



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
February 19, 2015, Part 4

BE IT REMEMBERED THAT on February 19, 2015,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

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



1 MADAM CHAIR: All right. We are -- I lost  
2 my place but whatever we're ready to do, you're caller on.

3 COMMISSIONER HAMMOND: Well, I'll go ahead.  
4 Thank you very much. This is a repeat of what we talked  
5 about before but on the process for setting cut scores for  
6 science and social studies. Yeah, it's on but I've got my  
7 mouth full of food.

8 MADAM CHAIR: Yeah, we're all nom-nom.

9 MS. ZURKOWSKI: Madam Chair.

10 MADAM CHAIR: Yes.

11 MS. ZURKOWSKI: I am here today just as an  
12 informational item. It should be review for the majority  
13 of you. As the Commissioner mentioned, we went through  
14 this process last summer, so a lot of this presentation is  
15 very similar to the presentation I gave you in June in  
16 preparation for the elementary and middle school science  
17 and social studies cuts that you adopted in August. For  
18 those of you who are new, I wanted to be sure that you had  
19 a little bit of background in terms of what the process is  
20 before I bring you recommended cut scores in March, for the  
21 high school science and social studies assessments.

22 So today -- and I do not believe it will  
23 take an hour and a half; I could be wrong but I don't think  
24 so -- I'd like to talk to you a little bit about the item  
25 and test development process for science and social



1 studies, and then the process for determining the cut score  
2 recommendations.

3                   As you know, and you've had conversation  
4 about this earlier today, Colorado did develop and adopt  
5 content standards in science and social studies back in  
6 2009. So as we're having this conversation this afternoon  
7 it's very important, I think, for us all to keep that very  
8 clear that these are solely Colorado-developed science and  
9 social studies standards that led to the Colorado-developed  
10 science and social studies assessments.

11                   UNIDENTIFIED VOICE: May I ask a question?

12                   MADAM CHAIR: Yes.

13                   UNIDENTIFIED VOICE: Just for context.

14                   MADAM CHAIR: Go ahead.

15                   UNIDENTIFIED VOICE: So just for context,  
16 Pearson is the vendor to develop the items for science and  
17 social studies. Is that right?

18                   MS. ZURKOWSKI: Madam Chair.

19                   MADAM CHAIR: Yes.

20                   MS. ZURKOWSKI: Pearson is our vendor who  
21 assists us in developing the science and social studies  
22 assessments and administers those assessments. As I talk  
23 about the process you will see that there is also a  
24 significant level of involvement of Colorado educators in  
25 the process.



1 UNIDENTIFIED VOICE: And so when you bring  
2 us recommended cut scores, where do they come from?

3 MS. ZURKOWSKI: That's exactly what we're  
4 going to be talking about today.

5 UNIDENTIFIED VOICE: Great. Thank you.

6 MADAM CHAIR: Okay.

7 MS. ZURKOWSKI: So why do we set cut scores?  
8 This is really to support the interpretation of results.  
9 In most cases, if I look at an educator or a parent and I  
10 say that a student received a scale score of 432, what I  
11 will get back is a look of "and that means what?" So  
12 setting those cut scores is what helps us take those scale  
13 scores and put them into our performance levels. What we  
14 have now are performance levels such as distinguished  
15 command, strong command, things like that. I'll talk more  
16 about that in a second.

17 So in terms of who has actually developed  
18 these test items, historically, Colorado relied on a vendor  
19 to do all of their initial item development. When we moved  
20 forward with the CMAS science and social studies  
21 assessments we did a slight change, and what we did is  
22 brought Colorado educators in right from the beginning. So  
23 items are developed both by Colorado educators as well as  
24 Pearson item developers.



1                   Once we have those items, they are reviewed.  
2 We do fact-checking on those items to make sure that they  
3 are accurate. They then go in front of Colorado educator  
4 item reviewers. Our Colorado educator item reviewers are  
5 looking at those items from a content perspective, from an  
6 age-appropriateness perspective, as well as from a bias and  
7 sensitivity perspective, to ensure that no group is being  
8 unfairly advantaged or disadvantaged by the items, and in  
9 the end the performance on the items truly reflect  
10 performance on the standards, not on some unrelated  
11 variable.

12                   CDE and Pearson then go through and do the  
13 editing. On this slide you see interjections of a blue  
14 bubble with TAC written on it. That is our technical  
15 assessment committee. We bring in technical experts from  
16 across the country to support us as we make decisions about  
17 how to build this assessment from a technical point of  
18 view. These are psychometricians, right. They're the  
19 hardcore technical experts who give us advice in terms of  
20 how to ensure that we, in the end, have a valid and  
21 reliable assessment.

22                   Once we have the items developed, reviewed  
23 we did field testing. For our elementary and middle school  
24 we started that field testing in the spring of 2013. For  
25 high school we did it in the fall of 2013. After that,



1 we'd go through what we call rangefinding. One of the  
2 questions or points that one of our Board members made  
3 earlier is who decides about these scores on these  
4 assessments. It is that rangefinding where Colorado  
5 educators determine for our open-ended items, our  
6 constructed response items, what is going to be a 1, what  
7 will be a 2, and what will be a 3. And then those  
8 determinations are used to train our scorers and to ensure  
9 that our assessment is scored consistently with Colorado  
10 educator expectations.

11                   Items are then scored. We then go through a  
12 process referred to as data review. We are now looking at  
13 how the items actually perform during field testing. Are  
14 they of high enough quality to include on an actual  
15 operational assessment? That's the question that's being  
16 asked at that point in time. And again, Colorado educators  
17 are participating in that process.

18                   The items then appear on the first  
19 operational assessment. For high school, again, that first  
20 operational assessment was in November of 2014.

21                   Those items then went through a scoring  
22 process. Right now, as we speak, we have Colorado educator  
23 panels together, making recommendations about where we  
24 should set our cut scores, to separate out our levels.  
25 Those recommendations will then be brought before this



1 Board in March and you will be asked to adopt both  
2 performance-level descriptors and those cut scores. After  
3 that, we'll be able to actually complete the scoring and  
4 the reporting process and get those scores and reports back  
5 to the local districts for distribution of results.

6                   When we look at the scores that are  
7 available on the assessment there will be those high-level  
8 performance levels. There will be a scale score, right.  
9 There's going to be a number. There will also be what we  
10 refer to as standard scale scores. So when we look at  
11 social studies there will be a history scale score, there  
12 will be a geography scale score, there will be an economic  
13 scale score, and there will be a civic scale score. When  
14 we look at science there will be a life science scale  
15 score, there will be a physical science scale score, an  
16 earth systems scale score, as well as a scientific process  
17 inquiry scale score. The field's desire to have that level  
18 of detail in part is what impacts the length of the  
19 assessment.

20                   There will also be scale scores that are  
21 assigned to selected response versus constructed response  
22 items. Selected response is just a different phrase for  
23 basically multiple choice, and then constructed response,  
24 that's where students are actually writing out their  
25 responses. And for a lot of what we're asking our high



1 school students to do, within both the social studies and  
2 science standards, that's really important.

3                   We will also report out, at the prepared  
4 graduate competency level, for high school. For elementary  
5 and middle school we were also able to report out at the  
6 grade-level expectation level. We won't be doing that for  
7 high school because of the number of GLEs that our  
8 standards have. Remember, for high school, we have high  
9 school span standards, right, so it's ninth through the end  
10 of high school, so there's a number of GLEs.

11                   When we're looking at our performance labels  
12 for us they are the same as what we had for elementary and  
13 middle school. Distinguished command is at the highest  
14 level, strong command, moderate command, and limited  
15 command. There are high-level policy claims that can be  
16 made based on these performance levels. At strong command,  
17 that is an indication that a student is academically  
18 prepared to engage successfully in further studies in this  
19 content area. And so when we're looking at our culminating  
20 high school assessments, that's an indication that these  
21 students are ready to go and engage in college-ready work.

22                   Distinguished command takes it a level up.  
23 It means that the students are well-prepared. At a  
24 moderate command, the expectation is that students likely  
25 will need academic support to be successful, and at limited





1 command we're talking about students who likely will need  
2 extensive support in order to be successful.

3                   We will have specific performance level  
4 descriptors by content area for high school, right. So  
5 it's going to take it to a deeper level. You have draft  
6 descriptors that were provided for you. With those  
7 descriptors we're now going to take the expectations of the  
8 standards and talk about, so what will we actually see from  
9 a student who is performing at that distinguished command  
10 level versus strong command versus moderate, et cetera.

11                   That language is reflected in the standards  
12 themselves. So when you talk to educators and you ask  
13 educators, "Do these performance level descriptors make  
14 sense? Do you understand where they came from?" educators  
15 can draw a link directly between these and the standards  
16 themselves.

17                   These were initially drafted by CDE and  
18 Pearson content specialists. They were posted and  
19 disseminated for public comment in January, and they will  
20 actually be finalized during the standards-setting process  
21 with the Colorado educators. So as they're going through  
22 their process they may, indeed, make some changes, some  
23 tweaks based upon what they see and based upon their  
24 expertise. It's important to note that this is content, so



1 these are content decisions that are being made by the  
2 content experts themselves.

3                   Who is going to adopt the new performance  
4 levels? That will be the State Board of Education. The  
5 intent is that you will take into consideration the  
6 recommendations from the panelists.

7                   Who is going to participate in the cut  
8 score-setting panels? There will be approximately 25  
9 educator panelists. They are folks who are experts in the  
10 concepts and skills that are found in the Colorado Academic  
11 Standards. They also understand student development in  
12 relationship to those standards. We also ensured that  
13 there are folks with expertise in some of our special  
14 populations, so English learners and students with  
15 disabilities. Again, we want, in the end, to make sure  
16 that we are measuring and making determinations about  
17 achievement based on science and social studies and not a  
18 disability area.

19                   We also asked that people who come to  
20 participate in that process are actually interested in the  
21 results of the process. I can share with you that the  
22 comments we have heard from Pearson, who facilitate this,  
23 is that Colorado educators take their job very seriously.  
24 They believe in this process, they value this process, and



1 they believe that they will have impact, based on some of  
2 the recommendations that they make.

3                   The panelists are selected through an open  
4 recruitment process by Pearson and CDE. We do take into  
5 consideration region and size from across the state, as  
6 well as --

7                   MADAM CHAIR: Just a moment, please.

8                   UNIDENTIFIED VOICE: It's not an emergency.

9                   MADAM CHAIR: Do you have a question?

10                  UNIDENTIFIED VOICE: How do they recruit  
11 these teachers? By what methods?

12                  MS. ZURKOWSKI: Madam Chair.

13                  MADAM CHAIR: Yes.

14                  MS. ZURKOWSKI: So there were a variety of  
15 avenues. We have actually, over the course of the last  
16 three years, built an educator database where educators who  
17 are interested in participating in the assessment  
18 development process could submit their information, and we  
19 have over -- well, close to about 400 educators who have  
20 submitted their information, so we already had that  
21 database. We also sent out information through our  
22 district assessment coordinators as well as through some of  
23 the content groups, specifically the social studies group  
24 as well as the science group, to do the recruiting.



1                   When we look at doing the actual selection,  
2 again, we look at trying to get a balance across regions of  
3 the state as well as district size as well as having  
4 representation from schools that are both charter and not  
5 charter, and things like that. And again, for those of you  
6 who were here in the summer you may remember that I showed  
7 you tables of what that breakout looked like. I will do  
8 that again when I come back in March, and share that with  
9 you.

10                   Most importantly, what we're looking for are  
11 folks who are really familiar with those Colorado  
12 standards. This is, again, a content decision, so we have  
13 to have folks who are intimately knowledgeable with those  
14 standards.

15                   What is the role of Pearson and CDE  
16 assessment staff? Really, we're the facilitators of this  
17 process. Ultimately, the recommendations are those  
18 Colorado educator recommendations. So the  
19 psychometricians, they lead the meeting. They explain the  
20 process. There are data analysts who collect the ratings,  
21 run analyses, they generate feedback reports for the  
22 groups. And then there are content experts who are onsite  
23 should there be any content-related questions that the  
24 panelists have. But in the end, our job is to sit on the  
25 sidelines and let the Colorado educators do their job.



1                   What method will be used? It is the same  
2 method that we used for elementary and middle school. It  
3 is a fairly standard method referred to as the Bookmark  
4 Method. Again, it is content based, all right, so it's  
5 based on the content of the science and social studies  
6 standards. We look at students who are just barely over  
7 the line. So when we're setting the cut score for strong  
8 it is who are those students who just cross over into that  
9 strong category. What do they look like? What does their  
10 skill set look like, and that's where we base the cut  
11 score.

12                   We utilize an ordered item booklet. I'll  
13 talk more about that in a second. And again, it is those  
14 threshold students that we take into consideration. We are  
15 making assumptions that as we're thinking about those  
16 students they are students who are instructed in the  
17 Colorado academic standards, so those set the long-term  
18 expectations using the locally determined methods and  
19 curriculum that's inside.

20                   The ordered item booklet is basically we  
21 take all those test items and put them in order, from  
22 easiest item to most difficult item. We include both  
23 operational items as well as what we refer to as embedded  
24 field test items to make sure that we have all the content  
25 adequately represented. We make sure that all of the



1 different item types are included in this process. And  
2 what the, at a very simplistic level, is the panelists  
3 essentially mark where they think we've now moved from one  
4 level to the next level, where we've moved from strong to  
5 distinguished.

