



**COLORADO**  
Department of Education

Colorado State Board of Education

---

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
December 9, 2015, Part 4

BE IT REMEMBERED THAT on December 9, 2015,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

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



1                   CHAIRMAN DURHAM: Okay, lets -- if the Board  
2 will come back to order, we'll start with 15.01  
3 Rulemaking Hearing from the Rules of the Administration  
4 for High School Equivalency Examination Program. The  
5 State Board of Education will now conduct a Public  
6 Rulemaking Hearing for the Rules for the Administration  
7 for High School Equivalency Examination Program. State  
8 Board approved the notes for rulemaking in it's October  
9 7, 2015 meeting. The hearing to promulgate these rules  
10 was made known through publication of a public notice on  
11 October 25<sup>th</sup> 2015, through the Colorado Register and by  
12 State Board notice on December 2<sup>nd</sup> 2015. State Board is  
13 authorized to promulgate these rules pursuant to  
14 22-2-107(1)(c) Colorado Revised Statutes. Commissioner,  
15 is the staff prepared to proceed with an overview?

16                   MR. ASP: Yes, we are, Mr. Chair.  
17 Again these are clean up rules and I want to distinguish  
18 between rules for High School Equivalency Program versus  
19 excepted assessments for high school equivalency which we  
20 will take up tomorrow and with a different presentation.  
21 Gretchen Morgan and Misti Ruthven are here to take us  
22 through this item.

23                   CHAIRMAN DURHAM: Ms. Morgan, please  
24 proceed.

25                   MS. MORGAN: Thank you, Mr. Chair. So I



1 want to begin by just saying that this is a little bit of  
2 a confusing topic and so I want to try and offer some  
3 background to help make this a little less confusing. It  
4 used to be that in state law, the GED which is a  
5 particular high school like equivalency exam was named in  
6 law as the thing that we did in our state to offer people  
7 a way to demonstrate high school equivalency. Last year,  
8 the legislature realized that by doing that, that of  
9 course limited what can happen and also, I think  
10 generally people don't find it to be good practice to  
11 name a vender in state law, right?

12 And so they changed that. Our rules  
13 previously named GED all through the rules, but as we  
14 mentioned to you last time when we introduced these  
15 rules, they also did that in a way that was duplicative  
16 of statute. So initially what we thought that we could  
17 bring to you was just the ability to eliminate all of the  
18 rules, which is like a cause for celebration generally in  
19 a State Board meeting, but then we got another call from  
20 the Office of Legal Legislative Services who said,  
21 actually there are two little parts that they think need  
22 to stay. This is that it be made clear the CDE is the  
23 entity that issues the certificates to students and that  
24 CDE does have the authority to collect a fee so that CDE  
25 has the ability to issues certificates and to also



1 oversee the quality of the testing centers and the  
2 vendors who would be contracted with.

3           So what you have in front of you is a set of  
4 rules that eliminates everything except those two parts  
5 at the request of Legal Services. And as Dr. Asp said,  
6 this is totally different from the decision about whether  
7 you want to have more than one high school equivalency  
8 exam provider in the state but the two are related. You  
9 need to pass rules that get rid of all of the GED  
10 language so you would then have your own authority to  
11 offer that to multiple vendors, right?

12           So it is necessary that the rulemaking  
13 happen prior to the selection of those providers if you  
14 wanted to provide more than one or wanted to consider one  
15 that wasn't GED. So that's why these things are staged  
16 this way in your agenda, so we can take care of rules so  
17 you would have then the flexibility given to you now in  
18 law, which is brand new to consider more than one  
19 provider.

20           The only other thing I want to say about  
21 that is that we asked the question, and we've consulted  
22 with Mr. Dyl about this, about whether -- since the  
23 statute now does say that you may consider more than one  
24 vendor for the purpose, which again is brand new, we've  
25 never had that flexibility before because they used to



1 say GED in law. Now that you have that flexibility does  
2 the need for that flexibility need to be restated in rule  
3 and in talking to Mr. Dyl, he thought no, that you have  
4 that flexibility without having it in rule.

5 So I just wanted you to know that was  
6 something considered but on his advice we did not include  
7 that in the rules because generally when you don't need  
8 it, we don't put it there. And so because that authority  
9 is clear in the statute, he didn't feel you needed to  
10 have it repeated in the rules here.

11 I think you have heard, obviously in public  
12 comment, there are a lot of people with strong feelings  
13 about the decision you have tomorrow, you know about  
14 which exams to choose. We only heard from a couple of  
15 people in terms of feedback about these rules. Some of  
16 them sent us feedback about the rules when really, they  
17 we talking about the exam, so we've only -- now we are  
18 going to talk to you about the two we received that are  
19 actually about the rule decision. One of them was  
20 feedback from someone in the field asking that -- that  
21 the part that OLLS asked us to add about us being the  
22 credentialing entity will be added, and since they also  
23 asked for that, that is in the rules.

24 The second one, actually it was just OLLS.  
25 That's the only one which was about the fees. So those



1 were the only two pieces of feedback we received about  
2 the rules specifically. I mean, again we received a lot  
3 of feedback about the exam selection. You'll get all of  
4 that, and you have it in your materials actually for your  
5 consideration of your decision tomorrow on that item.

6 So I think you have some folks who've signed  
7 up who want to comment about these rules, unless you have  
8 clarifying questions for us, we would welcome that to  
9 happen now and then you could have your discussion and  
10 decision.

11 CHAIRMAN DURHAM: Have you set the fee?

12 MS. MORGAN: The fee that comes to CDE?

13 CHAIRMAN DURHAM: Um-huh.

14 MS. MORGAN: That's been consistent. I  
15 don't know what it is.

16 MS. RUTHVEN: It's currently \$7.50 per  
17 module and there are four modules within our current  
18 test, about \$30.00

19 CHAIRMAN DURHAM: \$30.00 a test. Seems  
20 reasonable enough.

21 MS. RUTHVEN: And it's been consistent for  
22 years.

23 MS. MORGAN: Yeah. We're not suggesting any  
24 change in that.

25 CHAIRMAN DURHAM: Very good. Questions from



1 members of Committee? Ms. Rankin?

2 MS. RANKIN: I just have a question that I  
3 don't understand.

4 MS. MORGAN: Sure.

5 MS. RANKIN: Gretchen, Number 2.00(3) the  
6 high school equivalency examination, the State Board  
7 approved a battery of tests?

8 MS. MORGAN: Um-huh.

9 MS. RANKIN: State Board approved that are  
10 designed to measure, okay, so what that means is, I don't  
11 know?

12 MS. MORGAN: What that means is when  
13 someone, like currently under the GED and again you'll  
14 learn about other options tomorrow, the GED is not a  
15 single exam, they sit for multiple exams, so it's  
16 referring to the battery of exams that are part of  
17 proving high school equivalency.

18 MS. RUTHVEN: And that's a statutory  
19 definition that's reflected in the rules to then define  
20 the mention of that further in rule.

