



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
March 31, 2017 Legislative Meeting Transcript

BE IT REMEMBERED THAT on March 31, 2017, the
above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board Members:

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



1 MADAM CHAIR: I'd like to call the meeting to
2 order please. Bizy, would you please call the roll.

3 MS. CORDIAL: Board Member Durham?

4 MR. DURHAM: Here.

5 MS. CORDIAL: Board Member Flores?

6 MS. FLORES: Here.

7 MS. CORDIAL: Board Member Goff?

8 MS. GOFF: Here.

9 MS. CORDIAL: Board Member Mazanec?

10 MS. MAZANEC: Here.

11 MR. DURHAM: She's really here.

12 MS. CORDIAL: Sound like the Great Oz. Board
13 Member McClellan?

14 MS. MCCLELLAN: Here.

15 MS. CORDIAL: Board Member Rankin?

16 MS. RANKIN: Here.

17 MS. CORDIAL: And Board Member Schroeder?

18 MADAM CHAIR: Here. Today we're going to
19 discuss a couple of proposed items for legislation. Ms.
20 Mello, would you like to introduce them to us, please?

21 MS. MELLO: Yes. Thank you, Madam Chair.

22 MADAM CHAIR: Introduce us to them.
23 Something like that.

24 MS. MELLO: Is this on?



1 MADAM CHAIR: Yes.

2 MS. MELLO: Or can you hear me? Okay. I
3 actually thought we would start -- if you don't mind, with
4 House Bill 1276, which is the bill concerning prohibiting
5 the use of certain restraints upon public students.

6 We discussed this bill with the legislative
7 contacts. I know that Board Member Durham is recommending
8 an oppose position. I'm not -- I -- I have to be honest
9 with you I -- I will let Board Member Goff speak for herself
10 because I didn't -- I wasn't clear on what her
11 recommendation was. And if you'd like to wait until after I
12 explain the bill that's --

13 MADAM CHAIR: Yeah. Would you explain the
14 bill first.

15 MS. MELLO: Sure. Yeah. Of course. So,
16 this bill prohibits the use of chemical, mechanical or prone
17 restraints on students when they're in -- at school or in a
18 school activity. And it starts as just a flat-out
19 prohibition. It does go on to say that if a student is
20 openly displaying a deadly weapon, then the prohibition does
21 not apply. It also does not apply to the use of mechanical
22 or prone restraints by an armed security officer who is
23 trained.

24 So for some of the larger districts or larger
25 urban districts, that's not uncommon that they would have a



1 school safety officer present. So that person is
2 appropriately trained then they would be able to use these
3 techniques. And then, for what it's worth, prone position
4 means a face-down position. I didn't know that, so thought
5 maybe I would -- I learned that by reading the bill.

6 UNIDENTIFIED VOICE: Uh-huh.

7 MS. MELLO: Essentially, it does two other
8 things. One, it requires school districts to report on any
9 instance of -- they have to give any documentation to the
10 Department of Ed when there's any use of restraint upon any
11 student in the school district.

12 The same thing goes for charter schools so it
13 applies equally to all schools. Each year, they have to
14 report the total number of incidents of physical restraint,
15 total number of incidents involving a hold or restraint in a
16 prone position. The total number of students
17 placed in physical restraint. Total number of incidents of
18 seclusion, including identifying how many such incidents
19 occurred in a locked room. Total number of incidents in
20 response to which a school resource officer or law
21 enforcement was summoned. Total number of students placed
22 in seclusion.

23 Total number of incidents of physical
24 restraint or seclusion that resulted in injury or death to
25 any person. Total number of incidents of physical restraint



1 or seclusion that involved one or more staff members who
2 were not trained.

3 The demographic characteristics of each
4 student who was physically restrained or secluded and
5 whether that student was receiving services pursuant to an
6 individual education plan.

7 So basically, it requires that districts give
8 the department all of this data and then on or after August
9 1st, 2018, Department of Ed has to make the information
10 publicly available on its website.

11 The other main thing the bill does is require
12 that the state board promulgate rules establishing a process
13 by which a student or a parent or a legal guardian may
14 formally complain about the use of restraints. The -- so
15 that's my description of what the bill does.

16 The CASB, CASE, Rural Schools Alliance are
17 all opposed to the bill. Their reasoning for that
18 opposition is that there was apparently a stakeholder
19 process six or seven years ago, convened by the Department
20 of Education, which led to the creation of a set of rules
21 that you all have right now.

22 They believe that those rules are
23 appropriate. They believe that that process was
24 sufficiently inclusive in leading to those rules and they do
25 not believe that -- what they perceive is an almost flat-out



1 ban on restraint is appropriate, not because -- I should
2 make clear. I -- I've had not a single person from a school
3 or district say, we are really excited to put kids in prone
4 restraint. It's not about that at all.

5 This happened -- let -- the good news is this
6 doesn't actually happen that often and that is true
7 according to -- to both sides of -- of this issue. I think
8 the school districts who take the position, particularly if
9 you're in a smaller rural district, that if you have a
10 really serious incident where a student is, you know, a
11 danger to themselves or someone else, your law enforcement -
12 - they don't have a school resource officer and law
13 enforcement could be a very long way away for them. And I
14 think that is certainly a concern for some of the small --
15 smaller rural districts.

16 So that's kind of my presentation of where
17 things are and I'm happy to answer any questions.

18 MADAM CHAIR: Okay. Ms. Goff.

19 MS. GOFF: It wasn't me.

20 MADAM CHAIR: I know, but didn't you want to

21 --

22 MS. GOFF: No. I'm -- I'm willing to wait.

23 MADAM CHAIR: Okay. Go ahead, Board Member
24 McClellan.

25 MS. MCCLELLAN: Thank you. Do we know what



1 prompted this new proposed legislation? Do we know -- was
2 there an incident? Were there complaints? Did someone find
3 that the -- the product of that stakeholder process, that
4 outreach and input process, was that somehow's deemed
5 insufficient and do we know why? I -- I guess I'm asking
6 why now? Why the change?

7 MS. MELLO: Madam Chair --

8 MADAM CHAIR: Yes.

9 MS. MELLO: -- Board Member McClellan, you
10 know -- and this is always -- I just have to say like, I can
11 give you my understanding of their intentions. But you
12 know, I can't -- put myself in their position.

13 It has not been described to me as being
14 provoked by any particular incident. I think there are
15 families and groups. Sometimes it is -- there are issues --
16 these issues arise, I think more frequently within the
17 special education population or students with IEPs, not to
18 say they're exclusive to that. But so I think there are
19 parents and groups who -- who work with those students who
20 have concerns.

21 And I -- again, based on just talking to the
22 pro -- proponents, I think they come from a position that
23 this is never acceptable. That we shouldn't be doing this
24 and we shouldn't -- if it happens, we sure as heck should
25 know how often it's happening. And I think their goal



1 around the reporting in the collection of data is really to
2 have it be a learning experience.

3 I mean, I will tell you, I have not gotten
4 the sense that it's intended in their minds at least to be
5 used in any punitive way but it -- more in a way to say,
6 Gosh, Let's look at these trends. Let's learn from this so
7 that we can continue to, in their minds, have less of this
8 happening.

9 MADAM CHAIR: So I'm confused that it's a
10 bill that prohibits it and then wants you to report it.
11 Somehow those two don't go together.

12 MS. MELLO: Madam Chair, I -- I share that
13 confusion. But I will say, it does prohibit it and the
14 reporting is broader than just the prone restraint. So the
15 reporting is for any time a student was restrained or was
16 put in seclusion in a locked room. That list I read to you.

17 MADAM CHAIR: Right.

18 MS. MELLO: So I -- I -- I -- I had to -- to
19 read through that myself this morning and -- and wrap my own
20 --

21 MADAM CHAIR: Okay.

22 MS. MELLO: -- brain around that.

23 MADAM CHAIR: Board Member Flores.

24 MS. FLORES: Is it true that then parents are
25 not allowed to intervene or -- you said something about



1 parents and I took it to mean that that they can't go before
2 the school district or are they restrained in some way from
3 speaking out or --

4 MS. MELLO: Madam Chair, Board Member Flores,
5 I am not aware of any restriction on the ability of parents
6 to talk to their schools or their school districts about
7 this issue. I think this would add an additional entity to
8 the process by allowing them to make a dir -- a complaint
9 directly to the Department of Education.

10 MADAM CHAIR: Board member Rankin.

11 MS. RANKIN: I -- I want to go back to what
12 Board Member McClellan said. How far along is this in -- in
13 the process?

14 MS. MELLO: Madam Chair, Board Member, Madam
15 Vice Chair. It has been introduced, it's not been heard in
16 committee yet.

17 MS. RANKIN: Not heard in any committee,
18 because that would be something I would really be interested
19 in. The -- the question she asked is the first one that
20 should come out of somebody's mouth on that committee. You
21 know, why are we doing this? And also the next question,
22 and if it gets to the committee and you take good notes, is
23 going to be, is our state exceptionally high in this
24 incident area? How do we compare with other states even the
25 way it is, and do other states have such a law on the books?



1 And then, I -- I have a question for you, a -
2 - and I -- I have to say I didn't read this bill in detail.
3 But if one student is attacking another student, does this
4 prohibit the teacher from stepping in? And I'm thinking of
5 a rural school.

6 MS. MELLO: And I'm just -- I was logging in
7 to make sure I have the most current status on the bill.
8 Madam Chair, Madam Vice-Chair.

9 I think what they would say, in terms of the
10 number of incidents is that we don't know, right? Because
11 we don't have any central data collection. And so, you
12 know, again, everyone speaks anecdotally as that this is not
13 a particularly, this isn't happening thousands of times.
14 But -- but no one has the data.

15 MS. RANKIN: But we don't know.

16 MS. MELLO: Right, well right. We don't know
17 what we don't know. We'll certainly find out more about
18 what's going on in other states. And the I -- I -- I think
19 it is a matter of interpretation in terms of answering your
20 last question. I don't think the proponents would say this
21 prohibits a teacher from trying to stop a fight. I think
22 they would say it prohibits a teacher from taking one of
23 those kids and holding them in a prone restraint position as
24 a way of doing that, unless that student is brandishing a
25 deadly weapon. Right?



