



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
February 10, 2016, Part 3

BE IT REMEMBERED THAT on February 10, 2016,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: Now, we're going to
2 proceed to -- let's see, I'm confused, notice of
3 rulemaking. An Item 14.01 --

4 MS. CORDIAL: Mr. Chair?

5 CHAIRMAN DURHAM: Yes.

6 MS. CORDIAL: Would you -- would you mind if
7 we switched the notice of rulemaking, and this Kindergarten
8 School Readiness --

9 CHAIRMAN DURHAM: Sure.

10 MS. CORDIAL: -- here are outside
11 participants that are here.

12 CHAIRMAN DURHAM: For the School Readiness?

13 MS. CORDIAL: Mm-hmm, 14.02.

14 CHAIRMAN DURHAM: All right, 14.02.

15 MS. CORDIAL: Thank you.

16 CHAIRMAN DURHAM: Certainly no problem with
17 changing that to 14.02. So let's see. All right. Okay.
18 All right. Commissioner, let me ask Dr. Colsman to -- and
19 Mr. Ross.

20 UNIDENTIFIED VOICE: You (inaudible).

21 MS. COLSMAN: Just me.

22 CHAIRMAN DURHAM: Just Dr. Colsman, okay.
23 Dr. Colsman, please proceed.

24 UNIDENTIFIED VOICE: Colsman.



1 CHAIRMAN DURHAM: Colsman, I'm sorry. Don't
2 mind me.

3 MS. COLSMAN: It's all -- it's all good.
4 Well, yeah, members of the Board, Mr. Chair, and Mr.
5 Commissioner, thank you for the opportunity to be here
6 today. I'll be at times using the word "we" during the
7 presentation today. I wanted to just acknowledge the staff
8 members that have been doing behind the scenes work with
9 the Kindergarten School Readiness works. First of all, as
10 our Director of the Office of Early Learning School
11 Readiness, Nancie Linville, she can raise your hand right
12 now. And also Daryl Trujillo, who is our Kindergarten
13 Readiness Program Manager. I think she's right over --
14 somewhere here, so she can raise her hand. Just wanted to
15 acknowledge the staff members. I wanted to assure you,
16 since -- since September as we've been talking about this,
17 we really endeavor to answer the questions that State Board
18 members have had and provide recommendations for this
19 reporting system that comports with the law. It's also
20 what is -- what we believe to be the minimal requirements
21 of that, and what would also be approved by EDAC.

22 So we want to highlight just a few key
23 points along the way a -- around those areas. So first,
24 we've been in continuous consultation with our counsel, Mr.
25 Tony Dill from the Attorney General's Office, throughout



1 this process. We've also had monthly conversations with
2 the Education Data Advisory Committee, or EDAC. As you
3 know, EDAC was created to review data demands placed on
4 Colorado School Districts. Each year, all data collections
5 are reviewed, and approved by this committee, and we
6 actually have a member of EDAC with us today, on
7 Superintendent Nikki Johnson from the Campus School
8 District, who is a -- yeah -- school district of less than
9 50 students here with us today. She'll be providing some
10 very brief comments around EDAC's perspective on the
11 recommendation.

12 We've also had ongoing communication with
13 the Early Childhood Leadership Commission. The Early
14 Childhood Leadership Commission is the state's advisory
15 council for early childhood, as set forth in statute. It's
16 a high-level interagency public-private leadership
17 commission that is purposed with identifying opportunities
18 for, and addressing barriers to coordination of early
19 childhood policies, and procedures. The commission has
20 continued to express it's interest in the Kindergarten
21 School Readiness reporting system, so that it may have
22 information it needs to fulfill its legislative purpose of
23 using data to improve decision-making alignment, and
24 coordination among services, and programs for young
25 children, and their families. I believe that you've



1 received some letters, and some testimony from the Early
2 Childhood Leadership Commission of the past few months, and
3 I believe that you've received one, just this last week as
4 well.

5 Specifically, the commission has expressed
6 the need for a reporting system that can inform improvement
7 planning, and accountability for early childhood programs.
8 And we also have Susan Steele, who's from the Early
9 Childhood Leadership Commission, provides some very brief
10 comments as well today. So our purpose is to provide you
11 with two options for the Kindergarten School Readiness
12 reporting system. In our last meeting, we presented an
13 option, and there was a number of questions to that. What
14 we wanted to do was provide some alternatives for the Board
15 to consider, and our recommended action as a result of
16 today's presentation is that the Board would vote on a
17 reporting system. We've talked a lot about reporting
18 systems, and legislative requirements. What I wanted to do
19 is just take a brief two minutes of time to kind of go to
20 the why. Why is this important?

21 We know that early childhood is really a
22 critical time in human growth, and development. In fact,
23 90 percent of the child's brain develops in the first five
24 years of life. Achievement gaps start early, and tend to
25 persist through school, and research demonstrates that



1 achievement gaps can be identified long before children
2 enter kindergarten. Initiative supporting school readiness
3 have emerged across the country, and in -- in Colorado
4 because a few interesting statistics. By age two, children
5 from poverty are already behind their peers, and listening,
6 counting, and other skills necessary for literacy. A
7 child's vocabulary, as early as age three, can predict
8 their third grade reading achievement. By age five,
9 children from poverty have an estimated 30 million
10 cumulative word gap. Meaning the number of words that they
11 have heard over their five years of life compared with
12 their more affluent peers. And by age five, the typical
13 middle-class child recognizes 22 letters of the alphabet
14 compared to nine for a child from a low-income family.

15 So for -- for years, there have been a lot
16 of discussion about how do we improve school readiness for
17 kids because we know that these achievement gaps, if
18 addressed early, can either be minimized, or eliminated
19 altogether, and return on investment for high quality.
20 Early learning experiences for kids ranges anywhere from \$7
21 to \$16 for every dollar invested. So because of this,
22 there have been a number of initiatives within the state to
23 look at school readiness, and the design of a reporting
24 system that will help provide information on how well are
25 we doing as a state is -- is very important. That



1 information can be used to enable the state to answer these
2 important return on investment questions. Today, the
3 recommendations that we're making meets the highest data
4 privacy, and security standards by utilizing the state's
5 data system while enabling the collection of the right
6 information for the State Board, and other policymakers to
7 determine return on investment for early childhood programs
8 while maintaining the highest measures of data privacy for
9 young children.

10 So we'll briefly go back to some of the
11 things that we've talked about for since September, just
12 around some requirements, around Kindergarten School
13 Readiness. The State Board has some requirements around
14 adopting a definition of school readiness, adopting a
15 reporting system, and then revisiting that by July of 2017,
16 and local education providers are required to have an
17 individual school readiness plan for each kindergarten
18 child that would be informed by the School Readiness
19 Assessment, and to provide information to families about
20 the growth, and preparedness of their children. You'll
21 notice that there's an asterisk next to 2013 because we've
22 had some delays in implementation of this in relation to
23 being able to provide districts options with appropriate
24 assessments.



1 To the purpose of today, which is around
2 school readiness reporting requirements, the State Board
3 has the requirement to adopt this system that could report
4 School Readiness information. The department has a
5 responsibility to produce an annual -- an annual report,
6 looking at the aggregate of all kindergartners, as well as
7 disaggregated by the particular subgroups that are here.
8 Also, CAP4k indicates that School Readiness includes the
9 different domains that we've have identified. Since we've
10 had these discussions, the Board has raised really good
11 questions, and we've had some -- some very robust
12 discussions around this, and the issues fall within two
13 categories, I believe. One is around data privacy, and
14 security, the other is around not exceeding statutory
15 minimums.

16 And so what we have done in relation to
17 those we've highlighted here on this slide is that the
18 department has had ongoing review, and revisions of our
19 data privacy, and security policy. So this is a fit -- fit
20 within a larger discussion within the department, and the
21 School Readiness work fits exactly in that discussion.
22 We've also had conducted a thorough review of the data
23 privacy, and security policies if each of the approved
24 assessment tools that the State Board has approved. We've
25 looked at ways to limit the amount of personally



1 identifying -- personally identifiable data that's
2 collected, and we've approved a memorandum of
3 understanding with teaching strategies that's resulted in
4 even greater data privacy from that particular publisher,
5 and inclusion of an active parent opt out to some
6 particular pieces that parents have been concerned about.
7 We've also been working on the Board's desire to not exceed
8 state statutory requirements.

9 So we had continue counsel from the Attorney
10 General's Office to make sure that we're not exceeding
11 beyond there. And again, we've had an ongoing dialogue
12 with the -- with EDAC around this so that we can determine
13 the minimum data elements necessary to meet the legislative
14 requirement. And the main question that we've brought
15 forward is around whether, or not we would ask districts to
16 submit individual child data, or is it possible to submit
17 aggregate information to the department. And that seems to
18 be where the -- the main discussion comes down to around
19 some options.

20 So we're going to kind of dig into each of
21 those options, and talk a little bit about the benefits,
22 what you would get from having a system that would fall
23 within that particular option, and what you -- and what
24 would be a limitation of that particular. The -- again,
25 the -- the idea of -- of the two options would be around



1 whether, or not the state receive -- receives individual
2 child level data, or whether would districts would submit
3 aggregated data. So let's dig into option one. Option one
4 is similar to what we presented in January with some
5 changes based on your feedback. Option one would be that
6 districts would submit student level Kindergarten School
7 Readiness information for CDE to aggregate, and
8 disaggregate, in accordance with the legislative
9 requirements, through our secure submission, and data
10 storage process. There are some benefits to this we want
11 you to be aware of. There's also some limitations. I'm
12 actually gonna ask for a couple of folks to testify at the
13 microphone for one, or two minutes on -- on two points.
14 The first point I'll make on my own, which is that this --
15 this option would allow us to track, and report overall
16 school readiness for every cohort of kindergarteners. This
17 is also true of -- if districts were to submit aggregate
18 information. So either option allows that to happen.

19 The additional benefit for this option is
20 there's an ease of submission on the part of school
21 districts, and there's a lower administrative burden for
22 districts. At this point, I would like to ask
23 Superintendent Nikki Johnson to come up, and talk a little
24 bit about the what -- how EDAC has responded in relation to
25 this. Again, we've been going to EDAC monthly since



1 September to talk about this collection, and get their
2 feedback so that every time we come to you, we would be --
3 be able to bring the voice of districts to you. But we
4 wanted to make sure that you'd hear directly from EDAC on
5 this around the ease of submission for -- which is their
6 role around data burdens. So thank you. Superintendent.

7 MS. JOHNSON: Thank you. And as Melissa
8 said, I'm Nikki Johnson, and I present -- represent one of
9 the smallest districts of the state on EDAC, but we also
10 have representatives on EDAC that represent very large
11 districts. And so we've spent a lot of time talking about
12 this collection as our role in trying to think about the
13 challenges, and the burdens that -- that a new submission
14 would make for those districts. So that is -- we -- we
15 appreciate Melissa's time in informing us of the -- the
16 regulations around, and what we're really getting -- what
17 we're trying to -- to get to. And then, we've spent a lot
18 of time in talking about what that looks like in different
19 districts. We all have different data collection systems,
20 and different processes within our districts. And from the
21 smallest district to the largest district, it seems that
22 this option really care -- keeps that burden down -- lower,
23 as far as collecting that on a district level, and -- and
24 that not having that extra layer of data analysis. And so
25 EDAC felt very strongly that this was an option that we



1 would like to recommend that -- that would recognize those
2 challenges of collecting that data from schools, and in
3 that district level to submit to the state.

4 CHAIRMAN DURHAM: Dr. Schroeder.

5 MS. SCHROEDER: Did you talk about whether
6 there would be any benefit to the district if they had to
7 do the aggregating? In other words, as a burden, I -- I
8 understand -- I understand what you're talking about, but
9 I'm wondering if the process of aggregating at the district
10 level would provide important information to the district
11 itself, and whether they value that enough to go through
12 the -- hassle is not a good word, but you know what I mean,
13 the work.