21 MS. RANKIN: But that is only for the GED as  
22 we know it today, no?

23 MS. MORGAN: The other exams also do have  
24 multiple modules.

25 MS. RANKIN: I see.



1 MS. MORGAN: So it would be true for all of  
2 them.

3 MS. RANKIN. Okay, so it's flexible.

4 MS. MORGAN: Um-huh.

5 MS. RANKIN: So anybody that comes forth,  
6 you won't even bring it to us unless it's approved in  
7 align with everything that we do here, correct?

8 MS. MORGAN: We're bringing you actually,  
9 three options because three folks submitted -- you know,  
10 information to us and it was a competitive bidding  
11 process.

12 MS. RANKIN: Yes.

13 MS. MORGAN: And then we are bringing you  
14 the feedback from the people in the Competitive Review  
15 Committee.

16 MS. RANKIN: Okay.

17 MS. MORGAN: Which is not always definitive.  
18 Right, if the members disagree.

19 MS. RANKIN: You answered my question.  
20 Thank you, I appreciate that. And then my next one is,  
21 if you do have this here, how long does that go for? I  
22 mean, what if a year from now ten more people come  
23 forward, then do we end up doing it again and adding more  
24 or reviewing the whole thing, I don't understand?

25 MS. MORGAN: I don't know that statute



1 dictates a frequency, does it?

2 MS. RUTHVEN: It does not, but I think --  
3 are you asking about the exams selection process and not  
4 rulemaking, is that accurate?

5 MS. RANKIN: Yes.

6 MS. RUTHVEN: So within the exam selection  
7 process, there is not a standard procurement term,  
8 there's one that is suggested, and I believe it's three  
9 years.

10 MS. RANKIN: Okay, okay, and that's not in  
11 the rules and so this rule is pretty flexible as far as  
12 how many come in it?

13 MS. MORGAN: Correct.

14 MS. RANKIN: Thank you, that answered it.

15 MS. MORGAN: Yep.

16 CHAIRMAN DURHAM: Further questions about  
17 these rules?

18 MS. RANKIN: It's really nice to see all the  
19 strikethroughs.

20 CHAIRMAN DURHAM: We're still happy.

21 MS. MORGAN: Thank you.

22 MS. RANKIN: It's really sad you used so  
23 much paper to do so.

24 CHAIRMAN DURHAM: So your question Ms. Goff  
25 is not about the rules but about the test?



1 MS. GOFF: I think it will be appropriate  
2 regardless of when I ask it.

3 CHAIRMAN DURHAM: Go.

4 MS. GOFF: It's in the other part of the  
5 conversation.

6 CHAIRMAN DURHAM: Go ahead.

7 MS. GOFF: Well -- interesting to hear -- I  
8 don't want to get muddied up with is this rules or is  
9 this test selection discussion. I'm just not going to go  
10 there.

11 MS. MORGAN: Okay.

12 MS. GOFF: I found it interesting all the  
13 comments about the quality -- the nature of the GED and  
14 what some of the comments against having that be the  
15 single exam. So I'm trying to clarify that right now.  
16 Is it the, an access question, is it a location, a  
17 testing location challenge, because it's all  
18 computerized?

19 MS. MORGAN: Um-huh.

20 MS. GOFF: Is it because -- what about the  
21 test questions, does it have something to do with the  
22 rigor level, the content of the test, you know all three  
23 of them claim to be aligned with our standards. A couple  
24 of people phrased it as aligned with the common core, so  
25 I'm wondering what's that interpretation and the maker --



1 the mind of the maker in that statement because common  
2 core, are we talking about math and language arts part of  
3 it. My understanding, and I think I'm right, all along  
4 has been the GED or the high -- whatever the high school  
5 equivalency exam is called, it covers content areas?

6 MS. MORGAN: Um-huh.

7 MS. GOFF: That are basically an expectation  
8 of kids by the time they graduate from high school.

9 MS. MORGAN: Um-huh.

10 MS. GOFF: So do we have clarity and does  
11 the public think about it, that social studies and some  
12 science, you know, the basic - some basic concepts of  
13 science, principles of science in addition to math and  
14 language arts and really what we kind of call our core,  
15 our real core subject area. So I'm curious about that.  
16 I have no one way or the other opinion or choice among  
17 the three that we're talking about right now, I think  
18 they are all excellent, but I found it interesting to  
19 hear the comments that weren't quite fully presented, for  
20 me to be able to tell where people really are. Cost is a  
21 factor too.

22 MS. MORGAN: Um-huh.

23 MS. GOFF: It's a matter of are we talking  
24 about the exam quality or are we talking about details  
25 and logistics?



1 MS. MORGAN: Can I just respond briefly?

2 CHAIRMAN DURHAM: Please.

3 MS. MORGAN: So all of the exams that you  
4 all will hear about tomorrow do include all four of those  
5 subject areas, language arts, mathematics, science and  
6 social studies, so you're correct that it does include  
7 those other areas. And one of the requirements is that  
8 they demonstrate alignment to our state standards in  
9 those areas. Different vendors, you know in the  
10 competitive bidding process they may have, you know may  
11 have certified to us that that is true or may have  
12 provided evidence that that is true.

13 And one of the questions we'll have for you  
14 all tomorrow is sort of what standard do you want to  
15 consider about that, so if someone didn't, for example  
16 provide us documentation, is that something you want us  
17 to require before establishing contracts, things like  
18 that we plan to get into tomorrow. The other thing I  
19 just want to let you know is that tomorrow the three  
20 vendors actually will be here and presenting to you.

21 So you are going to have ample opportunity  
22 to ask them direct questions about these things. So  
23 where in the competitive bidding process maybe something  
24 wasn't eliminated, which is not uncommon, right, people  
25 submit what they have, the reviewers deal with what's



1 been submitted. You'll have the purvey to ask questions  
2 beyond that when you have them in front of you tomorrow.

3 MS. RANKIN: Thanks.

4 CHAIRMAN DURHAM: Okay, any further  
5 questions from members? Now we'll proceed to public  
6 testimony. Frank Watress.

7 MR. WATRESS: Thank you Mr. Chair, members  
8 of the board. My name is Frank Watress, I'm a senior  
9 policy analyst with The Bell Policy Center. I have two  
10 quick comments for you to update from the written  
11 comments that were previously provided to you that are in  
12 your package in front of you that were submitted before  
13 some of the latest changes in that. So my two comments  
14 are sort of updates to what you have there.

15 The first is important in non-substantive  
16 comment, and that is that I want to acknowledge and thank  
17 staff in the department for reaching out to stakeholders  
18 when they heard about our concerns about the full repeal  
19 of this rule. This is an extremely important program  
20 just as you heard about this morning. There are  
21 literally thousands of students who are affected by this,  
22 there are 340,000 adults of working age in this state  
23 that do not have a high school diploma or the equivalent.  
24 So this is a critical issue and a critical program, and  
25 many stakeholders were concerned when the full repeal was



1 going to take place. So I just wanted to thank the staff  
2 for reaching out and seeking input on what should be  
3 retained.

