complicated - it's a very clear legal question with  
22      a very clear answer.

23                   It starts with this Board's own rules, which  
24      defines a pupil as a student who has met a district's  
25      minimum graduation requirements. It's a person who is



1 under 21, and these are graduation requirements that each  
2 district in the state has the authority and the autonomy  
3 to set for themselves. This rule does not say that a  
4 pupil, for funding purposes, is a person who has met  
5 graduation requirements but has not received a diploma or  
6 accepted a diploma. The rule does not say that a student  
7 is a pupil for funding purposes, one who has met the  
8 lowest level that a district may set for graduation but  
9 has not yet met some endorsement level or a higher tier  
10 of diploma that it may offer.

11 And I would just remind the Board as well  
12 that when we're talking about school finance this is an  
13 area where the Board does not have a waiver authority on  
14 this particular question. It is a uniform application  
15 for all school districts.

16 Now, as you've already heard some today,  
17 there is a long history of concurrent enrollment in  
18 Colorado, and at one time students that were enrolled in  
19 both high school and college at the same time could be  
20 included in the funded pupil enrollment as long as the  
21 student was receiving high school credit for the college  
22 course that they were taking.

23 That law changed in 2009. The legislature  
24 repealed that provision and made a policy decision to do  
25 that, and in doing so the legislature narrowed concurrent



1 enrollment. They changed the definition of what  
2 concurrent enrollment is. And the key change is that  
3 instead of making it so that a student would be  
4 concurrently enrolled and could receive PPO funding,  
5 whenever the college courses they are taking would earn  
6 them high school credit. The change went from that to  
7 the student must still be -- not yet met minimum  
8 graduation requirements. So once you have crossed that  
9 threshold you are not concurrently enrolled anymore,  
10 under state law. And again, this happened more than 4  
11 1/2 years ago.

12 In addition, in that law, districts were  
13 given a period of three years to end and phase out any  
14 non-compliant programs, that is, programs that were  
15 broader concurrent enrollment before 2009, they could  
16 continue them up until 2012. So we have another issue  
17 there that is a potential problem in this case with  
18 Sheridan, because it would seem that they are continuing  
19 to operate a program that is not defined as concurrent  
20 enrollment under state law.

21 Now this doesn't mean that districts can  
22 never enroll students who have already met their minimum  
23 graduation requirements, and it certainly doesn't mean  
24 that there is no funding for such students. As is  
25 discussed in the opinion, there is the ASCENT program,



1 and the legislature created that in 2009, when it  
2 revamped concurrent enrollment. That is a program under  
3 which a student can stay for a fifth year after they have  
4 already met minimum graduation requirements and continue  
5 to take college courses for that additional year, and  
6 there is a separate funding stream for that. To the best  
7 of our knowledge here, there are no reported students  
8 from Sheridan in the ASCENT program, and I would just say  
9 that it is not, as Mr. Clough said, taking away  
10 opportunities at all. That ASCENT program opportunity  
11 exists for students there as it does in any district  
12 throughout the state.

13 DR. ASP: Thank you, and I would like to sum  
14 up by just reminding you about the (ph) of your decision  
15 today and what the ramifications of that decision could  
16 be.

17 As you can see, this slide shows the impact  
18 of Sheridan's score on the District Performance Framework  
19 of the conditions put forth by the district are accepted,  
20 and Ms. Pearson talked about those in detail. But you  
21 see that their score would go up about 10 percentage  
22 points, rounded off, and would move them into the  
23 Improvement category if all three of those were accepted.

24 So it comes to the question before you  
25 today. We see that as you having two options here. One



1 is you can deny the appeal, applying the same process  
2 that other districts across the state are subject to, and  
3 based on the original 2012 and 2013 graduation and  
4 dropout data that was certified by the district. You  
5 heard from Ms. Pearson earlier that we have not allowed  
6 requests based on inaccurately submitted data in the past  
7 to move forward. Or you could approve the appeal, based  
8 on a unique process that allows Sheridan to include  
9 additional students in the 2013 graduation rate who are  
10 not certified as graduates by the district, even though  
11 they had met graduation requirements for 2013, as  
12 evidenced by the diplomas that you have.