14 MS. JOHNSON: And Melissa can correct me if
15 I'm wrong, but I -- we did talk about that, and it was my
16 understanding that that process would be taking care of
17 that CDE, so districts that want that information would be
18 able to -- to access that. It would -- wouldn't be that
19 they would have to create it themselves.

20 MS. SCHROEDER: Okay. So they could get the
21 information, it's just that you wouldn't actually have to
22 do it yourselves?

23 MS. JOHNSON: Exactly.

24 MS. SCHROEDER: My other question maybe -- I
25 don't know if you're the right person to answer, or if



1 there's anyone here that can answer, is there a program, or
2 something that can make this relatively simple as opposed
3 to being clumsy, and cumbersome?

4 MS. COLSMAN: So many school districts have
5 a student information system that they use to manage all of
6 the different programs that they have, and that's the
7 primary mechanism that they use to send information to the
8 state. If -- if districts were to submit aggregated data,
9 they would have to go outside of that program. And so that
10 -- that's an additional kind of --

11 MS. SCHROEDER: And there's no way to get a
12 modification, or --

13 MS. COLSMAN: You know, I think that's just
14 the way that the systems are designed. They're designed to
15 kind of -- not by my student, yeah, by student, say, said
16 number to kind of submit that to the state. One -- and
17 you'll see, one of the things that we -- we can do is we
18 can provide districts with a -- with a spreadsheet that
19 would provide, you know, them the analysis that they would
20 need, or at least some help with having a uniform way of --
21 of providing that information to the department.

22 MS. SCHROEDER: Okay. And is it a hassle to
23 the school district to remove the name?

24 MS. SCHROEDER: So actually, and -- and
25 Nikki can expand on this. Districts actually were saying



1 that -- that on there, and having the name, and the
2 students SASSED number is actually necessary to make sure
3 that they are matching the right student with the right
4 SASSED. What we would be able to do is have an intermediary
5 kind of system that would kind of, decouple that once it's
6 submitted to the state. So we can -- we can do the behind
7 the scenes piece to take -- to separate out that name which
8 I know is an area that the -- the school board has asked
9 for. So we're going to take that burden on.

10 CHAIRMAN DURHAM: Dr. Schroeder? Yeah. Go
11 on. I'm sorry.

12 UNIDENTIFIED VOICE: Maybe you can come up
13 with a name (inaudible).

14 UNIDENTIFIED VOICE: Schreffler.

15 UNIDENTIFIED VOICE: The (inaudible).

16 CHAIRMAN DURHAM: I'm sorry.

17 MS. MAZANEC: It's all right. No worries.
18 You know this is all about PII data questions. Parents
19 don't want PII data reported to the state. They want
20 aggregated data reported to the state only. Can we talk
21 about that option? Is that option two?

22 MS. SCHROEDER: Yes that's option two. Yep
23 absolutely.

24 MS. MAZANEC: 'Cause I think that this slide
25 is like we've seen before. I mean, I think you're trying



1 to frame it such that you know, I mean it could be helpful
2 to some, but really, this is about children who are quite
3 young and their parents who are concerned about privacy.
4 So I -- I mean, we've said that no PII data gets reported
5 to the state. Right? I mean, does PII data need to get
6 reported to the state based on statute for this initiative?
7 The answers no. Correct?

8 MS. SCHROEDER: I think that's not something
9 that I can that I can point to. I think we'll have to ask
10 Mr. Dill. I don't know if --

11 MS. MAZANEC: We're supposed to have
12 aggregate data?

13 MR. DILL: If I understand the -- the -- the
14 question correctly is whether, or not it is within the
15 statutory authority to have the school district report out
16 of their data, and I believe that is the case. Yes.

17 MS. MAZANEC: But don't we -- does this
18 district have to do it? Do -- does the district have to
19 report personally identified information for preschool
20 children to the state?

21 CHAIRMAN DURHAM: No it does not. It says
22 you shall adopt the system for reporting population level
23 results.

24 MS. SCHROEDER: Correct. Right. So I'm
25 just pointing out that we can talk about these options but



1 we don't have to report PII data to the state from schools,
2 and districts. So I just, as we try to think through how
3 we're landing on this, I hope that we'll have time to
4 consider that option because we've already considered the
5 other option at (inaudible).

6 MS. MAZANEC: So maybe we should (inaudible)
7 option too.

8 MS. SCHROEDER: I guess, yeah. I mean it's
9 fine you want you summarize it, yeah, but I'm just saying.
10 I just wanna make sure that we have time to look at that
11 option which is what -- I -- I haven't heard any parents, I
12 haven't heard any parents saying, I wanna be able to look
13 for personally identified information to the state, and I'm
14 cool with the fact that they're tracking all that. I've
15 never heard that. It's just we don't have to do it. I
16 wanna make sure that we're not landing on this as our most
17 obvious option. It is, okay, I'm sorry.

18 UNIDENTIFIED VOICE: Except that it's an
19 extra burden. The school districts don't have to recognize
20 that that's what this means. We're adding work at this
21 district level which is also one of our concerns.

22 UNIDENTIFIED VOICE: I think we have to
23 prioritize the students who.

24 UNIDENTIFIED VOICE: I -- I get that. We
25 should do that but there's not a perfect solution there.



1 MS. SCHROEDER: Thank you.

2 UNIDENTIFIED VOICE: And what school
3 district do you represent?

4 UNIDENTIFIED VOICE: I'm sorry. Campus
5 school district, and we have less than 50 students.

6 UNIDENTIFIED VOICE: Thank you.

7 MS. SCHROEDER: So we'll briefly go for the
8 final point about what the benefit would be for having the
9 individual student information, and that is related to the
10 ability for you as state board members, and other policy
11 makers to answer questions related to return on investment.
12 I'll ask Susan Steele from The Early Childhood Leadership
13 Commission to expand on this point a bit. But one -- one
14 point that I would like to make is around right now there
15 are students funded through the Colorado Preschool Program
16 to the amount of about \$103 million a year. One policy
17 question that you could answer related to, if we were to
18 have individual student information would be to compare the
19 results of the kindergarten school readiness information
20 for students who were funded for the Colorado Preschool
21 Program, and those students who are not. Right now there's
22 no way to answer that question, and to see what return on
23 investment that we're getting for that -- for that \$103
24 million. So Susan Steele, is just gonna briefly talk about



1 what the Early Childhood Leadership Commission's
2 perspective is on this question.

3 MS. STEELE: Thank you very much, again,
4 Susan Steele. I am co-chair of The Data Committee with The
5 Early Childhood Leadership Commission. I also have, for 20
6 plus years been the Executive Director of the Buhl
7 Foundation that concentrates 95 percent in early childhood
8 development throughout the state with a close relationship
9 to many rural, and city districts. I simply wanna point
10 out that on the data committee we're very interested in
11 learning about, from all the departments, and all credible
12 data sources, what we can learn about kids as much as we
13 can learn about kids. There's data, and then there's
14 meaningful data, and you can give us a single figure, or
15 you can give us a general number, and then you can give us
16 data that will allow us to look at what's working, what's
17 not working, who it's working for, who it's not working
18 for.

19 It's a lot like talking about Colorado as
20 being the slimmest state in the union. But when we get
21 down to it, there are some real challenges especially with
22 kids by the way, in those statistics. We would like to
23 have real statistics, and you are a primary source of that.
24 Not the only source, but certainly a considerably large
25 source to us when we help to champion best practices, those



1 things that will make a difference for kids. So I would
2 suggest to you that we not do the least that we can do, but
3 what we can -- you all can do to make our decisions
4 meaningful along with yours. Thank you very much.

5 MS. SCHROEDER: Thank you. One of the
6 challenges for this, I think is something now that Dr.
7 Scheffel continues to bring up and I think it's a really
8 important point which is, there will be a high need to
9 communicate the data privacy and security measures to
10 families and communities if -- if the -- the Board were to
11 go in this direction. Very quickly some of the mitigation
12 strategies that we could use around the challenges that are
13 here is if The State Board could ask the department to
14 destroy data after a given time period. So for instance
15 after third grade to maybe ask a particular question of how
16 does school readiness relate to third grade achievement?
17 We would not be able to answer that question without having
18 individual child data. And then -- or you could ask us to
19 annually destroy that information once we are able to look
20 at some, at least minimal return on investment questions.
21 We can continue to limit some data points.

22 And again we've brought this up earlier
23 which is the elimination of student names. And we could
24 provide instead of scores, which is what we asked, we
25 presented last month. We could have a performance



1 category, which would mitigate against the -- the concern
2 that the board had of a score going to the department. We
3 could have a performance category that would say not
4 meeting, meeting, or exceeding their expectations in that
5 particular area. So these would be the data elements that
6 would be part of option one that districts would present.
7 Very -- you may notice that literacy isn't red. That's
8 actually been added since January in relation to House Bill
9 1323 that indicated that students who are assessed by
10 redact assessment within the first 60 days would not need
11 to do the literacy portion on the school readiness piece.

12 We would still need to ask districts to
13 report that piece in -- in either option, because we don't
14 have a mechanism to get that information otherwise. So
15 they're not required to use that portion of the assessment,
16 but we will still need to ask for that. Because we've
17 spent so much time talking about different variations of
18 option one, we'll go ahead, and move on to option two,
19 which is that districts would aggregate the kindergarten
20 school readiness information prior to submission to CDE.
21 So we would ask districts to aggregate, and disaggregate
22 that school reading this information along those different
23 categories that are within statute.

24 You'll actually see, if -- if you wanna get
25 a sense of what that would look like, the next slide, Slide



1 11 would be the actual data that districts would need to
2 submit. So they would need to submit aggregate
3 kindergarten school readiness, so all of their kids
4 combined in each of those six areas. They would also then
5 need to take that same information, and disaggregate it
6 along each of those different categories, and they would
7 need to do the same thing for it at the school level. The
8 aggregate school information as well as the disaggregated
9 school. The benefits for that would be the ability to
10 track, and report overall school readiness, and there would
11 also be that greater perception of data privacy that we
12 know is important. The challenge would be, as -- as you
13 know, this is it would be a greater burden on districts.
14 There would be an increased complexity for data submission
15 'cause we'd have to come up with a different process.
16 There would also be a limited ability to understand
17 kindergarten school readiness.

18 UNIDENTIFIED VOICE: (Inaudible) ask
19 questions (inaudible).

20 UNIDENTIFIED VOICE: Do you wanna interrupt

21 --

22 MS. MAZANEC: Sorry, I wanna interrupt.

23 UNIDENTIFIED VOICE: Okay.



1 MS. MAZANEC: When you talk about the -- the
2 greater burden on districts removing the child's name what
3 is?

4 UNIDENTIFIED VOICE: That was (inaudible) .

5 UNIDENTIFIED VOICE: I'm sorry.

6 UNIDENTIFIED VOICE: This is (inaudible).

7 MS. MAZANEC: Well, she was just saying
8 this. Right?

9 MS. STEELE: Right. So this -- so option
10 two is like districts would aggregate all of that data, and
11 disaggregate it according to the --

12 MS. MAZANEC: You said that was a burden.

13 MS. STEELE: Right. EDAC has told us that
14 that's a greater burden on the part of districts.

15 MS. MAZANEC: Well, and I should have asked.
16 But I don't understand what the -- the burden, what -- what
17 does that burden look like?

18 MS. STEELE: Right. So -- so that's a good
19 question because without understanding how this all works
20 it can be a mystery. So currently what districts tend to
21 do is they use the student information system that kind of
22 -- kind of, helps them manage all the multiple programs
23 that they have. So it's like a -- a single system. And
24 they have their different, whether it's their report card
25 system, or whatever kind of hooked to that process. So



1 that student information system is also how they send any
2 required data submissions to the state. So it's kind of
3 their -- their main way of managing all of their
4 information. So that system's already in place, and
5 working in districts. By having a separate system, they
6 would need to do all of the -- all of the data analysis
7 outside of that, and all of the calculations, and submit
8 that through a separate process than what's currently, that
9 -- that -- that they currently do for the state
10 submissions.