4 My second comment is important and  
5 substantive I hope, although it sounds like -- I'm glad  
6 to hear there was discussion about whether these rules  
7 should explicitly identify your authority to be able to  
8 select more than one examination as being approved in  
9 this state. We don't believe that the rules as they are  
10 written and in front of you right here fully acknowledge  
11 or represent that authority to the person who might be  
12 looking at this -- these rules and make it really clear  
13 that you have that authority to approve more than one  
14 examination in the state.

15 There are four places in the one page  
16 document where the high -- approved high school  
17 equivalency examination is referred to in the singular,  
18 and whether you are required to or not, or whether it's  
19 necessary to or not, we believe it would be valuable for  
20 you to express that in those four places that you have  
21 the authority to approve more than one. So looking  
22 through here it would be the simple addition of  
23 parenthesis with an S in it to show plural rather than  
24 singular. In the last sentence in 1.00 the prove -- the  
25 high school equivalency examination(s). In 2.002, same



1 thing at the end of the last sentence, the approved --  
2 the State Board approved high school equivalency  
3 examination(s) to show that that's a possibility but not  
4 necessary something that you will decide. Many of us  
5 hope that you will, but we want you to be clear on your  
6 authority there.

7 And then also in the 2.003 high school  
8 equivalency examination(s) there and then in 4.00 the  
9 department may charge a fee, the high school examination  
10 now singular now, we'd ask for you to make that plural.  
11 And again not trying to make a legal argument for whether  
12 it's necessary or not but certainly just trying to say  
13 for the clarity of understanding of what your authority  
14 is and what the options are, we would urge you to make  
15 that change. Thank you.

16 CHAIRMAN DURHAM: Thank you, Mr. Watress.  
17 Let's see. Annamae Lindsay?

18 MS. LINDSAY: Yes.

19 CHAIRMAN DURHAM: Please join us.

20 MS. LINDSAY: Thank you very much. I have  
21 folders for each of you. May I please hand them out.

22 CHAIRMAN DURHAM: Yeah, Ms. Burdsall will  
23 take care of that.

24 MS. LINDSAY: Okay, thank you.

25 CHAIRMAN DURHAM: Okay, please proceed.



1 MS. LINDSAY: Thank you members of the  
2 Colorado State Board of Education. My name is Annamae  
3 Rayle Lindsay, I come to you from the San Luis Valley  
4 where I am an adult ed educator. I'm also the president  
5 of CAEPA, which is the Colorado Adult Education  
6 Professional Association and today I am here to represent  
7 CAEPA.

8 I appreciate that I can be here today to  
9 follow up on the two letters that I sent. You probably  
10 recognize my name. The letters that were sent on  
11 September 22<sup>nd</sup> and November 3<sup>rd</sup> regarding the High School  
12 Equivalency Program. CAEPA -- first of all, I want to  
13 explain a little bit about CAEPA if you don't know. It's  
14 an organization dedicated to provide leadership and  
15 professional development to the field of adult education  
16 and family literacy with over 60 programs around the  
17 state that are community based, college based, faith  
18 based, school districts and other public entities.

19 The Adult Education Program serves over  
20 15,000 students, learners every year. In addition to the  
21 letters addressed to you on September 22<sup>nd</sup> and November 3<sup>rd</sup>  
22 a petition was developed on our website, CAEPA website  
23 and over 100 members to date, I think it's 109 were  
24 signed off expressing their concerns over the rulemaking  
25 and the RFA and the approval of expanding assessment



1 options leading to the high school equivalency. As I  
2 told you earlier, I have -- I am a director of an adult  
3 ed program.

4 I have done this for over 20 years in the  
5 family literacy and adult ed programs, so I feel that my  
6 experience in this just reinforces what I believe and the  
7 significance of the adult ed programs and it's far  
8 reaching importance. Pursuing a high school equivalency  
9 diploma is an important goal whether you're 17 years old  
10 or you're 45. I have seen a 67 year old woman get her  
11 GED about seven years ago. It is a stepping stone to a  
12 college or to employment. Not everybody that comes to  
13 the Adult Ed Program wants to go to college. Sometimes  
14 they want to get an increase in pay, but maybe they want  
15 to go into a Cosmetology Program at a Community College,  
16 but because they don't have a GED or a high school  
17 equivalency, they cannot get a PELL Grant or financial  
18 aid.

19 Whether it is a personal, family or economic  
20 goal, the State of Colorado can only benefit as we  
21 develop a stronger workforce with more self sufficient  
22 citizens moving out of poverty, and as you all know, in  
23 the San Luis Valley we have a lot of folks who are  
24 economically disadvantaged, and they could certainly use  
25 the education to get them out of that rut. Ladies and



1 Gentlemen, I stand before you as an experienced educator,  
2 as president of CAEPA and it's membership to urge you to  
3 carefully consider the rulemaking process in order to  
4 ensure student and program success.

5 We strongly recommend that you consider  
6 input throughout the state from whatever means from the  
7 many experienced educators around the state and adopting  
8 policies, rules, regulations concerning the adult ed  
9 program. Given the actions in many other states across  
10 the country to expand assessment options the RFA is not  
11 only necessary, it is crucial to student success.  
12 Providing options for high school equivalency assessments  
13 would recognize the variety of learning styles, testing  
14 format preferences, financial circumstances, life goals  
15 and post-secondary or workforce desires.

16 Having said this, we again urge you to take  
17 measures to give Coloradoans a choice of exams that are  
18 accepted in many other states to document high school  
19 equivalency. The recently passed WIOA, the Workforce  
20 Innovative Opportunity Act was created so that our  
21 domestic workforce has the guidance and pathways needed  
22 to obtain required skills. In order to meet these new  
23 challenges we must work together to give our learners the  
24 instruction and the tools for success. Thank you again  
25 for having me here and for listening and for your



1 attention.

2 CHAIRMAN DURHAM: Thank you. Shirley Penn?

3 MS. PENN: Okay, my name is Shirley Penn,  
4 and I have been an adult educator -- I'm retired from  
5 being an adult educator, my time in adult education was a  
6 director for 23 years. I've also been on the CAEPA Board  
7 for ten years and am a past president. I'm also a part  
8 of the High School Equivalency Task Force. You have  
9 before you today some important decisions about the rules  
10 and I would like to echo what Frank Watress has said. We  
11 appreciate the Department of Education and engaging with  
12 us in dialogue over the rules and regulations that are  
13 before us today. We've had several discussions and  
14 unfortunately, I don't think we've come to a consensus  
15 yet. So what I would like to do is just talk about that  
16 a little bit.

17 The first kind of -- in October I think the  
18 rules were to be all abolished. If you look at what you  
19 got back in October, every rule was red lined. We were  
20 concerned, we didn't -- we understand that we don't want  
21 to overregulate, but we think that for basic program  
22 operation there needs to be some rules and some  
23 regulations and some guidelines that are there for all  
24 stakeholders so that we're speaking a common language and  
25 we have common expectations. We believe that rules



1 protect students, protect programs and protect the  
2 Department of Education from misunderstandings and  
3 conflicts. Having said that, like I said in the  
4 beginning, all rules were to be abolished. Then after  
5 some discussion the department has resubmitted those  
6 proposed rules to you. They do include some of the very  
7 core basic principles of issuing a high school  
8 equivalency diploma.