1 MADAM CHAIR: What if it --

2 MS. FLORES: Unless that student is bigger
3 than you are, than the teacher.

4 MADAM CHAIR: What are the reporting
5 requirements at this time?

6 UNIDENTIFIED VOICE: To do whatever you have
7 to.

8 MS. MELLO: Madam Chair and -- and I'll be
9 happy to have staff correct me if I have this wrong, I don't
10 believe there are any rec -- reporting requirements except
11 for.

12 MADAM CHAIR: Or I should have said that
13 differently. Reporting and notification. Are parents
14 automatically notified always when their kidlet has been
15 restrained?

16 MS. MELLO: Madam Chair, so now we're into an
17 area that is a little outside of my expertise. I'd be happy
18 to defer to your staff here on that.

19 MADAM CHAIR: Got it?

20 UNIDENTIFIED VOICE: Got it. Madam Chairman,
21 it's really a local decision about their policies and how
22 that all transpires. I know that in the special education
23 realm, we do have students who exhibit behaviors that
24 sometimes can be self injurious and so staff might need to
25 do holds. However, prone is really the key word there.



1 So, there are different holds that may be
2 implemented at the local level. As far as data collection
3 goes, that would all be a part of the functional behavior
4 assessment and notification of parents would all be a part
5 of local policy and procedure through the individuals for
6 the education plan and the, you know, the timing of
7 everything.

8 If you have a student crisis, there might be
9 more frequent notifications to parents and if there's -- if
10 it's more sporadic, it might be more in line with their
11 regular procedure.

12 MADAM CHAIR: So, there are not statewide
13 rules around this?

14 UNIDENTIFIED VOICE: Not to my knowledge,
15 Madam Chairman.

16 MADAM CHAIR: Or even national rules.

17 MS. MELLO: But Madam Chair, can I just -- do
18 you mind if I clarify?

19 There may not -- there's not statewide rules
20 defining restraints but there's some set of rules that the
21 State Board of Education adopted six or seven years ago. I
22 mean, I'm asking that's what I was told today from the
23 school districts as part of their --

24 UNIDENTIFIED VOICE: I would have to go back
25 and read the -- catch up on where those are and see what



1 they look like in context.

2 MS. MELLO: Okay, okay.

3 MADAM CHAIR: And I don't remember them.
4 Board member, Goff.

5 MS. GOFF: Thank you. A couple of things.
6 We have -- do we have or not any statewide standard? Is
7 there any standard part of the conduct code that districts
8 use?

9 Now, I'm pretty sure I'm right in saying that
10 each district develops its own conduct code and parallel or
11 in line with that, schools and -- districts need to report
12 their -- their discipline data. So, are any of these kinds
13 of incidents included in or anything that could even relate
14 to it in the discipline -- the required discipline data
15 reporting?

16 The other thing I'd wonder is if, and I don't
17 know, Toby, if you'd remember this or not, it seems like
18 there was a lot of conversation whether it was or I believe
19 it was a piece of legislation that was addressed. It was
20 longer than six or seven years ago. Senator Suzanne
21 Williams, I do recall, was a sponsor and it had specifically
22 to do with the prone restraint. And I -- I'm not
23 remembering well whether or not that took into account some
24 of the specificity that this one has. And I believe it was
25 mostly geared toward special education circumstances.



1 But in line -- all of that in line with the
2 conduct code and its accompanying data reporting
3 requirements, I don't know. I would wonder if a piece of
4 legislation is or is not necessary in order to include this
5 more detailed list of things that districts would be
6 responsible for.

7 And I also kind of want to back up and -- and
8 go back to Joyce's comment about the student responsibility.

9 One of the situations where I remember
10 hearing notes -- not more than a handful of cases has
11 involved students in -- in restraint situations of other
12 students and it is a couple of them have happened in --
13 within the school building. And I will say, mostly in
14 regard to a sports situation.

15 So I'm -- I'm curious as to whether this is
16 geared directly toward the adult role, the adult activities
17 or if there is anything that might have been mentioned to be
18 considered around the role of students as they fulfill their
19 responsibilities of the conduct code? Whether that's a
20 school adopt a set of guidelines or district or if there is
21 a state template upon which districts can elaborate.

22 But I -- I wouldn't -- I wouldn't know if you
23 would know all of that list of answers but I would need to
24 know that before I know where I am on this bill. That's why
25 I -- I just I was hoping we'd be able to talk about it today



1 before I commit to any way.

2 I understand and I agree with the need to
3 address this type of thing, but I think it needs to be a lot
4 clearer what domain it really applies to if -- if there is a
5 problem in a certain area such as special education students
6 and then how that impacts the discipline practices in -- in
7 schools. It's just -- for me it's still too vague and I'm
8 not a real fan of requiring more data reporting without
9 really having a good justification of what it's going to be
10 -- what it's and why they're doing it. So, if you have to
11 know where I am as far as a position word, I'd say monitor,
12 because I don't -- I don't know enough to commit myself to
13 one way or the other.

14 MADAM CHAIR: I'm wondering whether we can
15 get a little bit of background.

16 MS. RANKIN: Yeah.

17 MADAM CHAIR: What do we have on the books?
18 I'm a little -- Given your memory, which I know is very
19 good, I am wondering whether we don't already have some of
20 this perhaps in law or in law. It would be helpful. Board
21 member Flores.

22 MS. FLORES: Now, I'm wondering about the
23 what prone means. What exactly is prone here? What does
24 prone mean?

25 MADAM CHAIR: Face down --



1 MS. MELLO: Well, prone is -- prone is
2 defined in the -- prone position is defined as means a face
3 down position. Prone restraint means a restraint in which
4 the individual who is being restrained is secured in a prone
5 position. Wow, they found a lot of opportunities to use the
6 word prone in those definitions, didn't they?

7 MADAM CHAIR: Right.

8 MS. FLORES: Okay.

9 MADAM CHAIR: Board member Durham. Very hard
10 to see you, sir.

11 MR. DURHAM: Pardon me?

12 MADAM CHAIR: It's very hard to see you.

13 MR. DURHAM: I'm hiding.

14 MADAM CHAIR: I know.

15 MR. DURHAM: Sorry, thank you. I think -- I
16 think there are procedures and policies in place, although,
17 I'm not as familiar with them as I'd like to be. But I
18 think more importantly, when this bill came up, I asked -- I
19 asked Ms. Mello to determine whether or not the rural
20 schools were taking a position against the bill and whether
21 or not the school district or the school executives and
22 school boards were taking a position against the bill and my
23 understanding of Jennifer, is that the answer to those
24 questions is, yes, they are.

25 And it seemed to me that this would be a good



1 opportunity to -- to perhaps support the people who were on
2 the firing line and will have to live with the consequences
3 of this bill and I think -- I think the origin of this bill
4 really is -- I think Ms. Rankin made a very good case, you
5 know, before we the -- before the legislature goes out and
6 meddles in stuff, in theory, they ought to have a good
7 reason. That's a very high standard but -- but I think in
8 this case, it's pretty difficult to demonstrate a really
9 strong need case for this kind of intervention.

10 And I -- I think this is more related to kind
11 of the national trends that you see against law enforcement
12 of all types that is, and -- and we certainly saw it over
13 the last 12 months on the national level and -- and there is
14 clearly an effort, nationally, to limit the ability to expel
15 students whether they're disruptive or threatening or
16 otherwise, which I think is inappropriate.

17 I think those decisions again are better made
18 by people on the firing line than have to -- to live with
19 the consequences of those decisions. And this is just one
20 more interference with the decision making ability because
21 you can't possibly describe in this bill, every kind of
22 situation that would lead a reasonable person to find it
23 necessary to apply appropriate restraints to protect others
24 or perhaps the individual themselves from self harm.

25 And so, you have this amorphous, you know,



1 you really would have some question of what you even had to
2 support -- what had to reported in this if you get sent to
3 the corner with a dunce cap on which, not that that ever
4 happened to me, but is that isolation that has to be
5 reported here? Is that isolated enough?

6 So, I think it's a bad bill just for -- for
7 those reasons and I think that -- I think we ought to
8 support those people who are going to have to live with the
9 consequences you know of the bill and then they have clearly
10 indicated they don't want to have to live with the
11 consequences.

12 So, I'd move we oppose House Bill 1276.

13 MADAM CHAIR: Do we have a second?

14 MS. RANKIN: I second.

15 MADAM CHAIR: Thank you. It does seem like
16 an overreaction at the very least to some -- an overreaction
17 to something that may have happened.

18 I would still like to know what it is that we
19 do have on the books? What is that we do report? What is
20 it that parents learn about what happens with their kids?
21 Because that would be the one thing that would concern me a
22 little bit.

23 MS. MAZANEC: Excuse me, Madam Chair.

24 MADAM CHAIR: Yes, Pam? Go ahead.

25 MS. MAZANEC: I'm sorry. Was there a second?



1 MR. DURHAM: Yes.

2 MADAM CHAIR: Yes, there was. Thank you.

3 MS. MAZANEC: Okay. Thank you. Sorry. Go
4 ahead.

5 MADAM CHAIR: It's okay. Leanne?

6 MS. EMM: Yes, thank you. Leanne Emm, Deputy
7 Commissioner, School Finance and Operations.

8 We do have -- or you all do have rules for
9 the administration of the protection of persons from
10 Restraint Act. It's our rules 301-45, which talks about the
11 notifications that need to go to parents, and the use of
12 restraints and that kind of thing. So there are rules that
13 you all have adopted in this regard. I -- and we were just
14 very quickly skimming them.