6                   Again, our threshold students are those  
7 students who are just over the line. So as we make our  
8 moderate cut it's for kiddos who have mastered that limited  
9 command information and skills and they have now just  
10 crossed over into moderate. For the strong cut, it's just  
11 crossing over from moderate, and for distinguished, these  
12 are students who have the limited information, the  
13 moderate, the strong, and they've just crossed over into  
14 the distinguished performance level.

15                   MS. SCHEFFEL: Madam Chair?

16                   MADAM CHAIR: Yes. Go ahead, Deb.

17                   MS. SCHEFFEL: When they cross over the  
18 threshold are they crossing based on the difficulty of the  
19 question or the nature of the response, or both.

20                   MADAM CHAIR: Yes.

21                   MS. ZURKOWSKI: Madam Chair, so what the  
22 panelists have done is they have essentially, prior to even  
23 starting to do this bookmarking, is they have written what  
24 we refer to as threshold descriptors. And so they have a  
25 description of a student in mind, what the student can do



1 and demonstrate at that particular level. And then they  
2 start to look at the items, and they look for when has that  
3 student just made that jump over the line. So it is a  
4 combination of the level of difficulty of the item, which  
5 is also, obviously, related to the concepts and skills that  
6 are being asked.

7 MS. SCHEFFEL: So they're actually looking  
8 at descriptors that could be part of an answer to a  
9 question, when they slip over the line. Is that what  
10 you're saying?

11 MS. ZURKOWSKI: It's not specific -- sorry,  
12 Madam Chair.

13 MADAM CHAIR: Go ahead.

14 MS. ZURKOWSKI: It's not specific to a  
15 particular item. It's broader than that. So it really,  
16 again, looking at these performance-level descriptors that  
17 they have in front of them and then asking, these  
18 descriptors represent kind of like the average kid at that  
19 performance level, and now they come up with a description  
20 of what does a kid just over the line look like?

21 MS. SCHEFFEL: And, Madam Chair --

22 MADAM CHAIR: Yes.

23 MS. SCHEFFEL: -- a follow-up. Is that  
24 based on depth of knowledge of the categories?

25 MS. ZURKOWSKI: Madam Chair.



1 MS. ZURKOWSKI: Yes.

2 MADAM CHAIR: Yes.

3 MS. ZURKOWSKI: So the panelists can take  
4 into consideration depth of knowledge, and you can see that  
5 depth of knowledge is also reflected in some of the verbs  
6 that are used within the performance level descriptors.  
7 But as you know, depth of knowledge is very different than  
8 level of difficulty, right. So you can have kids who are  
9 working on identifying, which is considered a low DOK  
10 level, identifying. Yet if I would ask you to identify the  
11 color of the fabric behind you, that's a relatively easy  
12 task. If I would ask you what are the materials that made  
13 -- identify the materials that made that blue background,  
14 that might be a little bit more difficult.

15 So when we look at things like science and  
16 social studies, you have the same issues, right, in terms  
17 of what we're asking kiddos to identify. Level of  
18 difficulty and depth of knowledge are not necessarily the  
19 same. They both come into play through the standard-  
20 setting process.

21 UNIDENTIFIED VOICE: May I ask a question,  
22 Madam Chair?

23 MADAM CHAIR: Sure.

24 UNIDENTIFIED VOICE: So they took the test  
25 in November.





1 MS. ZURKOWSKI: Mm-hmm.

2 UNIDENTIFIED VOICE: And so the teachers now  
3 have the rest of the year -- they got the results and now  
4 they're reteaching.

5 MS. ZURKOWSKI: Madam Chair.

6 MADAM CHAIR: Yes.

7 MS. ZURKOWSKI: Schools and districts do not  
8 have the results. We have to complete this process before  
9 we can do scoring and reporting.

10 MADAM CHAIR: Because they're setting the  
11 cut scores. That hasn't been decided.

12 UNIDENTIFIED VOICE: So it's all about cut  
13 scores and not about whether the kid is doing well, or --

14 MS. ZURKOWSKI: Madam Chair.

15 MADAM CHAIR: Yes.

16 MS. ZURKOWSKI: It is through the cut score-  
17 setting process that we assign these performance levels  
18 that say, essentially, does this student -- has the student  
19 mastered, at a strong level, the content of the standards?  
20 We can't tell schools or districts how the students did  
21 until we go through that process.

22 UNIDENTIFIED VOICE: And when will that be?

23 MS. ZURKOWSKI: Madam Chair.

24 MADAM CHAIR: Yes.



1 MS. ZURKOWSKI: So we are in the process of  
2 setting -- coming up with the recommendations for the cut  
3 scores. I will be back here in March with the  
4 recommendations from the panelists. I will put those  
5 before you and say, "Here are the recommendations of the  
6 panelists." You, as a Board, will make a decision as to  
7 whether or not you want to accept those recommendations or  
8 change those recommendations. Once you have adopted the  
9 cut scores that will allow us to now go, this particular  
10 student has demonstrated strong command, this particular  
11 student has demonstrated distinguished command. We'll be  
12 able to finish the scoring and reporting. We can't finish  
13 scoring and reporting until you all have adopted the cut  
14 scores.

15 UNIDENTIFIED VOICE: Okay. So the day after  
16 we --

17 MADAM CHAIR: -- do our thing --

18 UNIDENTIFIED VOICE: -- we do our thing,  
19 right, the teachers will get the results.

20 MADAM CHAIR: Maybe not that quick, I'm  
21 sure.

22 MS. ZURKOWSKI: Madam Chair.

23 MADAM CHAIR: Yes.

24 MS. ZURKOWSKI: That's correct. It's not  
25 quite that quick. There are a number of steps that



1 obviously have to go into play before we can release the  
2 results of 120,000 tests, that we will assign these levels  
3 to.

4 UNIDENTIFIED VOICE: So when will the  
5 teachers get the results so that they know --

6 MS. ZURKOWSKI: Madam Chair.

7 MADAM CHAIR: Yes.

8 MS. ZURKOWSKI: It is fair to expect that  
9 those results will be in the hands of schools and districts  
10 about six weeks after you make your decision.

11 UNIDENTIFIED VOICE: So that will be about -  
12 -

13 MADAM CHAIR: The middle of April?

14 UNIDENTIFIED VOICE: -- the middle of April,  
15 maybe starting May?

16 MS. ZURKOWSKI: Madam Chair.

17 MADAM CHAIR: Yes.

18 MS. ZURKOWSKI: Correct.

19 UNIDENTIFIED VOICE: So then they can  
20 reteach, or go to summer school, to make up.

21 MADAM CHAIR: Yes. Go ahead.

22 MS. ZURKOWSKI: Madam Chair, how schools and  
23 districts utilize these results is really up to the schools  
24 and districts. These results are intended to be an  
25 indicator of students nearing the end of their high school



1 career and whether or not they have reached what the  
2 expectation is. That's why these are referred to as kind  
3 of summative assessments. They're at the end of the --

4 MADAM CHAIR: And this is a very new  
5 process. That's why --

6 UNIDENTIFIED VOICE: So it's 11 -- 11th  
7 grade, or when? What's the grade that they take --

8 MS. ZURKOWSKI: Madam Chair, for this year  
9 the students took this assessment in November of their  
10 12th-grade year.

11 UNIDENTIFIED VOICE: So will they have to --  
12 if they don't pass will they go to summer school?

13 MS. ZURKOWSKI: Madam Chair, I do not expect  
14 that local districts will make a decision about summer  
15 school based on these assessment results.

16 MADAM CHAIR: It's a very new process.  
17 We're just working through it. They've not done it before.

18 UNIDENTIFIED VOICE: Why did they give in  
19 12th grade.

20 MS. ZURKOWSKI: Madam Chair.

21 MADAM CHAIR: Yes.

22 MS. ZURKOWSKI: So the assessments are built  
23 off of the standards, right. So very much with these new  
24 standards assessment was able to be follow the standards.  
25 The standards themselves are written at a high school grade



1 span level. We do not have ninth-grade standards and  
2 tenth-grade standards and 11th-grade standards. They are  
3 just high school standards. So we knew, for the  
4 assessment, we wanted to push that assessment as late in  
5 the experience as possible to allow for local flexibility,  
6 in terms of scope and sequence.

7                   So originally, the intent was to give this  
8 assessment in the spring of 11th grade. When Colorado  
9 became a governing board member of PARCC, and we added in  
10 the 11th-grade English language arts and mathematics  
11 assessments, we went back to the field and said, "We are  
12 looking at what is happening in 11th grade in terms of  
13 assessment. We are concerned about the level or the amount  
14 of testing that we will be asking our 11th-graders to do.  
15 Do you want us to try to move the science and social  
16 studies assessments to the fall of 12th grade?" And at  
17 that point what we heard from the field was, "Give it a  
18 try." That's what we did this past fall, and that's how we  
19 ended up with fall of 12th-grade assessments.

20                   UNIDENTIFIED VOICE: So it's not going to be  
21 on their record.

22                   MS. ZURKOWSKI: Madam Chair. So within the  
23 law there is reference that scores from the assessments  
24 will be included on final report cards, assuming that  
25 results are available in time for the production of those



1 report cards. So for this year, as we're looking at what  
2 schools and districts will do, they will be making their  
3 own individual decisions about whether or not they will be  
4 able to include these scores on those final report cards or  
5 not.

6 In future years, if we had cut the fall  
7 testing, I would have expected for those results to be  
8 available in time. Obviously, there is a lot of  
9 conversation about what will happen with these high school  
10 science and social studies results and when we will be  
11 administering them in the future.

12 MADAM CHAIR: Yes, Deb.

13 MS. SCHEFFEL: Can you just review again the  
14 legal imperative for these assessments? We have standards.  
15 There's science and social studies. There's one set for  
16 high school for each subject area. Students are expected  
17 to take one test at one time during their high school  
18 experience, right?

19 MS. ZURKOWSKI: Madam Chair. Correct.

20 MS. SCHEFFEL: Okay. And then as far as  
21 Pearson or requiring a test -- in other words, I remember  
22 when the State Board voted to require social studies  
23 testing. But, I mean, what are we -- what is the legal  
24 imperative for us on this testing, and on how often it's  
25 given, whether it's given or not at all, whether we have



1 standards in it or just testing -- or just standards but no  
2 testing? Or, you know, just what are the legal --

3 MS. ZURKOWSKI: Madam Chair. So if you look  
4 at 12-7-409, in there there is reference to the science  
5 assessments that the state will give and the social studies  
6 assessments and when they will give them. It is basically  
7 once in elementary school, once in middle school, and once  
8 in high school.

9 MS. SCHEFFEL: Okay. And as far as --  
10 excuse me.

11 MADAM CHAIR: You go ahead.

12 MS. SCHEFFEL: As far as it being a  
13 criterion reference test versus norm reference, it's sort  
14 of combined in this iteration. Does it specify and does it  
15 specify -- yeah, I guess that's my question, the nature of  
16 the test.

17 MADAM CHAIR: Yes.

18 MS. ZURKOWSKI: Madam Chair, so if we look  
19 at -- one moment, please. I just completely drew a blank.

20 (Overlapping.)

21 MS. ZURKOWSKI: Thank you. CAP4K. There we  
22 go.

23 MADAM CHAIR: I'm glad I'm not the only one  
24 that forgets things.

25 MS. ZURKOWSKI: I did it just for you.



1                   When you look at CAP4K, CAP4K required  
2 Colorado to do a variety of activities. One of those was  
3 to develop the new standards and then to develop  
4 assessments which measured those standards. So it works in  
5 coordination between the CAP4K and this section of the  
6 assessment law.

7                   MS. SCHEFFEL: And does it specify every  
8 child, could we do sampling? Could we do a different type  
9 of test, not a criterion-referenced test? Is there -- do  
10 we have latitude there? I mean, I know we're on this road,  
11 but are we on it because we have to be on it or do we have  
12 options?

13                  MS. ZURKOWSKI: Madam Chair.

14                  MADAM CHAIR: Yes. Go ahead.

15                  MS. ZURKOWSKI: Madam Chair, so CAP4K --

16                  MR. DURHAM: Becoming a road well traveled.

17                  MS. ZURKOWSKI: -- so CAP4K says that our  
18 assessment will be based on the standards, which is a  
19 criterion-referenced type of an assessment. In terms of  
20 every student, that is specified in 12-7-409.

21                  UNIDENTIFIED VOICE: 22 --

22                  MS. ZURKOWSKI: Sorry. 22-7-409, where it  
23 says every student shall take.

24                  MS. FLORES: May I ask a question, Madam  
25 Chair?





1 MADAM CHAIR: Yes.

2 MS. FLORES: Okay. What worries me is that  
3 we're not talking about reteaching, and we're not talking  
4 about providing teachers with this is what was -- this is  
5 what this child needs, this is what you should be  
6 reteaching, or maybe this is where you're not doing well.  
7 And I know sometimes -- I worked for a testing company --  
8 and you add three dollars or four dollars, and the teacher  
9 gets, for that amount of money -- it used to be that much;  
10 maybe it's more -- then the teacher gets an assessment of,  
11 you know, this is what was wrong, the kid missed this item,  
12 this item, which means you have to reteach this. That, to  
13 me, is so important. I mean, why test if you're not going  
14 to then provide, you know, that curricula that was missed  
15 or that's needed, so that child can do some learning?  
16 That's a reason for testing.