9 It states that the department has the  
10 authority to issue and refers to several other basic  
11 principles. I think where the difference lies in how we  
12 read rules. I think under the interpretation that comes  
13 from the Department of Education they feel that all the  
14 old rules actually from the GED testing company. As  
15 someone who's been around for 23 years I disagree, and I  
16 feel like some of those rules were there to maintain  
17 quality and establish some order and some oversight on  
18 behalf of the Colorado Department of Education.

19 I've outlined 12 areas or 12 questions that  
20 I think will be left unanswered if all rules are  
21 abolished and I feel like that we do need to have certain  
22 expectations of all the stakeholders that will allow for  
23 smooth operation and for a dynamic program -- a dynamic  
24 adult education program in the state. And so you know,  
25 and to speak of the fees that are being charged to our



1 students, you know that's okay, that's fine but how is  
2 that money being utilized, is it being utilized to help  
3 us have a strong program in the state, are there  
4 expectations from the department that will help us  
5 maneuver through all the changes that are coming of that  
6 and insure program quality.

7           And I think that those rules that are listed  
8 in the 11 pages that were given to you originally in  
9 October and kind of my Readers Digest version of those  
10 rules will point some areas where we might have a  
11 misunderstanding if there's not some type of rule or  
12 regulation in place. And we feel like the fees of the  
13 students should go toward building a quality of the  
14 program. And so it is my request today that I don't  
15 think we are at a point where we can say that all rules  
16 should be abolished and I'm asking you to postpone a  
17 decision on the rulemaking process until we've had a time  
18 -- that there's been time to discuss these important  
19 issues and to clarify what is it that the Department of  
20 Education's going to do to ensure the quality of  
21 programming in the state and to ask a question because we  
22 were told that all of these would be covered in contract.  
23 That if it's covered in contract that means we're turning  
24 it over to the vender's and I don't think that we can do  
25 that. I think that we as a state, need to have oversight



1 and authority to keep the program on track. So again I  
2 ask that you postpone the decision on this issue.

3 CHAIRMAN DURHAM: Thank you very much. Is  
4 there anyone else that would like to provide public  
5 testimony? I see none. Public testimony is closed. Any  
6 further questions for staff. I have one in regard --  
7 relative to the last comment. Was it the original  
8 statement that we were allowed to abolish most of these  
9 rules because the statute was specific enough to be self-  
10 executing?

11 MS. MORGAN: Yes, there were two reasons.  
12 The primary one was that they are duplicative of a lot  
13 that's in statute. The other part is some of things that  
14 were in statute were GED specific and GED proprietary and  
15 so needed to be removed according to OLLS.

16 CHAIRMAN DURHAM: Okay. Ms. Mazanec?

17 MS. MAZANEC: So, would you speak to  
18 Shirley, who is it, Penn?

19 MS. MORGAN: Uh-huh.

20 MS. MAZANEC: Would you speak to some of her  
21 concerns about the vender's being in charge of the rules.  
22 One other thing too, what does happen to the fees, are  
23 the fees just to administer the program through CDE?

24 MS. MORGAN: Um-huh.

25 MS. MAZANEC: Or is there any, is it, what



1 are those fees used for, how are they used?

2 MS. MORGAN: Um-huh, yeah so the first  
3 question about the rules, when we would go about  
4 establishing contracts with vendors we still would be  
5 beholden to the detail on the law so our perception, we  
6 don't have more flexibility in negotiating with vendors  
7 then we did previously, it's just that what was in rule  
8 about that is already in law so we're still accountable  
9 to both - we're still accountable to that it just is only  
10 listed in once place, not two.

11 MS. MAZANEC: Okay.

12 MS. MORGAN: That'd be our view on that.  
13 And then in terms of what we do with the GED fees I'll  
14 think I'll defer to you on that.

15 MS. RUTHVEN: Just one other comment I'll  
16 add.

17 MS. MORGAN: Sure.

18 MS. RUTHVEN: Much of what is in current  
19 rules so literally the name of the current rules are  
20 administration of GED.

21 MS. MORGAN: Right.

22 MS. RUTHVEN: GED testing program. So much  
23 of this is very specific to GED as a test program and as  
24 a vendor how they handle certain areas such as  
25 accommodations, much of this you'll hear about tomorrow



1       though the vender conversation and the contract piece  
2       will outline specifically with that vender how the vender  
3       will approach it but also in partnership with the  
4       department, if that makes sense. Fees right now cover  
5       part of an FTE to oversee the venders, also we're  
6       responsible for selection of the testing centers, and the  
7       testing sites of which there are nearly 100 across our  
8       state and then we also offer professional development in  
9       partnership with our adult education programs and prep  
10      sites.

11                   CHAIRMAN DURHAM: Further discussion? Yes,  
12      Dr. Schroeder?

13                   MS. SCHROEDER: Is there any problem with  
14      adding (s) in the four areas that Mr. Watress identified?

15                   MS. MORGAN: I'm going to ask Mr. Dyl to  
16      come in on that because I believe these are in the areas  
17      of definition which probably are repetitive of statute  
18      but I'm going to ask you if that's true?

19                   MR. DYL: I don't - I don't think it would  
20      necessarily be violative of the statute, but I don't  
21      think it's necessarily required. If I understood the  
22      comment correctly, it was more going to avoiding  
23      confusion if someone was reading only the regulations but  
24      not necessarily the statute.

25                   CHAIRMAN DURHAM: So there's no reason not



1 to do it?

2 MR. DYL: There's no reason not to.

3 MS. SCHROEDER: So I'd suggest that we  
4 consider that. And then I'm a little flummoxed about the  
5 -- for example what is the process for renewing contracts  
6 with vendors. That's in the vendors, do you have listed  
7 online some guidelines so that folks know that these are  
8 -- I'm not in favor of putting things in rules that don't  
9 have to be in rules that may need to be changed based on  
10 situations and we start all over again with the rules and  
11 they're really more about process. Just talk to me a  
12 little bit about how these concerns -- how someone who  
13 has a question like some of these can find out about  
14 them.

15 MS. MORGAN: Yep.

16 MS. RUTHVEN: So as part of guidance for  
17 testing centers we have a 20 page process and procedure  
18 guide.

19 MS. SCHROEDER: Oh good lord.

20 MS. RUTHVEN: To outline those processes.

21 MS. SCHROEDER: Thank you. So it sounds  
22 like you would hit quite a few of these, probably hit all  
23 of these.

24 MS. MORGAN: That is our intent, yes.

25 MS. SCHROEDER: Are they easy to find



1 online?

2 MS. MORGAN: It is, we are happy to provide  
3 that to you, if you'd like.

4 MS. SCHROEDER: I don't want to, I just want  
5 to make sure that others. I got my GED. I want to make  
6 sure that is easy for somebody who has those questions.