15 MADAM CHAIR: Thank you.

16 MS. EMM: So, we don't know all the --

17 MADAM CHAIR: Thank you.

18 MS. EMM: -- details but we will --

19 MADAM CHAIR: Thank you. I suspected that
20 there was something when I'm --

21 MR. DURHAM: And there's been no showing
22 these rules are inadequate, or allegations those rules are
23 inadequate.

24 MADAM CHAIR: Well, when they testify on the
25 bill, we might -- we might learn something. But at this



1 point, we don't know.

2 UNIDENTIFIED VOICE: Well, I -- I don't know
3 (indiscernible).

4 MADAM CHAIR: We can still discuss it, can't
5 we?

6 UNIDENTIFIED VOICE: Yeah.

7 MADAM CHAIR: Yeah, yeah. We can still
8 discuss it.

9 MS. RANKIN: You know, I think when -- when
10 our board makes a -- a -- a decision like this, re --
11 regardless of how strong we are about that issue, in a bill
12 that needs a lot of work, and we don't -- all we can judge
13 it on right now is what we're seeing. Hasn't even been to a
14 committee.

15 I personally a -- agree with Board Member
16 Goff about monitoring it. I don't think we have to tell
17 them how we feel unless we feel very strongly, because
18 further on down the road, I see this bill dying its own
19 death or having a -- a morass of amendments on it. And at
20 that time, I think we could, seven to nothing decide on how
21 we feel and we -- because we've talked about it. I -- I
22 feel we would be in agreement.

23 But right now, I don't see a need for us to -
24 - to make a strong opinion for or against, and I just say
25 right now, monitor it, but bring it back when it gets



1 through committee and you get a lot more information for us.
2 That's just my opinion.

3 MADAM CHAIR: And you know our questions?

4 MS. MELLO: Madam Chair, yes. I think -- I
5 mean, I may want to make sure I clarify those with you all.
6 It is not scheduled for a hearing, because the House is
7 doing the budget next week. It will be at least another
8 week before this bill is in committee, and so, we've got
9 some the time to make sure we're --

10 MADAM CHAIR: Okay. So, do we want to call a
11 vote on this one, and then depending on where it goes, we
12 can consider?

13 MS. FLORES: Uh-huh.

14 MR. DURHAM: Yep.

15 MADAM CHAIR: Please.

16 MS. CORDIAL: Board Member Durham?

17 MR. DURHAM: Yes.

18 MS. CORDIAL: Board Member Flores?

19 MS. FLORES: Yes.

20 MS. CORDIAL: Board Member Goff?

21 MS. GOFF: No.

22 MS. CORDIAL: Okay. Board Member Mazanec?

23 MS. MAZANEC: Yes.

24 MS. CORDIAL: Board Member McClellan?

25 MS. MCCLELLAN: No.



1 MS. CORDIAL: Board Member Rankin?
2 MS. RANKIN: No.
3 MS. CORDIAL: And Board Member Schroeder?
4 MADAM CHAIR: No.
5 MS. CORDIAL: It fails.
6 MADAM CHAIR: Could you make a motion now
7 please? Ms. Rankin?
8 MS. RANKIN: I make a motion that we monitor
9 this bill until further down the road.
10 MS. GOFF: Second.
11 MADAM CHAIR: Can we call that one please?
12 MS. CORDIAL: Uh-huh (affirmative). Okay.
13 Board member Durham?
14 MR. DURHAM: No.
15 MS. CORDIAL: Board member Flores?
16 MS. FLORES: Yes.
17 MS. CORDIAL: Board member Goff?
18 MS. GOFF: Yes.
19 MS. CORDIAL: Board member Mazanec?
20 MS. MAZANEC: No.
21 MS. CORDIAL: Board member McClellan?
22 MS. MCCLELLAN: Yes.
23 MS. CORDIAL: Board member Rankin?
24 MS. RANKIN: Yes.
25 MS. CORDIAL: Board member Schroeder?



1 MADAM CHAIR: Yes.

2 MS. CORDIAL: So that passes 5 to 2.

3 MADAM CHAIR: May I -- so please plan to
4 bring that back. Board member Goff?

5 MS. GOFF: Yes. I am --

6 MR. DURHAM: That wasn't included in the
7 motion. Point of order.

8 MS. GOFF: What?

9 MR. DURHAM: Bringing it back was not
10 included in the motion.

11 MS. GOFF: Isn't that what monitoring means?

12 MADAM CHAIR: So, explain.

13 MR. DURHAM: You asked Jennifer to bring it
14 back, that's right now not part of the motion.

15 MADAM CHAIR: Right. We've already voted on
16 the motion.

17 MS. GOFF: It wasn't part of the motion
18 anyway. Can I make another comment? I'm willing to delve
19 into the answer to my own question here it -- it --
20 wholeheartedly willing. I would like -- I'm going to go
21 back and check to see whether in -- in -- in -- in Robert's
22 Rules and/or legislative operating procedures, that if a --
23 if a motion carries -- where the motion has been to oppose,
24 and that motion is defeated, we are technically in a no
25 position. We have no position. Which is not the same as



1 automatically assuming that because we do not oppose, we are
2 -- we were open. I guess we could be. That's what I want
3 to check out.

4 I just think the first -- the first order of
5 conclusion to a motion to oppose being lost, is that we have
6 no position. So, if it's okay then at that point to
7 interject a new motion, in this case to monitor --

8 UNIDENTIFIED VOICE: It's redundant.

9 MS. GOFF: Yeah, but not necessarily.
10 Because a motion to -- a motion that passes to oppose,
11 should not necessarily mean that motion -- or to monitor, is
12 the next automatic move to make.

13 I'm just talking out loud, and I appreciate
14 your indulgence, but I'm -- I'm going to check that out.
15 Because I think we might want to re-investigate sometime a
16 little bit closer following standard procedures.

17 MADAM CHAIR: So, while you're looking, would
18 you be good enough to look that if we monitor, that a bill -
19 - something about a bill would come back?

20 MS. GOFF: No. There's nothing -- no. No.
21 And Steve's right on that. Unless the motion included we
22 monitor under this -- upon the contingency that the bill is
23 amended, or there's something more for us to discuss in
24 relation to that bill. So --

25 MADAM CHAIR: So then monitor is a new



1 opinion? I thought a monitor --

2 MS. GOFF: Yeah.

3 MADAM CHAIR: -- is that we keep an eye on
4 it, and --

5 MS. GOFF: -- that -- it is. That is it,
6 but it's not the same parliamentary as saying the board is
7 at no position.

8 MS. MELLO: Madam Chair, board member Goff if
9 I may, the board actually has a monitor position on -- on
10 most bills, right? Because you all --

11 MADAM CHAIR: Right.

12 MS. MELLO: We -- we actually don't take most
13 bills up for a discussion, and so, we do -- and -- and we
14 are happy to change our practices. I'm just telling you how
15 we do it right now.

16 MADAM CHAIR: Okay.

17 MS. MELLO: We -- we consider that to be a
18 monitor position.

19 There is one bill this year where you all --
20 there was a motion to oppose which failed, there was no
21 additional motion, and so, we have left your position on
22 that one blank on our chart, not as a monitor. Just to --

23 MS. GOFF: Right. And there's nothing -- you
24 just said it basically. Unless something comes up, or some
25 further activity occurs around a bill that we've got a



1 monitor position on, if -- in that regard as well, we're
2 always free to bring it back for further discussion. We can
3 change position, or stay where we are, depending on what new
4 information we have at any time.

5 So -- and most -- and the precedent has been
6 that. We have -- we have rarely taken a firm support or
7 oppose on anything that has not at least been in one
8 committee hearing. That -- this case here as well. So --

9 MADAM CHAIR: So, I think I'm going to need
10 to go back to my concern which is that I would like to know
11 where we are. What are -- are the rules that we have? And
12 what are the --

13 MS. GOFF: That's perfect --

14 MADAM CHAIR: -- sections for parents and
15 kids, et cetera? Without knowing that, I feel a little --

16 MS. GOFF: Yeah. That's perfectly
17 appropriate.

18 MADAM CHAIR: -- I -- I get a little
19 uncomfortable just --

20 MS. MELLO: Till we get that information.

21 MADAM CHAIR: -- where that -- exactly where
22 -- what this bill does accomplish or does not accomplish.

23 MS. GOFF: Can I --

24 MADAM CHAIR: I might agree with Steve. If -
25 - I know that there are plenty of protections in place.



1 MS. GOFF: Can I ask two real quick ones too
2 and -- to Mr. King? Don't -- doesn't require anything
3 drastic. Well, the first one is, I know we -- it's not
4 appropriate to tie conversations about other bills that are
5 either in place, or in the works. But I would wonder, was
6 there anything in rent and round this regard at all included
7 in the early childhood discipline bills that are currently
8 in the conversation?

9 That would be -- I -- I don't know whether
10 that fits here, but it -- it just -- I can't help. It kind
11 of -- all right. What's going on here? The other thing
12 would be, if CE is still -- we do still have a parent, or a
13 -- an advocate person do we not or a staff member who
14 handles parent complaints, or -- or district complaints, or
15 if there was something that is asking for a resolution of
16 some sort out there, that there is a person specifically
17 assigned here at CDE that sort of facilitates that, and
18 moderates those conversation?

19 MR. KING: Madam Chairman? Board member
20 Goff, first of all, we've kind of scanned through the rules,
21 and it will be good for you guys to take a look at those.
22 They are at the local level, and they do kind of allude to
23 notification to parents, and documentation in the student's
24 confidential records.

25 MADAM CHAIR: Okay.



1 MR. KING: So, it would be really worthwhile
2 to look at what's there.

3 As it pertains to the early childhood bill,
4 I'd have to come back to you with an answer on that, so that
5 I can better understand what's in that bill, and how it
6 connects, if it connects.

7 MADAM CHAIR: Yeah.

8 MR. KING: So, I'll ask for some latitude on
9 that.

10 MADAM CHAIR: Absolutely.

11 MR. KING: As far as special education, and
12 dissatisfaction, or concerns about a child's well-being in
13 their school district, we do have a formal state complaint
14 process by which a child -- student's parents, or designee
15 can petition our office to do a formal investigation, by
16 which enforceable remedies are placed upon that district, we
17 also have due process, that is another option for parents,
18 and mediation. We have a full office committed to that.