13 So you might ask yourself this question --  
14 should this change be made? Well, that is under your  
15 consideration, but the approval of this appeal would set  
16 some precedents and have consequences obviously for the  
17 district but as well as for the accountability system  
18 across the state. First, and probably the minimal one,  
19 is it establishes an extended timeline for requests to  
20 reconsider, for a final graduation and dropout rate, that  
21 is going to push this whole process back farther into the  
22 calendar year. It is a piece we could deal with but it  
23 is a ramification you need to know about.

24 Another one, though, that is more critical  
25 here is this encourages inaccurate submission to certify



1 data. What you are doing here, in some sense, is you are  
2 expanding the notion of what it means to make a mistake  
3 on the data. In a traditional sense, the district didn't  
4 make a mistake on the data. They certified that some  
5 students had graduated and then later they decided to  
6 change -- wanted to change that. So essentially what  
7 they are doing here is not making a mistake on data;  
8 decided to change their mind for the reasons that they  
9 have articulated here. So this would be setting a  
10 precedent that other districts should be allowed to do  
11 the same.

12 If you go to the third one, there is also an  
13 issue with compromising the integrity of publicly  
14 reported data. As you heard from Dr. Owen and Ms.  
15 Pearson, that data is certified and then it is publicly  
16 reported in December, and that process is closed. We  
17 would have issues with data being submitted after that,  
18 that wouldn't be in the public reporting piece, that  
19 might be reported in other areas, and was going to cause  
20 some conflict between what is the official data and what  
21 is not.

22 But most importantly is the potential impact  
23 on this decision by you on the reconsideration and  
24 appeals process, in general. There are always going to  
25 be unique elements to this appeals process. Districts



1 are going to bring different data to the table that are  
2 unique to their system. But the rules for how we look at  
3 that data and what kinds of data can be included need to  
4 be consistent across districts in order to guarantee the  
5 internal consistency and fairness of the system.

6 So finally, to our recommendation.

7 MS. NEAL: Can I ask a question first?

8 DR. ASP: Sure. Please.

9 MS. NEAL: You went through that graph so  
10 quickly, I didn't catch what -- you know.

11 DR. ASP: Oh, that one?

12 MS. NEAL: Yeah. I didn't get it. Can you  
13 explain that before we get into that?

14 DR. ASP: Sorry. I was cognizant of time.

15 MS. NEAL: What did it illustrate?

16 DR. ASP: What you look at is on the left is  
17 the -- I get a little carried away with my five minutes  
18 left. On the left you see the orange bar indicates the  
19 percentage of points out of 100 percent that Sheridan  
20 would earn, based on their official 2013 --

21 MS. NEAL: Based on their official --

22 DR. ASP: -- 2013 --

23 MS. NEAL: Okay.

24 DR. ASP: -- DPF.

25 MS. NEAL: Okay. And the yellow is --



1 DR. ASP: If you accepted all three  
2 conditions that they brought forward, it would move them  
3 into the Improvement category.

4 MS. NEAL: Okay. Thank you.

5 DR. ASP: I apologize for going so quickly.

6 MS. NEAL: No, that's fine. I just -- I  
7 probably dropped attention for a minute. Go ahead.

8 DR. ASP: So, in summary, we can't support  
9 the approval of this appeal because it undermines  
10 Colorado statutory responsibility to implement a  
11 consistent, objective, and fair accountability system for  
12 all districts. We would, in effect, if we honored this  
13 appeal, be creating a special appeal process that applies  
14 to this district and this district alone. As a result,  
15 the accountability process would not, by definition, be  
16 fair, balanced, or credible, and that would be a big step  
17 backwards for our state.

18 You have heard from Sheridan, in a very  
19 articulate way, and you now have our recommendation. We  
20 are confident you will make your decision based on what  
21 is in the best interest of all students from across  
22 Colorado.

23 That concludes our presentation and we would  
24 be happy to entertain any questions. Thank you for your  
25 time.



1                   CHAIRMAN LUNDEEN: Thank you. At this time  
2 the State Board will engage in discussion and ask  
3 additional questions, clarifying questions, and follow-up  
4 questions, if appropriate, and then we will have the  
5 opportunity to take action on this following that  
6 discussion. So I would open the panel to questions.

7                   Jane?

8                   MS. GOFF: Thank you. Yes, and we can all  
9 share in this technical, timeline-related question.

10                  The District Performance Framework reports  
11 are revealed to districts in November. Is that correct?