11 So what that would mean is that they would
12 have to pull all of the -- the data from the kindergarten
13 school readiness information, do all of the calculations to
14 aggregate that to say all kids in kindergarten, this is how
15 they're doing across each of the six categories. Then
16 they'd need to do how kids in each of the subcategories are
17 doing. So free, and reduced lunch. How were they doing in
18 each of the categories? What about by gender, how are they
19 doing? What about by ethnicity, how were they doing? So -
20 - so it's just this reiteration of multiple calculations.
21 And EDAC has indicated that that's more burdensome for
22 districts, it requires more --

23 MS. MAZANEC: And so without removing the
24 child's name this would all be a breeze?

25 MS. STEELE: So -- so there's -- there's --



1 MS. MAZANEC: This will all be really easy
2 for districts?

3 MS. STEELE: Yeah. So with option one, what
4 we can with option one go ahead, and have them use their
5 student information system, and not do any calculations,
6 but we can -- we can remove the child's name, and -- and
7 you know, take that piece out of the data collection, but
8 still have individual child data. So that would be an
9 option under option one, would be to not have the student
10 name associated with the files that we have. We would only
11 be a -- we would use simply the SASSED. There are --

12 MS. MAZANEC: Just help me understand more
13 about how these districts systems work.

14 MS. SCHROEDER: Yeah. Melissa could you --
15 could -- do you gather information if a district has 30
16 elementary schools with each of which has two, or three
17 kindergarten classes.

18 MS. STEELE: Right.

19 MS. SCHROEDER: The district has 10, or a
20 district just has a thing. I mean I think it's a dramatic
21 difference, and certainly in the larger districts you're
22 talking about using staff unless there's some way to
23 generate a program that does this, you're talking about how
24 much -- how much time. So that's what I'm trying to
25 figure.



1 MS. MAZANEC: I -- appreciate that, I mean -
2 -

3 MS. STEELE: Yeah. It's a burden.

4 MS. MAZANEC: -- children's privacy has to
5 be the most important consideration. I'm just trying to
6 figure out why this seems to be presented as awfully
7 difficult, and that's probably a type of conversation I
8 need to have offline. But I -- I -- I need to understand
9 that but keep going with that.

10 MS. SCHROEDER: Absolutely. Yeah.
11 Absolutely. And that has been something that we've had
12 continued discussions with the EDAC around -- around -- and
13 that's their role is to provide the department with advice
14 on how this would work in districts.

15 MS. STEELE: Okay. We have talked a lot
16 about the differences that you talk about and -- and the
17 size of district, and the time commitment. When you're
18 talking about a school my size, that's -- that reporting is
19 going to be either my secretary, or myself, and we're going
20 to enter our kids manually because we've got so few kids.
21 So it's gonna be a -- a different process for us. But when
22 we listen to those districts that have 30 schools, and they
23 describe the process of collecting that data, and then how
24 they -- they have to go about aggregating that in the data
25 analysis, the time commitment, the challenge, it -- it



1 really is a time, and -- and a people resource challenge
2 for those districts.

3 And it -- it would be interesting to see the
4 difference when -- when you're looking at 30 schools, or 10
5 schools, and when you're looking at a school my size but
6 there is a tremendous burden. And we do have people that
7 actually do those reports on EDAC. And so they're not
8 hearing -- they're hearing from their colleagues as well,
9 but they are personally familiar with those processes, and
10 their vendors, their student collection systems. So they
11 know intimately about the requests they're gonna have to
12 make, and what that process looks like to make all those
13 calculations, and get that ready to submit to the state.

14 MS. SCHROEDER: So even for your school
15 district would you say it's a couple hours on a Sunday
16 afternoon for you to aggregate that data?

17 MS. STEELE: For us. Yes. That -- that's -
18 - that's all it will take for us but we're also talking
19 about less than five kindergarteners.

20 MS. SCHROEDER: Oh.

21 MS. STEELE: So --

22 MS. SCHROEDER: Looks like balancing my
23 checks.

24 MS. STEELE: Thank you.

25 UNIDENTIFIED VOICE: So --



1 UNIDENTIFIED VOICE: The question are --

2 UNIDENTIFIED VOICE: Yeah.

3 UNIDENTIFIED VOICE: (Inaudible) please.

4 Sorry.

5 MS. STEELE: So -- so we're talking now been
6 like what would happen if they were to aggregate that here.
7 So -- so what you -- we've heard again, it's just about
8 data burden on districts. There would also be a limited
9 ability to understand achievement of kids across
10 categories. Let me give you an example. If we only get
11 aggregated data by, for instance, we'll know like how --
12 how we can separate out boys, and girls, or by free, and
13 reduced lunch, or by ethnicity. But we wouldn't be able to
14 know what about kids who are, you know, obviously boys are
15 also either free, or reduced lunch eligible, why not, so
16 kids are in different categories. So we wouldn't be able
17 to answer questions about -- so for instance what about
18 male students who are eligible for free, and reduced lunch.
19 Is there a difference in any of the readiness, and any of
20 the categories?

21 We couldn't answer that question. We could
22 only answer what about boys overall. We wouldn't be able
23 to ask questions about the readiness of, for instance,
24 female readiness in mathematics by ethnicity. We wouldn't
25 know if there's differences across ethnicity. So by having



1 the individual data, we can answer -- we can get -- we can
2 ask more questions that could inform more programs for the
3 -- for the state, and for locals. You'd have a limited
4 ability to ask, answer, return of investment questions, and
5 there would be a difficulty with accuracy -- accuracy of
6 data, and fixing mistakes with 179 different districts
7 submitting, that's a 179 mistakes that could happen, or
8 multiple mistakes within a district. We would -- our data
9 quality would suffer because we would have instead of a
10 uniform system we'd have a 179 different ones. We could
11 mitigate that by having kind of an excel file.

12 MS. FLORES: Melissa.

13 MS. STEELE: Yeah. Yeah.

14 MS. FLORES: Melisa, but -- you did say that
15 -- oh, excuse me. You did say that people -- that parents
16 could opt out. I mean, they had the option to opt out.

17 MS. STEELE: Right.

18 MS. FLORES: Wouldn't that be if they can
19 opt out -- let's think about, I don't know how many people
20 would want to do that but that would leave a lot of people
21 that would want to -- that wouldn't care about that.

22 MS. STEELE: Can you --

23 MS. FLORES: If -- if -- if you had -- if --
24 if they could scramble the name, and if also parents opted



1 out, wouldn't that just kind of leave it so that everybody
2 would be happy? I think people could be happy with that.

3 MS. STEELE: Could you clarify the opt out -
4 -

5 UNIDENTIFIED VOICE: Absolutely.

6 UNIDENTIFIED VOICE: -- is the opt out of
7 the assessment.

8 MS. STEELE: Right. So we actually had to
9 asked Tony Dill about this question. I think we actually
10 might have had an official -- a formal attorney general's
11 opinion about opting out of assessments --

12 MS. FLORES: Opting out of portions.

13 MS. STEELE: Right. And -- and one of the
14 ones that we believe is -- is with no consequence would be
15 to opt out of the school readiness assessment because it's
16 not tied to funding, it's not tied to accountability. So
17 that is -- is something that parents can -- can do if
18 they're not -- if they're not comfortable with this
19 assessment, or don't find the value of it for knowing their
20 children.

21 MS. FLORES: Well, there's still that
22 dilemma that a parent might want to know but not want the
23 data to be shared. Although I think if a parent understood
24 the purpose of the sharing, the answer might be very, very



1 different which is what we're learning as we have
2 conversations with our citizens.

3 MS. STEELE: Right. And -- and from what I
4 understand that would not at all be an issue. There is --
5 that would be something that could be worked out at the
6 local level to make sure that parents have that opportunity
7 to opt out of any submission.

8 MS. SCHEFFEL: May I ask you a question.
9 Are we voting --

10 MS. STEELE: Let's see. I forgot, what was
11 your name?

12 MS. SCHEFFEL: Doctor Scheffel.

13 MS. STEELE: Scheffel. Scheffel? Doctor
14 Scheffel.

15 MS. FLORES: Scheffel. I like it Scheffel.

16 MS. SCHEFFEL: Do you -- are we voting on
17 this today or we're just discussing?

18 MS. STEELE: You know, we have a choice we
19 probably should, but what's our time line?

20 UNIDENTIFIED VOICE: In -- in terms of like
21 statutory requirements?

22 UNIDENTIFIED VOICE: Yeah, we're three four
23 years behind. I know.

24 UNIDENTIFIED VOICE: So --



1 MS. SCHEFFEL: And wait one more question.
2 And then, what time does our comment or what kind of a
3 timeline are we on with respect to that discussion? Okay.
4 I mean, is this ending at 3:00, and -- or is the public
5 gonna testify, or not testify?

6 UNIDENTIFIED VOICE: Are we having
7 testimony? No.

8 UNIDENTIFIED VOICE: This isn't -- this
9 isn't a hearing like a rulemaking hearing.

10 UNIDENTIFIED VOICE: Not hearing.

11 UNIDENTIFIED VOICE: Uh-huh.

12 UNIDENTIFIED VOICE: Okay.

13 MS. SCHEFFEL: Are we finished at 3:00 with
14 are we trying to be finished at 3:00 with this discussion?

15 UNIDENTIFIED VOICE: We're trying to get
16 through our agenda, and we're kind of off the clock a
17 little bit. So what's the reason what you --

18 MS. SCHEFFEL: Well, because I'm just trying
19 to find out when this presentation is over so that we could
20 get the questions out, and maybe, I don't know, appreciate
21 the slides I just --

22 MS. FLORES: Can we vote? Is it possible to
23 vote?

24 UNIDENTIFIED VOICE: Somebody makes a motion
25 but are you finished?



1 UNIDENTIFIED VOICE: Yeah so we just end
2 with -- with our recommendation. You'll find it on slide
3 12 which is that we would go with option one, that we would
4 destroy the data after third grade, eliminate collection of
5 student name, and use performance categories rather than
6 scores. So that's our -- that's our recommendation but the
7 board is -- is free to vote as they please.

8 UNIDENTIFIED VOICE: Okay.

9 UNIDENTIFIED VOICE: So do you have a
10 motion, Debora?

11 MS. SCHEFFEL: No, I was going to make a
12 comment.

13 UNIDENTIFIED VOICE: Please go ahead.

14 MS. SCHEFFEL: So my -- my thought is that
15 this -- this option one doesn't address any of the concerns
16 of the folks that I've talked to in the public. And so
17 option two is much better but there are still issues within
18 that so I would look to others for their comments.

19 UNIDENTIFIED VOICE: Do I have motion? Do
20 you want me to make a motion? What's the story?

21 MS. SCHEFFEL: I would rather have Steve be
22 here if we going to vote. I mean I don't really wanna vote
23 on this if he has --

24 UNIDENTIFIED VOICE: He has -- he knows
25 where he's relinquished his he has said he's fine with us



1 moving on with this. I've -- I've asked him if there were
2 any specific items that he did not want us to vote on, or
3 address today, and he has not identified -- well he's
4 identified the one that he wants to -- tomorrow.

5 MS. SCHEFFEL: So he won't be back for his
6 vote if we vote today?

7 MS. FLORES: You voted without me at one
8 time.

9 MS. SCHEFFEL: Then I don't want to vote
10 today.

11 UNIDENTIFIED VOICE: So let me just suggest
12 a motion to use the department's existing state reporting
13 system to have districts report the statutory required
14 minimum information regarding kindergarten school readiness
15 as outlined in option one. Is there a second to that, or
16 is there somebody who wants to bring that motion?

17 UNIDENTIFIED VOICE: I second that.

18 UNIDENTIFIED VOICE: You just brought it
19 forward. Thank you. Is there a second for that option
20 one?

21 UNIDENTIFIED VOICE: So you're not -- you're
22 not the leader of the motion.

23 UNIDENTIFIED VOICE: I'm chairing. So I
24 made the motion. I offered the motion for someone to make.
25 Would be great if we had a second.