19 MS. GOFF: Okay. Thank you.

20 THE COURT: Thank you.

21 MS. MELLO: And Madam Chair, Board member
22 Goff, I can tell you the preschool bill did not address the
23 issue of restraint. I mean, and I understand why the topics
24 are connected. Right? Because you're talking about
25 discipline writ large. So --



1 MADAM CHAIR: Okay.

2 MS. MELLO: But that legislation is specific
3 to suspensions and expulsions of children.

4 MADAM CHAIR: Okay.

5 MS. MELLO: It doesn't deal with issues of
6 restraint.

7 MADAM CHAIR: Is it still alive?

8 MS. MELLO: It is.

9 MADAM CHAIR: Oh, I --

10 MS. MELLO: It is. It is awaiting a hearing
11 in the Senate State Affairs Committee.

12 MADAM CHAIR: Okay.

13 MR. DURHAM: On life support.

14 MS. GOFF: Well --

15 MADAM CHAIR: Yeah. I thought. Okay.

16 MS. MELLO: Madam Chair?

17 MADAM CHAIR: Yes.

18 MS. MELLO: Would you like me to print or
19 send the rules to you?

20 MADAM CHAIR: I would like a cheat sheet.

21 MS. MELLO: Okay.

22 MADAM CHAIR: I think we'd like a cheat
23 sheet, wouldn't we? Yeah.

24 MR. KING: They're not long.

25 UNIDENTIFIED VOICE: There's seven pages.



1 MR. KING: Seven pages.

2 MS. MELLO: Seven. Okay.

3 MS. GOFF: They've been restrained.

4 MR. KING: And there's all the relevant
5 sections.

6 MS. MELLO: Okay. Shall we?

7 MADAM CHAIR: Yes, please.

8 MS. MELLO: Do you want to go to the next
9 bill?

10 MADAM CHAIR: Are we ready to go on?

11 MS. GOFF: Yes. Thanks.

12 MS. MELLO: So the next bill to talk about is
13 House Bill 1287. This bill is also relatively newly
14 introduced. It is currently scheduled for its first hearing
15 in the House Education Committee on Monday, April 10th. So,
16 a week and a little bit from here.

17 I will tell you typically when I present
18 bills to you, I would not spend -- typically, I wouldn't
19 spend any time on a legislative declaration. Because
20 legislative declarations don't actually have the force of
21 law, they don't go into the statute books. I think this is
22 an exception to that, because I think it's important to
23 understa -- I think the legislative declaration, very
24 eloquently, lays out the rationale behind this and the
25 reason why people feel like this bill is necessary. So I



1 think it's good to ground ourselves in that as a way to
2 start. I will try to summarize it for you, I'm not going to
3 read it to you.

4 Essentially, it starts by talking about how
5 important educate -- our education system is, right? It's a
6 cornerstone of society. It talks about -- it uses the word
7 fiercely competitive, right? We have a 21st century world
8 that is fiercely competitive. That it is important, of
9 course, for our system to meet the needs, needs of students
10 and families. And -- and then this is a quote, "Despite
11 areas of success within the state, student achi -- academic
12 achievement is generally mediocre." That's one of the
13 things the bills says.

14 It goes on to talk about how Colorado's
15 existing education system must meet the needs of the state's
16 business and industrial community. And it also describes
17 how the amount of education funding and the local tax burden
18 vary widely among school districts.

19 It goes on to talk about how, in order to
20 create a high -- highly functioning world class 21st century
21 learning system, and again I'm quoting here, "The state must
22 create a vision of the learning system as a whole. All
23 facets and stages of providing education within the state
24 must be integrated and coherent. Trying to address pieces
25 of the learning system individually without considering the



1 effect each has on the whole is neither sufficient nor
2 effective."

3 So, the first part was kind of some of the
4 rationale in this, this part of legislative declaration kind
5 of moves into, therefore, here's the approach we're going to
6 take. And it talks about, in creating this vision it's
7 important to consider the knowledge and skills that students
8 in the graduating class of 2030 will need.

9 We did a little math the other day, and those
10 are approximately students who are in kindergarten now.
11 Colorado must have a strategic statewide education plan to
12 implement the vision, that that should be encompassing of
13 early learning through postgraduate degrees. That the
14 strategic plan should be student-centered and designed to
15 ensure flexibility and equity. And that Colorado also needs
16 a strategic statewide education plan to provide a context
17 for analyzing, accepting, or rejecting new education
18 technologies and other innovations and ideas for education
19 that will come down the pike. That "come down the pike" was
20 my words, not the bills words.

21 And then the -- the kind of final part of the
22 legislative declaration is to talk about that in order to do
23 this, right? If you're going to create and then implement a
24 statewide education plan, it's very important to have broad
25 support, right? That's not something that three people



1 should walk go of in a room and decide together and then
2 just assume everyone's going to be okay with.

3 And so, accomplishing this level of support
4 requires that all persons who have an interest in ensuring
5 that the state's 21st century learning system is highly
6 effective and globally competitive, have the opportunity to
7 be involved in creating stri -- strategic statewide
8 education plan.

9 And this is the final sentence, I -- and I
10 will read it because I do think it's important. The General
11 Assembly finds therefore that is imperative to create an
12 enduring, comprehensive, and inclusive structure and process
13 for establishing a vision for education in Colorado and for
14 creating a strategic statewide education plan for achieving
15 that vision. We don't -- I will say it's also a
16 nice gift to have drafters of legislation put that much
17 thought into legislative declaration to explain where
18 they're coming from.

19 So that is the bill sponsors that those are
20 their words and that is how they describe the rationale for
21 moving forward with this. The bulk of the bill is kind of
22 about the logistics of creating the system and this process
23 and how that's going to happen.

24 It starts with the creation of a strategic
25 planning legislative steering committee. So it is a



1 legislative committee made up of legislators. It -- there
2 are 10 members. Given the current party alignment of the
3 legislature, those 10 members would be half Republican and
4 half Democrat, most likely. So it's, it's balanced in that
5 regard. And it's that steering committee that really h --
6 has the overarching responsibility for moving this forward.

7 Those members have to be appointed no later
8 than July 1st of this year and the first meeting of that has
9 to happen no later than August 1st of this year. The staff
10 to that committee is, as it would typically be, I mean, this
11 is not unusual, the legislative staff, although, it does
12 have a specific sentence that says, A State Department shall
13 provide research or information to support the work of the
14 Steering Committee.

15 I would guess that A State Department might
16 very well mean the Colorado Department of Education, could
17 mean others too, but I'm pretty sure you all would be
18 included in that. Steering committee is authorized to
19 accept gifts, grants, and donations.

20 It is very clearly spelled out in the bill
21 that the intention is to hire a facilitator. In fact, the
22 bill goes on later to describe the specific duties of the
23 facilitator but it's very clear that that's what's going to
24 happen.

25 The joint Budget Committee did set aside



1 money for this. So there is some money set aside in the
2 general fund to, to fund this work.

3 So this is a fairly long bill. And Madam
4 Chair, I'm happy to continue and get all the way through the
5 description or stop as people have questions. What would
6 you prefer?

7 MADAM CHAIR: I guess we'll take a couple of
8 questions then.

9 MS. McCLELLAN: Do we know the language in
10 Section 22-1-204 that pertains to Statewide Advisory Board
11 created in that section? Is that us?

12 MS. MELLO: Well, all of this new lang --
13 yeah. I mean, so the Statewide Advisory Board that's the
14 next part of this. So that's -- so, so the first kind of
15 tier, if you will, is this legislative steering committee.
16 Then there's the creation of this executive advisory
17 committee, excuse me, executive advisory board, that
18 consists of the Commissioner of Education, the Chair of the
19 state board, the ranking minority member party of the Board,
20 the Executive Director of higher Ed, Chair of the common or
21 Commission on Higher Ed, one of the co-chairs of the Early
22 Childhood leadership commission and a representative of the
23 governor's office.

24 MS. McCLELLAN: Okay. So it does clearly
25 spell out our inclusion. So we're not having to guess about



1 our inclusion. Okay, that helps.

2 MS. MELLO: Madam Chair, Board Member
3 McClellan, absolutely.

4 MS. McCLELLAN: Thank you.

5 MADAM CHAIR: Board member Flores.

6 MS. FLORES: Why are we -- I don't know. I
7 mean, I thought that the policy part was the State Board of
8 Education's part. And certainly, a vision should rightly
9 come from this body and not from across the street.

10 Secondly, I think one of the most important
11 things we need right now is funding education. I would
12 think that that would take priority, that they -- that this
13 big kind of entity that's being created should, you know,
14 take part more in the money's part. The issue is we need
15 money.

16 And two, I -- I, you know, would like to
17 understand whether the vision part is their part or whether
18 we have anything to do in this. And I think the vision part
19 should come from this body, and not from the legislature or
20 from -- not to say that -- that if a vision is --

21 MADAM CHAIR: Your question is do we have a
22 part in it or -- I'm trying to figure out what your question
23 is.

24 MS. FLORES: Well, I think the vision part
25 should come from this body and, and from, from this body



1 creating a body to create the vision. I mean, we have a
2 vision up there. I see it.

3 And so -- and I know things are getting more
4 complicated with technology and such, but I just think that
5 this is going into taking time and resources and such away
6 from the issue of really getting along, getting into what
7 we've already planned and what is taking place, instead of,
8 you know, kind of reinventing the wheel again. That's my
9 two cents.

10 MADAM CHAIR: Board member Goff?

11 MS. GOFF: Yeah, a question. Sorry. I'm
12 trying to find if there is a longer definitions list than
13 the one that's right at the beginning. I think there are at
14 least one word that maybe could use a definition, because I
15 believe it's used differently within our state. And as a
16 general -- in general context, is a definition of ranking
17 member. I'm not sure that's clear in here.