12                  UNIDENTIFIED VOICE: Mr. Chairman, the  
13 preliminary District Performance Framework reports are  
14 given to districts in August, right, the middle, end of  
15 August timeline. The districts then have time to review  
16 them. This year we asked them to submit an intent for a  
17 request to consider by September 15th, so that we could  
18 assist them working through that process for final  
19 submission due October 15th. Then the Department reviews  
20 them, the Commissioner determines the district's  
21 accreditation category, and we present that to the Board  
22 in November. And then the final reports are actually  
23 made public at the beginning of December.

24                  MS. GOFF: And so the next -- the ensuing  
25 UIP, or goal-setting, aiming toward the next one, that



1 comes along in the spring. Correct? So there is  
2 approximately, what a four- to five-month period of time  
3 between the final certified results of the previous year  
4 into the planning stage of the next year. Is that right?

5 UNIDENTIFIED VOICE: Mr. Chair?

6 CHAIRMAN LUNDEEN: Please.

7 UNIDENTIFIED VOICE: In August, about a week  
8 after or about the same time the District Performance  
9 Framework reports are given, the district receives a pre-  
10 populated Unified Improvement Plan report. So it gives  
11 the most recent data for the district to begin their  
12 improvement planning. That process is a continuous  
13 process. For districts on Turnaround or Priority  
14 Improvement or schools on Turnaround or Priority  
15 Improvement those plans are due to the Department in  
16 January.

17 They are submitted -- those plans are  
18 submitted by all districts and schools in April for  
19 posting. It doesn't mean when that process takes place,  
20 necessarily. It's just the deadline and, I think, Board  
21 rule for when those plans have to be posted.

22 MS. GOFF: Okay. And one more?

23 CHAIRMAN LUNDEEN: Please. Go ahead.

24 MS. GOFF: And I'll try to make this clear.

25 It's not in my head right now very clear.



1                   As far as concurrent enrollment,  
2                   accumulation of college-level credit, and without  
3                   knowing, for example, what is the makeup of the  
4                   population in their particular concurrent enrolment  
5                   context, for example, whether or not some of those  
6                   credits are being accumulated through online courses or  
7                   if there's a combination of online potential plus  
8                   classroom time, whether it's on the institution campus or  
9                   whether it's at the high school, I'm just curious as to  
10                  whether or not -- and this -- to focus on Sheridan's  
11                  situation is important, but I'm thinking kind of a pretty  
12                  wide context about this picture, concurrent enrollment  
13                  nowadays.

14                  But are we able to cover, in the timeline  
15                  that we have, information about when exactly a student  
16                  might have accumulated enough credits to graduate? So,  
17                  for example, when you're talking about your 16 to 19 kids  
18                  that were actually qualified -- they had met graduation  
19                  requirements -- when did that happen? I mean, is there  
20                  any way to keep track of that? And would that possibly  
21                  impact part of the future looking at this very question?  
22                  At what point -- does it fit within what our timelines  
23                  currently are?

24                  CHAIRMAN LUNDEEN: Mr. Clough.

25                  MR. CLOUGH: Yes. We do not concur with the



1 opinion that our students did meet the graduation  
2 requirements, and I hope that we could present this, our  
3 tiered diploma. But yes, in looking at that timeline, we  
4 do have a difficult time. We have tried to track some of  
5 the data across the state to see where our program lines  
6 up with other programs, to see where the entry comes in.

7 From what I've learned from talking to some  
8 of my colleagues, a lot of the concurrent enrollment is  
9 taking place at much younger grade levels, and it does  
10 encompass, I think, a wide variety of coursework from  
11 across the spectrum. So some of this is fifth year and  
12 some of this is beginning and entering.

13 And one of the things that I think was  
14 importantly left out, which again, in the implications  
15 for districts that have a poorer population, one of the  
16 requirements of ASCENT is that you come in with 12  
17 credits of college before you get in. That can sometimes  
18 be a tall order when you're in a district of poverty and  
19 do not have the money to take advantage of some of those  
20 programs also. So that is one of the requirements that  
21 is different for ASCENT and that is why many of the  
22 districts that are more challenging do lean towards the  
23 concurrent enrollment.

24 MR. OWEN: Mr. Chair?

25 MR. CLOUGH: I hope I answered your



1 question.