7 MS. RUTHVEN: We try to make it as easy as  
8 possible and there's also a frequently asked questions  
9 section, depending on audience, so for testers  
10 specifically or prep sites or centers et cetera.

11 MS. SCHROEDER: Fantastic. Thank you very  
12 much.

13 CHAIRMAN DURHAM: Okay, for those that are  
14 attending for the first time, flummoxed is a technical  
15 term that used here quite often.

16 MS. SCHROEDER: I'll make a motion if you  
17 want one.

18 CHAIRMAN DURHAM: Is there a motion, yes do  
19 we have a motion.

20 MS. SCHROEDER: I move to approve the rules  
21 for the administration of the High School Equivalency  
22 Examination Program.

23 CHAIRMAN DURHAM: Is there a second? Second  
24 Ms. Goff. Do you wish to amend the motion to include the  
25 sub (s) in the four identified locations?



1 MS. SCHROEDER: Four identified locations.

2 MS. MORGAN: Okay.

3 CHAIRMAN DURHAM: Okay. So that's an  
4 amendment, is there a second to the amendment. Dr.  
5 Flores seconds. Is there an objection to that amendment?  
6 That amendment is adopted by unanimous vote. Now we are  
7 back to the motion is amended which is the approval of  
8 the rules for the administration of the high school  
9 equivalency exam. Is there an object to the adoption of  
10 that motion?

11 MS. FLORES: I have a question about the  
12 fees.

13 CHAIRMAN DURHAM: Discussion, go right ahead  
14 Dr. Flores.

15 MS. FLORES: Are those fees really  
16 necessary, I mean these kids are not going to take up all  
17 those thousands of dollars going to school, going through  
18 high school and such, that's thousands of dollars and not  
19 that we're supporting it but, you know, that money is not  
20 being spent, so couldn't we support these kids for, in  
21 adults for going, taking the effort to take the test and  
22 provide -- provide the state with workforce ready people.

23 MS. MORGAN: May I respond.

24 CHAIRMAN DURHAM: Yes, please.

25 MS. MORGAN: So, unfortunately our state



1 doesn't provide any funding to GED, so in other states,  
2 not only are departments funded to do this oversight out  
3 of tax funds but also there are subsidies provided to  
4 students to offset the cost of taking these exams. Our  
5 legislature has not provided for either of those kinds of  
6 funding and so this was the, I think sort of the  
7 practical solution at the time. It predates me in this  
8 work, but I think it was the practical solution at the  
9 time to ensure that there was some oversight and that the  
10 department could do a good job and issuing certificates  
11 in a timely manner.

12 MS. FLORES: So not only are they going to  
13 pay the fee for the examination which is separate from  
14 the fee that we charge, would it add up to the same or  
15 more or would it still be logical for some students to go  
16 to Wyoming to take the test?

17 MS. MORGAN: So Wyoming subsidizes the cost  
18 of the exam, so their situation is very different than  
19 ours. But the fee for every student taking it is made up  
20 of three parts, there is a part that goes to the vender  
21 that provides the exam, there is a fee that goes to the  
22 testing center which is separate from the fee that goes  
23 to the vender who creates the exam and does the work of  
24 validation there and then there is this fee that comes to  
25 us so that we can provide some oversight and issue



1 certificates to students. In all cases those three kinds  
2 of fees would be there in any of the choices you would  
3 look at tomorrow.

4 MS. FLORES: What about the SAT, when the  
5 SAT, ACT is provided. Do all those fees?

6 MS. MORGAN: It's very different.

7 CHAIRMAN DURHAM: Yes.

8 MS. FLORES: Are fees considered part of the  
9 rules? Or is funding?

10 MS. MORGAN: The only fee that is talked  
11 about in the rules -- actually it isn't a specific fee,  
12 it is just CDE being given that clear authority to  
13 collect it's fee as it currently does.

14 CHAIRMAN DURHAM: Yeah. I think statutory,  
15 you usually have to have an authority level as the fee  
16 and the standard rule is the fee cannot exceed the cost  
17 of the administration of the program and I presume we are  
18 in compliance with that statute.

19 MS. MORGAN: Yep.

20 MS. MAZANEC: So were still just working on  
21 the rules right now, fees are tomorrows discussion,  
22 correct?

23 CHAIRMAN DURHAM: That would be, I believe  
24 correct.

25 MS. MORGAN: Yep



1 CHAIRMAN DURHAM: Yes, they are said  
2 separately. Ms. Goff?

3 MS. GOFF: So if we repeal the current rules  
4 and replace with new rules, do we have to get spending  
5 authority again. Do we have to renew that kind of  
6 legislature?

7 MS. MORGAN: No, because that is in the  
8 rules that you would be adopting today, so it just would  
9 continue the same as it has been.

10 MS. GOFF: I'm sorry, I missed it, I think.

11 MS. MORGAN: It's okay.

12 MS. GOFF: Whatever specific reference there  
13 is to that part of it just dawned on me, so.

14 MS. MORGAN: Yeah, it's the very last part.  
15 It's just a single line. The department may charge a fee  
16 for state administration of a high school equivalency  
17 examination(s), Franks edit.

18 CHAIRMAN DURHAM: Further discussion on the  
19 motion to adopt the rules. Is there an objection to the  
20 adoption of that motion? Seeing none. That motion is  
21 declared adopted on the unanimous vote. I think we  
22 should now proceed to Item 22 out of order. If there is  
23 no objection, I think we have our program here to talk  
24 about the Capital Construction Assistance Board of  
25 Legislative Program and Dr. Schroeder will you please



1 assume the chair?

2 (Pause)

3 MADAM CHAIR: We're on Item 22.00 update on  
4 the Capital Construction Assistance Board, Legislative  
5 Board Platform 2015-2016. Mr. Commissioner?

6 MR. ASP: Excuse me, I'm sorry Madam Chair.

7 MADAM CHAIR: Go.

8 MR. ASP: We have with us -- I'm going to  
9 start with Scott Howell who works with us on the Best  
10 Board, we're here to talk about an update on Capital  
11 Construction and we'll let Scott take it from there,  
12 thank you.

13 MR. HOWELL: Hello, I'm just going to kind  
14 of pass it on to Scott Newell, Director of the Office of  
15 Capital Construction and invited Lyndon Burnett to speak  
16 today, he is the Chair of the Capital Construction  
17 Assistance Board and they've prepared a legislative  
18 platform for this year and would like to address you on  
19 that.

20 MR. NEWELL: Thank you, Scott, members of  
21 the board, Vice-Chair Ms. Schroeder and Dr. Asp. I'm  
22 here on behalf of our board today to talk about our  
23 legislative agenda. I think the primary thing we have on  
24 here is that we'd like to go to the legislature and ask  
25 an increase in our cap this year.