18 And that's -- for that -- for now, that's
19 enough for that. I agree with Val and had similar thoughts.
20 I think probably at the end it comes out maybe differently
21 for me, too. But the vision for the state, you
22 know, it depends on what their picture of it is. Is the
23 vision creation by as a state, having a state vision and
24 mission. Should that be a statewide conversation for its
25 education system?



1 I think yes, partly. Where, for example, the
2 state board's role in creating vision and mission, is that
3 necessarily for the entire state or is it for our role, our
4 function, as part of the system of governance?

5 I would hope that that conversation gets
6 clarified a little bit, among other things. But I'm not
7 sure it's -- I'm not sure what really that means, and I
8 don't know that this bill particularly would have been the
9 place to put specific components of this conversation, which
10 technically probably rests with whoever the steering
11 committee stated. I think there's a lot of committees here.
12 I'm going to have to take some time to get used to this.
13 But which level of statewide committee is going to handle
14 part of it? I don't know. I think that's for them to line
15 out, figure out.

16 But I'd be interested in knowing where the
17 notion of what are the components of this work. And I'm not
18 sure it's clear here.

19 MS. FLORES: Uh-huh (affirmative).

20 MS. GOFF: We have, there's a lot of
21 inference to it and some of it is common sense, where it
22 ought to go. But as far as, for example, specifically, a
23 lot of what our vision and mission and purpose work right
24 now, it does rest on the ability to provide resources. So
25 ha -- you know, I -- I just hope this -- I hope this has



1 given the state enough time to do this. I'm a little, I'm a
2 little curious about the timelines, as, as they exist here.

3 But that definition list, I would suggest and
4 hope to see some more scrutiny of this entire document, to
5 make sure that certain terms are included, that may be
6 interpreted completely differently among the rank and file.

7 MS. MELLO: Should I proceed?

8 MADAM CHAIR: Do you want to continue?

9 MS. MELLO: Sure.

10 MADAM CHAIR: Yes. Is that all right?

11 UNIDENTIFIED VOICE: Pardon me?

12 MS. MELLO: I was just going to continue to
13 describe the bill, if that's okay.

14 MADAM CHAIR: Oh, yes. Thank you.

15 MS. MELLO: And I will just -- I think one
16 thing to point out about the executive advisory committee,
17 it consists of -- sorry, I'm just going to account here;
18 one, two, three, four -- that is seven members. Three of
19 those actually come out of essentially this body. So I
20 think there is, within that component, a large voice
21 designed for the department and the board.

22 So you have the executive advisory committee
23 and then, as board member Goff points out, there's a lot of
24 committees in this, you have a statewide advisory board.
25 I'm still working on the terminology myself, so that's why I



1 hesitate.

2 MS. MAZANEC: Madam Chair. Madam Chair?

3 MADAM CHAIR: Board member Mazanec. Go
4 ahead.

5 MS. MAZANEC: Yeah. I'm sorry. It's hard --
6 it seems like there's a bit of a delay in my phone and
7 what's happening there.

8 I had a question about the, the steering
9 committee.

10 MADAM CHAIR: Okay. Go ahead.

11 MS. MAZANEC: Jennifer, you said that there
12 were equal members of Republicans and Democrats. Is that
13 set in stone or -- I thought -- I thought I heard you say
14 for this year or currently. Will it always be equal?

15 MS. MELLO: Madam Chair, board member
16 Mazanec, it is not set in stone and the bill does not
17 specify an equal number of Democrats or Republicans on the
18 steering committee.

19 The way that it is written now, the chairs of
20 the education committees are on, and we know one of those is
21 a Democrat and one is a Republican. There are four members
22 of the house on the committee, two that are appointed by the
23 speaker and two that are appointed by the minority leader.
24 I think it is a relatively safe assumption to guess the
25 speaker would appoint Democrats and the minority leader



1 would appoint Republicans. Same thing goes for the Senate,
2 same thing goes for the Joint Budget Committee.

3 So you're -- you're, I think you're
4 absolutely right to point out that there is no -- nothing
5 set in stone in this particular piece of legislation that
6 would say that going forward, this will be evenly divided.
7 I think it's just given the current makeup of the
8 legislature I think that's a fairly safe assumption.

9 MS. MAZANEC: Thank you.

10 MS. MELLO: Of course. Okay, so now again,
11 I'm on this third committee, the steering committee, and it
12 specifies, at a minimum, which means you could add other
13 constituency groups to this, but it specifies teachers, non-
14 teaching staff in the schools, public school administrators,
15 including superintendents, members of school district
16 boards, charter school governing board members,
17 administrators and teachers, faculty members and
18 administrators from higher ed, parents of students, both in
19 K12 and in higher ed, and actually enrolled students or
20 recent graduates of high school or institutions of higher
21 education. Additionally, persons with expertise in
22 education policy and members of the business community.

23 Those appointments are made by the steering
24 committee, so by the legislature, whoever gets to fill those
25 slots. They are supposed to try to ensure representation of



1 the whole state, including urban, suburban and rural, and
2 reflect the gender and racial demographics of the state.
3 They are also supposed to -- and it says this is the law,
4 take into account recommendations received from state
5 organizations that represent the constituencies listed in
6 the section.

7 So, I'm going to skip a little bit because I
8 think the next part is fairly administrative. And then it
9 talks very specifically and I will tell you I think this is
10 unusually specific in my experience. But -- but quite
11 specifically about a facilitator and the process for hiring
12 that person and what that person would do or core entity.

13 By September 1st, 2017, the steering
14 committee which again is the legislative committee, would
15 issue an RFP. It has to be a non-profit non-advocacy
16 organization with experience in education policy. The
17 steering committee shall enter into a new contract with a
18 facilitator by August 1st, 2017.

19 The duties of the facilitator include; one,
20 creating and implementing a statewide communication plan
21 that has to include regular communications concerning
22 opportunities for the public to participate and provide
23 input. The facilitator must hold public meetings around the
24 state to solicit input. They must convene facilitating
25 staff meetings with the steering committee, the advisory



1 boards, and other local advisory groups. They provide staff
2 support for the steering committee in the advisory boards.
3 They monitor ongoing studies of issues relating to education
4 policy including, school finance like Colorado Legislative
5 interim committees and other education policy groups.

6 They provide research or other services to assist
7 the steering committee and then there's that famous last
8 word and other duties and tasks as assigned.

9 So, again let me pause there for a second
10 because I just, I know this is a lot and I want to just give
11 it a second to kind of sink in. Are we good to continue?

12 So, the next thing I'm going to talk about
13 is, it lays out kind of the time line to some extent, on the
14 structure of how this work will proceed.

15 Okay, let me keep on. So, it actually
16 identifies four specific phases for the steering committee
17 to embark upon, sorry, I lost my verb there.

18 In phase one, they will oversee the work of
19 the facilitator and implementing the communication plan,
20 reviewing some synthi --

21 MADAM CHAIR: Synthesize.

22 MS. MELLO: okay, synthesize. I know, sorry,
23 it's been a long week. I'm sorry I'm stumbling over my
24 words so much today. This is a quote and I think it's
25 important.



1 Review and synthesize public input previously
2 collected by the Department of Education and the Department
3 of Higher Education concerning the education system in the
4 state. I don't know for a fact. I think that is a nod to
5 the extensive work that you all have just done in terms of
6 the new federal ESSA plan.

7 MADAM CHAIR: Right.

8 MS. MELLO: Again, in Phase one, they're
9 going to review and synthesize pertinent research about
10 other academically high performing states and countries.
11 They're going to identify the critical elements of the
12 existing state system and benchmark the state's
13 implementation of those elements against the implementation
14 of comparable elements in the education systems of high
15 performing states and countries.

16 Taking into account public comment, they will
17 create a statewide structure and process for obtaining and
18 synthesizing input to create a vision and a strategic plan.
19 So, that's phase one.

20 There is no deadline on phase one. There is
21 no time-frames established for the different phases, but the
22 different phases are clearly established in the law.

23 Phase two, is to -- I like this first
24 sentence because I think it sums it up quite well.

25 Implement the statewide structure and processes created in



1 phase one. And then, you go on continuing to research and
2 benchmark, that's phase two.

3 Phase three, is to any -- analyze and
4 synthesize the information collected and create a draft of
5 the vision for education and a draft of the strategic plan.
6 I want to stop there for a second and just emphasize that
7 the whole, throughout this whole piece of legislation, they
8 are contemplating kind of essentially two work products.
9 One is the vision. Here's where we want to be, here's what
10 we think we should do. And the other is the strategic plan
11 for getting there.

12 And I will also note just and this is just
13 based on my experience that is somewhat unusual as well.
14 There's a lot of I think, committees and commissions that
15 are about the vision part of it. They may not call it
16 vision but something comparable.

17 This is very in my opinion, consciously
18 saying, we're not going to stop there. It is about the
19 vision and now it's about how we're going to put that vision
20 into place.

21 So, in phase three, when we're analyzing,
22 synthesizing and creating the draft of the vision and the
23 strategic plan, it specifies the elements of the strategic
24 plan, which is to address the entire learning system, to
25 prioritize work on improving critical elements, including



1 establishing timelines for implementing improvements.

2 Include a method for reviewing implementation of the plan
3 and allow for periodic review and if necessary revision.

4 And then, also under in phase three, they're
5 going to submit the draft vision and draft strategic plan to
6 the State Board of Education, the governor, and the
7 education committees for review and comment.

8 So, it's at the end of stage three that you
9 get this draft, you get these two draft documents reported
10 back out of State Board of Ed is listed first. I don't know
11 if that helps or not but, it is. And then finally--

12 MS. MAZANEC: Madam chair?

13 MADAM CHAIR: Go ahead, Pam. Sorry.

14 MS. MAZANEC: Oh, I'm sorry. Do you have
15 more to go I guess?

16 MADAM CHAIR: No, but we can interrupt
17 anytime.

18 MS. MAZANEC: I'm just -- I'm just wondering
19 what might be in the strategic plan.

20 MS. FLORES: That's what I was wondering.

21 MS. MELLO: Madam Chair and board member
22 Mazanec, the only detail about what will be in the strategic
23 plan is what I just read and that it will address the entire
24 learning system --

25 MS. MAZANEC: Okay.



1 MS. MELLO: -- prioritize work, include a
2 method for review. So that -- that's as detailed as this
3 piece of legislation gets about what will be included in the
4 strategic plan. And I am actually getting close to the end,
5 too.