1 UNIDENTIFIED VOICE: I will second so we can
2 talk that.

3 UNIDENTIFIED VOICE: Okay. More comments
4 folks. Joyce.

5 MS. RANKIN: I have a naive question. What
6 format is the information on at the school level when the
7 school fills it out? Is it a template, or do they just
8 write it down, and send it to you?

9 UNIDENTIFIED VOICE: So -- yeah -- so
10 typically, you know, there -- there's a program that
11 districts will use. It might be infinite campus that's a
12 common program.

13 MS. RANKIN: Okay. So everybody uses that
14 program, so when they send it up to you it's already all
15 out there so that you can cut it up any way you want
16 depending on what you're looking for -- for you
17 information, correct?

18 UNIDENTIFIED VOICE: Correct. And you know,
19 according to those areas that we've been statutorily
20 allowed to do right.

21 MS. RANKIN: So would it be possible. I
22 think of it as an Excel spreadsheet. Where you could just
23 delete the column with the name. You'd still have to grade
24 that -- and you could do whatever you want with that
25 without any name attached. A178 districts times how many



1 well 880,000 kids I don't know that any would've been able
2 to pinpoint a child. I mean, in my opt here to simplify it
3 like this?

4 UNIDENTIFIED VOICE: So -- so you're right.
5 That's actually proposing an option one which would be that
6 that name piece would be removed from that data, and that
7 we would have that other information kind of in an Excel
8 spreadsheet for the whole state.

9 MS. RANKIN: So you kind of have it at that
10 -- at the level where you can aggregate, disaggregate, do
11 whatever you want with it, and there's no name attached?

12 UNIDENTIFIED VOICE: And report it back to
13 the district.

14 UNIDENTIFIED VOICE: The difference is that
15 -- that it has to be provided to the state, and then
16 removed. The argument that they're making is that they can
17 take that PII out but the district, if they -- the district
18 still has to report it, or it's a huge burden to the
19 district to not report that PII to them. So yes they can
20 still --

21 MS. RANKIN: The school -- Can the school --
22 school do it there, or does that mess up your numbers? I
23 don't understand how --

24 UNIDENTIFIED VOICE: We actually talked
25 about this. We -- it gives -- there's -- a there's kind of



1 a process that we can use, and I'll try to explain it
2 simply because I'm -- I simply understand it as well, which
3 is imagine here comes the info -- here's -- I'm a district
4 that uses infinite campus. There's others use Alpine or
5 different programs. What they usually do is just send data
6 you know from that to the state according to requirements.
7 What we would do is create an -- an intermediate process
8 before we kind of uptake it into, you know, the data
9 warehouse where we remove that name.

10 MS. RANKIN: I understand that.

11 UNIDENTIFIED VOICE: They -- the districts
12 need to be able to have that name associated with that
13 child when they're submitting because otherwise they don't
14 know if they're duplicating, or whatever so it's a kind of
15 a complicated --

16 MS. RANKIN: As opposed to the district, not
17 providing you the name.

18 UNIDENTIFIED VOICE: Right. So what we
19 would do is kind of --

20 MS. RANKIN: That's where the hardship is
21 where -- that's the argument may use -- the hardship would
22 be for the districts to not provide that.

23 UNIDENTIFIED VOICE: No it's not the
24 hardship. That's (inaudible).



1 UNIDENTIFIED VOICE: No, no that's not the
2 hardship. The hardship is having to take all the data and
3 aggregating it. So there aren't -- there's just a number
4 that comes in each category and that's maybe one or two
5 hours for a very, very small district on a Sunday
6 afternoon. But that is --

7 MS. RANKIN: (Inaudible) feeding it all.
8 (Inaudible).

9 UNIDENTIFIED VOICE: And so essentially what
10 would happen is with, you know, we -- we can -- we can get
11 rid of the -- the name piece kind of just through that like
12 intermediate thing before we uptake it into kind of the day
13 assistant.

14 MS. RANKIN: So you still have it until we
15 told you to destroy it?

16 UNIDENTIFIED VOICE: So the name gets
17 dropped out so here's the district, here's -- here's the
18 state system. We do an intermediate thing where we delete
19 the name, and then we uptake it into our system, and then
20 we have kind of this only by (inaudible) student number,
21 and then it's part of our data system. We would say that
22 it makes sense to keep that information for until third
23 grade, so that we can say how does -- how a child does in
24 kindergarten on the school readiness assessment. How does
25 it relate to third grade achievement? We can answer that



1 question if we can keep it that long. Then what would
2 happen is after that point that data would be kind of
3 purged from the system. Because I know that there's just
4 concern about that -- that somehow would follow a child
5 beyond through college, and that they are -- that parents
6 would be comfortable with, and so we think that there's a
7 good possibility of answering some policy questions up
8 through third grade but then remove it from our system.

9 UNIDENTIFIED VOICE: Joyce, let me go back
10 to my questioning.

11 MS. RANKIN: Yeah.

12 UNIDENTIFIED VOICE: Why can't the school
13 take the name off before it's censorship? Where's the
14 problem with that? I'm missing something here.

15 UNIDENTIFIED VOICE: I -- I can ask that of
16 -- I think that's a technical piece that we can work
17 through with EDAC I'm not quite sure how that's --

18 UNIDENTIFIED VOICE: (Inaudible) if they
19 just sort of that column, and delete it. It wouldn't be
20 several hours on a Sunday afternoon for anybody. And I
21 understand 50 students -- yours works out well.

22 UNIDENTIFIED VOICE: I know a comment that
23 is made from one of the people on EDAC that -- that would
24 be responsible for this. It's not -- not that the name is
25 burdensome as far as the collection, it's about accuracy



1 and it felt like it if they remove that name, that -- that
2 takes a lot of their ability to keep that information
3 accurate. It's not -- the name itself was not the time
4 consuming part. It was aggregating that data that was the
5 time consuming part. So if the name has to come out there
6 would be a process. I don't think it would be that hard.
7 It would just be making sure that that data is still as
8 accurate as possible at the district level before that name
9 is dropped off.

10 UNIDENTIFIED VOICE: So Joyce for example,
11 if we forced the district to drop the name, then they might
12 not have that name anymore before they send it.

13 UNIDENTIFIED VOICE: No, they would have it.
14 They would have the name. They would have that on file.
15 They would have everything there and then they would just
16 delete that column but that doesn't delete any information.

17 UNIDENTIFIED VOICE: Yeah. I guess we need
18 I guess we need to see whether infinite campus let's you do
19 that with a copy. And maybe you can make a copy of the
20 file, and drop it.

21 UNIDENTIFIED VOICE: So I think that in EDAC
22 have -- actually have this discussion but I don't know
23 about you but sometimes when it gets really data E, I just
24 -- I don't know what your talking about. But essentially
25 what they say is, there is just a process that would occur



1 that would allow us to drop the name. Once they do, once
2 they have all of their data ready to go, we would have like
3 this intermediate kind of transfer where we would be able
4 to drop the name. So it would just --

5 UNIDENTIFIED VOICE: (Inaudible).

6 UNIDENTIFIED VOICE: Yeah. Well thank you
7 for being patient as I tried to figure out.

8 UNIDENTIFIED VOICE: More questions? Let's
9 call -- would you call the (inaudible) HOPE.

10 MS. CORDIAL: Board Member Flores.

11 MS. FLORES: Aye.

12 MS. CORDIAL: Board member Goff.

13 MS. GOFF: Aye.

14 UNIDENTIFIED VOICE: Motion one.

15 UNIDENTIFIED VOICE: Which was option one?

16 UNIDENTIFIED VOICE: Thank you.

17 MS. CORDIAL: Board Member Mazanec.

18 MS. MAZANEC: No.

19 MS. CORDIAL: Board Member Rankin.

20 MS. RANKIN: No.

21 MS. CORDIAL: Board member Scheffel.

22 MS. SCHEFFEL: No.

23 MS. CORDIAL: And Vice Chairman Schroeder.

24 MS. SCHROEDER: Aye. That did not pass.

25 UNIDENTIFIED VOICE: So --



1 UNIDENTIFIED VOICE: Somebody want to make
2 motion to, or do you want to just forget or lay it over? I
3 know I'm going to vote on that too. So we're not going to
4 get this done. I think we need to have some conversations
5 with staff on what it -- what the heck is it that? You
6 want to do here. We have an obligation to provide the
7 information, to provide the reports. We should direct --

8 UNIDENTIFIED VOICE: We should direct all
9 the districts that get ticked off if they have to aggregate
10 the data to those who feel this is the most important. We
11 need to maybe hear from some parents on what is the
12 solution. I get the no's but I'd like to get to yes
13 somehow.

14 MS. MAZANEC: Yeah.

15 UNIDENTIFIED VOICE: Well, Pam.

16 MS. MAZANEC: I think I would like to get to
17 yes too, but I have to say I'm really disappointed at the
18 feeling I'm getting here is that it's just too hard not to
19 get personal identifiable information to the state. So
20 Commissioner can you help us with this? Can we get some
21 movement on this? Because I certainly, am not wishing to
22 put -- to put more burden on local districts particularly
23 rural, and small districts. I have no interest in that,
24 but I think there's got to be a way that we can get to yes
25 to parents. No, we don't have to provide your



1 kindergarteners' personally identifiable information to the
2 state for them to house even for three years. I might be
3 willing to consider that, but right now I want to get to
4 yes, and I know it feels like --

5 MR. ASP: No.

6 MS. MAZANEC: -- that just can't happen, and
7 I -- an Excel spreadsheet is manipulable, particularly, you
8 know, I've seen some amazing things done with Excel
9 spreadsheet.

10 MR. ASP: And to point, definitely we'll --
11 we will bring options to you, or have a -- deeper
12 conversations. This is as much a political ideology for
13 good -- good, you know, I'm not -- I'm not saying that in
14 any way our discussion has everything else, and the Board
15 has very strongly divided opinions on this topic. So
16 whether we ever get to a 7-0 vote, and I remember this is
17 something that's been done for many, many, many years, if I
18 understand correctly. Have we collected data -- oh this
19 just with the brand name. How many years we collected the
20 individual data?

21 UNIDENTIFIED VOICE: We haven't collected
22 any information-

23 MR. ASP: So.

24 UNIDENTIFIED VOICE: -- for kindergarten
25 school readiness yet.



1 MR. ASP: So any of our outside stakeholders
2 have never had access to this data before?

3 UNIDENTIFIED VOICE: Right.

4 MR. ASP: Okay. That changes the
5 conversation.

6 UNIDENTIFIED VOICE: They have other --
7 they've had other data but not this.

8 MR. ASP: We'll have -- we'll have an
9 immediate conversation about this tomorrow. Maybe not
10 tomorrow because we'll get through this over again, but if
11 -- we need to be focused on the outcomes, and the use of --
12 what are we trying to get? And I appreciate the experts
13 that are in the room that have done this for two three
14 decades. There have to be additional ways. Understanding
15 where -- I was on the strong opinions of six women on this
16 Board and one guy. Steve left me alone. But -- but it's
17 important to us also. So we'll come back to you quickly
18 while I await for the next Board meeting but we'll have an
19 email to you shortly. And I do want to visit with the
20 experts in the room on this topic, and see what is their
21 biggest name.

22 UNIDENTIFIED VOICE: Ms. Scheffel.

23 MS. SCHEFFEL: You know, I think the
24 linchpin issue is that districts, and schools do not have
25 to report PII data to the state. And you notice there's



1 hardly any parents here. We don't have a lot of parent
2 advocacy groups that represent their voices. It's their
3 students data that gets reported, if it gets reported, and
4 I want to find a solution that allows us to meet their
5 needs. I -- I don't want to be saluting the needs of
6 stakeholder groups. I want to be saluting the needs of
7 parents, and their children. And I don't want a sales job
8 from the Department of Education. Though I appreciate the
9 work, and I appreciate the -- the thoughtful slides and
10 such, but we've seen this before. We've gone through this
11 before. I apologize that it keeps surfacing again, but
12 we're not getting any good solutions to the problem, which
13 is we do not need to report PPI data to the state.