17 MS. ZURKOWSKI: Madam Chair.

18 MADAM CHAIR: Mm-hmm.

19 MS. ZURKOWSKI: So when we're looking at an  
20 entire assessment -- sorry -- an entire assessment system,  
21 there are a variety of assessments that are used. There  
22 are formative assessments that are used on a day-to-day  
23 basis that teachers use --

24 MS. FLORES: I know about formative.



1 MS. ZURKOWSKI: -- that teachers are using -  
2 -

3 MS. FLORES: Right.

4 MS. ZURKOWSKI: -- to guide their  
5 instruction from a day-to-day basis. There are interim  
6 assessments that are given throughout the school year that  
7 can provide information to the educators in terms of how  
8 are these students doing, are they on track to achieving  
9 the standards by the end of the year, and they can give  
10 some direction to those teachers in terms of how to adjust  
11 to get their students to the target that is at the end of  
12 the year.

13 The state assessments are summative  
14 assessments. They are given at the end of the year, asking  
15 the question, did the students make it? Now how schools  
16 and districts can utilize those results, there's a variety  
17 of ways. Most impactfully I would suggest is really  
18 looking at, overall, how did our school do in terms of  
19 addressing issues like economics. And so we know that when  
20 schools and districts get their assessments -- sorry --  
21 assessment results back --

22 MS. FLORES: We know that. Sorry.

23 MS. ZURKOWSKI: -- that they may see that,  
24 frankly, in the area of history their school did just fine.  
25 They're not concerned about --



1 MS. FLORES: Okay. We're not talking about  
2 the schools.

3 MS. ZURKOWSKI: But they may see --

4 MS. FLORES: We're talking about -- I'm  
5 asking about individual teachers, and I'm asking about also  
6 about students, individual students.

7 MADAM CHAIR: Excuse me.

8 MS. FLORES: And I know about summative.  
9 But the test --

10 MADAM CHAIR: Excuse me. Excuse me just a  
11 moment, Val.

12 MS. FLORES: Excuse me.

13 MADAM CHAIR: These -- they don't have this  
14 control. I know what you're saying. This is unintended  
15 consequences of legislation which was passed in 2008.  
16 CAP4K was passed in 2008, which put in the legislation  
17 you'll do this by this year and this by this year.

18 MS. FLORES: Right.

19 MADAM CHAIR: And you're right, you know,  
20 but those are not things that this particular system is  
21 designed for. And so we just have to consider this because  
22 it is a legislation.

23 MS. FLORES: It's flawed.



1 MADAM CHAIR: Well, a lot of it is. Okay,  
2 but, you know, it's not their fault. That's what I'm  
3 saying.

4 MS. FLORES: Right.

5 MADAM CHAIR: All right. Jane.

6 MS. FLORES: We're not talking about  
7 important issues for students.

8 MADAM CHAIR: Well, we are, but we don't  
9 have control over that particular issue.

10 Jane.

11 MS. GOFF: I think classroom teachers should  
12 always believe that they have control around the purpose of  
13 any assessment. So even though this one particularly, in  
14 our case, occurs where a junior in high school, a senior in  
15 high school, wherever, the rub is with seniors right now.  
16 So we've got seniors in high school, and they achieve a  
17 certain score. Now even though they won't be back,  
18 probably -- I mean, there won't be another --

19 MADAM CHAIR: Yeah, to give our students.

20 MS. GOFF: -- that student, that teacher  
21 situation, the staff, the school can use the next year  
22 after this test, however long it lasts, after this testing  
23 on into the future, to really use that as material to study  
24 how is the program going? How is our curriculum affecting  
25 kids' learning, overall, in our school, and then through



1 the next year's program work with formative assessments  
2 and other interim measures that history of economics  
3 teachers take, and then --

4 MS. FLORES: And then those poor kids that  
5 took the test, they're throwaway kids. I mean, they're  
6 just -- forget about them.

7 MADAM CHAIR: Well there's -- what I'm  
8 saying --

9 MS. GOFF: I don't see how --

10 MADAM CHAIR: -- there's nothing we can do  
11 about this year's kids.

12 MS. GOFF: We're not talking points, Val.  
13 That's not the point.

14 MADAM CHAIR: Yeah. It's too late.

15 MS. FLORES: Then they shouldn't have done  
16 the test in 12th grade.

17 MADAM CHAIR: The purpose -- what they  
18 wanted to do -- now, you know, again, unintended  
19 consequences -- they wanted to set up a system whereby, as  
20 Jane says, they could measure the teachers, and the school  
21 could sit down and say, "We're not doing a very good job  
22 with this," and that's good for students in general. Now  
23 we realize that there are students that are going out of  
24 there this year --



1 MS. FLORES: But if it's (inaudible) history

2 --

3 MADAM CHAIR: But you can't -- what I'm  
4 saying is you can't fix it, Val. I'm sorry. Not at this  
5 stage.

6 MS. FLORES: Then get rid of the testing.  
7 Get another one.

8 MADAM CHAIR: No, no. Get rid of it now?  
9 It would be another ten years. You don't know how slow --  
10 well, you do know because you've been in it -- but how slow  
11 education works.

12 Go ahead. I'm sorry. We got in this little  
13 psychological thing here.

14 MS. ZURKOWSKI: So as we're looking at the  
15 setting of the cut scores, that process, again, at a very  
16 high level, what we do is we go through a general session  
17 and let folks know what is going to happen across the next  
18 two days, what the task is that they're being asked to  
19 complete. Science works independently of social studies.  
20 Again, remember, these are content decisions. They will  
21 get to know one another, understand the background of one  
22 another. They will review those performance level  
23 descriptors that you have drafts of. They will develop the  
24 descriptions of those threshold students, those just-over-  
25 the-bar students.



1                   They then go through and they review all of  
2 the items that were in the test, to have a thorough  
3 understanding of what this assessment covered. They get  
4 trained in that bookmarking process, including going  
5 through some practice. They are asked if they understand  
6 what it is that they now need to go off and do, and they  
7 submit their initial ratings. That takes an entire day, to  
8 go through that process.

9                   When they come back on day number two, they  
10 are provided with the results of that first round of  
11 information. So they will have their own results as well  
12 as their table results, as well as the whole room results.  
13 They will also be given, at that time, the item-level  
14 difficulties. So initially they're going through and  
15 they're just looking at the content. The second time  
16 around they can see what percentage of students actually  
17 got each item correct.

18                  They then go through and complete a Round 2  
19 of ratings, and go off basically to lunch. They come back  
20 from lunch. They have the results again that they came up  
21 with, what their table came up with, what the room came up  
22 with. At this point in time they are showed what we refer  
23 to as impact and some external data. For the first time  
24 they see the percentage of students that are falling into  
25 each category, just so that they know.



1                   They will look at that. They may take that  
2 into consideration. They may make some adjustments. We  
3 know, based on what we saw last summer, that very little  
4 adjustment was made, right. They sat back, they asked  
5 themselves the questions, "Did we make the right content-  
6 based decisions," and last summer those groups said, "Yes,  
7 we did. Even though we don't have very many students at  
8 those highest two levels, from a content perspective we  
9 have done this appropriately."

10                   They will make their final recommendations  
11 and then they are also asked to complete a questionnaire,  
12 basically indicating their level of support for the  
13 decisions, whether they thought that the process was fair  
14 and valid, and things like that.

15                   When we look at the timeline, in November,  
16 the assessment was administered. In December, the  
17 materials were processed and all of those responses were  
18 scored. In January, the districts went through what we  
19 referred to as student demographic data cleanup. This is  
20 when they make sure that every student is designated in an  
21 appropriate way -- race, ethnicity, free and reduced lunch  
22 status, disability status, et cetera. We selected our  
23 panelists and we created all the materials necessary for  
24 the cut score meeting. In February, those cut score panels  
25 are convening. In March, we will be bringing you back the





1 recommendations of those panels. Assuming that you adopt  
2 cut scores on that day we will get results out to the  
3 schools and districts targeting the end of April, the very  
4 beginning of May.

5                   We know that this past November, when we  
6 gave this assessment to our 12th-graders, that we did not  
7 have the same level of participation as we historically  
8 have had with our assessments. So it is a legitimate  
9 question to ask, how is that going to impact this process  
10 and how is it going to impact results?

11                   So we know that we had approximately 56,000  
12 students who were eligible to take the assessment. We  
13 ended up having about 45,500 students who ended up with  
14 scores. What we did is we actually selected a sample of  
15 students from that 45,000 that would be reflective of the  
16 group as a whole. So we tried to match on -- make sure  
17 that our sample was reflective of the entire population on  
18 key demographic variables. So we made sure that we had the  
19 right representation in terms of male and female. We  
20 looked again at district setting. We looked at disability  
21 status. We looked at English learner status. We looked at  
22 free and reduced lunch status, and things like that. And  
23 again, when I come back to you in March I will be able to  
24 show you results based on that sample, as well as all  
25 students who actually completed the assessment.



1                               So I will be back in March with  
2 recommendations from those panels. At that point in time  
3 you will be asked to make a decision as to whether or not  
4 you're going to adopt the performance level descriptors and  
5 whether or not you are going to adopt cut scores.

6                               MADAM CHAIR: Questions? Angelika.

7                               MS. SCHROEDER: This is not exactly on this  
8 particular topic, but we went through this process before,  
9 for the elementary and middle school assessments. Have we  
10 released any examples or any questions from that?

11                              MS. ZURKOWSKI: Madam Chair, so what we had  
12 done with elementary and middle school assessments is we  
13 had sample questions that were out prior to the test being  
14 given so that folks could get a sense of item types and  
15 content that was going to be covered. We were able to  
16 release additional sample items after the testing was  
17 complete, including actual performance data attached to  
18 those sample items, so that folks could look at that.

19                              MS. SCHROEDER: Performance data in terms of  
20 how many -- one, two, three, four -- or is there actually  
21 the rubric that's used for each question?

22                              MS. ZURKOWSKI: Madam Chair.

23                              MADAM CHAIR: Yes.

24                              MS. ZURKOWSKI: So what is included is, for  
25 our constructed response items, as a distribution of the



1 zero, one, two, three. For our selected response or  
2 multiple choice items the percentage of students who got  
3 those answers correct. And then we also have the rubrics  
4 that were used for the constructive response items.

5 MS. SCHROEDER: For each of those specific  
6 questions.

7 MS. ZURKOWSKI: For those specific  
8 questions.

9 MS. SCHROEDER: Okay. So that a parent can  
10 look at that, at a question, and know what was expected at  
11 each different level, or, for that matter, your kids can  
12 learn --

13 MS. ZURKOWSKI: Madam Chair.

14 MS. SCHROEDER: -- the rubric.

15 MADAM CHAIR: Yes.

16 MS. ZURKOWSKI: Yes. And the intent is for  
17 us to, again, be able to do that based on this high school  
18 assessment after the scores are released.

19 MS. SCHROEDER: Fantastic. Thank you.

20 MADAM CHAIR: Deb.

21 MS. SCHEFFEL: Thank you. Can you remind  
22 us, when the State Board voted on the cut scores for the  
23 elementary level, can you -- do you have that at your  
24 fingertips? I seem to -- I know I saved that document.



1 But I just recall there was a very high failure rate based  
2 on how we set the cut scores. Can you remind us of that?

3 MADAM CHAIR: Yes. Go ahead.

4 MS. ZURKOWSKI: Madam Chair, so when we  
5 looked at the percentage of students who were at the top  
6 two levels, for social studies it was between about 16 and  
7 17 percent. It was a very low percentage. When we looked  
8 at science it was in the lower 30s.

9 MADAM CHAIR: That probably made my --

10 MS. SCHEFFEL: And just anticipating it  
11 because it's likely that the same group will have the same  
12 lens and the same types of recommendations that they bring  
13 back to us next month for the cut scores for high school.  
14 And I don't know about the other Board members but the  
15 fallout from that kind of a vote, with those numbers of  
16 students failing at the top two levels, is creating a  
17 narrative of failure that some people feel is an artifact  
18 of the way the cut score are set. So I'm wondering --

19 MS. ZURKOWSKI: Madam Chair. So the cut  
20 scores are definitely set based on content expectations.  
21 What do students need to be able to know and do in order to  
22 be on track for college and career readiness? That is  
23 definitely the case. So it is not based on a, let's just  
24 evenly distribute this, you know, 25 percent, 25 percent,  
25 25 percent, 25 percent -- which may be more palatable. But



1 it's not true to the content. And again, these assessments  
2 are definitely being driven by the Colorado Academic  
3 Standards and what Colorado educators set out as the  
4 expectations for what students should be able to know and  
5 do at these particular levels.

6 MS. SCHEFFEL: I know it's just that --  
7 excuse me.

8 MADAM CHAIR: Go ahead.

9 MS. SCHEFFEL: It's just that when people --  
10 when you define college and career ready based on 16 to 17  
11 percent of the kids, based on those cut scores would be --  
12 were the two levels distinguished or strong, only 16 to 17  
13 percent of the kids would fall there, based on, as you  
14 said, college and career readiness. There's a strong  
15 perception that that's quite subjective. And so it's  
16 helpful that you walk through this bookmarking technique  
17 and so forth, but the public is not privy to that detail.