1 I think you should know the program started  
2 out with a \$40 million cap on our lease purchase payments  
3 and we're bumped right up against that, have been for  
4 several years. Since that time we've had other monies  
5 come in, primarily the excise tax from the wholesale  
6 piece of marijuana thing comes to the Best Board and that  
7 goes up to \$40 million, the first \$40 million comes to  
8 our board and so far, this year I think we're up around  
9 \$32 million to \$38 million of that. The monies coming in  
10 and then just recently in November passed Proposition BB  
11 which also didn't refund money tax payers and the first  
12 \$40 million of that refund that goes to the Best Board,  
13 so we've had that income coming in.

14 We had a meeting a couple of months ago with  
15 the Treasurers Office, the deputy treasurer and also our  
16 attorney through the Attorney Generals Office that  
17 represents our board and both of them has stated that  
18 when we sell these bonds no one's ever asked where the  
19 money comes from. The State backs these bonds, they  
20 don't seem to care if comes from marijuana, excise tax  
21 money or where it comes. I think that our board, or I  
22 know that our board has had a lot of discussion about how  
23 do we make this program more sustainable. We have all  
24 this money coming in and we can put it out in cash grants  
25 but leveraging the \$40 million has turned into about \$700



1 million in building construction. So what we were  
2 talking to the legislature about is possibly running a  
3 bill to increase that cap somewhat and we're probably not  
4 going to get to far ahead of ourselves because the  
5 legislature did give us permission to start up a new  
6 assessment program and we're just putting out the initial  
7 stuff for the assessment.

8           It will be about a year before we really  
9 have those figures in, but there seems to be a pretty  
10 good appetite at the legislature right now to talk about  
11 increasing that cap and so we're asking for your support  
12 today to go forward and explore what that looks like. I  
13 don't think we're going to be asking to increase it by  
14 \$80 million or anything, even though we might have that  
15 kind of money sitting around this year. But we're  
16 looking at an increase of even \$3 million to \$5 million a  
17 year, somewhere in that neighborhood, if we could get  
18 some legislation structured around that so that we can  
19 utilize some part of the money that we are getting in and  
20 really leverage it and go a lot further in helping these  
21 schools.

22           I'm sure you're already aware that the  
23 Governor's office is saying we're going to be adding to  
24 the recession with the K-12 education and probably not  
25 have any more money and this Capital Construction Program



1 has really become a linchpin for school districts all  
2 across the state, charter schools, proceeds and the  
3 people that have access to those funds, which the only  
4 other one I'm leaving out is the Colorado School for the  
5 Blind and Deaf. So I think boards are important and I  
6 think being able to leverage that would go if we could  
7 get the details worked out in legislation. So are there  
8 questions to this point?

9 MADAM CHAIR: Let me just clarify that for  
10 the board, this is an information item only. So we will  
11 not be voting on level support, but we are thankful that  
12 you've come and shared that, and we'll expect to hear the  
13 back and forth that's going to occur across the street.  
14 But I don't think, unless my colleagues say otherwise, I  
15 don't know that we want to make this a voting item and  
16 that's not how it's been presented to us.

17 MR. NEWELL: Okay.

18 MADAM CHAIR: Colleagues questions? Pam?

19 MS. MAZANEC: What do you mean by an  
20 assessment -- did you say an assessment program, you're  
21 starting a new assessment program, does that mean you're  
22 looking at where the needs are across the state?

23 MR. NEWELL: Yes, ma'am. When the  
24 legislation was created six years ago, the first thing  
25 they did was a state wide assessment of the facilities



1 conditions in the whole state. At that time the  
2 assessment showed a need of about \$18 billion in funds.  
3 That's how far we were behind, but it was a one time shot  
4 and we used it for a number of years, but that figure is  
5 stale now. So what we have done is looked at things and  
6 that was part of an audit we had a couple of years ago  
7 too that we needed to refresh that and take another look  
8 at it. Once again if we did what we did before we would  
9 have a hugely expensive assessment. It'd be a one time  
10 shot of what's going on.

11 So our staff and to Scott's credit, the  
12 people in our office came up with a plan to hire regional  
13 representatives and there will be four or five of them  
14 around the state and we've just put out a RFP for a  
15 company that's going to come in and help us do that and  
16 put out a database and so these people will be on our  
17 staff full time and every building in the state will be  
18 kept current within two or three years so everything will  
19 stay fresh and never get older and we could do it in-  
20 house for a fraction of the cost of what a one time deal  
21 would be.

22 So as soon as we get these people hired and  
23 in place and get this company up and setting up the  
24 database we're really working to make it user friendly so  
25 these districts don't have a lot of personnel and a lot



1 of time, because the first time around it took a lot of  
2 time and people had to walk around with the company that  
3 was doing that and so we're hoping to make this a little  
4 more interactive and a lot more user friendly. But our  
5 staff will be out there gathering that information. Some  
6 of the bigger districts may have the capability to push  
7 that information through our system and we're real  
8 excited about how that's going to work. But yes, the  
9 point is that we'll have much fresher data, then we can  
10 really target schools -- the worst schools in the state.

11 We can't go out and make them pass a bond  
12 issue and do it but at least if we know who the worst  
13 are, and the conditions of the worst facilities are then  
14 we can work with them and more target our approach. We  
15 do a lot of that now, but this will sure give us a lot  
16 more better -- or give us better information going  
17 forward.

18 MADAM CHAIR: Mrs. Emm you want to make a  
19 comment?

20 MS. EMM: Yes, thank you. I'm Leanne Emm,  
21 Associate Commission for school finance and operations  
22 and one point of clarification on that. Last year the  
23 last session, the legislature took up the conversation  
24 about should we update the priority assessment and they  
25 did grant funds to the department appropriated about \$2.7



1 million to do the refresh on the assessment and get that  
2 current and also authorize the department to hire the  
3 staff in order to go out and provide us a sustainable  
4 method of keeping the assessment up to date. I just  
5 wanted to clarify that.

6 MADAM CHAIR: Great, thank you. Other  
7 questions? How much money have we given to the Best  
8 Program or has the Best Program received in those six  
9 years, do you know?

10 MR. NEWELL: We have put out in construction  
11 over \$1 billion, I think it's \$1.2 billion or \$1.4  
12 billion, something like that. Now that's leverage money  
13 and other money that's come through. We received 50  
14 percent of the income from the state land board land so  
15 we don't get any general fund money, this is all money  
16 that comes through. We get a little bit of lottery  
17 overflow proceeds. It's pretty unsteady, it's anywhere  
18 from \$50,000.00 to \$2 million or \$3 million, maybe \$12  
19 million one year, but we never really know what that is.  
20 But those are sources of income.

21 MADAM CHAIR: And is there a matching bond  
22 locally that goes along with that, or does that vary?

23 MR. NEWELL: Yes, ma'am. All districts have  
24 some sort of match that they have to make based on free  
25 and reduced lunch and other factors that go into that



1 formula and so if they go -- primarily who this benefits  
2 is districts that don't have bonding capacity, some of  
3 the rural districts can't even come close to raising  
4 that. So we also have waiver letters for districts that  
5 have unusual circumstances that they can waive part of  
6 that match if they need to, but primarily most of them  
7 max out their bond to get a -- especially if they are  
8 getting a new school that will be leveraged.