6 MS. MAZANEC: I guess I was just thinking of,
7 do you have any, do you have any notion of examples? I
8 mean, I -- I'm thinking would they -- would their strategic
9 plan be to encourage certain legislation, changes in state
10 board policy rules, I mean not policy rules, but state board
11 rules around -- I mean, what might be in the strategic plan
12 by this group?

13 MS. MELLO: Madam Chair, board member
14 Mazanec, I think all of those are possibilities. So without
15 specifying that --

16 MS. MAZANEC: Okay.

17 MS. MELLO: -- that's a requirement, again,
18 this is just my opinion. I would be really surprised if
19 when that strategic plan comes out if this all goes forward,
20 that there weren't suggestions along those lines.

21 MADAM CHAIR: You know --

22 MS. MELLO: Now they are suggestions. I
23 mean, that is not a -- you know, just because they say
24 that's what they want, doesn't mean it automatically
25 happens.



1 MADAM CHAIR: Right. Board member Flores.

2 MS. MAZANEC: And that was my next question.

3 Wha -- what does this, it goes to legislators and the state
4 board members --

5 MADAM CHAIR: Governor.

6 MS. MAZANEC: -- and then we do what with it?

7 MS. MELLO: Well, so and I know there's
8 another question. Maybe if I just finish describing phase
9 four, it might help inform this particular part of the
10 conversation.

11 MS. MAZANEC: Okay.

12 MS. MELLO: In In page four -- sorry, phase
13 four. They're supposed to adopt the vision for education in
14 the state and adopt and oversee the implementation of the
15 strategic plan, which includes a recommendation to the
16 General Assembly and the State Board of Ed, any legislative
17 or regulatory changes that may be necessary.

18 Now again, that is just, I mean, that is a
19 recommendation. As the legislature has obviously as we know
20 the -- the ability to change statutes and to direct certain
21 activities, in other ways their authority is limited.
22 Nothing about this proposal I think changes the fundamental
23 structure of whose authority is what.

24 MADAM CHAIR: Ms. -- Ms. Pam, do you have
25 some more do you want to add? Questions you want to add?



1 MS. MAZANEC: No, it's -- it's obviously a --
2 something new. I just not, I mean, without knowing what
3 kind of impact it could have, it's a little difficult.

4 MADAM CHAIR: Sure. Board member Flores.

5 MS. MAZANEC: I mean theoretically, the --
6 the Legislature could decide that the state board, and
7 legislators in the education committee have to consider this
8 plan. Am I correct?

9 MS. MELLO: I think that's getting into an
10 area of law that I'm probably not qualified to speak to in
11 terms of what the legislature can direct the State Board to
12 do.

13 MADAM CHAIR: This feels kind -- kind of a
14 hoped for process.

15 MS. FLORES: Yeah.

16 MADAM CHAIR: Board member Flores.

17 MS. FLORES: Yeah, they could decide that
18 maybe the board isn't necessary and --

19 MADAM CHAIR: That has happened.

20 MS. FLORES: -- and I don't think I -- well,
21 aside -- there's all this business about money spent here,
22 and then all the private monies that are coming in, and I'm
23 just concerned that what happened nationally, will happen
24 locally statewide, and that kind of is a little bit worrying
25 for me.



1 And two, would -- would the legislature then
2 put monies forth to pay for the resource that would be going
3 on here at the department? I mean that's another. They
4 talk about paying themselves, but they don't talk about
5 paying the department for the work that will need to be
6 done.

7 That's not to say that the work hasn't
8 already been done nationally by several groups, and I'm
9 talking about Stanford. And in fact, I brought forth kind
10 of a project that I thought we could take up, and maybe
11 bring some experts here to talk about what had been done
12 with some states, and testing, and really get at to the
13 improvement of -- of education, and what has happened in
14 some states that happened last year.

15 So, it isn't like they're coming up with
16 something new. I'm just worried about all the unanswered
17 questions. You know, about what specifically they're going
18 to do, and I'm worried about all the money that's being
19 spent, and they talk about bringing in monies from what I
20 think the Department of Education had already been doing,
21 and that is bringing outside monies to pay for research and
22 such, in this state.

23 So, I'm just wondering whether they're
24 concerned about bringing money into the department, and now
25 they're willingly willing to just accept it over on the



1 other side at the legislature. So, I mean, there's so many
2 questions I really don't know. We have a vision. If they
3 want to have their own vision I guess they should have their
4 own vision.

5 We're working on our vision, and that's one
6 of the things I think that -- that -- that we as a board
7 talked about when having our retreat, and that is that we
8 were going to talk about vision, and what our mission would
9 be about. And so I think maybe they should have their
10 vision about education, and what they want to do, and then a
11 mission about how they're going to get the resources to fund
12 education on the whole in this state. I think that's
13 important.

14 I don't mean to be so negative, but, you
15 know, at this point we just keep working, and working, and
16 I'm just a little tired.

17 MS. MELLO: Madam Chair, may I just --

18 MADAM CHAIR: Yes.

19 MS. MELLO: -- add a couple of more details
20 because I just want to --

21 MADAM CHAIR: Please.

22 MS. MELLO: -- you to have all the
23 information on the table --

24 MADAM CHAIR: Please.

25 MS. MELLO: -- as you have a discussion which



1 I think is obviously an important one. Right now as drafted
2 the legislation specifically says that this is permanent --
3 these are all permanent ongoing entities. One of the --
4 when we discussed this earlier, one of the things that came
5 up was perhaps that might -- perhaps we might ask for some
6 limit to the duration of this project. I mean, that would
7 be one thing you all could do if you want, I mean, depending
8 on how -- how you want to act on this bill, but to suggest
9 some time frame within which it would complete its work.

10 The other issue we discussed is as it's
11 written, it is the Commissioner, and the Board Chair, and I
12 hear your point about the definition of ranking member, but
13 there's no ability to send a designee. And so we talked
14 about allowing for some room in there for kind of a, I think
15 a comparable designee. I mean the joke I keep saying is you
16 don't want to appoint me as your designee, that would not be
17 appropriate, but, you know, perhaps another Board Member or
18 if Dr. Anthes wanted to have Ms. Emm, you know, stand in her
19 place, that that might be appropriate.

20 So, those are two changes that we talked
21 about that might make at least some people on the board more
22 comfortable.

23 MADAM CHAIR: Board member McClellan.

24 MS. McCLELLAN: I just wanted to lend my
25 support to the concept that Ms. Mello has shared with us.



1 With the allowance for some substitution or some
2 flexibility, that actually became a really serious problem
3 at the municipal level where I happen to serve on an urban
4 drainage, and flood control district that specified that --
5 that it must always be the mayor pro tem, and that it would
6 not allow for a substitution that didn't always work. We
7 had people who were working for a living, and simply
8 couldn't make a 10:00 a.m. to 1:00 p.m. meeting or whatever
9 the time was in the middle of the day, in the location where
10 it took place. So, I think that's really important. So,
11 thanks for bringing that up.

12 MADAM CHAIR: Board member Goff.

13 MS. GOFF: Thank you. That was I -- it
14 slipped my memory, it slipped when we talk -- that we did
15 talk about that the other day. I agree, Jennifer, with the
16 whole -- I don't want to have anybody think I'm not in
17 agreement with this concept. I think it's incredibly
18 promising, and to have a statewide conversation, but just as
19 we talk about continuing engagement on our ESSA work, I
20 would hope the same thing applies here.

21 And I -- but I don't -- I want to see them go
22 in alignment or anyone else out there that's doing long term
23 thinking about anything or has put in, you know, exorbitant
24 amou -- amount of time, and effort into setting a course of
25 some sort. It's very important, you know, I'm willing to



1 give this idea a great -- the greatest shot it deserves. I
2 just think some of these details have to be a little bit
3 clearer.

4 I'm not sure about the understanding of the -
5 - the facilitator -- the facilitator, you know, whether that's
6 limited to one person who -- who actually is part of a -- a
7 firm or a -- a nonprofit or they have assistance, and
8 there's -- there are resources available to take care of
9 just that role's needs, and who's -- who's going to really
10 be doing the research. The part that is in there about
11 conducting research, and gathering, and analyzing, and --
12 and making recommendations to. I hope -- hopefully the
13 first -- best source is what's already been done, and it's,
14 I don't want to see this stuff being repeated, and no I -- I
15 wouldn't be happy to learn that a lot of hardworking expert
16 people are having to repeat steps either they or someone
17 else has already completed.

18 I think, the -- the non-time line is true in
19 one sense, but on the other hand there are some definite
20 dates in here. I don't know if I'm totally wrong or not. I
21 can't find it in this text, but I think I read someplace
22 that by 2030, which is actually a logical marker that's the
23 next generation of K12 kids. So, that by that time, we'll
24 have this vision and mission in place.

25 Do we -- can we wait that long on this, and



1 that's why some -- some definite stage, and some markers on
2 the calendar would be, in my opinion very helpful.

3 MS. MELLO: So --

4 MS. GOFF: You know, and I do, I'm still a
5 little uneasy with putting completely a legislative group in
6 charge of this at the beginning, I -- I don't know. I just
7 would -- I would hope that some more conversation can go on
8 about how the general leadership organization is carried
9 out. Sorry.

10 MS. MELLO: Madam Chair. Just to respond to
11 a couple of those that were questions.

12 That the reference to 2030, is just, is in
13 the legislative declaration and it reads, "In creating a
14 vision for education Colorado, the state must consider the
15 knowledge and skills that students in the graduating class
16 of 2030 will need to compete."