2 CHAIRMAN LUNDEEN: Sure. Dr. Owen?

3 MR. OWEN: Just to highlight what we were  
4 present in the Request for Reconsideration, Appendix B,  
5 and there's a quote from that appendix in your -- and  
6 you're displaying on the screen right now. Sheridan  
7 clearly indicated that these students that they submitted  
8 diplomas to us, on their request for consideration, had  
9 met graduation guidelines that they had set forth in  
10 their district. And there is a quote up there that  
11 demonstrates that, from the Request for Reconsideration  
12 that was submitted by them.

13 MR. CLOUGH: Mr. Chairman, may we --

14 CHAIRMAN LUNDEEN: Sure.

15 MR. CLOUGH: If I could just show you.

16 CHAIRMAN LUNDEEN: This is the tiered  
17 diploma?

18 MR. CLOUGH: This is our tiered diploma.  
19 And one of the things that I think is important is if we  
20 could have two pieces of history that I would be allowed  
21 to bring forward. One is, again, Sheridan has been very,  
22 very active in the concurrent enrollment program and was  
23 -- I don't believe anyone on the Board predates the 2004  
24 decision and the discussion that went on with Sheridan  
25 about the concurrent enrollment program. But again, a



1 real long, rich history, even when concurrent enrollment  
2 programs were taken away.

3           The second is it was kind of our February  
4 2007 surprise that the Finance Act would come in so  
5 heavily into this, because we have been audited numerous  
6 times. We have just completed -- November 14th started  
7 the audit process for us through the CDE's auditing  
8 department. It completed on February the 28th. The  
9 state auditors -- we've been doing business this way, and  
10 in looking at this program, for years, yet we've had an  
11 audit, has not given us any indication that we were doing  
12 anything wrong. Our books have been audited.

13           Also, when we started the process with CDE,  
14 we were fortunate that Ms. Emm, and Ms. -- I apologize, I  
15 don't know your last name -- one of the things that the  
16 Department wanted to work with the district on was to see  
17 that we were, indeed, honoring the concurrent program in  
18 the right way, that they did not want to see us get  
19 crossways because this is such an important program to  
20 Sheridan.

21           So up until the 27th of February, we really  
22 believed that there was not an issue. I hope you can  
23 see, we had an auditor -- I cannot tell you how many  
24 hundreds of hours we've spent in our district with Melody  
25 Barnett (ph), our auditor, and yet we have never had an



1       indication that it's wrong. In looking at our tiered  
2       diploma, I think the definition of requirements is  
3       probably what's in question. And if you look -- this is  
4       our fourth -- it requires college classes and college  
5       credit to graduate. One of the statements that was given  
6       was that we issued diplomas. We printed diplomas. Those  
7       diplomas were never issued. I think there is a  
8       distinction.

9                   CHAIRMAN LUNDEEN: Okay. Questions?  
10       Angelika. Did you have a question on this one?

11                   MS. SCHROEDER: This is an is-you-is or is-  
12       you-ain't. They either are graduates or they're not, and  
13       I believe what you're saying is they're both. You're  
14       saying that they are not graduates and, therefore, they  
15       go for a fifth year, then you say, well, oops, for  
16       accountability they are graduates. And I don't see that  
17       it's appropriate for any of us to say you're both.  
18       You're both a graduate and not a graduate.

19                   UNIDENTIFIED VOICE: Chairman --

20                   MS. SCHROEDER: I am most worried about --  
21       and I hope somebody can -- I mean, you may not have been  
22       audited before but I think you're going to be audited  
23       now. And I guess I'd like to know what the consequence  
24       is of saying that these are graduates, especially if we  
25       agree to this. If we agree to this and say that these



1 are 2013 graduates, then the PPOR that's gone to the  
2 district -- correct me if I'm wrong -- is inappropriate,  
3 and I think you have to give the money back?

4 UNIDENTIFIED VOICE: May I respond?

5 CHAIRMAN LUNDEEN: Please. Go ahead.

6 UNIDENTIFIED VOICE: What I'd like to  
7 respond there is that in our appeal today, if you'll note  
8 that we are not wanting them counted in the graduation  
9 rate. They are not graduates. But what we were asking  
10 for is through the accreditation process you are allowed  
11 to provide additional data that cannot supplant the state  
12 data. That's very clear. And what we were asking to say  
13 is to just acknowledge, in real time, the success of  
14 those 22 students.