18 And so I guess I think, as a Board, we  
19 should be thinking about, is this really the way -- I mean,  
20 what is the impact of this approach? And this is the  
21 approach Pearson uses and it's also -- I mean, it's an  
22 acceptable coach for criterion-referenced test, but, I  
23 mean, I think we should be thinking about what the impact  
24 is. How is this driving excellence in our schools? Is it,  
25 and what is the outcome?



1 MS. ZURKOWSKI: Madam Chair.

2 MADAM CHAIR: Yes.

3 MS. ZURKOWSKI: Just for -- Pearson is  
4 definitely facilitating this process. But I do think it's  
5 important to note that Colorado is actually one of the  
6 first states to utilize this process with their original  
7 CSAP assessments. And I want to be clear that it was not  
8 Pearson who imposed this process on Colorado. It was our  
9 decision.

10 MS. SCHEFFEL: So maybe, my question is, is  
11 there -- I always get the feeling like this is the way it  
12 is, this is the way it's going, and we're going to have  
13 recommendations, and we could tweak it along the edges but  
14 basically we're going to have to vote it in, we're under a  
15 time crunch. I mean, I feel like we're certainly not  
16 driving the process. And I don't know what other options  
17 there are, but it feels very much like we're recipients of  
18 a process that's occurring outside of us.

19 UNIDENTIFIED VOICE: May I?

20 MADAM CHAIR: Yes.

21 UNIDENTIFIED VOICE: So, Deb, this is a  
22 conversation that we've had before, and I have consistently  
23 worried. The high school kids who took this assessment did  
24 not have the benefit of the new standards as they were  
25 going through school, and I've consistently worried that



1 the first couple of years we're going to have exactly what  
2 we do have, which is kids that did not have the benefit of  
3 many years of Colorado science and social studies  
4 standards. And I do remember saying, at least to the  
5 Commissioner, why can't we slowly but surely up the  
6 expectations given that it seems unfair that you've only  
7 had the benefit of some years? And the Commissioner has  
8 reminded me --

9 MS. SCHEFFEL: That's why I'm thinking, what  
10 are our options? I get the feeling we're going to be  
11 presented with this in March, just next month. We're going  
12 to get recommendations. We're going to maybe tweak them  
13 and, bang, we're going to need to push them through. And  
14 the impact on the public and the students and the teachers  
15 is substantial.

16 UNIDENTIFIED VOICE: Unless it's very, very  
17 clear what it is that this represents.

18 UNIDENTIFIED VOICE: Even if it's clear it's  
19 unfair.

20 UNIDENTIFIED VOICE: Well, it has to feel  
21 unfair to the kids and to the teachers because they just  
22 haven't had the benefit of these really high expectations  
23 for a long enough period of time, particularly when we know  
24 that, according to Marcia, we haven't been teaching the  
25 science and social studies to the extent --



1 MADAM CHAIR: You noticed that.

2 UNIDENTIFIED VOICE: Well, if I have cut  
3 scores on a test that, you know, where they have it,  
4 shouldn't we have at least five years or so, which is the  
5 amount of time that is usually --

6 UNIDENTIFIED VOICE: We've had five years  
7 but we haven't --

8 (Overlapping.)

9 UNIDENTIFIED VOICE: You're saying we  
10 haven't had five years. We have had five years.

11 UNIDENTIFIED VOICE: We have had five years  
12 but those kids are in grade ten.

13 MADAM CHAIR: All right. Let's stop this.  
14 It's not going anywhere. We could go on and on.

15 I -- oh, go ahead, Jane.

16 MS. GOFF: I guess maybe a verification from  
17 Keith and Joyce. These senior tests being given this year,  
18 is that not part of our time out and whole accountability  
19 picture anyway? So as far as repercussions or  
20 ramifications for this year's seniors who are taking this  
21 test -- I don't know. I mean, on the one hand it is a  
22 little awkward that there will be results made public and  
23 that there are cut score decisions being made, which can  
24 paint a picture that is not fairly complete, and it's not  
25 necessarily having --





1                   MADAM CHAIR: Doctor Owen, are you going to  
2 speak to this --

3                   MS. GOFF: Yeah, I mean, can we --

4                   MADAM CHAIR: -- since you've got --

5                   MS. GOFF: -- how could we P.R. it so the  
6 truth of that is there? How do we help our communities?

7                   MADAM CHAIR: Well, let's let Dr. Owen speak  
8 to us here.

9                   MR. OWEN: Madam Chair?

10                  MADAM CHAIR: Yes.

11                  MR. OWEN: Excuse me. So, yes. With the  
12 accountability transition that we're currently under the  
13 science and social studies scores are not counted towards  
14 the district accreditation ratings this year. Originally,  
15 the participation rates for science and social studies were  
16 to be included as part of the conditions for the  
17 accreditation ratings going into the fall of 2015, winter  
18 of 2016. The motion that passed yesterday I think allows  
19 for parent refusals. So if districts experience a drop in  
20 those participation rates that go below 95, because of  
21 parent refusals, then I think what we would do is work with  
22 them around what they have -- as far as information around  
23 the parent refusals, and then we would not penalize those  
24 districts based on the motion that the Board passed  
25 yesterday.



1                   Again, we're working with our contacts at  
2 USDOE to submit an amendment to that waiver, at the  
3 direction of the Board. But for achievement and for  
4 participation, there should not be consequences --  
5 participation for parent refusals -- there should not be  
6 consequences to school districts around science and social  
7 studies.

8                   MADAM CHAIR: Okay. Joyce, a comment?  
9 Steve?

10                  MR. DURHAM: Now I've got a lot of  
11 questions. First of all, I don't recall requesting that we  
12 contact the DOE and ask about a waiver at all. In fact, I  
13 think the conversation was quite the contrary, that we're  
14 going to do what we're going to do and they're going to do  
15 what they're going to do, and we're not going to ask for a  
16 waiver and give them the opportunity to tell us no.  
17 They're going to get to judge on the results. So why are  
18 we requesting a waiver?

19                  UNIDENTIFIED VOICE: Madam Chair.

20                  MADAM CHAIR: Dr. Owen.

21                  MR. OWEN: So not a waiver. An amendment to  
22 the current waiver is what we would be requesting, and the  
23 change.

24                  MR. DURHAM: There was no instruction from  
25 this Board to do that yesterday.



1 MADAM CHAIR: I -- go ahead, Dr. Owen.

2 MR. OWEN: Madam Chair. I think the  
3 understanding that we had was with that directive, and I  
4 think under the advice of Tony Dyl is that we would be in  
5 violation of our agreement with USDOE, and that the only  
6 way to get that agreement into compliance would be to  
7 submit an amendment to the waiver.

8 MR. DURHAM: Well, there's an aw-shucks  
9 moment.

10 MADAM CHAIR: But an amendment -- they're  
11 still not requiring it. They're just explaining, Tony,  
12 don't you think?

13 MR. DURHAM: Well. I mean, I've got kind of  
14 a --

15 MADAM CHAIR: I mean, we don't usually speak  
16 to our employees this way.

17 MR. DURHAM: Well, but we didn't -- in fact,  
18 I thought we kind of made it clear we didn't want to ask  
19 for a waiver, or an amendment.

20 UNIDENTIFIED VOICE: We didn't ask for a  
21 waiver.

22 MR. DURHAM: What -- but you did, or were  
23 going to.

24 UNIDENTIFIED VOICE: You interpreted it as  
25 such.



1 UNIDENTIFIED VOICE: Madam Chair?

2 MADAM CHAIR: Yes.

3 MR. OWEN: So again, after the motion passed  
4 yesterday the executive team, with the Commissioner, got  
5 together and discussed how to work through the implications  
6 of that motion that was passed yesterday. And again, on  
7 the advice of, I think, Attorney General -- Assistant  
8 Attorney General Tony Dyl, the only way to legally get  
9 USDOE -- our waiver that is connected with USDOE is to seek  
10 an amendment to our current waiver that would allow us to  
11 not lower but to take into consideration the consequences  
12 for lower participation because of parent refusal. And so  
13 that was the decision that was made by the Commissioner  
14 yesterday.

15 MR. DURHAM: That does not stop us --

16 UNIDENTIFIED VOICE: May I comment?

17 MR. DURHAM: -- from doing what you wanted  
18 to do. But we made a --

19 MADAM CHAIR: It's still there, yeah.

20 UNIDENTIFIED VOICE: Here's the deal. We  
21 made a pledge to the government, in a waiver, that said we  
22 were going to do these things. If we change anything we've  
23 got to notify them of that, and that's a separate action,  
24 because I was in agreement. We've already notified  
25 districts that when you have parents that want to refuse to



1 take the test, just note it down. Okay? I mean, we're not  
2 trying to make this into a big deal.

3 But what I don't want is to not notify who  
4 we may have pledged -- not pledge but made an agreement --  
5 and then get blasted for that. I want to be up front and  
6 say, "Hey, we changed -- we're amending our waiver, okay."  
7 And this waiver we have now goes through --

8 UNIDENTIFIED VOICE: Madam Chair.

9 MADAM CHAIR: Yes.

10 UNIDENTIFIED VOICE: Yeah, that's correct,  
11 and I think the intent here --

12 UNIDENTIFIED VOICE: -- and we don't hear  
13 from them until December. Okay? And then by December  
14 you'll be voting on whether we want to do another waiver or  
15 not. Okay?

16 MADAM CHAIR: Dr. Owen.

17 MR. OWEN: Madam Chair, I think the intent,  
18 too, is I think that because of this conflict of parent  
19 refusal that's happening not only here in Colorado but  
20 across the country is that we can, I think, try to work  
21 with USDOE to make that happen and for them to include it.  
22 Whether they do or not, I think the Commissioner is right.  
23 We ultimately, at your direction, will not penalize the  
24 school districts, and then if there are consequences to  
25 that, there's consequences.



1 UNIDENTIFIED VOICE: Yeah. That's where I  
2 wanted to leave it.

3 MR. HAMMOND: And part of my question now is  
4 that other states are facing this, and they've got to know  
5 that. And this is a reality that Florida is facing -- I  
6 just saw their stuff -- and other states. So I don't want  
7 to -- trust me, they'll read about it in the newspaper and  
8 then they make an inquiry of us, you violate your waiver.  
9 I want to go up front and say this is what we're going to  
10 do.

11 UNIDENTIFIED VOICE: May I ask a follow-up,  
12 Madam Chair, of the Commissioner?

13 MADAM CHAIR: Yes.

14 UNIDENTIFIED VOICE: I was under the  
15 impression the waiver is up in March. That's what we  
16 talked about, no, yesterday?

17 MR. HAMMOND: The waiver for submittal --

18 UNIDENTIFIED VOICE: The NCLB waiver. The  
19 NCLB waiver, which you were amending by --

20 MR. HAMMOND: Right. That's due by the end  
21 of March.

22 UNIDENTIFIED VOICE: So what's the June  
23 date?

24 MR. OWEN: Madam Chair.

25 MADAM CHAIR: Yes.



1 MR. OWEN: Would you like me to clarify?

2 MADAM CHAIR: Dr. Owen.

3 MR. OWEN: So the current waiver, to our  
4 best understanding, expires at the end of the school year,  
5 end of June. The opportunity to request an additional  
6 renewal of a waiver is for March 31st, with the  
7 understanding it probably takes a couple of months to get  
8 that waiver approved.

9 UNIDENTIFIED VOICE: Okay. So may I just  
10 ask, is this Board going to vote on whether or not we want  
11 to submit a waiver, another waiver to -- for NCLB, by the  
12 end of March? We're not just going to do it out of hand.  
13 We're going to vote on it or talk about it?

14 MR. HAMMOND: As we -- okay. Madam Chair.

15 MADAM CHAIR: Yes.

16 MR. HAMMOND: No. At yesterday's Board  
17 meeting, when we talked about that, I want to be very  
18 specific about that. You get to vote on whether we submit  
19 a waiver or not, and what conditions you would like to see  
20 in that waiver.

21 MADAM CHAIR: And that would be on the March  
22 agenda.

23 UNIDENTIFIED VOICE: And that's in March.

24 MR. HAMMOND: And you can put in that -- you  
25 can ask us to put in that waiver the same criteria



1 (inaudible) yesterday, okay, and we go from there. Or you  
2 can say we don't want to (inaudible) waiver.

3 UNIDENTIFIED VOICE: Thank you.

4 MADAM CHAIR: Okay. Anything more, Dr.  
5 Owen? Steve?

6 MR. DURHAM: Yeah. Then getting back to the  
7 subject at hand, first of all, would we necessarily have to  
8 adopt descriptors and cut scores? Is there another  
9 approach that we might elect?

10 MADAM CHAIR: Joyce, can you answer?

11 MS. ZURKOWSKI: Madam Chair. If we wanted  
12 to put out results that go beyond a number, right, we could  
13 put out results that say 342. But I think what's going to  
14 come back to us is what does that number mean. Without  
15 assigning some words that can describe what that  
16 performance looks like and answers the question of is the  
17 student meeting the standards, yes or no, I'm not sure how  
18 to interpret those results, to be very frank, and I'm not  
19 sure how schools or districts would utilize those results.