17 In terms of deadlines, it does require an
18 annual report. Around November 1st maybe the 15th I'd have
19 to look at that again -- 2017, but it doesn't, there's no,
20 it's like, you must be done by then, and submit your final
21 report. It's just kind of a progress report.

22 And -- and you know, like, it's really
23 dangerous to read between the lines of legislation. Having
24 read a lot of bills in the last 15 years, I do think that
25 they are trying to be conscious about one of your points,



1 which is we should start by seeing what's already there. I
2 think that is --

3 MADAM CHAIR: Granted.

4 MS. MELLO: -- rather clearly laid out in
5 Phase 1 that -- that part of Phase 1 is to kind of figure
6 out what is already there, and I re-read the language about
7 the facilitator, and I think it's rather clear that it would
8 be a, I mean it is a entity, a group entity essentially, it
9 is not about an individual.

10 MADAM CHAIR: Well, and the work the -- the -
11 - the steps for this strategic plan come out of the
12 strategic plan, which is why there isn't much about what's
13 done in year four, year six, and eight, et cetera. And I
14 think that is what evolves out of the work that's going to
15 be done.

16 Comments? Questions? Board member Durham.

17 MR. DURHAM: Thank you, Madam Chair. Couple
18 of things. One, I think the steering committee part of the
19 make up needs some work in order to be supported through the
20 process, (indiscernible) so that you always have that as an
21 equal number of -- regardless of what happens. Secondly.

22 MADAM CHAIR: Equal -- equal politically?

23 MR. DURHAM: Republicans and Democrats.

24 MADAM CHAIR: Okay.

25 MR. DURHAM: So that needs some work.



1 Number two, the advisory board, which I get
2 at seven members, I'm not terribly happy with that make up
3 either, I think it needs some work. We can talk about some
4 suggestions on how to shape that up a little bit. And then,
5 I don't really fully understand the third group particularly
6 well.

7 MADAM CHAIR: It's everybody. Isn't it?

8 MR. DURHAM: I think it's -- I'm not sure
9 it's diverse enough and I think it's a little too large to
10 be effective. But all those are problems that can be solved
11 and I do think -- I do feel very strong about this one --
12 that I think having an ongoing, constantly changing, always
13 updated and if we wanted one thing here, is it -- continual
14 change doesn't work very well.

15 MADAM CHAIR: Yeah.

16 MR. DURHAM: So I think this -- this group
17 should be given two years to get their work done and then
18 maybe sunset it. And that's plenty of time. But if this
19 thing has really, has a sort of perpetual feedback loop, I
20 think it could easily do more harm than good.

21 And then on a lighter note, I would suggest
22 that on -- that you change the word facilitator to referee,
23 which I think will be a more a -- accurate description of
24 what that person is going to do.

25 MS. MELLO: I wrote that one down.



1 MR. DURHAM: Thank you.

2 UNIDENTIFIED VOICE: It's on tape too.

3 MADAM CHAIR: So, Board Member Durham, if
4 you're thinking about a sunset on it, wouldn't there be some
5 at least monitoring that would be expected by one of these
6 groups? If, in fact, this is a strategic plan.

7 MR. DURHAM: I don't think it should be
8 monitored by those groups, they're two -- those groups,
9 they're -- they're -- you might put the monitoring of the
10 objectives that are created and actually make it a
11 department rather than even a state board State Department
12 of Ed function to monitor and report, where you have some
13 stability.

14 MADAM CHAIR: Right.

15 MR. DURHAM: Because all these other groups
16 will change --

17 MADAM CHAIR: Right.

18 MR. DURHAM: -- significantly over time.

19 MADAM CHAIR: Significantly.

20 MR. DURHAM: So, and -- and I think if -- if
21 this works and it sets things in the right direction, then
22 they can easily recreate themselves legislatively every five
23 or 10 years to see if they can improve. But I think if
24 you're in this endless feedback loop, you're never going to
25 know whether this works or not.



1 MADAM CHAIR: Other comments, questions?

2 Board member Goff.

3 MS. GOFF: Thank you. I've just -- down the
4 road thinking, I'm sorry, I tend to do that sometimes, but I
5 -- I want to know as a Colorado citizen I'm going to want to
6 follow -- I want to -- I'm going to follow this whatever it
7 happens with it. Because I'm interested in hearing ho --
8 where the local -- where the local control is going to fit
9 in here.

10 I mean, some of the wording right now is
11 pretty can come -- it could come across as top heavy that it
12 will be your legislators and your and other elected
13 officials and -- and department heads and such sort of
14 calling the shots unless this -- this stakeholder with their
15 -- or the advisory and cit -- whatever it's called
16 committees have a lot of variety in how they operate and who
17 they represent. But I didn't hear a lot of tendency, any
18 hints that local control will be a big co -- conversation
19 here.

20 Who knows? The conversation may end up being
21 -- given some pretty ample time on the conversation of what
22 is local control and what -- what is that really looking
23 like in our state. What do we want it continue to look like
24 and -- and how to define it. Because we're already in
25 different kinds of conversations in that regard than we have



1 been.

2 MADAM CHAIR: That is fundamentally what this
3 is about.

4 MS. GOFF: Well, yeah, and I --

5 MADAM CHAIR: That is fundamentally what this
6 is about.

7 MS. GOFF: It will be interesting to see how
8 -- how it veers, whether it's -- sort of becomes a
9 predominant part of this whole conversation.

10 MADAM CHAIR: Board member Flores.

11 MS. FLORES: Also, I think it would be -- it
12 would be helpful if all these meetings were televised. I --
13 I think that the people in this state need to know what is
14 being thought by the legislature, by you know, other people
15 that are serving on this.

16 MADAM CHAIR: Are suggesting not going to the
17 legislation?

18 MS. FLORES: I --

19 MADAM CHAIR: Board member Flores? Or is
20 that a suggestion once we start rolling down the --

21 MS. FLORES: Well, I would think that if it's
22 open it should be open, it shouldn't be just done by a few
23 people in -- behind closed doors and I -- it could be. I
24 mean, I'd like to know first of all who thought of this and
25 I -- I.



1 MS. MELLO: Well, and I think the answer to
2 who thought of this is, I mean, I think we can just look at
3 the sponsors of the legislation. I think that provides a
4 good answer. Representative Hamner and Representative
5 Rankin and Senator Priola and Senator Kerr.

6 MS. FLORES: Were you part of it, Angelika?
7 Were you part of this discussion?

8 MADAM CHAIR: Not at all.

9 MS. FLORES: On this bill?

10 MADAM CHAIR: Never heard of it until.

11 MS. FLORES: I just wanted to ask.

12 MS. MELLO: Probably important to note for
13 the record that they did consult with some department staff
14 people I think Ms. Emm was invited and involved in some
15 conversations which happens on a regular basis of course.
16 The department's job -- part of the job is to provide
17 answers to questions when the legislature or other people
18 ask.

19 MS. FLORES: Right.

20 MS. MELLO: So that involvement does not
21 presuppose any position of the board and we're actually
22 always quite careful to remind people of that. But there
23 was some outreach just so you know to -- to CDE staff.

24 MS. FLORES: But not to the Board.

25 MADAM CHAIR: Not to -- not that I know of.



1 MS. GOFF: Not the bill. Not -- this is the
2 first time any of us as far as I know have had a chance --

3 MS. FLORES: Well, this --

4 MS. MELLO: Actually, again and I don't mean
5 to. We -- I was asked to distribute to you all a month or
6 so ago a draft copy of it.

7 MADAM CHAIR: I was going to say I think --

8 MR. DURHAM: Have you seen this?

9 MADAM CHAIR: We were -- were we gone or
10 something? Seems to me I was gone and saw it on my email
11 and it was very long.

12 MS. MELLO: Yes.

13 MADAM CHAIR: And that was it.

14 MS. FLORES: Yeah because, I mean something
15 this big would seem to me as if it would have been
16 distributed to the board a long time ago and I wish -- I
17 mean, this was just a few days ago and I read the whole
18 thing and then I reread it and then I just --

19 MADAM CHAIR: Well, I think you're right. I
20 think you did send it to us.

21 MS. MELLO: The -- the legislators asked me
22 to distribute directly to the State Board. I mean, I want
23 to be clear because I think it's important based on the
24 conversation you're having but they specifically asked that
25 I dis -- is -- about a month ago it was a draft of the bill.



1 You were encouraged to provide feedback through a mechanism
2 they had set up.

3 MS. FLORES: Right.

4 MADAM CHAIR: I think that's right.

5 MS. FLORES: But -- but not to the rest of
6 us. Maybe.

7 MS. MELLO: No, it went the entire board.

8 MR. DURHAM: We all got it.

9 MADAM CHAIR: We all got it at the same time.

10 MS. FLORES: And I just remember reading it
11 just a few days ago.

12 MR. DURHAM: That's right. Madam Chair?

13 MADAM CHAIR: I think it -- I think it's
14 worth -- it's worth supporting this bill. I think it does
15 need some -- some changes. It needs some work, particularly
16 in the -- a lot of its technical in the make up of the
17 committees. And then I think the -- maybe the more
18 controversial piece of work I think it needs is do you -- is
19 this -- does this make any sense as a perpetual effort which
20 I'm -- I'm not convinced it does but for short term it'd be
21 interesting to see if the legislature can in this -- in this
22 group, which includes several board members and the
23 commissioner, can really come up with a -- an implementable
24 or achievable vision and -- and a plan to try and actually
25 make that work. That's -- that's not a bad idea. I think



1 we've functioned without that for a long time. So.

2 MADAM CHAIR: I agree.

3 MR. DURHAM: I think it makes some sense to
4 proceed down this road, but total support should be withheld
5 at least in my judgment, if -- if the if the perpetual
6 nature of this sticks.