15 You are indeed right. They may not be  
16 counted in the graduation rate. They don't have their  
17 diplomas. They are not graduates. The district has  
18 accepted funding for them. We are asking for an  
19 acknowledge of their success rate, that they have indeed  
20 successfully completed 12th grade, but they are not  
21 graduates. And so in the more -- in the application to  
22 the accreditation system, in the accreditation, it is to  
23 show to both the community and to the State Board of  
24 Education that we're meeting the accountability  
25 requirements for students.



1                   So I truly appreciate the question because  
2                   you're indeed right.

3                   MS. SCHROEDER:   So which is it?

4                   UNIDENTIFIED VOICE:  They are not graduates.  
5                   We're asking to just be acknowledged for the success in  
6                   where they are right now.  But they are not graduates and  
7                   cannot be counted in the graduation rate.

8                   MR. OWEN:  Mister --

9                   MS. BERMAN:  Can I have a follow-up on that  
10                  when you finish?

11                  MS. SCHROEDER:  Go ahead.  We can go back  
12                  and forth.

13                  CHAIRMAN LUNDEEN:  Elaine?

14                  MS. BERMAN:  Oh, wait.  Keith wanted to say  
15                  something.

16                  MR. OWEN:  Mr. Chair.

17                  CHAIRMAN LUNDEEN:  Dr. Owen.

18                  MR. OWEN:  I just wanted to point out again,  
19                  this is where the Department became concerned and  
20                  confused, and I'll go to the quote here, from the  
21                  information that was submitted by Sheridan to the  
22                  Department through the request for reconsideration  
23                  process.  "Students that are counted in the category of  
24                  qualified to graduate have met the graduation  
25                  requirements set forth by the Sheridan Board of



1 Education. Student documentation included. These  
2 requirements mirror those for students who are counted in  
3 the graduate count. Sheridan's rigorous requirements  
4 include 240 credits. The actual graduation rate would  
5 have demonstrated it meets requirement on the DPF for the  
6 graduation indicator, which would have earned an  
7 additional one point on the DPF."

8 I think it's a good question that Dr.  
9 Schroeder is asking, but I think it's clear to us in the  
10 information that was submitted by Sheridan that the only  
11 way to move the accreditation category higher is to  
12 include these students as graduates, and that's something  
13 that we've tried to make clear through the  
14 reconsideration process and tried to make clear through  
15 the approp process today as well.

16 MR. FERRO: Mr. Chair?

17 CHAIRMAN LUNDEEN: Sure.

18 MR. FERRO: If I may add onto that, just from  
19 the legal perspective, if then, by this statement, these  
20 students have met minimum graduation requirements, then  
21 the only funding that could be provided for them -- for  
22 funding purposes they are graduates, so therefore the  
23 only funding stream would be through the ASCENT program.

24 CHAIRMAN LUNDEEN: Pam? Pam had a question.

25 MS. MANZANEC: So you don't want us to call



1       them graduates. You do not want to call them graduates.  
2       You just want us to consider the success of these  
3       students in giving you're your accreditation rating.

4                   UNIDENTIFIED VOICE: Absolutely.

5                   MS. MANZANEC: Okay.

6                   CHAIRMAN LUNDEEN: Okay. Elaine.

7                   MS. MANZANEC: Just additional information.

8                   CHAIRMAN LUNDEEN: You were following on?

9                   MS. BERMAN: Well, I want to follow up on  
10       something John just said, just for my own understanding.  
11       I think there are probably a lot of students in high  
12       school that have met the minimum graduation requirements  
13       that are still in high school and still collecting --  
14       that are still fully enrolled. Nothing to do with  
15       ASCENT. Nothing to do with any of that. Just their --  
16       and maybe this is a question for CDE staff.

17                   CHAIRMAN LUNDEEN: Yeah.

18                   MS. BERMAN: I mean, I'm thinking of my own  
19       kids. They met their minimum grad and they kept  
20       studying. You know, they didn't graduate.

21                   UNIDENTIFIED VOICE: Mr. Chair, for the  
22       ASCENT program, I want to make it clear so that there is  
23       no confusion. They are not considered graduates --

24                   (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 23th day of April, 2019.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public

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