20 For science, under federal law, we are  
21 required to report out at the performance level.

22 MR. DURHAM: Okay. Then I have an idea. Is  
23 it -- so you would be precluded by any known law or  
24 statute, but --

25 MR. HAMMOND: Remember, we always say no.





1 MR. DURHAM: Yeah, I know. But I want to  
2 get us to no as soon as I can.

3 So what about -- I agree, putting out the  
4 number 342 is irrelevant. But if your score is 342 is the  
5 95th percentile, that means something. So could we not  
6 convert those scores to percentiles, get rid of the cut  
7 scores, and, for that matter, get rid of the descriptors?  
8 And so on a statewide basis, and then we could tell each  
9 school district or each school, your average student was in  
10 the 30th percentile, or the 50th percentile, or pick  
11 something, that they score.

12 I mean, I'm not very fond of the descriptors  
13 that you have up there to choose from. I mean, they're  
14 kind of hokey. The reality is, you know, how do you stack  
15 up against other Colorado students, and that saves us all  
16 kinds of problems, and then let the districts figure out if  
17 they're poor performing, or we could then take those  
18 percentiles and confer -- you know, if your average score  
19 is below X then you have problem. We could do that. But  
20 it's a lot simpler than us trying to come up with a magic  
21 number that says this is good and that's bad, which is what  
22 you're asking us to do without any knowledge of the test,  
23 any reason to know how these kids are going to do.

24 And the problem that we have, and I think I  
25 can see it coming in other tests here pretty soon, is today



1 we had all kind of sweetness and light about all these  
2 standards, and gosh, they were just wonderful. But every  
3 time we get a report on a score, apparently life isn't  
4 sweetness and light. It's all bad.

5                   So one of these things is getting rapidly to  
6 the point of not being true. I don't know which one it is  
7 but I suppose we'll find out. So a simple way is the way  
8 we used to do -- get normed on Iowa Test of Basic Skills.  
9 You know, if you were in the 95 percentile you did pretty  
10 well and if you were in the 30th percentile you didn't do  
11 so well. So what's wrong with that approach?

12                   MADAM CHAIR: And what did you do about that  
13 one that was in the 35 percent?

14                   MR. DURHAM: I didn't do anything about it.

15                   MADAM CHAIR: Nobody did anything.

16                   MR. DURHAM: Fortunately, I wasn't quite  
17 that low.

18                   MS. ZURKOWSKI: Madam Chair.

19                   MADAM CHAIR: Yes, Joyce.

20                   MS. ZURKOWSKI: So I think you said  
21 something really important in some of your discussion  
22 there, where you said, "I want to be able to compare to  
23 other students." And when we look at what CAP4K has  
24 requested us to do is not necessarily to compare to other  
25 students but to compare against the standards.



1 UNIDENTIFIED VOICE: Criteria.

2 MS. ZURKOWSKI: So that's what we're being  
3 asked to do. When we look at some of our options in terms  
4 of how to talk about results and show results, more so than  
5 we have done in the past when we start looking at our  
6 parent reports, not only do we give this individual student  
7 results compared against the standards but we are also  
8 providing additional information in terms of how did the  
9 school, on average, perform, so that a parent can look and  
10 see, hey, did my kiddo do better or worse than, you know,  
11 the average kiddo in this school? Same thing at the  
12 district level. Same thing at the state level.

13 So we've tried to find kind of a position  
14 that will answer both the question of how did the student  
15 do against the standards that are set, based on these --  
16 making sure that kids are on tap for college and career  
17 readiness -- but also provide some of that information that  
18 you're asking for, in terms of, but I want to know how well  
19 my kid did against some other kids too.

20 MR. DURHAM: If I might follow up, Madam  
21 Chair.

22 MADAM CHAIR: Briefly.

23 MR. DURHAM: The problem is I have a  
24 standard in my hand. Is it dead or alive? These standards  
25 don't mean anything. They are a subjective measure that



1 some individuals or groups have put together and said,  
2 well, this is -- so if I'm setting the standard and I want  
3 everybody to fail, the bird can be dead. But if I want  
4 everybody to be successful, the bird can be alive. If you  
5 just norm the -- if you just tell everybody how they did  
6 and do a comparison, you've at least provided information  
7 that is factually based and non-manipulable by people who  
8 want to show that all teachers are failing or that all  
9 teachers are doing very well. And that's, I think, the  
10 conclusion I'm coming to about these standards is they are  
11 completely subjective.

12 Give me -- I mean, so could we -- the answer  
13 is could we, if we decided to, put a -- have you do these  
14 by percentile, and send them out to the schools and let  
15 them do what they will with them? Could we do that and get  
16 rid of the descriptors?

17 MS. ZURKOWSKI: Madam Chair.

18 MADAM CHAIR: Joyce.

19 MR. DURHAM: Is there a law that keeps us  
20 from doing it?

21 MS. ZURKOWSKI: Madam Chair.

22 MADAM CHAIR: Yes.

23 MS. ZURKOWSKI: So as we look at -- I'll do  
24 federal first and then we'll talk state. Yep, that's what  
25 I'm going to do, because I know you love it so much.



1                   So from a federal perspective, you must have  
2 those performance level descriptors. You must make this  
3 based on content standards. That is the question. Are  
4 students achieving the standards that Colorado has said  
5 that their students need to achieve, and that's the  
6 question we're supposed to be addressing. From the federal  
7 perspective we need to do that.

8                   I will go back and read more in-depth about  
9 CAP4K, but as I recall, CAP4K calls for a very similar kind  
10 of position, which is set the expectations through the  
11 standards. What is it that Colorado says that they expect  
12 their students to know and be able to do, and design the  
13 test to effectively measure that, and to give an indicator  
14 to schools and to parents about whether or not their child  
15 is achieving those content-based expectations.

16                   MR. DURHAM: Could we do both?

17                   MS. ZURKOWSKI: Madam Chair. Yes.

18                   MADAM CHAIR: You won.

19                   MR. DURHAM: We got to yes.

20                   MS. ZURKOWSKI: Madam Chair, please mark  
21 that down.

22                   (Overlapping.)

23                   MADAM CHAIR: Angelika?

24                   MS. SCHROEDER: Well, if you want to line up  
25 all the 178 school districts, or I don't know how many



1 schools, and say which ones are at the top and which ones  
2 at the bottom, if that's your goal you'll achieve that with  
3 the norming. But you don't know whether the ones that are  
4 at the 95 percentile, whether those students know squat.

5 MS. ZURKOWSKI: Madam Chair.

6 MS. SCHROEDER: You don't know at the bottom  
7 either. And so there's more information, under a  
8 standards-based system, and under the goal of having all  
9 children meet our standards. That doesn't give us that  
10 information. It gives us some different information that  
11 might be of value to you. It's the good old 1950s  
12 information that we've had for a long time, based on bell  
13 curve and that sort of thing, and that might mean something  
14 to some folks. But that isn't the criteria. It isn't the  
15 goal that's been stated by our legislature.

16 MS. ZURKOWSKI: Madam Chair.

17 MADAM CHAIR: Yes, and I would ask you,  
18 Board and staff. We're running -- we're about 20 minutes  
19 over time. We're trying to really stick to the time. No,  
20 you go ahead, Joyce. You're running this. You get to make  
21 a remark and then we'll move on.

22 UNIDENTIFIED VOICE: May I --

23 MADAM CHAIR: If it's brief.

24 UNIDENTIFIED VOICE: Yes, it is brief. I  
25 think you could put a percentage point to criterion



1 reference. I mean, if, let's say, 100 percent would be a  
2 perfect on the test. But we say that if you get 50 percent  
3 of the test, that would be 100 percent. I mean, we could  
4 just set it wherever we wanted and still give a percentage  
5 from this point. So it can be done. I mean --

6 MADAM CHAIR: Okay. We know it can be done.

7 UNIDENTIFIED VOICE: -- it doesn't preclude  
8 not having percentages just because it's criterion  
9 referenced.

10 MADAM CHAIR: I have a question for you,  
11 Joyce, that is kind of outside all of this argument here.  
12 When the 1202 Commission was formed, I mean, a lot of this  
13 discussion revolved -- particular at the high school level  
14 -- around the 1202 Commission, who seems to have pretty  
15 much decided that they're not going to test seniors at all.  
16 Right? So what was that argument? I mean, weren't you  
17 going to be presenting the junior -- is it the juniors?  
18 They will test the juniors? I mean, I know the bill hasn't  
19 come forward yet, but there are pretty clear indications of  
20 what they will do.

21 MS. ZURKOWSKI: Madam Chair.

22 MADAM CHAIR: Yes.

23 MS. ZURKOWSKI: So when we had gone through  
24 for both science and social studies and developed what we  
25 referred to as the framework, the stuff we're going to



1 test, and we asked the field, looking at the high school  
2 science standards, whether there was anything we needed to  
3 kind of pull out of those standards because they are  
4 actually taught during the 12th-grade year, the response we  
5 got back was, "No. We're expecting that content to  
6 actually be addressed through those first three years of  
7 high school." So science, should we have to move it, I'm  
8 going to suggest may be okay. I'm not saying we won't want  
9 to look but we may be okay.

10 MADAM CHAIR: Yeah. Okay.

11 MS. ZURKOWSKI: Social studies, on the other  
12 hand when we looked at --

13 MADAM CHAIR: -- won't be trusted anyway.

14 MS. ZURKOWSKI: -- social studies would be  
15 more challenging --

16 MADAM CHAIR: Yeah.

17 MS. ZURKOWSKI: -- because there was a lot  
18 of acknowledgement, when we went to the field and said,  
19 "Here are suggested frameworks." The field is giving us  
20 feedback about, "Wait, that's not addressed until 12th  
21 grade," so take -- you know, you need to be taking pieces  
22 of this out. We addressed social studies in a variety of  
23 ways. We'd want to look more carefully at social studies,  
24 to be honest with you.





1 MADAM CHAIR: Yeah. And given the whole  
2 argument, that may be beyond the point.

3 Okay. Do I dare ask if we can move on?  
4 Deb?

5 MS. SCHEFFEL: I just have a quick question.  
6 It would be great to know the language in the law around  
7 what we're required to do. I know we're required to test  
8 the standards. My question is, are we required -- and it  
9 goes back to Steve's question -- are we required to use  
10 performance descriptors, or performance level descriptors  
11 to tell kids how they did? What kind of feedback are we  
12 required to give, based on the assessment of the standards?  
13 That would be helpful.

14 MADAM CHAIR: Okay. Thank you, Joyce.  
15 Wasn't this fun?

16 MS. ZURKOWSKI: Madam Chair, thank you very  
17 much.

18 MADAM CHAIR: You're welcome.

19 All right. Moving on. We're not too bad.

20 At this time, the next item on the agenda is  
21 Consideration of a Resolution Concerning Parental Rights.  
22 Steve, would you introduce this resolution?

23 MR. DURHAM: Thank you, Madam Chair. This  
24 resolution came about as -- and I think yesterday you had a  
25 number of witnesses talk about some undue pressure that had



1 been put on them relative to refusal of testing. And it  
2 came to me specifically -- and I can name the school  
3 district if somebody wants to know, and I don't care about  
4 that one way or the other -- that a parent went in and said  
5 "I don't want my" -- I think it was her third-grader -- "I  
6 want to opt out of the test." And the school district told  
7 her that the child could not attend school for 30 days if  
8 they were not going to take the test, which is outrageous  
9 for a lot of reasons. I mean, I thought we were in the  
10 business of trying to provide education to children. But  
11 it was used as a lever against a parent who would have a  
12 difficult time not being able to send their child to school  
13 for 30 days.

14 I think what we did yesterday -- and I thank  
15 the Board for that action -- is we took the pressure off  
16 school districts to act in a, shall we say, kind of fashion  
17 where they would threaten parents. But I also think it's  
18 important, and this resolution is here for one purpose  
19 only, and that is to gain maximum publicity so that parents  
20 can be, and should be informed that they have a right to  
21 refuse to this testing, to the extent that we're not  
22 violating the law, and that school districts should  
23 refrain, and that includes boards of education,  
24 administrators, and teachers, that they shouldn't



1 discourage any parent from making legitimate choices that  
2 are in the best interest of the child.

3                   So that's the purpose of the resolution, and  
4 I'll go ahead and move the resolution.

5                   MADAM CHAIR: Would you read it? I don't  
6 think I have a copy of it.

7                   MR. DURHAM: Certainly.

8                   MADAM CHAIR: And it's my fault.

9                   MR. DURHAM: No problem.

10                  "Whereas the State Board of Education adopts  
11 the following resolution to be sent to members of the  
12 appropriate committees of the Colorado General Assembly and  
13 to all school districts.

14                  "Whereas parents have the right to direct  
15 their children's education, including decisions regarding  
16 testing and data collection.

17                  "Whereas it has come to the State Board's  
18 attention that some school districts are threatening  
19 parents who wish to exercise their parental rights  
20 regarding testing and data privacy.

21                  "Whereas no local board of education,  
22 administrator, or teacher should discourage, in any manner,  
23 any parent from making legitimate choices for their child.  
24 These choices specifically include the right of parents to



1 refuse testing and data collection about their child that  
2 is not specifically required by state or federal law.

3 "Be it resolve that this resolution be  
4 provided to the school districts, BOCES, as well as state  
5 House and Senate Education Committee members in order to  
6 maximize publicity concerning parental rights and so that  
7 parents may exercise these rights when appropriate."