14 UNIDENTIFIED VOICE: But there might be.

15 MS. SCHEFFEL: And we can surface issues of
16 it's too hard for the schools, the databases. All those
17 things are handle-able, and we know it. So I'd like to
18 have a clear discussion, and solutions for parents who
19 stand to lose the most from exposing these data.

20 UNIDENTIFIED VOICE: There may be some more
21 PII data that we can remove from this, and still allow for
22 the research, so that the kids, we've already taken up the
23 name. There may be some other things to take off, but
24 still share the data in a way that the kind of research
25 that we want to see whether we're making improvement for



1 kids can be generated. I mean, I think that's there's
2 nobody that has any ill intent here.

3 MS. SCHEFFEL: But let me make a point on
4 research. To say that shining a flashlight on this is
5 going to create gains hasn't been a great strategy in the
6 past. I mean, it sounds intuitively good if we only have
7 data. We can show the problems, we can fix them. We have
8 the longest longitudinal database, one of the longest, and
9 most robust in the nation. And just having that database
10 has not resulted in raising student achievement. So now
11 we're pushing it down to younger more vulnerable kids. Now
12 we're raising the stakes on the nature of the data across
13 multiple categories: social, emotional. I mean, very
14 sensitive information. I've seen the rubrics on this. And
15 --

16 UNIDENTIFIED VOICE: What your solution?

17 MS. SCHEFFEL: -- I'm not.

18 UNIDENTIFIED VOICE: What's your solution
19 then?

20 MS. SCHEFFEL: I don't want to support
21 people. I don't want to report PII data to the state.

22 UNIDENTIFIED VOICE: What's the solution
23 here?

24 MS. SCHEFFEL: The aggregate data percent of
25 students ready. Period. I'm -- I'm sorry that entities



1 can't do research. I care more about the parents rights,
2 and the protection of the child's privacy. And I think
3 that's what the parents want, and we keep looking at these
4 solutions to meet the needs of the state. I don't think
5 that's our first priority.

6 MR. ASP: Ma'am chair, I'm gonna have to say
7 something. I need a perspective just a little bit on this
8 in that, and this comes from my years as a lawmaker. There
9 are -- we spend billions of dollars in this area of
10 taxpayer money. I -- I -- I don't agree with the concept
11 that there has been no evidence come from a long term
12 marginal database.

13 UNIDENTIFIED VOICE: That's true.

14 MR. ASP: You know, there has been some
15 significant research. There have been findings, there have
16 been -- there are people doing good work around this. I
17 respect greatly the opinions of all of you on this Board.
18 And I always will. But there is a duty, and obligation as
19 elected officials to make sure that taxpayer dollars are
20 spent where they deliver the greatest bang. And if we do
21 no research, if we do no fact finding, then it's hard for
22 us to connect those dots. And I think it can be done in a
23 way that satisfies most. But there are certain parents,
24 and I am one of them, who do not have a problem with my



1 child's data being reported at a -- at a level where I --
2 we can make smart decisions about my tax payer dollars go.

3 MS. SCHEFFEL: May I -- may I respond?

4 MR. ASP: Of course you can.

5 MS. SCHEFFEL: And so I think that as a
6 parent in your local district, you'll see that data. I'm -
7 - I'm raising the issue of reporting it to the state. And
8 I also know that you can have that data as a parent, but it
9 doesn't need to be held at the state level as PII data.
10 There's just no reason for it.

11 MR. ASP: I -- I'd have to I'd have had
12 prospect Madam Chair just, the taxpayer money is at the
13 state level. The majority of it. There's -- there's a
14 local component, but we're making decisions at a macro
15 level.

16 MS. SCHEFFEL: Let me respond. And the
17 state can -- the state can get -- can get data based on
18 percent of kids ready for kindergarten. That is enough to
19 drive policy. We do not need individual metrics on kids.

20 UNIDENTIFIED VOICE: Can we do this time?

21 MR. ASP: Yes.

22 UNIDENTIFIED VOICE: Because I'm going to
23 start getting nervous now. Pardon.

24 MR. ASP: We have two hours.



1 UNIDENTIFIED VOICE: We have two hours. We
2 may have a public too. That's going to really get mad at
3 us. Fourteen point zero one Maybe we could really note
4 this one out in a hurry. This is about notice of rule
5 making. We do not need to make decisions today. Fourteen
6 zero one. Page 23 for us. So a motion that one of you
7 might want to make is a move to approve the notice of rule
8 making for the school Bullying Prevention, and Education
9 Grant Program pursuant to Section 29-93-102 CRS. Please
10 remember folks, I hope one of you is willing to own that
11 motion. Please remember that this does not mean that we
12 have solved all the concerns that we had the last time
13 about what is the definition of bullying, et cetera. But
14 is there anyone willing to make that motion? So we can --
15 so we can move.

16 UNIDENTIFIED VOICE: We have to make a
17 motion before we can talk about it?

18 UNIDENTIFIED VOICE: Yes. That's what I'm
19 asking for.

20 UNIDENTIFIED VOICE: Okay, I'll make a
21 motion.

22 UNIDENTIFIED VOICE: By second.

23 UNIDENTIFIED VOICE: I second.

24 UNIDENTIFIED VOICE: Fantastic. Go ahead
25 with pass.



1 MS. MAZANEC: Okay, so I just a few
2 questions on this. One of them is that, you know, bullying
3 is -- and prevention has been a big concern, right? But so
4 we have this legislation that creates a grant and districts
5 can apply for it. You can spend funds to try to educate
6 students, educate parents and then they report back to the
7 state how they think they -- you know, this has made a
8 difference. Improved diminished bullying, whatever. How
9 many districts still have zero tolerance policies? And for
10 those that do, how can any anti bullying really make a
11 difference when the victim is ultimately found to be as
12 guilty as the perpetrator through zero tolerance policies?
13 They say, you know, if you get involved in an altercation
14 with another child, it doesn't matter who -- who started
15 it. Both of you are in trouble.

16 MR. ASP: Yes, that's -- it's a terrific
17 question. Let me break it up a little bit. The first is
18 zero tolerance. How many districts are still doing that
19 across the country frankly, not just in districts, and it's
20 actually been, I don't know if want to work this way, but
21 almost Albany to do zero tolerance because zero tolerance
22 policies have actually demonstrated increased vandalism,
23 increased truancy, increased dropout, and increased problem
24 behavior. So even at the -- even at the federal level,



1 zero tolerance is being pushed out as an option for
2 schools.

3 MS. SCHEFFEL: So do we know, in Colorado
4 most districts aren't -- aren't --

5 MR. ASP: I don't think.

6 MS. SCHEFFEL: -- exercising zero tolerance
7 anymore.

8 MR. ASP: I don't think any district can
9 argue that they are -- would say that are doing it anymore.
10 Now, there will, you will find schools here, and there who
11 still exercise strategies that look very similar to a zero
12 tolerance policy. Does that -- does that make sense? So
13 there's -- there's -- there's the policy where we are a
14 zero tolerance district. That is no longer allowed.
15 However, you do see some schools exercising strategies that
16 look similar to zero tolerance.

17 MS. SCHEFFEL: You were going to say
18 something.

19 MS. MAZANEC: So one thing we can do is
20 actually come back, and answer that question for you, and
21 one of the things that we have provided in your materials
22 is actually just what we have in terms of information
23 around, the data the districts are required to submit in
24 relation to suspension, and expulsion. And within there,
25 there's information about, you'll see that there's a



1 category that's called detrimental behavior. And so
2 there's not a lot of -- there's not a lot of information
3 that the department collects, or that we ask of districts
4 to say what's happening around, specifically around
5 bullying because it's within this larger category. So
6 there's some -- there's some questions and some information
7 that we just won't be able to necessarily answer for you.

8 MS. SCHEFFEL: Follow up to that which was
9 in my notes. That's one of the other questions I have is
10 that with the Safe Schools report and if -- if -- if I
11 remember correctly schools are actually, I hate to say
12 punished, but counted against for reporting of certain
13 incidents, correct? So I think that -- that's another
14 issue is what -- what are we seeing there when, how anxious
15 are schools to report incidents like this, and they put it
16 into the safe category of other detrimental behavior. What
17 effect?

18 MR. ASP: It's a tough question to answer.

19 MS. SCHEFFEL: Well, actually it was a very
20 bad question.

21 MR. ASP: But I think I touch on it. So
22 here's what.

23 MS. MAZANEC: I mean, mostly is was
24 wondering about how they report and the effect on that
25 which is sort of a side issue to this bullying.



1 MR. ASP: So the effect of having to report
2 on their own behavior. And we've looked at their records
3 both before, and after they had to report detrimental
4 behavior, and there isn't a major shift. There isn't a
5 major change.

6 MS. MAZANEC: Like four categories there at
7 the bond, the three of the last four categories are kind of
8 fuzzy.

9 MR. ASP: There are a lot -- there's a lot
10 of fuzzy, and it's very.

11 MS. MAZANEC: They can choose how, so if
12 they have 20 bad incidences, they don't specifically fit
13 into the really detrimental areas. They can split them up
14 into those three.

15 MR. ASP: There are a lot of challenges
16 related to that. And you hit the nail on the head with
17 regards to there is just naturally as somebody who has to
18 report problematic problems in the school, there is an
19 incentive to not do that especially when the definition of
20 detrimental behavior can include so many things. And
21 that's actually in one of the great questions that was
22 raised last time. There were a few really good questions
23 that were raised last time as well. If you would give me a
24 couple of moments, we've started to try to address those
25 questions, and -- and as we're moving forward, and this is



1 just a notice for hearing, and I hope I look forward to the
2 opportunity to really delve into this. Because the -- the
3 things you brought up last time when we spoke, our major
4 concern is not just for you there. I've been doing
5 research in this area for over a decade, and there are
6 major concerns for me as well. So I'd love to touch on
7 that just a few of those specific items, but I do want to
8 just remember to come back to the fact this is notice of
9 hearing.

10 MS. MAZANEC: Right.

11 MR. ASP: And it's not actually delving into
12 all these details.

13 MS. MAZANEC: Right. Which is what we
14 wanted to accomplish, and I am glad to. I'm sorry I didn't
15 say this. If you have a presentation just please note that
16 we're feeling a little pressed.

17 MS. SCHEFFEL: So how -- what time frame
18 would make sense for you?

19 MS. MAZANEC: Go for -- to the best you can
20 to make.

21 MR. ASP: Okay.

22 MS. MAZANEC: Is that fair?

23 MR. ASP: Speed talk. Here we go. All
24 right. Question number one that you had last time we spoke
25 was around the definition of bullying. The definition of



1 bullying is known to be subjective in general. Can you
2 move through this slide. Thank you. The definition of
3 bullying is known to be subjective. We've met with legal
4 counsel to try to make some modifications, and by the way
5 we do have some say over the definition of bullying for
6 this grant program. For this grant program, we have some
7 say in what the definition is. We've made some slight
8 modifications, very slight but we're hoping to get out of
9 subjectivity that you've brought up as a concern.

10 MS. MAZANEC: The one -- the one caveat, and
11 I'll have to that is keep in mind that any program rules
12 that the state Board adopts has to pass the kind of review
13 process of the Office of Legal Legislative Services, and
14 they -- they compare rule against statute. So -- so what
15 you'll see is a very slight modification of bullying as it
16 exists in Colorado statute. And so I just wanted to make
17 sure that there's not a lot of water from the air like
18 subject, and there will -- it will be subject, any change
19 that you make will be subject to that review. So it's
20 probably best not to make wholesale change.