9 MADAM CHAIR: So totally in the last six  
10 years how much money has been put into Capital  
11 Construction for schools?

12 MR. NEWELL: I think it's that \$1 billion.

13 MR. HOWELL: Sure. Madam Chair. \$1.24  
14 since program inception, of that about \$800,000.00 came  
15 from the state and the rest came from a local share.

16 MADAM CHAIR: Thank you. Other questions?

17 MS. MAZANEC: I have one other question.

18 MADAM CHAIR: Sure, Pam.

19 MS. MAZANEC: So the process every year is  
20 you get applications, or you go look or a combination of  
21 both? You decide?

22 MR. NEWELL: It's applications, it's a grant  
23 program and each district has to apply and put together  
24 the application and our staff helps them with the  
25 process, hopefully, not always.



1 MS. MAZANEC: Then your board decides?

2 MR. NEWELL: Then our board has a meeting  
3 every May and we make a decision and we rank that stuff  
4 and vote on it and then we move forward and move that  
5 list to you people to - to your board, I'm sorry, to  
6 approve first and when we have lease purchases that goes  
7 on forward to the Capital Development Committee for  
8 approval, but we didn't do that last year because we  
9 haven't had any lease purchase projects for a couple of  
10 years.

11 MS. MAZANEC: So my question is though  
12 sometimes districts decline or are unable to pass a bond  
13 correct? So they are offered this grant and they need to  
14 make the matching bond and doesn't happen, then what  
15 happens to the money, does it just go back into the fund  
16 for next year or do you ever try to use it in that same  
17 year?

18 MR. NEWELL: No, because when once we've  
19 given that list out, that's it we do -- I can think of  
20 two districts right now that came back three different  
21 times. It took them three years to get a local match  
22 pass, so they are eligible to come back and apply as much  
23 as they want, but sometimes it takes a couple of years.  
24 I can think of Elbert School District in Elbert County, I  
25 know they came back three times before they got the



1 matching bond passed in their district and we've had a  
2 couple of others that's taken more than one try to get  
3 the voters on board to do that.

4 MS. MAZANEC: Okay, thank you.

5 MADAM CHAIR: Mr. Newell did you have a  
6 comment?

7 MR. HOWELL: Sure just maybe expand on that  
8 a little bit. When we were financing projects, because  
9 we were going through a due diligence process which took  
10 about six months to get those projects finance ready, we  
11 did during those grant cycles award back-up projects too,  
12 because it -- we couldn't get them finance ready in time.  
13 So in those instances there were a few that weren't able  
14 to raise their match and those back-ups were there to  
15 maximize the dollars in that given year. But if an  
16 awardee doesn't raise their match it does go back into  
17 our available funds for next year. And I guess it's  
18 important to note too, that a bond proceeds aren't the  
19 only source of match that they are required to bring.  
20 They can use general fund dollars, other grants,  
21 donations, things like that.

22 But I wanted to expand upon a third vote  
23 that wasn't in our platform but was approved by our board  
24 this last Friday at our last board meeting and that's  
25 kind of program enhancements as we're moving forward into



1 this next phase of the Best Program and that's really to  
2 address this targeted outreach for schools. And two  
3 things we've noticed. One, when we get the assessment  
4 data updated, in our previous assessment it just outlined  
5 conditions, it didn't really prioritize needs based on --  
6 on our statutory requirements which are health, safety,  
7 security, top tier, overcrowding, technology and then  
8 other capital improvements.

9 So now we'll have a prioritized list and one  
10 of the things we think would be a good idea is the  
11 ability to provide planning grants now. So if we get a  
12 list each year and we identify, let's say the top three  
13 schools but they're not poised to come to us for an  
14 application for a variety of reasons, we'd like the  
15 ability to give them funds to get the planning process  
16 started and at least move forward in that direction since  
17 we have identified them as a needy school in the state.

18 The other thing we are looking at -- at  
19 considering is the two phased approach if we go into  
20 lease purchase grants now. One of the things we've run  
21 into particularly in recent years is a really wild  
22 construction industry and there's a lot of variables in  
23 that when you are building a school. So we're -- we're  
24 looking at the idea now of awarding a need in one year  
25 that would result in a cash grant to get them through a



1 planning process and then come back the next year of hard  
2 costs, a real design that would then be funded through a  
3 lease mechanism. And those are two things we are also  
4 kind of considering right now.

5 MR. NEWELL: Mr. Chair, I just wanted to add  
6 one thing we're talking about and really looking for is  
7 the sustainability. We want to be able to take the funds  
8 we have and get these programs as lease purchase stuff  
9 pays off, most of these are 20 years out so we're trying  
10 to start putting a little money every year so that we get  
11 to a point down the road where these pay off every year  
12 and then we'll have those funds to go back in. I'd like  
13 to also point out that we don't use any general fund  
14 money or any state ed fund money, this is money that  
15 comes in to the Capital Construction Assistance Board.  
16 But we think that long term piece of getting these to  
17 where we can stretch these out, we actually have the  
18 deputy treasurer looking at some stuff to see if there's  
19 something they can do to kind of space those payments out  
20 a little bit. I'm not sure how far we will get with  
21 that, we do have three or four loans that I do think will  
22 pay off in the next six years so. But we really do need  
23 to get this deal where it's an annual kind of thing where  
24 it turns over and so, it's a long term process but that's  
25 our ultimate goal.



1 CHAIRMAN DURHAM: Any further questions?

2 MADAM CHAIR: Do you have a draft of the  
3 bill that you're going to propose?

4 MR. NEWELL: No ma'am.

5 CHAIRMAN DURHAM: Okay, further questions  
6 from members of the board. Thank you very much and we  
7 appreciate your adjusting your schedule for us.

8 MR. NEWELL: Thank you. I just have to keep  
9 my coat on, I just ironed the front of my shirt before I  
10 came. Thank you.

11 CHAIRMAN DURHAM: I should probably follow  
12 that rule myself. Okay, since we're still ahead of  
13 schedule and I don't think we can start the Item 17  
14 early, let's see if we can dispose of Item 23 quickly.  
15 Let's see if we can dispose of Item 23 quickly if you'd  
16 assume the chair Dr. Schroeder, please. Recently a  
17 number of us attended a speech by the Governor in which  
18 he identified as one of the problems for local school  
19 boards the rules and regulations enacted by the State  
20 Board of Education as being overly burdensome and  
21 apparently unnecessary.

22 So I took that as an invitation to work  
23 cooperatively with the Governor's office to see if we  
24 could identify those rules and see if we couldn't get  
25 those dialed back. Although I'm not aware of the details



1 of the complaints he's had about the -- apparently his  
2 remarks were triggered by complaints he's had from Boards  
3 of Education. So I would just like to request that staff  
4 from the department to prepare and send a letter to the  
5 Governor and ask him to identify those rules that he  
6 believes are overly burdensome and can and should be  
7 repealed and/or modified and he would provide us with a  
8 list -- if he would provide us with a list I will assure  
9 him they will be on the agenda for consideration at the  
10 earliest possible moment, and I would also ask staff to  
11 review any complaints you've received from local school  
12 boards about our rules being overly burdensome and if you  
13 would bring those complaints, whether you think they are  
14 legitimate or not, to us for our review so we would have  
15 the opportunity to evaluate those and whether or not we  
16 might have in fact have a chance to on our own  
17 initiative, remove some of those rules and if there's --  
18 I just ask for approval from the board to request that  
19 the department send a letter to the Governor asking him  
20 to identify areas of concern and rules that specifically  
21 could be removed and then for the department staffs  
22 cooperation in sending us information.