8 MADAM CHAIR: As a proper resolution do we  
9 have a motion? Deb.

10 MS. SCHEFFEL: Are you making a motion?

11 MR. DURHAM: No. I'll move it.

12 MADAM CHAIR: No. You move.

13 MR. DURHAM: Okay.

14 MS. SCHEFFEL: I'll second.

15 MADAM CHAIR: Deb will second it.

16 I have a question, because I wasn't here  
17 when you had the discussion. I totally agree with  
18 everything you said, but I have wondered, sometimes there  
19 can be negative consequence for the school if a lot of --  
20 you know, if you have a bunch of kids. Did you discuss  
21 that at all, about being able to inform them of that -- not  
22 to deny them but just let them know that if 100 kids in  
23 this little school don't take the test, that may affect  
24 their rating?



1 MR. DURHAM: I don't personally think that  
2 it's a problem and I don't think it's barred by the  
3 resolution. We're providing a factual and fair and  
4 balanced information --

5 MADAM CHAIR: It was just a question. I  
6 wasn't questioning you.

7 MR. DURHAM: Yeah. That's not what this is  
8 getting at.

9 MADAM CHAIR: No I don't think you need --  
10 just -- I think maybe in the minutes and so forth, when  
11 Pa's writing his story, we mentioned the fact that, you  
12 know, the schools can explain if there is, and it would  
13 have to be a really good reason for them to do that. But  
14 they could explain that, because I just think, you know,  
15 there are parents that really support their schools and  
16 wouldn't want to hurt them. So -- but the choice is still  
17 up to them. I agree with that.

18 Any other -- yes, Jane.

19 MS. GOFF: Yeah. I can't support this as  
20 written, for a couple of reasons, some of which you've  
21 included. There's a little problem with the format, the  
22 layout of it. But more to the point, a resolution, and the  
23 one we just passed on social studies is a great example  
24 because it's recent, and resolutions, by their nature, and  
25 from this Board, have always been affirming and positive, I



1 mean, confirming and upholding the high values. So in this  
2 case the value that we place on parental -- the right and  
3 the absolute -- the right and the responsibility of all of  
4 us to make sure that notice is given, that folks are aware  
5 of where they can get access to the information that they  
6 need, where the districts, in this case, districts and  
7 schools can find out, have easy access to what their  
8 responsibilities are, and what the consequences are on  
9 everybody's part.

10                   So I would just offer -- I'm not prepared to  
11 do it right now, and I appreciate having something in  
12 writing, but I would be happy to rework this, keeping all  
13 of the germane points to it, where it is positive and it is  
14 geared to what I'm perceiving as the specific issue, is  
15 parents' rights to know where to go, how to get  
16 information, get questions answered, the steps to take for  
17 school processes or activities or, you know, being aware of  
18 what their rights are.

19                   So I have spoken with Pam a little bit, and  
20 Marcia, and I have volunteered my service, and if they want  
21 to sit down together very briefly -- we think we can do it  
22 in short order, have it back to you. We're not due to vote  
23 on this today. We're due to vote on it next month, if we  
24 decide to accept it for a vote. So I'm just making that --



1                   MADAM CHAIR: Steve, since you made the  
2 nomination are you prepared to do that, or do you want to  
3 follow through?

4                   MR. DURHAM: No. The problem is we have  
5 these tests beginning soon, and so time is, unfortunately,  
6 of the essence. And while I appreciate that we've always  
7 tried to be positive, it's difficult to characterize the  
8 behavior that was confirmed with the 30 days, and the  
9 behavior that was identified by the witnesses yesterday in  
10 a positive fashion. Those are negative acts, committed by  
11 districts and their employees, and I think that the Board  
12 has two choices. We can say, gee, that's okay, you can  
13 just go ahead and treat parents like that, or that's not  
14 okay.

15                   So this isn't designed to be sweetness and  
16 light. This is designed to make sure that parents have an  
17 understanding of their rights and that districts should  
18 understand that it's really not their job to treat parents  
19 in the way that were described by the parents that were  
20 here.

21                   MADAM CHAIR: Okay. So with that in mind  
22 would you call the roll, please?

23                   MS. BURDSALL: Madam Chair, just as a  
24 reminder for (inaudible).



1 MADAM CHAIR: Oh. We're not adopting it  
2 today.

3 MR. DURHAM: Not unless there's a unanimous  
4 vote, which I don't think there will be.

5 MADAM CHAIR: All right. Then we will take  
6 this motion up next time.

7 UNIDENTIFIED VOICE: Could we discuss it,  
8 though?

9 MADAM CHAIR: I would rather not. We're  
10 running short of time. We have plenty of time next month  
11 to discuss it.

12 UNIDENTIFIED VOICE: I don't see it as  
13 negative. I see it as --

14 MADAM CHAIR: But we're not going to talk  
15 about it until next month. Since we're not going to adopt  
16 it today. Yes.

17 MS. BURDSALL: Would you like me to take a  
18 roll call just to see where --

19 MADAM CHAIR: Just to make sure that it's  
20 okay to vote on it next month?

21 MR. DURHAM: No. To see if it's unanimous.

22 MS. BURDSALL: Just to see if we are  
23 unanimous.

24 MADAM CHAIR: Oh. I thought you were  
25 telling me you had to wait until next month.





1 MS. BURDSALL: If it's unanimous you do not  
2 have to wait.

3 MADAM CHAIR: Okay. All right.

4 UNIDENTIFIED VOICE: May I -- I'm sorry, but  
5 --

6 MADAM CHAIR: Would you call the roll then,  
7 please?

8 UNIDENTIFIED VOICE: I'm compelled to ask  
9 this because I think it's part of the procedure.

10 MADAM CHAIR: Okay. I'm sorry.

11 UNIDENTIFIED VOICE: Is there anything that  
12 says we have to take some action on this right now? Why --  
13 is it imperative, or is it a requirement, that we vote on  
14 this motion next month? Why couldn't something be done  
15 within the next --

16 MADAM CHAIR: That would totally be up to  
17 Steve.

18 UNIDENTIFIED VOICE: Steve, could we ask the  
19 Commissioner to write a letter that's positive to  
20 districts.

21 MR. DURHAM: We already did that yesterday.

22 UNIDENTIFIED VOICE: They've already been  
23 notified.

24 MR. DURHAM: To have what --



1 MADAM CHAIR: The motion was made to take up  
2 today.

3 UNIDENTIFIED VOICE: Seconded.

4 MADAM CHAIR: Yes, but you want to do -- now  
5 that may affect your vote. Some people will know. It may  
6 not be that they're opposed to it. They just want to wait.  
7 But that's beside the point. Is that what you want us to  
8 do?

9 UNIDENTIFIED VOICE: As long as it's clear  
10 whether the motion is --

11 MADAM CHAIR: His motion was to adopt the  
12 resolution, and it had a proper second.

13 UNIDENTIFIED VOICE: I would like to call  
14 for the question and take the vote.

15 MADAM CHAIR: Call the question and take --

16 MR. DURHAM: I think I'm going to live or  
17 die with the vote.

18 MADAM CHAIR: Okay. He's going to live or  
19 die.

20 MR. DURHAM: So it's fine. I've lost an  
21 issue or two before.

22 MADAM CHAIR: If it dies we'll come back  
23 anyway, though.

24 MR. DURHAM: Yeah.



1 UNIDENTIFIED VOICE: We'll look at it next  
2 time, it's two-thirds.

3 MR. DURHAM: Yeah.

4 MADAM CHAIR: Okay.

5 MS. BURDSALL: Steve Durham.

6 MR. DURHAM: Aye.

7 MS. BURDSALL: Dr. Flores.

8 MS. FLORES: Aye.

9 MS. BURDSALL: Jane Goff.

10 MS. GOFF: At some point I'm going to make a  
11 qualifying statement, but the vote is no.

12 MS. BURDSALL: Pam Mazanec.

13 MS. MAZANEC: Aye.

14 MS. BURDSALL: Marcia Neal.

15 MADAM CHAIR: Aye.

16 MS. BURDSALL: Dr. Scheffel.

17 MS. SCHEFFEL: Yes.

18 MS. BURDSALL: Dr. Schroeder.

19 MS. SCHROEDER: No.

20 MADAM CHAIR: And you want to make a  
21 qualifying statement, Jane?

22 MS. GOFF: Yeah, because I have a feeling  
23 I'm perceiving that that vote is going to go out of the  
24 room in some fashion as I'm against -- I'm not supporting  
25 (inaudible) rights --



1 MADAM CHAIR: We understand that.

2 MS. GOFF: -- and that is the farthest  
3 thing.

4 UNIDENTIFIED VOICE: It's a motion that  
5 needed some work.

6 MS. GOFF: It's more of a motion of --

7 MADAM CHAIR: Okay.

8 MS. FLORES: May I ask a question, Madam  
9 Chair?

10 MADAM CHAIR: What does it have to do with?

11 MS. FLORES: It has to do with this and what  
12 we voted on yesterday, and what the relationship --

13 MADAM CHAIR: Not at this point. We have to  
14 move ahead. And I've got to leave early. Maybe you'll  
15 have a chance to talk about it afterwards. I lost my --

16 UNIDENTIFIED VOICE: (Inaudible.)

17 MADAM CHAIR: No.

18 UNIDENTIFIED VOICE: Because we skipped it.

19 MADAM CHAIR: Oh, because we skipped it.

20 Okay. Then individual Board member, you may make your  
21 request. Val. Since we're doing individual Board reports  
22 you can say whatever you want.

23 MS. FLORES: I would like to ask the  
24 Commissioner about the letter that he sent out, or will  
25 send out to the superintendents concerning the direction or



1 the vote that we took yesterday on this matter. Do you  
2 have that language?

3 COMMISSIONER HAMMOND: Yeah. It's already  
4 been sent out. You should be getting a copy that has the  
5 exact quotes that were stated.

6 MS. FLORES: Okay.

7 MADAM CHAIR: The letter regarding the  
8 parental thing?

9 COMMISSIONER HAMMOND: And also said that we  
10 will be applying for the amendment to the NCLB waiver. If  
11 can explain, very simply, that explained -- because there  
12 have been questions on the AG (inaudible) and we included  
13 the AG (inaudible) and what the Board then voted on, and  
14 then what districts have to do. They just have to keep a  
15 record of parents who have refused, and that there  
16 (inaudible) consequences for that. At the same time, if  
17 there's any worry about the NCLB waiver, we're applying for  
18 an amendment. You should have copy.

19 MADAM CHAIR: Okay. Other Board reports?

20 MS. SCHEFFEL: I just had two questions.  
21 One about this Healthy Kids Survey. You know, there are a  
22 lot of parents very upset by it. I guess I don't know what  
23 the role of the CDE is in releasing this, who it got sent  
24 to, under what requirement. That's one issue.



1                                   And then another issue is as we move through  
2 a lot of these complex areas I guess I'd like to limit the  
3 presentation times of the CDE so that we have more time to  
4 talk. I don't know if that's possible but I'm concerned  
5 that our meetings are going to become three and four days  
6 long.

7                                   UNIDENTIFIED VOICE: They are.

8                                   MS. SCHEFFEL: And I think that for those of  
9 us that work full time that's problematic. And I think  
10 that we can read, if we have documents in advance of the  
11 meetings, if we can keep the CDE presentations to 30  
12 minutes or something, and then let us move right into the  
13 issues, I think we can really maximize our time better.  
14 But perhaps you could address the Healthy Kids Survey.

15                                  MR. HAMMOND: Madam Chair.

16                                  MADAM CHAIR: Yes.

17                                  MR. HAMMOND: On this one I think it can.  
18 Sometimes I might have to refer. When we went to the  
19 orientation with Mr. Durham and Dr. Flores this issue was  
20 brought up, and the district combines with two other  
21 agencies, the Department of Health and Environment and  
22 somebody else, who I cannot remember. We joined that  
23 survey, I think, a couple of years ago, just because of the  
24 way it was being handled with school districts, and to make  
25 sure school districts, that it was optional. Even though



1 it is optional, I think we felt some concerns how districts  
2 might have perceived that.

3                   So we guaranteed we'd bring that back to the  
4 Board at the next Board meeting and you can discuss that,  
5 and if Colorado doesn't want to participate in that then it  
6 will be those two agencies who will be submitting that to  
7 districts on their own.

8                   Now Mr. Durham and I were talking earlier,  
9 and that may be a subject of a legal matter, that they have  
10 the authority and what authority they have to do that.  
11 That's a separate question, but we'll bring that back.

12                   MS. SCHEFFEL: When will we bring -- I mean,  
13 has the survey gone out? Are kids already taking it?  
14 Where is it in the administration?

15                   UNIDENTIFIED VOICE: I believe it is  
16 starting now.

17                   MR. HAMMOND: I -- I --

18                   MS. SCHEFFEL: Is there anything that we can  
19 do to alert parents to this survey, they have the kids that  
20 are taking it and the parents aren't aware they can opt out  
21 so the kids are getting it? Because most kids would sit  
22 and take a survey. You know, the kids are being exposed to  
23 this content which is highly objectionable to parents and  
24 myself, and probably many on this Board. Is there anything



1 we can do to surface it, to publicize it, I mean,  
2 something.