21 MS. SCHEFFEL: So the rules that you sent us
22 this time are they, have you guys started your
23 modifications?

24 MR. ASP: We have made some basic
25 modifications especially to this definition. We don't



1 bring your attention to because I'm talking is the
2 underlying component of the definition. Those are the only
3 components that have changed based on our conversation, and
4 really what it brings up is a reasonable person would
5 believe, and I'm not a lawyer, I would have Tony speak to
6 the value of adding that component to the definition.

7 MR. DILL: One of the concerns raised by the
8 Board was that the definition of bullying was inherently
9 subjective and -- and could -- could be implemented in a
10 way that would -- that would identify actions as bully had
11 no intention to bully.

12 MR. DILL: It seemed to me that one way to -
13 - to change that would be to make the definition an
14 objective standard. To give you a concrete example, let's
15 say there is an extremely friendly person who goes up, and
16 talks to the new kid and unfortunately, the -- the new kid
17 has severe problems with anxiety, and -- and sincerely, and
18 honestly believes that they have just in some way been
19 attacked. Well, this would, yeah, this -- this would be
20 the definition of bullying would not be based on the
21 student's subjective experiences, but would be an objective
22 standard. It could be, it could be implemented by school
23 staff. So that's one of the major -- major shifts. It is
24 -- it is not a big change and again, we -- we can delve
25 into this definition even more as we go through this



1 process and I look forward to doing that with you. The
2 only -- only other small change we made was rather than,
3 underlined here in denied, we changed that from infringe
4 upon and the purpose of that is that the definition, and --
5 and to make it very clear that the definition is not
6 intended to deny any right guaranteed to any person by the
7 First Amendment to the United States Constitution, and
8 shall not be used to prevent expression of religious,
9 political and philosophical views.

10 So the purpose again, is simply to make it
11 slightly more objective. All right. If there's no
12 question, I'm gonna move to the next point which we
13 actually already somewhat discussed, which was how it is
14 currently reported? And Pam Mazanec, you asked a great
15 question, and -- and I hope we at least started to touch
16 you on an answer to how we are currently reporting bullying
17 in the state. And the fact that we don't know the specific
18 number of incidents that are currently happening, we have
19 this detrimental behavior. So it's very difficult for us
20 to really understand how many incidents of bullying
21 happened this month through this year, over, and so forth.
22 Okay. I'm gonna to move to the next one. Now, what I,
23 yes, please.

24 UNIDENTIFIED VOICE: I'm sorry, can you just
25 say where the definition came from, or comes from?



1 MR. DILL: The definition was developed here
2 in Colorado through a vetting process.

3 UNIDENTIFIED VOICE: It's in statute.

4 MR. DILL: It's in statute.

5 UNIDENTIFIED VOICE: So the exact language
6 on the previous slide is in statute. Is that right?

7 MR. DILL: The -- the -- everything but the
8 underlying component is what is in statute.

9 UNIDENTIFIED VOICE: Where is the underlying
10 component?

11 MR. DILL: Can you go back? Sorry.

12 UNIDENTIFIED VOICE: Look at your
13 (inaudible) here.

14 UNIDENTIFIED VOICE: I know, I'm looking at

15 MR. DILL: So the --

16 UNIDENTIFIED VOICE: So how many lines are
17 the underlying components?

18 MR. DILL: The underlying component is a
19 reasonable person would believe that part is not in
20 statute.

21 UNIDENTIFIED VOICE: Okay.

22 MR. DILL: And then deny is not in statute.
23 Instead, in statute is infringe upon, is the wording in
24 statute. So I think we made --



1 UNIDENTIFIED VOICE: How can -- how can you
2 change language in statute? Just adding --

3 MR. DILL: Withholding the -- from the --
4 from my understanding, within the Bullying Prevention
5 Program itself, we do have some room for making
6 modifications to the definitions.

7 UNIDENTIFIED VOICE: So can we further
8 adjust this definition?

9 MR. DILL: Yes, I believe so. And -- and
10 that's one of the goals once we get into a hearing, to --
11 to really get into it, because there's a lot of -- a lot of
12 concern on both sides about what is in this definition
13 (inaudible).

14 UNIDENTIFIED VOICE: Now, there are
15 guidelines around how we can adjust this definition.

16 MR. DILL: Oh, is that --

17 UNIDENTIFIED VOICE: So you think that we
18 could probably defer to Mr. Dill on that question just
19 because this would have to pass from a review process. So
20 there's -- there's probably gonna be some type parameters
21 on how far.

22 MR. DILL: Well, I -- I think that is
23 correct and the -- the short -- the short answer is you --
24 you have as much leeway as the General Assembly allows you
25 to have, in the form of its Legislative Legal Services



1 Committee, when -- when they've reviewed these rules. I --
2 I --

3 UNIDENTIFIED VOICE: So it might be that
4 even with this additional language that's underlined, they
5 may reject it?

6 UNIDENTIFIED VOICE: It's entirely possible,
7 but I think with the additional language, we can go in and
8 make a strong -- strong argument about why this -- this
9 would be an important addition to the regulations, and in
10 fact to clarify the extent of -- of -- of this program.

11 UNIDENTIFIED VOICE: Thank you.

12 MR. DILL: Okay. I'm gonna keep going. And
13 we talked a little bit about how it is reported currently.
14 I'm gonna move very quickly through some of the statistics,
15 because there has been -- was indicated a concern that
16 bullying actually isn't really an issue in the state. And
17 I wanna to make sure that we're all on the same page that
18 it is a real problem, and it's not just boys will be boys.
19 And so what I've done here is I've listed numerous studies
20 demonstrating just how big of a problem bullying actually
21 is across the country. Nearly 30 percent of kids
22 indicating that they're involved, and that number actually
23 ranges from about 12.5 percent up to 80 percent depending
24 on how I ask the question.



1 That is one of the things that I'm looking
2 forward to getting into. A lot of kids are indicating that
3 they are missing school everyday because of issues, we have
4 lower rates of involvement in school, we have less
5 academically-engaged kids, so -- and -- and we're getting
6 lower academic scores because of kids experiencing
7 bullying, we get into longer term anxiety externalizing
8 behavior, we get more drop out, et cetera. We actually
9 found that kids who are just bystanders, not the victims,
10 not necessarily the bullies, but even the bystanders are
11 being severely impacted by this. So the point of all of
12 these data, the point of all this finding is simply that
13 bullying is a real issue. And it is not just part of
14 growing up, and it does have a major impact in the long
15 term outcomes of students across the country. Okay, I'm
16 gonna keep going.

17 One -- one more major thing. My work in
18 this area actually began about eight -- nine years ago when
19 we ran one of the first meta-analysis on Bullying
20 Prevention Programs. What we were trying to do is figure
21 out, do Bullying Prevention Programs work? Do they not
22 work? When do they not work? Why don't they work? Here's
23 what we found. And this was actually the first meta-
24 analysis demonstrating that it can have negative effects.
25 It was -- it was in 2008 we've discovered that Bullying



1 Prevention Programs only have a positive impact to around
2 30.66 percent of variables. So in a lot of cases, it
3 wasn't working. A lot of cases, bullying prevention was
4 not working, all right? And in fact, when we looked at
5 when does it work, we found that most of the time, Bullying
6 Prevention Programs really only have an effect on kids
7 thinking they know what they're supposed to do, right? I
8 tell a kid, when you're bullied, this is what I want you to
9 do, and then after the study, I'm gonna ask you again, do
10 you know what you're supposed to do? And the kid says, "Oh
11 yeah, I know what I'm supposed to do now." Does that make
12 sense so far?

13 However, when I actually go into the
14 playground and I watch, you know, the number of incidents
15 don't actually change very much, all right? So that's why
16 we -- we started to question, the value of Bullying
17 Prevention Research, by the end, if it can be effective and
18 if it cannot. Now, what we found, was there are five major
19 reasons and I keep looking back at the slide. Five major
20 reasons that -- that we get these negative effects or these
21 non-effects, all right? But I do wanna bring -- bring
22 light to it can work and it does work in many cases. I
23 have -- have had experience with over a thousand schools
24 doing it very effectively. So let me just point out these
25 problems very briefly. Feel free to ask questions about



1 them. Number one, the biggest problem one of the biggest
2 problems in Bullying Prevention Programs is they do a zero-
3 tolerance thing, right? They blame the bully. I'm gonna
4 catch you being the bully, and then I'm gonna get you in
5 trouble. And those have, across the Board, demonstrated
6 non-effects. Right?

7 UNIDENTIFIED VOICE: No. I mean, my
8 understanding of zero-tolerance is exactly the opposite.
9 You could never just punish the bully, you have to punish
10 the victim.

11 MR. DILL: You end -- you end up punishing
12 the victim as well? Absolutely.

13 UNIDENTIFIED VOICE: It was -- it was always
14 a two-way street. Yes, you know.

15 MR. DILL: So it has that dual effect.

16 UNIDENTIFIED VOICE: Sorry if the bully hit
17 you first but because you're involved in altercation,
18 you're in trouble too.

19 MR. DILL: Yeah, absolutely. And that zero-
20 tolerance has both of those effects. One, we blame the
21 bully. But you're absolutely right. The victim becomes
22 victimized if you will. So it's actually both -- both --
23 two problems related to that same issue. Two, we actually
24 have -- there's so many -- so many, many programs of such
25 an emphasis on teaching bullying, that they may actually



1 giving -- be giving kids more ideas, right, on what they
2 can try. Number three, there tends to be an -- an -- an
3 inadvertent reinforcement of the bullying, which means
4 this. If -- if Johnny, and Sally, Johnny is picking on
5 Sally, and I say, "Johnny, you better shake her hand,
6 right? And say you're sorry." That actually gives more
7 attention to the issue.

8 And so many studies have indicated that, or
9 give -- give me another example. I'm gonna take all the
10 bullies in the school, and I'm gonna put them in a
11 classroom and I'm gonna tell them, and talk to them about
12 what they did, right? And they're gonna talk about being a
13 bully. You're in actually giving attention to the problem
14 resulting in what's called pure deviance training where
15 kids are actually learning from each other what they can
16 try. You -- you follow them, it's very easy to do this
17 wrong, which is why it is so important that we ensure that
18 it's done right.

19 And then quickly, number four, oftentimes,
20 programs disregard, or don't recognize just how powerful
21 bystanders are. If there is one thing that I would ask
22 that you would understand about bullying is that
23 fundamentally, it is driven by the attention of other kids.
24 Laughing, joining in, cheering it on fight, fight, fight,
25 that sort of thing. It is fundamentally driven by the



1 other kids in the school. And then lastly, many Bullying
2 Prevention Programs have been done through grants, and that
3 they don't last. And that they don't take specific steps
4 to ensure it's done sustainably in the school. So once the
5 grant money goes away, everything goes away, and it doesn't
6 work anymore. So those are the big problems.

7 Now, there are solutions. Bullying
8 prevention can be very effective. And not to toot my own
9 program's horn, but we've had demonstrations of 72 percent
10 reductions in actual incidents of bullying in hundreds of
11 schools. So it can be done right. And here -- and that's
12 -- this is one of the reasons we wanna -- when we do this
13 Grant Program, it's going to be essential, that we are very
14 specific about what components need to be in there, and
15 what components don't need to be in there. And here's what
16 we find, there are four things. One, we're actually going
17 to fit bullying prevention within what's called a tiered
18 framework. What I mean by that, is that we have tiers of
19 support at the lowest level.

20 Tier one are things we do for all the kids
21 in the school. What are simple, simple, and efficient
22 strategies that we can do in the school that don't take a
23 lot of effort for teachers but have a significant reduction
24 in the number of kids needing lots of support around
25 bullying? Then you move up a tier, for some kids who are



1 still needing extra help. Sometimes it's kids who are
2 picked on a lot, sometimes it's kids who are starting to
3 exhibit lots of problem behavior. We go into what we call
4 tier two, or targeted support where we add a little bit of
5 extra help. And then we always have one to five percent of
6 kids in schools needing that highest level of need. And
7 those are the kids we've considered getting tier three
8 support. So we're gonna fit bullying prevention within a
9 tiered framework. And we've -- we've seen major effects
10 from doing that, especially around the idea of
11 sustainability.