23 I would encourage local school boards to --  
24 wherever they find there is problem believe that we have  
25 some flexibility to send that information to staff and



1 staff will bring those to us and so I don't know if  
2 that's a motion or acquiescence or however you'd like to  
3 treat it Madam Chairman and I'll make a motion if  
4 appropriate.

5 MADAM CHAIR: Comments colleagues? Do you  
6 want to make a motion? Dr. Asp.

7 MR. ASP: Thank you, Madam Chair. We meet  
8 regularly with representatives, the Executive Director in  
9 fact, of the Colorado School Board Association as well as  
10 representatives of the rural alliance to talk about these  
11 kinds of issues among other things. We also have  
12 informal meetings with school board members,  
13 organizational meetings, things like Casby for example.  
14 But we hear mostly complaints around rules or other  
15 issues that you've talked about Mr. Durham, from our  
16 interactions in a formal way with Superintendent's and  
17 also -- an informal way for Superintendent's they don't  
18 have any qualms about letting us know about the things  
19 they think are burdensome.

20 So we have typically have not brought those  
21 to the board unless they required some sort of rule  
22 change, some of the things that we've heard about over  
23 the last couple of meetings or some other action by the  
24 board. We try to work with our constituents to do that  
25 and continue to reduce burdens on districts, but we'll



1 make it a considered effort to be even more vigilant  
2 about that then we have in the past.

3 CHAIRMAN DURHAM: All right.

4 MADAM CHAIR: Colleagues any additional  
5 comments? Do we want to vote on this? Debora?

6 MS. SHEFFEL: I was just going to say it's  
7 consistent with our legislative priorities that we want  
8 to reduce regulatory burdens so it's a great time to  
9 review what's there and what can we do to make it better.  
10 Thank you.

11 MADAM CHAIR: So I'd say we are in agreement  
12 with just asking staff to go forward and we don't need a  
13 motion? Jane?

14 MS. GOFF: Yeah, I would also hope that as  
15 part of this discussion, which I completely support, as  
16 we've found out today, what -- maybe there is some  
17 clarification that's needed about what is the role of the  
18 OLLS, how is the interaction -- how does that happen and  
19 why, because it seems like today there's -- there could  
20 be occasions where there's confusion if we create -- we  
21 promulgate rules based on statute and then now facing it,  
22 dealing with the question of your rules are too much. So  
23 at the basis of statutory language how does that help?  
24 What is the interim filter, what is that all about and  
25 how does that work? I have public that would be liking



1 to know that. When I say we have rules based on  
2 legislation they say well, and why do they get.

3 CHAIRMAN DURHAM: Is that question to?

4 MS. GOFF: Dr. Asp.

5 MR. ASP: May I defer to Mr. Dyl?

6 MR. DYL: Yes, currently I know of no rules  
7 that have been promulgated by this board that weren't  
8 specifically required by one statute or another. Once a  
9 rule is promulgated by this board it goes through two  
10 sets of review. One is by my office and the other is by  
11 the Office of Legislative Legal Services that reviews all  
12 the rules promulgated throughout the state each year to  
13 determine whether or not they believe that they are in  
14 strict compliance with the statute.

15 So that is what we are hearing now. We are  
16 going through the process of seeing the results of OLLS  
17 review. Most of this is extremely minor changes that  
18 they are coming up with, but if you do not agree to make  
19 those changes then those particular sections of those  
20 rules get added to sort of a catch all bill. And the  
21 purpose of the bill is to sunset any regulations that  
22 aren't specifically continued every year by the General  
23 Assembly. So that's the process we're going through now.  
24 Does that answer your question?

25 MS. GOFF: Sort of.



1 MADAM CHAIR: Dr. Asp?

2 MR. ASP: I would just like to add to Mr.  
3 Dyl's point. I directed all members of exec team based  
4 on either their feedback from the field or our own review  
5 just to ensure that we have not gone beyond the authority  
6 we we're given in statute and our rules did not contain  
7 things that are not needed. And sometimes we've asked  
8 ourselves some very tough questions about that piece and  
9 you'll hear some of that tomorrow actually in one  
10 particular case. So we appreciate the fact that could  
11 happen sometimes, and we use Mr. Dyl's office to check.

12 MADAM CHAIR: So I guess I want to, oh go  
13 ahead Pam, I'll be last.

14 MS. MAZANEC: I would just say that I think  
15 it would be much like - which City council is it that --  
16 Glendale rolls back an ordinance every meeting. I think  
17 it would be great if our legislature next year, this  
18 coming session encouraged by the Governor and certainly  
19 by the State Board of Education start looking at what  
20 regulation we could roll back. I think that would be  
21 awesome.

22 MADAM CHAIR: You go over there and talk to  
23 them.

24 MS. MAZANEC: I will, I'll do that.

25 MADAM CHAIR: I think my comment would be in



1 relationship to Mrs. Goff's question. On our website --  
2 our all inclusive website, do we actually have a little Q  
3 & A or something that talks about the process? How is it  
4 that we get to where our rules are that we promulgate and  
5 that send out and if we don't, could we think about sort  
6 of a general thing about how legislation and how rules in  
7 Colorado around education work including maybe a small  
8 piece from the feds. In other words what are -- what is  
9 our role in responsibility around education roles?

10 MS. MORGAN: We do have some information on  
11 the website on how rules -- the process for rulemaking,  
12 but we can take another look at that and make sure it's  
13 really user friendly and understandable.

14 MADAM CHAIR: Yes.

15 MS. MORGAN: Yep.

16 MADAM CHAIR: You know, kind of why are we  
17 here in a very general way? That might be helpful for  
18 some who are questioning.

19 CHAIRMAN DURHAM: How bill becomes rule?

20 MADAM CHAIR: Would you like to have this  
21 back?

22 CHAIRMAN DURHAM: If we -- I think we're  
23 finished and we'll -- thank you very much and I'm sure --  
24 and I think at the next meeting we'll have on the agenda  
25 the review of the responses from the field and from the



1 Governor's office on the particular rules that need  
2 attention. So we're now -- let's see, should we take a  
3 break or should we proceed? You want a break, ten  
4 minutes, five minutes and we'll start -- we'll come back  
5 to the Student Center Accountability Project which is  
6 scheduled for 3:30 and we'll -- should be right on  
7 schedule. Thank you.

8 (Meeting adjourned)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

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

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

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

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

Verbatim Reporting & Transcription, LLC  
1322 Space Park Drive, Suite C165  
Houston, Texas 77058  
281.724.8600