3 MR. HAMMOND: So the survey -- I just got a  
4 deal from Rebecca -- the survey is in the fall, okay.

5 UNIDENTIFIED VOICE: So it hasn't occurred  
6 yet.

7 MR. HAMMOND: No. There are other surveys  
8 going out that we have nothing to -- there's some other  
9 survey going out. And which one -- Anita, do you have --  
10 I mean, the one that was shown --

11 UNIDENTIFIED VOICE: I gave you the  
12 documents yesterday on the survey already being taken  
13 statewide in select schools, and this article --

14 MR. HAMMOND: Is that the Healthy Kids  
15 Survey?

16 UNIDENTIFIED VOICE: -- that I gave you  
17 yesterday talks about the consequence of that survey, the  
18 data that was released, up in Eagle County. And this was -  
19 - this article is February 15th, 2015, calling in the  
20 sheriffs to address --

21 MR. HAMMOND: I would -- let me look here.

22 MADAM CHAIR: So it was just in Eagle?

23 UNIDENTIFIED VOICE: No. The survey is  
24 popping up all over.

25 MADAM CHAIR: Oh.





1 UNIDENTIFIED VOICE: In fact, D38, that's  
2 how we got our hands on it, requesting what surveys have  
3 already been submitted. And we were under the impression,  
4 as parents, it was only going to high school students,  
5 because of the content matter. And after further research  
6 it has been divulged that, no, different versions of it  
7 will be going out to elementary and middle schools.

8 MADAM CHAIR: Who is sending it?

9 UNIDENTIFIED VOICE: Excuse me?

10 MADAM CHAIR: Who is sending it out?

11 UNIDENTIFIED VOICE: Well, the schools are,  
12 working with these departments.

13 MADAM CHAIR: Okay.

14 UNIDENTIFIED VOICE: Now we only knew of the  
15 one Department of Health. I don't know who the second  
16 department is.

17 MADAM CHAIR: All right. Thank you.

18 UNIDENTIFIED VOICE: Public Health, Human  
19 Services --

20 MR. HAMMOND: It's Human Services --

21 UNIDENTIFIED VOICE: -- and the Department  
22 of Education.

23 MR. HAMMOND: Right. It's Human Services --  
24 it's a combined effort that we got involved in a couple of  
25 years ago, so we can add input on -- there were a lot of



1 issues why, at the time, it would be important for us to  
2 get involved, because they don't know how districts  
3 operate. That doesn't mean we can't get out of it.

4 MS. SCHEFFEL: Well, and to be in --

5 MR. HAMMOND: And secondly, the  
6 administration -- let me finish, please, okay?

7 MS. SCHEFFEL: Yes, sir.

8 MR. HAMMOND: The administration of that  
9 survey comes out in the fall, so what you're seeing in the  
10 paper was last year's administration that they're talking  
11 about now in Summit County. I just confirmed it. So the  
12 survey actually goes out this fall, so that gives you time  
13 right now to discuss your question. And we will bring up -  
14 -

15 MS. SCHEFFEL: I guess my question is why  
16 are we involved? How are we involved? How are we letting  
17 parents know this is happening? Why are we -- are we  
18 providing tacit approval by being part of the process?

19 MR. HAMMOND: We'll discuss that at the next  
20 meeting.

21 MS. SCHEFFEL: If the whole issue of us  
22 being involved is to attenuate the impact of this on kids,  
23 have we attenuated it? Have we given parents information  
24 in advance? Have we allowed them to have information so  
25 they could opt out as opposed to stumbling on the



1 information when their kids are offended by it? I mean,  
2 what have we done as part of our involvement? I have no  
3 idea.

4 MADAM CHAIR: And we'll get that report next  
5 month.

6 MR. HAMMOND: Dr. Scheffel, we can't answer  
7 that right now. We'll bring that back at the next meeting.

8 MS. SCHEFFEL: But I'm concerned about  
9 between now and the next meeting, how many kids are getting  
10 this survey.

11 MR. HAMMOND: We're not giving the survey  
12 until fall.

13 MS. SCHEFFEL: So I'm not sure what --

14 MR. HAMMOND: That was last year's survey.

15 UNIDENTIFIED VOICE: Well, and  
16 Representative Fields, in a hearing across the street that  
17 we were at, asked the lobbyist, on behalf of the survey,  
18 what is the -- who is getting the data, what is it being  
19 used for? The lobbyist said she could not tell who the  
20 third -- she could not divulge who the third-party vendor  
21 was. It was unbeknownst to her. And in the Department of  
22 Health's ideation the survey, the benefit of it is to  
23 prevent suicide, and that's how it's being sold to the  
24 districts. And there's a whole lot of can of worms there,  
25 but Representative Fields had a very good point. We should



1 know who the vendors are that are getting this data, the  
2 lobbyist pushing the survey for the Department of Health  
3 should have that information.

4 MADAM CHAIR: I agree with you. Thank you.

5 MS. SCHEFFEL: I'm concerned that if we wait  
6 for the next Board meeting -- I'm sorry.

7 MADAM CHAIR: But we can do today, though.

8 MS. SCHEFFEL: Well, no. But I'm concerned  
9 that we should possibly call a special meeting, even if  
10 it's by phone, to figure out what can we do to let parents  
11 know what's happening with these data.

12 MADAM CHAIR: Well, let's ask the  
13 Commissioner to take that under advisement.

14 Yes, Pam.

15 MS. MAZANEC: Along those lines, actually, I  
16 just sent the link to everyone. It says here the  
17 recruitment for the 2015 administration will begin soon.

18 UNIDENTIFIED VOICE: Recruitment for the  
19 2015 administration begins soon, and great news, beginning  
20 in 2015, even if a school is not selected in the state  
21 sample, they can still participate, at no cost. So I do  
22 think that Dr. Scheffel's concern is well grounded. We  
23 don't really know, do we, when schools are being selected  
24 and when they might be getting this.



1 MS. SCHEFFEL: So to wait, I'm concerned  
2 about waiting.

3 UNIDENTIFIED VOICE: How do we find that  
4 out?

5 MADAM CHAIR: Today?

6 UNIDENTIFIED VOICE: Yeah.

7 MADAM CHAIR: Don't ask me. No, I don't --  
8 you know, again, time marches on. I think it's a good  
9 question. I think the Commissioner should give a proposal  
10 here.

11 MR. HAMMOND: You asked me a question I  
12 can't answer.

13 UNIDENTIFIED VOICE: We stumped you.

14 MR. HAMMOND: You did, but that's okay.  
15 That happens. But we'll get you permission. We'll get you  
16 a report back. Let me find out what's all going on and how  
17 it's being done. Okay? And then we can make a decision.  
18 Because what we also do, we have -- when's our next  
19 meeting? We have a legislative meeting --

20 UNIDENTIFIED VOICE: March 11th and 12th?

21 MR. HAMMOND: What?

22 UNIDENTIFIED VOICE: March 11th and 12th.

23 UNIDENTIFIED VOICE: We have a legislative  
24 meeting next Friday.



1 MR. HAMMOND: Yeah. We have a legislative  
2 meeting next Friday. We can talk about it then. How's  
3 that?

4 MADAM CHAIR: That sounds good to me.

5 MS. SCHEFFEL: Sure.

6 MADAM CHAIR: Yes, Angelika?

7 MS. SCHROEDER: I am reminded that in the  
8 school district where I was on the board it was actually  
9 their priority to give that assessment.

10 UNIDENTIFIED VOICE: The survey, you mean?

11 MS. SCHROEDER: There was a requirement that  
12 there was parental notification. I think that data was --  
13 I don't think the district actually did the study. I think  
14 it was one of the county organizations that did the study.  
15 They prepared the report. Some of the findings were then  
16 discussed with kids in the health classes. I mean, I think  
17 that was part of the purpose of it. But it was a board  
18 decision and it was not a statewide thing.

19 So my question is, is that also what you all  
20 want to talk about, what individual school boards are  
21 doing, because that will be a tough one to --

22 MR. HAMMOND: Madam Chair.

23 MADAM CHAIR: Yes, sir.

24 MR. HAMMOND: Let's get the fact. Let's get  
25 the data. Because even if we drop out that's not going to



1 stop the Department of Human Services. They can still give  
2 the same thing. We won't be able to give advice and  
3 monitor it. I mean, that's okay. I mean, so let's get the  
4 facts. We'll get it to you and then you can discuss it at  
5 the special meeting we have on legislative affairs.

6 MADAM CHAIR: Okay.

7 MS. SCHEFFEL: I don't know, Robert, if you  
8 see this being a part of the question -- if you see this  
9 part of being a question. Angelika led into me -- as far  
10 as I know, if a district has strict policies in place  
11 already about researchers, vendors, assessments of other  
12 types besides class assessments, any time somebody wants to  
13 come in and conduct a survey of kids they have certain  
14 obligations with the district. So maybe checking if there  
15 are some districts that we know, for sure -- Summit -- but  
16 if there are other districts that we know for sure got it,  
17 maybe it's worth a check on whether they have a policy in  
18 place that covers them or doesn't cover them.

19 (Overlapping.)

20 MR. HAMMOND: Let us find out. Every  
21 district is a little bit different. Some have it and can  
22 guarantee you some don't. And then this (inaudible) have  
23 refused it.

24 MS. SCHEFFEL: Gotcha.

25 MADAM CHAIR: Okay.



1 MS. SCHROEDER: Well, just one more comment.  
2 It looks to me like it's an opt-out. You can refuse to  
3 have your child participate by turning in forms. It's not  
4 a permission to survey. It's a denial.

5 MR. HAMMOND: That's right.

6 MS. SCHROEDER: Which is a practice that's  
7 really annoying to parents.

8 MADAM CHAIR: Okay. Continuing on board  
9 reports.

10 MR. HAMMOND: (Inaudible.) If you think of  
11 --

12 MADAM CHAIR: No, you can't. No, you can.

13 MR. HAMMOND: If you can think of a legal  
14 issue which you are pondering, let me know, and we can  
15 include that.

16 UNIDENTIFIED VOICE: Yeah. Send him an  
17 email.

18 MADAM CHAIR: Load him up.

19 MR. DURHAM: Whenever my turn comes.

20 MS. MAZANEC: I have a Board report.

21 MADAM CHAIR: A Board report. Yes, Pam.

22 MS. MAZANEC: I really enjoyed going to the  
23 School Choice Week rally that was held at the Capitol in  
24 January. It was exciting, for the first time, to have a  
25 big rally in Denver, and it was inspiring. That was fun.





1 I also echo Dr. Scheffel's comments about  
2 presentations. I recognize that there are probably very  
3 informative to public who are listening, but in order for  
4 us to be more effective and be able to ask the questions  
5 and delve in as we want to, maybe we could have a more  
6 summarized presentation and assume that those in the public  
7 who are listening have the access to the documents online.  
8 That's correct, right, through BoardDocs they have the  
9 access to the same things we're looking at, that aren't  
10 confidential?

11 UNIDENTIFIED VOICE: Yes.

12 MS. MAZANEC: Right? So they have that  
13 access. So if we could have the presentations be more of a  
14 summary nature instead of reading to us the documents that  
15 are already there then maybe we would have more time for  
16 questions and being able to delve in a little more.

17 It seems like I had another comment, that  
18 has left me now.

19 MADAM CHAIR: The Commissioner is going to  
20 answer you.

21 MR. HAMMOND: We can try a lot of things. I  
22 get caught both ways. Sometimes you like a lot of  
23 information, and some of you say that's not enough. We  
24 were going to for awhile, which is fine. We'll be glad to  
25 -- I understand the concerns and, quite frankly, our



1 meetings could easily go for three days the way the agenda  
2 are shaping up. So we'll try and do our best to get it  
3 down, get a summary in there.

4 MS. MAZANEC: Yeah. That would just be my  
5 request.

6 MR. HAMMOND: Sure.

7 MS. MAZANEC: You know, assume that we've  
8 read the documents and if we have questions, of course,  
9 we'll be able to ask them.

10 The other issue I wanted to bring up was  
11 revisiting Board policy. I don't want you to think it's  
12 because I'm sitting here that I'm looking at Board policy,  
13 relaying by osmosis. But, you know, I want to revisit  
14 Board policy on only one week before the meeting getting  
15 our documents. For some it might be, but it's very  
16 difficult, with my business, to stop and devote a big chunk  
17 of time to dealing with -- you know, getting prepared for  
18 the meeting. It's easier for me to do in smaller bites, in  
19 smaller chunks.

20 I'd like to revisit that time frame, and I  
21 think we also need to revisit the Board policy with regard  
22 to Chair and Vice Chair, since we did have an unusual  
23 motion for Vice Chair, and our Board policy does not  
24 reflect that practice.



1 MR. HAMMOND: May I address the timing? The  
2 problem with the timing is -- honestly, let me tell you, it  
3 is what it is. We work very hard to get you the  
4 information. We get it to you two weeks in advance. We'll  
5 get you two weeks advance. But part of the problem is, on  
6 some of the appeal hearings and other things, we don't get  
7 information from people until the last minute, which makes  
8 it terrible because you get this huge document. But, I  
9 mean, honestly, what we try to work out with Carrie (ph),  
10 as soon as something is done -- and this was a little bit -  
11 - it sometimes varies.