12 Two, we actually come up with strategies in
13 bullying prevention that gets that bullying before it would
14 reach this high criteria of -- of a major incident of
15 bullying. So we actually want kids to prevent it before
16 they would ever call it bullying. Three, we're gonna
17 address that bystander attention that tends to fuel the
18 problem behavior. Peer tension is the -- the basis of
19 this, peer tension is fundamentally fueling bullying
20 behaviors. So we're gonna come up with strategies that
21 target that, not target-blaming the bully, or victimizing
22 the victim, we're gonna focus efforts, or we have focused
23 efforts on getting peers to no longer join in, cheer it on,
24 fight back, that sort of thing, all right. And that's
25 where we're finding the effects. And then lastly, of



1 course, we need schools to be doing things that can
2 actually be sustainable beyond the life of a grant period.
3 Are there any questions about any of those? I know that
4 was a lot of content, a lot of information.

5 UNIDENTIFIED VOICE: Any quick questions?

6 UNIDENTIFIED VOICE: Quick question. So as
7 I understand, the grant only will be used for research-
8 based, what's the terminology? You always use that.

9 MR. DILL: Evidence-based practices.

10 UNIDENTIFIED VOICE: Proven, tried, and
11 true. So --

12 MR. DILL: Sure.

13 UNIDENTIFIED VOICE: So how many are there
14 of those? And -- and what kind of -- what kind of time,
15 and I mean, you were sort of talking about what works, and
16 I assume that there are --

17 MR. DILL: Yes.

18 UNIDENTIFIED VOICE: -- some of those --

19 MR. DILL: There are -- there are tried, and
20 true, and there are evidence-based practices around
21 bullying. We have a list of about five, or six that we
22 currently have on the website, that we at CDE are
23 recommending folks do because they have the most research
24 supporting their effectiveness over long periods of time,
25 and -- and using different criteria for evidence-based.



1 UNIDENTIFIED VOICE: And this grant is for -
2 -

3 MR. DILL: One to three years. Schools will
4 apply for the money for any of those periods.

5 UNIDENTIFIED VOICE: What about the statute?
6 Is the grant -- is the grant money on going into infinity?

7 MR. DILL: That's a great question. As far
8 as we know.

9 UNIDENTIFIED VOICE: This is an ongoing
10 appropriation.

11 UNIDENTIFIED VOICE: This is the Marijuana
12 money, right?

13 UNIDENTIFIED VOICE: Right, this is the
14 proposition BB.

15 UNIDENTIFIED VOICE: It's going into
16 infinity.

17 UNIDENTIFIED VOICE: Keep buying that stuff.

18 UNIDENTIFIED VOICE: Keep doing my part.

19 MR. DILL: Yes, absolutely.

20 UNIDENTIFIED VOICE: So I think what we
21 just, could -- could Jane ask the question? (Inaudible)
22 thank you.

23 UNIDENTIFIED VOICE: Sorry.

24 MS. GOFF: He would always has to say it's
25 related. Is there a -- a particular grade level, or does I



1 -- I tried to find it in here. I didn't wanna ask what's
2 already been said, but elementary, geared, focused?

3 MR. DILL: It's that grant elementary gear?
4 Or are you --

5 MS. GOFF: Grade -- grade level, or level.
6 It's just an elementary --focused idea, or anything?

7 MR. DILL: So let me -- let me rephrase.
8 I'm not quite understanding. Are -- are you asking is the
9 grant targeted at a certain grade only?

10 MS. GOFF: Yeah. Well not -- not -- well
11 actually, more of a program.

12 UNIDENTIFIED VOICE: Any program?

13 MS. GOFF: The kind -- a good evidence-based
14 program is this -- are we thinking of possibilities at all
15 levels?

16 MR. DILL: Yes.

17 MS. GOFF: Including early childhood --

18 MR. DILL: Well there are --

19 MS. GOFF: -- which could be something.

20 MR. DILL: Yeah, yeah, absolutely. There
21 isn't a lot of demonstrated effective programs at the early
22 childhood level 'cause frankly, we often see bullying
23 really start to take root in third grade. So most programs
24 either target elementary, middle, or high school. Several



1 programs have been demonstrated to be effective in
2 multiple.

3 MS. GOFF: Yeah.

4 UNIDENTIFIED VOICE: The other -- Well, we
5 tied in, I guess, a little bit. Are you aware, or have you
6 seen any proven programs, where part of -- one the
7 components that is drawn into it, is more counselors, is
8 actually counselors. One thing Colorado doesn't have is
9 counselors at the elementary level.

10 UNIDENTIFIED VOICE: Absolutely.

11 UNIDENTIFIED VOICE: And there's been a lot
12 of wonder about why we don't have certain incidents.

13 UNIDENTIFIED VOICE: Yeah. I think it's a
14 great -- I think it's a great question. You know what it
15 comes back to? Is it comes back to that tiered model
16 support. So again, when you think of tiered, we think of
17 initially universal things we can do with the whole school,
18 right? Simple, efficient things that we can get to have a
19 big effect. Let me just give you an example. I'm going to
20 tell every kid in the school, if somebody is disrespectful
21 towards you, or somebody else, everybody in the schools is
22 going to use this stop word. It can be stop, enough, quit
23 it, over the line, school comes up with what they think
24 works best.



1 Simple, simple strategy. Every kid in the
2 school uses this language, and has a hand signal. Very
3 simple, big effects. If we got to a second tier, it's
4 things like working on social skills with a kid who's
5 struggling. That's where the counselors really come into
6 play. Yes, there have been studies demonstrating the
7 effectiveness of programs specifically for those kids. But
8 it's that -- but that's why it's important to think of it
9 in this tiered framework, because there are strategies here
10 that are effective, there are strategies here that are
11 effective, and then there are strategies there that are
12 effective.

13 UNIDENTIFIED VOICE: I just wanna -- I just
14 wanna be able to -- as we get this going, making great use
15 of money, we never think we have, but that people are aware
16 of, there are a lot of ways that you can find -- there are
17 lots of ways that can be called best practice, evidence-
18 based practices, and that -- that we don't have to say to
19 people, this doesn't include any personnel. This is just
20 program, but it's giving everyone permission to think in
21 terms of experts, we trained educators who can be a part of
22 this, this particular role. So you know, we're not just
23 talking off the shelf possibilities here, and stuff. So --

24 UNIDENTIFIED VOICE: Yes, and I -- I -- I --
25 to -- to personally answer your question, in statute



1 there's a definition of what we mean by evidence-based
2 practice. And so that's clearly delineated there. I think
3 to your second point about having educators involved in the
4 process, it is not just, let's go on Google, and buy the
5 program, and then plug it in, because that does not result
6 in sustained practice. Which is one of the reasons that
7 it's so important for us to have the rules that ensure that
8 they're actually going to, not just buy a program, that
9 they're actually going to go to work and ensure that --
10 that they're there making -- ensuring that it's actually
11 being implemented for a long period of time. They have
12 infrastructure to do so.

13 UNIDENTIFIED VOICE: And it works with their
14 local school culture --

15 UNIDENTIFIED VOICE: Yes. It has got it fit
16 their local content --

17 UNIDENTIFIED VOICE: The community, and
18 culture that they have?

19 UNIDENTIFIED VOICE: Yeah, it's got to have
20 what we call contextual fit. It's got to fit the -- the
21 context that they're in.

22 UNIDENTIFIED VOICE: Melissa, I did cut you
23 off, sorry.

24 MS. STEELE: So now, I was just going to
25 say, I -- I -- I recognize we're on a time crunch. I'm --



1 I'm glad you had an opportunity to hear, because as you
2 know -- as you can tell, this is an area passion for staff.

3 UNIDENTIFIED VOICE: He doesn't care at all.

4 MS. STEELE: Not at all?

5 UNIDENTIFIED VOICE: Thank you.

6 MS. STEELE: And you can also tell that he -
7 - that he -- he really is a national expert on bullying.
8 So as we are designing the rules for the grant program,
9 what we want to be able to do, is make sure that -- that
10 you're feeling really comfortable with what's in there, so
11 that the best use of funds to benefit kids is the outcome
12 of this. I'm just really quickly, a few things that were
13 questions that kind of came up in -- in the past. I know
14 that the -- the board is always concerned with wanting to
15 make sure that the rules are in close alignment with
16 statutes, so we provided a crosswalk for you, between the
17 statute, and the rules to show the relationship between
18 those. So that's part of your materials, and part of your
19 deliberative process. Mr. Durham had asked about the use
20 of student surveys, and wanted to see some examples of what
21 might be available. We've put in the -- within the grant
22 programs that we would provide examples of high quality
23 surveys to use.

24 We've given just two examples within your
25 materials because Mr. Durham wanted to see those. There



1 was a question about ongoing funding of the grant program.
2 And again, that just came up, so there -- it is an ongoing
3 appropriation. Mr. Durham had asked about the eligibility
4 for grant funds, and the statute does indicate that this is
5 for public schools, and facilities schools or groups of
6 public schools. So those are the only recipients of this
7 grant program. And he had asked a little bit about the --
8 the size, and number of grants. Depending on the size of
9 the grant. Obviously the bigger the grant, the fewer that
10 we can offer. But if we were to go with a \$50,000 to
11 \$75,000 grant, we could potentially find somewhere from 25
12 to 35 grant programs. But again, we would kind of get into
13 that level of detail, as we start to look at some of the
14 factors of, how do we make sure that we're going to be able
15 to make a difference.

16 We could give every school in the state a
17 couple of dollars, it's not going to do much, but everybody
18 would get something. But we would instead want to make
19 sure that we are going to be able to fund programs that we
20 know are going to get results in a wide variety of -- of
21 schools across the state. So that is just very briefly,
22 and hopefully answering some of the questions that you
23 have. And as Dr. Schroeder indicated today is a notice of
24 rulemaking, we're asking you that you would notice
25 rulemaking. This would allow, if you would like, if



1 there's any information that you would like us to bring
2 back to the March meeting we can do so. But that would
3 mean rulemaking would happen in April. And if the vote is
4 unanimous, they could be adopted in April. Otherwise we
5 would go until May. We do need to indicate that the -- the
6 State Board is required to promulgate rules within 90 days
7 of receiving funds, which happened on January 1st. So
8 we're going be slightly out of compliance with state
9 statute. But I think we're making good effort to meet that
10 statutory requirement.

11 UNIDENTIFIED VOICE: So I suggest that maybe
12 if folks have questions that we give them directly to -- to
13 you Melissa before the next Board meeting?

14 MS. STEELE: And between now, and then there
15 will be public comment.

16 UNIDENTIFIED VOICE: Will there be a hearing
17 --

18 MS. STEELE: Provided?

19 UNIDENTIFIED VOICE: -- in April. Right?

20 MS. STEELE: Or will it be after -- That
21 will -- sorry to always ask us about rulemaking.

22 UNIDENTIFIED VOICE: So as soon as
23 rulemaking is noticed, that's when the official public
24 comment period start. So the public as soon as you vote,
25 the public can start submitting.



1 MS. STEELE: Can starts sending?

2 UNIDENTIFIED VOICE: Right. And again we
3 don't need to come back in March. We can come back in
4 March. But --

5 UNIDENTIFIED VOICE: Right. Let's see if
6 you all have questions, and let Steve, and me know if you
7 want it back in March to talk about it, or whether the
8 hearing in April is sufficient. I guess my question is, is
9 this unanimous, the call for the rulemaking? Anybody
10 object. Done. So I realize we've not had a break.

11 UNIDENTIFIED VOICE: As soon as we are
12 seven, we'll vote

13 UNIDENTIFIED VOICE: I know.

14 UNIDENTIFIED VOICE: Well, six hours.

15 UNIDENTIFIED VOICE: You spoke a little too
16 soon.

17 MS. STEELE: Guys, I realize we really do
18 need a break. However, we also, I believe, have a
19 superintendent, or a principal.

20 UNIDENTIFIED VOICE: You know, if you give
21 us 15.01, it will be very clear.

22 MS. STEELE: Which one's -- well, I have
23 15.02, I have somebody here for, I think. Am I wrong?



1 UNIDENTIFIED VOICE: No you are correct.
2 But I think what Board Member Mazanec was -- is she kind of
3 got clarification on the -- on.
4 UNIDENTIFIED VOICE: 15.01?
5 UNIDENTIFIED VOICE: Yes. Sorry, we need a
6 quick vote.
7 UNIDENTIFIED VOICE: Was that the JeffCo
8 one?
9 UNIDENTIFIED VOICE: Yes.
10 UNIDENTIFIED VOICE: Yes.
11 UNIDENTIFIED VOICE: Yeah. And I -- and I
12 mentioned this. If I may make a comment on that. I
13 thought it was a really good idea that JeffCo had.
14 UNIDENTIFIED VOICE: Oh, I did too.
15 UNIDENTIFIED VOICE: And I wondered whether
16 we shouldn't at some point talk about that. I think it's
17 in -- I think the schedule is in legislation, but maybe we
18 should ask the Legislature to give districts a different
19 schedule, so they have more time. Because I've heard from
20 other charter schools that it is such a compressed time
21 period. But then they're scurrying around. So that might
22 be a discussion that we'd like to have.
23 UNIDENTIFIED VOICE: Are we doing 15.01 now?
24 UNIDENTIFIED VOICE: Yeah. Do you have a
25 motion?



1 UNIDENTIFIED VOICE: Yeah, I would just move
2 to approve this. My only concern about this, which I think
3 Gretchen; she's not here, is she?

4 UNIDENTIFIED VOICE: She's on her way up.

5 UNIDENTIFIED VOICE: To Gretchen, we can ask
6 her about. But my -- my concern about the waiver request,
7 I think it is, I agree, I think it is a very good idea to
8 move the charter application window to the spring, gives
9 them more time. My only concern about the waiver right now
10 is that any -- any charter school applications currently in
11 process in JeffCo be allowed to use that fall application
12 process this year. So they're not stopped until --

13 UNIDENTIFIED VOICE: Right. There's
14 actually something -- no, there's actually something in
15 there that allows the board --

16 UNIDENTIFIED VOICE: Yeah. I know.

17 UNIDENTIFIED VOICE: -- to give them more
18 time, and I'm assuming --

19 UNIDENTIFIED VOICE: If they -- if they
20 agree on waivers. But I just want to make sure that --
21 that no charter, that's in the works right now will be
22 denied the ability to make an application in August.

23 UNIDENTIFIED VOICE: I can. Yeah, hi.

24 UNIDENTIFIED VOICE: Hi. Welcome.



1 UNIDENTIFIED VOICE: Tim meant from the
2 district also has come. He is at the back there. And so
3 in talking to Tim earlier, he said that, yes, it is the
4 intention of the district to make sure that anyone in the
5 pipeline now who wants that fall window does have access to
6 that window.

7 UNIDENTIFIED VOICE: Great, great, because
8 we wouldn't wanna stop any -- any forward movement until
9 next February. But I think the spring meeting is great.

10 UNIDENTIFIED VOICE: So Pam made -- Pam made
11 a motion, do I have a second?

12 UNIDENTIFIED VOICE: Five second.

13 UNIDENTIFIED VOICE: Thank you. Any
14 concerns, any objections. Bing, done. Thank you.

15 UNIDENTIFIED VOICE: See fast how that was?

16 UNIDENTIFIED VOICE: That was wonderful.

17 Thank you. So 15.02, do we have someone here. This is
18 another waiver?

19 UNIDENTIFIED VOICE: This is the innovation
20 plan.

21 UNIDENTIFIED VOICE: Innovation, sorry.
22 Innovation. You know, I have so lost my papers.

23 UNIDENTIFIED VOICE: This is 15.02.

24 UNIDENTIFIED VOICE: Yeah, I know.



1 UNIDENTIFIED VOICE: Just find the paper
2 that 15.02.

3 UNIDENTIFIED VOICE: I go from 14 to 16. I
4 don't know what happened. Here it is. Whoa, fantastic.
5 So thank you for coming. And do you want to speak to my --
6 question, sorry.

7 UNIDENTIFIED VOICE: A little recollection
8 that will help.

9 UNIDENTIFIED VOICE: Thank you, that will
10 probably help.

11 UNIDENTIFIED VOICE: Thank you, Madam Vice
12 Chair. So this group is here to present to you a plan for
13 an Innovation School. As you probably recall, the first
14 time a district seeks innovation status for a school, they
15 need to come and present to you as a board because they
16 also earned the designation of a District of Innovation
17 upon their first school being designated that way. So this
18 is the process.

19 MS. STEELE: That's a surprise to me. I did
20 not know that.

21 UNIDENTIFIED VOICE: Yeah, we'll see.

22 MS. STEELE: Wow, you know, District of
23 Innovation.

24 UNIDENTIFIED VOICE: So if this is the
25 future were to seek an innovation plan for an additional



1 school, you may all put that on a consent agenda, if you
2 choose to do so. But the first time you need to actually
3 hear from them. And there was a question raised by Vice
4 Chair Schroeder, prior to the meeting about one of your
5 waivers. I think you are prepared to speak to that and
6 maybe forward if you would like to. So I know you are
7 ready to have that conversation.

8 UNIDENTIFIED VOICE: Thank you for coming.

9 UNIDENTIFIED VOICE: Yeah.

10 UNIDENTIFIED VOICE: We just had a little
11 trouble understanding it. So if you'll clarify it, that'll
12 be wonderful.

13 UNIDENTIFIED VOICE: I would say make your
14 opening remarks and then address that.

15 MS. VSETECKA: Well, thanks for having us.
16 My name is Tracy Vsetecka, and I'm the principal at
17 Talbott. This is Michelle Gloria, the Assistant Principal
18 in Scott Campbell is our superintendent. So when we
19 reflect back on considering innovation status, it has been
20 an exciting event for us. Talbott really wanted to provide
21 choice for our families, for the whole community, for our
22 parents, and Talbott has been the science focus school for
23 the district for 11 years. But what we realized coming in
24 was we needed something different to make some additional
25 changes. And so we gathered together of teachers, and



1 formed a strategic school design team, and that began in
2 July.

3 We both are new to the school this year. So
4 it was adventure from the get go. So that began in July,
5 and then through the entire fall, we were visiting schools,
6 we were researching, and what we fell upon at the end was
7 that STEAM was gonna best fit our needs. And so throughout
8 the fall, the teachers on the team communicated with staff,
9 and with parents during open house, during parent teacher
10 conferences, during community meetings, during STEM evening
11 events, really to let them know where we were in the
12 process, and to get feedback. And that was kind of an
13 exciting thing because I -- I think oftentimes families
14 feel like change has happened and it's like, oh, I didn't
15 know, and this -- so it was a fun event for all of us.

16 UNIDENTIFIED VOICE: Could you explain what
17 STEAM is in case there is somebody who hasn't heard that
18 terminology.

19 MS. VSETECKA: Science, Technology,
20 Engineering, Art and Math. So we wanted to add that
21 artistic element.

22 UNIDENTIFIED VOICE: Good. Thanks. Okay.

23 UNIDENTIFIED VOICE: So we're seeking
24 several waivers. From the state waivers, we're looking for
25 scheduling counter, educational programming, and choice of



1 programs in the schools within districts. And then the
2 district waivers are also a school calendar instructional
3 time, selection of instructional materials, grading, and
4 assessment systems, student wellness, naming of the school,
5 professional development, and inter-district -- district
6 choice and open enrollment. And that's the one that there
7 was a concern about. So we'll address that briefly.

8 UNIDENTIFIED VOICE: Not at the district
9 level.

10 UNIDENTIFIED VOICE: Okay, at the state
11 level.

12 UNIDENTIFIED VOICE: I had no -- I had --
13 that's up to your district. Absolutely.

14 UNIDENTIFIED VOICE: Perfect.

15 UNIDENTIFIED VOICE: Several others got
16 confused about the state one because we -- we were
17 confused.

18 UNIDENTIFIED VOICE: So overall --

19 UNIDENTIFIED VOICE: I'm sorry, you are
20 confused about what?

21 UNIDENTIFIED VOICE: State, and district
22 levels.

23 UNIDENTIFIED VOICE: You want to share it?
24 It's also on Page 12.



1 UNIDENTIFIED VOICE: So we actually wrote an
2 addendum to clarify our intent.

3 UNIDENTIFIED VOICE: What did they receive?

4 UNIDENTIFIED VOICE: Did you say you receive
5 the addendum?

6 UNIDENTIFIED VOICE: Bizzy, did they get
7 addendum? Kelly just got it yesterday.

8 UNIDENTIFIED VOICE: Okay. So I think --

9 UNIDENTIFIED VOICE: Just to be sure, that's
10 okay.

11 UNIDENTIFIED VOICE: Okay, perfect. So what
12 we're looking for with the waiving the state statute 22-36-
13 101(5) was considering the students choice into our
14 building. We want them to be held accountable for their
15 appropriate behavior and attendance. So currently, when a
16 student choices in, the district practice is to keep the
17 student until the age out of our building. What we would
18 like to do is, if they dropped below 90 percent, or their
19 behaviors are negatively impacting the learning, that we
20 can revoke their choice enrollment before they age out. So
21 within that year, preferably at the end of the year, is
22 what we were looking for. And this is the intent, is to
23 create a school partnership between the students who are
24 choicing in, and their families.



1 UNIDENTIFIED VOICE: But is that actually in
2 -- in state statute?

3 UNIDENTIFIED VOICE: And I think that's --
4 that's where we may have had some misunderstanding. It's
5 our district policy, and practice to do that.

6 UNIDENTIFIED VOICE: Right. Right. So it
7 makes sense -- it makes sense later on.

8 UNIDENTIFIED VOICE: Okay.

9 UNIDENTIFIED VOICE: Perfect.

10 UNIDENTIFIED VOICE: And so then we just
11 need to drop the state statute one, correct?

12 UNIDENTIFIED VOICE: If you would.

13 UNIDENTIFIED VOICE:
14 Absolutely.

15 UNIDENTIFIED VOICE: If that's -- if that's
16 the only thing you are referring to, because it suggests to
17 the novice reader, and I'll -- I'll bear that label, that
18 the state requires 95 percent attendance, and you only
19 require 90 percent. It just misled a few of us. And so if
20 you're fine with that, I am certainly fine with that, and I
21 congratulate you on your efforts. I think this is very
22 exciting.

23 UNIDENTIFIED VOICE: Okay.

24 UNIDENTIFIED VOICE: It has been exciting.

25 UNIDENTIFIED VOICE: It's been so exciting.



1 UNIDENTIFIED VOICE: A break from motion.

2 UNIDENTIFIED VOICE: Madam Vice Chair, just
3 if I may, just procedurally, when you all make promotion if
4 you make the note that it is the amended plan. And if you
5 all would just provide us with an updated waiver, and
6 replace the plan document so we can just upload that in the
7 (inaudible), that would be great.

8 UNIDENTIFIED VOICE: Do I have somebody who
9 will make the motion? Pam, thank you.

10 MS. MAZANEC: I move that we approve the
11 innovation plan, the amended innovation plan, it will be
12 provided.

13 UNIDENTIFIED VOICE: Thank you. Second.
14 Deb, thanks. Any objection? Go forth. Thank you. Thanks
15 for waiting.

16 UNIDENTIFIED VOICE: Thank you.

17 MS. MAZANEC: You can come back tomorrow.
18 We'll be here.

19 UNIDENTIFIED VOICE: It's happening again.

20 UNIDENTIFIED VOICE: Guys, five minute
21 break. Yes, I know. I'm sorry.

22 (Meeting adjourned)



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C E R T I F I C A T E

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of October, 2018.

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

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