12 UNIDENTIFIED VOICE: If there are a couple  
13 of things then we certainly will get them. I heard you.  
14 I'm not ignoring you. But this month the issue for us was  
15 the agenda study conference did not occur until the day of  
16 publishing the agenda, so until the agenda was approved,  
17 that's one issue, so that's one issue for you all to say  
18 "we'd like materials that may not even be on the agenda."  
19 I mean, that's kind of what you're looking at.

20 MADAM CHAIR: Well, go ahead.

21 MS. MAZANEC: Madam Chair. My belief and my  
22 assumption is that oftentimes we do know a month, and  
23 sometimes two months ahead of time what we're going to need  
24 to visit on the agenda, and we may not have all the  
25 specifics. Like we know that we're going to be doing this



1 rulemaking or whatever in, you know, two months, one month,  
2 or whatever. So to the extent of those issues we know  
3 we're going to be visiting, or as we know we're going to be  
4 visiting, I just want some way to get as much opportunity  
5 ahead of time as possible, because in those six days before  
6 the meeting I may or may not have a great chunk of time to  
7 devote to it. I know that I'm not due more than that.

8 MR. HAMMOND: Yeah, we can work --

9 MS. MAZANEC: I'd just like to advance --

10 MR. HAMMOND: Sometimes the backup material  
11 takes a while.

12 UNIDENTIFIED VOICE: And I know that the  
13 final material often changes at the last minute too.

14 MS. MAZANEC: Yeah, I get that. You'll  
15 provide that at the last minute, and I know that this is  
16 the new version.

17 MADAM CHAIR: Anybody else? Steve?

18 MR. DURHAM: Thank you, Madam Chair.

19 Last night we had a nice social event.  
20 We'll try and replicate it in the future. Hopefully we can  
21 get that done sometime during the next meeting, get some  
22 invitations out. In other words, productive and enjoyable.

23 Secondly, I know that Mr. Dyl is short of  
24 work and he's complained to me that he's in danger of being  
25 laid off.



1 (Overlapping.)

2 MADAM CHAIR: We pay for them.

3 MR. DURHAM: Could you -- I mean, I would  
4 like, in all of our vast rulemaking ability, recognizing  
5 that we do have local control, is there some way to put  
6 some requirements on districts that parents get properly  
7 notified of this kind of survey, and, for that matter, all  
8 extraneous surveys that are not required by state and  
9 federal law? Maybe go through all of our vast powers and  
10 see what you can find, and let us know what our best course  
11 of action is.

12 MADAM CHAIR: He's already ready to answer  
13 you.

14 MR. DURHAM: And if you can't find any, then  
15 I'll have a resolution on this topic. And just let me say,  
16 I mean, I hate to be a prude about this stuff, but a lot of  
17 this is not age-appropriate, number one. But more  
18 importantly, I don't recall sending my child to school to  
19 be part of a research project, and I resent -- and most  
20 parents should resent the fact that their children's time  
21 is being taken by this kind of stuff.

22 UNIDENTIFIED VOICE: Madam Chair.

23 MR. DURHAM: So we'll do what we can to  
24 prohibit it.

25 And finally --



1 MADAM CHAIR: Let Tony answer you.

2 MR. DYL: I wanted to mention that, in fact,  
3 the opt-out in there is one of those cases where it is in  
4 federal and state law, that there be that opt-out  
5 opportunity for tests like this. So I could certainly take  
6 a look at what the federal and state law says the notice  
7 ought to be, and perhaps submit a reminder to the field to  
8 follow that would be appropriate. There's a passive opt-  
9 out and there's an active opt-out.

10 MR. DURHAM: And maybe the active opt-out --

11 MR. DYL: Yeah. You know --

12 MR. DURHAM: -- the passive opt-out or  
13 something.

14 MR. DYL: Something. Just reverse it.

15 UNIDENTIFIED VOICE: And an opt-in would  
16 give the parents --

17 MR. DURHAM: See if you can find an opt-in  
18 thing.

19 MR. DYL: Yeah. You're automatically opted  
20 out unless you opt in.

21 MR. DURHAM: Let's get to yes on this one.

22 UNIDENTIFIED VOICE: That brings me back to  
23 the government dates, one of the major --

24 MADAM CHAIR: Steve, are you finished?



1 MR. DURHAM: I am. I have one question I'll  
2 deal with later.

3 MADAM CHAIR: Deb.

4 MS. SCHEFFEL: I was just going to say, to  
5 the extent that it is an opt-out and the Department became  
6 involved so that they could be influential on the process,  
7 then I would hope that we would be right out in front,  
8 letting parents know there's a survey coming, here's the  
9 content, your kid is going to get it unless you opt out,  
10 and this is the mechanism. I mean, I guess -- and I know  
11 you're going to look into it.

12 UNIDENTIFIED VOICE: I mean, you're opted  
13 out unless you want to opt in.

14 MS. SCHEFFEL: Yeah. But I'm just saying if  
15 it's opt out, a lot of parents aren't going to see it  
16 before they kids get it, and it would be good if we're  
17 engaged for the purpose of helping, then I would hope we'd  
18 be right out in front of that, telling parents here's the  
19 only way your child is not going to be exposed to this.  
20 And so that's a part of what Tony, I guess, is going to  
21 look at and what we can consider after we get all the  
22 information.

23 MR. DURHAM: And Tony will bring that up for  
24 next Friday.

25 MR. DYL: I could try.



1 MS. SCHEFFEL: I just have one more comment.  
2 Is it okay, Madam Chair, if I have one more comment?

3 MADAM CHAIR: Yeah.

4 MS. SCHEFFEL: My only other comment is on  
5 presentations. We kind of touched on this, just that, you  
6 know, we're trying to get great information from CDE and we  
7 appreciate all the work. If we can get the documents and  
8 then, you know, have more time to discuss, that's very  
9 helpful.

10 It would also be great -- I sometimes feel  
11 almost like -- and I know it's hard for the Department  
12 because you're trying to do the work, and so we appreciate  
13 it. On the other hand, it feels sometimes like we're kind  
14 of being sold things, that we're not getting both sides of  
15 it. So we know, for example, on the math presentation, we  
16 know there's criticism of the math Common Core standards.  
17 They're all over the internet. I get the most calls about  
18 that from parents who feel that the algorithms being  
19 taught, and the way they're being taught, and the discourse  
20 being infused in mathematics is tough for parents and kids.

21 So knowing that, when we get a presentation  
22 from the math expert at CDE, it would be great not to just  
23 have all the positives of it but, hey, this is a study  
24 session on the math standards. Could we look deeply? And  
25 when I ask the question, is Euclidean geometry out of the





1 picture pretty much in Common Core, it would be nice to  
2 know if that's an accurate concern by the parents or not.  
3 Could the people presenting think deeply and critically  
4 about what we want to know? We don't want to just know  
5 that things that have been adopted are wonderful, because  
6 we hear from the public and they don't think it's so  
7 wonderful. Then we're trying to sort through it.

8                   So as we have experts, like Mary Pittman, if  
9 she could -- you know, and others -- do the presentations  
10 but also, you know, anticipate the angst in the field and  
11 the various perspectives on what we're doing, and help us  
12 have thinking sessions, especially in the case of the study  
13 sessions.

14                   So just a request. I know it's hard to do,  
15 but it would help us, I think, have critical thinking and  
16 not listen for the majority of it and then just have time  
17 for a few questions.

18                   UNIDENTIFIED VOICE: I agree.

19                   MADAM CHAIR: Jane.

20                   MS. GOFF: Yeah. Just an add-on thought, a  
21 little bit about the opt-in, opt-out. Whatever the outcome  
22 of that may be, or whatever we do about it, or however  
23 legislature goes, can we have a -- is there any way to get  
24 them consistent? You know, where do we have language that  
25 is the opt-in variety, and where do we have language that



1 is opt-out, and could it be possible where at least we've  
2 got a pattern of some sort? Maybe something is really not  
3 as complex as that would be a helpful organizer for  
4 everybody, including parents and districts trying to, you  
5 know, develop policy or make sure they've got what they  
6 need.

7 MR. HAMMOND: Madam Chair?

8 MS. GOFF: But do we have --

9 MADAM CHAIR: Yes.

10 MR. HAMMOND: Jane, we will try and get  
11 those answered. But again --

12 MS. GOFF: Yeah. I'm just --

13 MR. HAMMOND: Again, the survey is  
14 controlled by two other agencies, and we recently got  
15 ourselves involved with it. I can't sit here and try to  
16 find our more information and promise you whether anybody  
17 would listen.

18 MS. GOFF: I totally understand that. I'm  
19 just saying, you know, if there's a context of a program  
20 factor involved, and why or why not it can be opt-out or  
21 why it cannot be opt-out. Or, you know, it's just -- it  
22 would be nice to think it was consistent.

23 My only other update would be that, as you  
24 might expect, NASBE, our national State Board association  
25 has been and will continue to be pretty active in the



1 reauthorization of ESEA, put into that and messaging from  
2 states. What NASBE has come to is a product of the  
3 nationwide State Board members from all the states who make  
4 up our government affairs committee, and their position  
5 statements are finalized, have been shared with folks on  
6 Capitol Hill. I am looking at probably, most likely, a  
7 meeting with Senator Bennet, who is on the Senate Health  
8 Committee, in the next few weeks, to chat about that, among  
9 other things, including our suggestions and where we are,  
10 and some of the conversations we're having here in  
11 Colorado.

12 Did you hear me? I feel like I'm talking in  
13 a box today.

14 UNIDENTIFIED VOICE: We heard you.

15 MS. GOFF: Can you hear me at all?

16 UNIDENTIFIED VOICE: Yes.

17 UNIDENTIFIED VOICE: Not very well.

18 MS. GOFF: All I'm hearing is my own head.

19 UNIDENTIFIED VOICE: (Inaudible.)

20 MS. GOFF: You don't want to hear this all  
21 again. I've been working closely with NASBE on the ESEA  
22 input.

23 UNIDENTIFIED VOICE: We heard you.

24 UNIDENTIFIED VOICE: We heard you.

25 MS. GOFF: Okay. I need to hear you too.



1                   MADAM CHAIR: Okay. You mean I finally get  
2 to say something? It's sometimes good and sometimes bad to  
3 be the last one.

4                   Several things. I appreciate Deb's remark  
5 about thanking the republic -- thanking the CDE Board,  
6 because I know they work very hard, and, you know, we  
7 should all be thankful that they do. And it seemed like  
8 today, for some reason, they seem to be catching a lot of  
9 flak. So I think it's really important that we let them  
10 know that we appreciate their work, and that they take the  
11 suggestions as well as they do. I think that's great.

12                  Another thing I would mention to many of  
13 you, as you could tell, we have a lot problems, and I  
14 think, personally, most of them are federal. I think  
15 they're federal problems. We find so often we can't get  
16 out of this or we can't get out of that because of those  
17 federal regulations. So if you have not been, I would  
18 strongly suggest that you pay attention to the Student  
19 Success Act that Lamar Alexander and John Kline are  
20 carrying forth in both the Senate and the House. And I've  
21 been following it, and, you know, it has a goal of taking  
22 away a lot of the federal over-regulations, and  
23 reauthorizing the SEA in a way that takes away the power of  
24 the Education Secretary to punish us, which he does that a



1 whole lot. When Steve said he didn't think they'd take  
2 away money I think you were kind of guessing there.

3                   So I've talked to Cory Gardner. I've got  
4 one of his staff members who is listening to me when I  
5 email him. I've talked, of course, to Scott Tipton. I  
6 would suggest that all of you call your Representatives and  
7 Senators and talk to them, because if we're really going to  
8 loosen the federal regulations, you know, we need to do it  
9 on a federal level, and I think this is a good year to get  
10 that done. So I would strongly suggest that you do that.  
11 I've got a bunch of material on it if any of you want it,  
12 or if you just go on that website it's on there all the  
13 time.

14                   UNIDENTIFIED VOICE: (Inaudible.)

15                   MADAM CHAIR: The other thing I would try to  
16 say, this was a good meeting and we had, you know, a pretty  
17 good time. I do get a little concerned about the  
18 accusatory tone of some of the messages toward the staff.

19                   I had a very polite request of Steve. I  
20 would strongly suggest that when you have a motion to make  
21 that you write it out and have it prepared. Yesterday's  
22 motion I was listening to on the phone. I lost track of  
23 it. It had to do -- you know, it went into the feds would  
24 take away the money, and, you know. And I just -- I sent  
25 you all a little email the other night, kind of a gentle



1 hit of the fact that, with Bob Schaffer and Paul Lundeen we  
2 had well-run meetings all the time, respected each other,  
3 and I want to continue that tradition. And so I would  
4 really request that we all do that, and that when you bring  
5 a resolution it's written and that we have -- unless  
6 there's some really important reason to, we have a month to  
7 consider it. I think everybody needs to be able to read it  
8 and think about it. I understand that there might be  
9 exceptions to that.

10 But I would just request that -- Bob and  
11 Paul, as you may -- you know, are about as conservative as  
12 anybody I can think of, and yet they ran good meetings and  
13 followed procedures, and everybody was polite and  
14 respectful to one another, and I think that's a tradition  
15 we want to keep going. So I would request that we all work  
16 on that, and I know I need to too. I'm not just pointing  
17 fingers. I get to say that as Chairman.

18 And, with that in mind, the meeting is  
19 adjourned.

20 (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 10th day of January, 2019.

/s/ Kimberly C. McCright  
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