7 MADAM CHAIR: Board member Rankin.

8 MS. RANKIN: I think some of the questions
9 that we have relate specifically to what our duties are
10 here. And I think we have to take a really large 30,000
11 foot view of what this bill is trying to accomplish and it
12 has a vision. They haven't decided it yet. They want to
13 get together with all these people to decide a strategic
14 plan and kind of an evaluation of how our state is doing
15 periodically.

16 It's -- it's something that connects us to
17 the legislature rather than having them come up with bills
18 and us have to monitor support or -- and -- and some of them
19 I know we really are 100 percent in agreement and then
20 something happens on the other side where, you know, it
21 continues on and that is a concern of ours.

22 I think what this does and I have to kind of
23 co -- disagree with board member Durham, it's an ongoing
24 picture of what our state is doing in education. And it's
25 not something that they just came up with two weeks ago.



1 This has been going on and the research and what are other
2 states doing and a lot of that kind of thinking is what our
3 department does so well in getting our ESSA plan that's
4 number, you know, -- top in the nation which I saw at NASB,
5 there are a lot of things that we do that are so far ahead
6 of others.

7 I think this just goes along with the
8 direction of our state, and I think it needs to continue to
9 be -- to move forward until maybe it dissolves itself
10 because we work in silos. This is the big overall arching
11 picture of what's going on in Colorado. It's the thing
12 that's going to say the world is going ahead of us in
13 technology, where are we in all this? This type of a
14 committee is going to say we got to get on technology now or
15 at least you know maybe they would say that.

16 Whatever direction they're going might move
17 us in a little different direction. I'm not saying redo
18 everything. I don't think they would even attempt to do
19 that but to keep us in, what do we say? 21st century. It's
20 not going to be long before they'll say 22nd century.

21 This is I think the committee that's going to
22 keep moving us forward without having to take stops and
23 hiccups and -- and trying to understand what the people are
24 thinking, what the teachers are thinking, what our board is
25 thinking. I -- I just find it kind of fascinating for their



1 plans and their checks and balances on their plan. So I --
2 I would support this at this point.

3 MADAM CHAIR: Other comments? Do I have a
4 motion.

5 MS. RANKIN: I'll make a motion.

6 MADAM CHAIR: Please.

7 MS. RANKIN: I make a motion that we support
8 the vision plan and education for Colorado.

9 MADAM CHAIR: Do I have a second?

10 MR. DURHAM: Second.

11 MADAM CHAIR: Thank you. Any more comments?
12 Ms. Mazanec, do you have any more comments before we take a
13 vote?

14 UNIDENTIFIED VOICE: I think she's gone.

15 MS. MAZANEC: No, just that I shared the
16 concerns I -- I voiced with my questions and the ones
17 Director Durham mentioned. It's not that I -- I'm a no
18 forever, but I -- I -- I'm not comfortable with it as it is.

19 MADAM CHAIR: Okay. Ms. Cordial, would you
20 call the vote please?

21 MS. CORDIAL: Board Member Durham.

22 MR. DURHAM: Yes.

23 MS. CORDIAL: Board Member Flores.

24 MS. FLORES: Yes.

25 MS. CORDIAL: Board Member Goff.



1 MS. GOFF: Yes.

2 MS. CORDIAL: Board Member Mazanec.

3 MS. MAZANEC: No.

4 MS. CORDIAL: Board Member McClellan.

5 MS. McCLELLAN: Yes.

6 MS. CORDIAL: Board Member Rankin.

7 MS. RANKIN: Yes.

8 MS. CORDIAL: And Board Member Schroeder.

9 MADAM CHAIR: Yes.

10 MS. CORDIAL: At the Capitol they always
11 announce that that means it passed 6 to 1.

12 MS. MELLO: I'm sorry. I was waiting for you
13 to say that --

14 MS. CORDIAL: Six to one.

15 MS. MELLO: I'm sorry. I'm used to the
16 process over there a little bit more.

17 MADAM CHAIR: Thank you, Ms. Mello. Any
18 further -- Ms. Goff?

19 MS. GOFF: I just would like a -- short
20 comment on this just-taken vote. You know, I -- I -- I do
21 not have any problem at all trusting and -- and being able
22 to rely on the fact that when -- that when we take a
23 position on a bill especially one of support, that would --
24 that any further discussion as things develop are not taken
25 in the best of light and with the respect that they should



1 have. I appreciate all of the reticence on certain points
2 of this. I -- I would hope that we're not considering
3 ourselves grouped into a position or locked into something
4 in any way. And have it -- precluded that we are not going
5 to take the opportunity to talk about it more and that
6 others would expect us to do that duty as diligently as
7 we're supposed to as well. And I -- so I just -- I just
8 felt the need to say that.

9 I'm not -- I'm not 100 percent behind certain
10 -- preliminary yet they may be, but I'm not 100 percent
11 behind any of them. I agree with Steve on some points he
12 made. I agree with Joyce's overall purpose. This is a
13 thing that our state is truly going to benefit from.

14 But we want to be careful that we do it right
15 and all along the way. And that's -- I just don't want us -
16 - I don't want us and I don't, mostly, want anyone else
17 thinking we're kind of -- we can kind of fall into the, you
18 know, far away radar, you now. I think it's important we
19 keep careful about this bill.

20 MADAM CHAIR: Thank you.

21 MR. DURHAM: Madam Chairman, I think --

22 MADAM CHAIR: Board Member Durham.

23 MR. DURHAM: I think just to be clear I mean,
24 I did express several reservations which, notwithstanding my
25 wes -- my yes vote, while I will feel at liberty to continue



1 to express to policymakers, should they be interested in the
2 opinion.

3 MADAM CHAIR: Sure. That is our right as
4 Board members, as individuals.

5 MS. MELLO: Madam Chair, may I seek some
6 clarification? On -- on the one issue about the designee,
7 right, which I think is a fairly technical issue not so much
8 of a policy issue as some of those others. Do you all want
9 me to talk with the sponsors and see if that is something
10 that we can amend?

11 UNIDENTIFIED VOICE: Yeah. That would be
12 good.

13 MADAM CHAIR: I think it's a good idea. It
14 seems to me we got -- Board Member Durham, didn't we get
15 ourselves a little crosswise on the HUB committee because no
16 one could be there for anyone else and --

17 UNIDENTIFIED VOICE: Yes.

18 MADAM CHAIR: -- one individual became very
19 ill, et cetera?

20 MR. DURHAM: I -- I think it makes sense. I
21 mean, I think Dr. Anthes with her schedule can't be expected
22 to make every meeting and --

23 MADAM CHAIR: Right.

24 MR. DURHAM: -- it would be appropriate for -

25 -



1 MADAM CHAIR: Right.

2 MR. DURHAM: -- for her and perhaps any of
3 us who might serve --

4 MADAM CHAIR: Some limitations.

5 MR. DURHAM: And particularly this --

6 MADAM CHAIR: Some flexibility but also
7 limitations on that flexibility.

8 MS. MELLO: Okay. Okay.

9 MADAM CHAIR: Not you.

10 MS. MELLO: Right.

11 MADAM CHAIR: I mean -- you've already said
12 you don't want to do it.

13 MS. MELLO: I mean, I'll get to sit in the
14 audience and listen, as you know.

15 MADAM CHAIR: I'm teasing you.

16 MS. MELLO: No -- no -- no, please trust me -
17 -

18 MR. DURHAM: Some people get all the good
19 jobs.

20 MS. MELLO: -- there's a reason you all get
21 paid the big bucks. And the -- the other thing that I would
22 consider to be somewhat technical in nature and it's a great
23 catch is the definition of ranking member. So, because I
24 don't -- I -- I -- I'm not quite sure how you want me to
25 proceed on that.



1 I -- I -- it is a term we use at the Capitol.
2 I don't know if it's a term you all use at the Board.

3 MADAM CHAIR: We do not.

4 MS. MELLO: Okay.

5 MR. DURHAM: The term is --

6 MADAM CHAIR: Is ranking member --

7 MR. DURHAM: The term as defined -- the term
8 as defined over at the legislature --

9 MADAM CHAIR: Right.

10 MR. DURHAM: -- I think is -- the ranking
11 member is designated by the minority party. So, they can
12 designate whomever they wish. I don't think it needs any
13 clarification.

14 MS. MELLO: Okay.

15 MS. GOFF: Well, it depends on if it's in
16 some place, in some context, it -- it -- it implies it's
17 attached to a position as well.

18 MADAM CHAIR: Either position or seniority,
19 sometimes.

20 MS. GOFF: The title ties into who is
21 considered a ranking member or not. The State Board has not
22 ever done that. We don't really have any non-titular term
23 for somebody who is in any other position except our two
24 elected leadership positions. So, for us it doesn't -- it
25 doesn't -- it doesn't tell us much.



1 MADAM CHAIR: Board Member Goff, do you have
2 a definition that you would like to suggest for what is a
3 ranking minor -- mem --

4 MS. GOFF: I'm not going to suggest then
5 until I understand what they are --

6 MADAM CHAIR: Thinking.

7 MS. GOFF: -- what they're setting this bill
8 up to mean. Who -- what type of member -- if it's just the
9 State Board, that's one thing. But if they're designating
10 other groups in this -- in that part of their law --

11 MADAM CHAIR: Were there other -- were there
12 positions other than the State Board --

13 MS. MELLO: I don't believe the term ranking
14 member --

15 MR. DURHAM: No.

16 MADAM CHAIR: -- where the term was used?

17 MS. MELLO: No. I don't believe that -- and
18 -- and I would need to do a search, to be sure. But I'm
19 fairly confident in saying that the term ranking minority
20 member, minority party member is only used in describing the
21 second person from the State Board of Education --

22 MADAM CHAIR: State Board.

23 MS. MELLO: -- to serve on the Executive
24 Advisory Committee.

25 MS. GOFF: But we have an assortment. So,



1 you know, our designated other member, who -- who is that?
2 You know, we have Joyce, we have Pam, we have Steve. So, I
3 don't think ranking -- by putting the word ranking in there,
4 it doesn't just open it up to any other minority member of
5 the Board. But we don't operate with a definite designee
6 that fits that word, depending on how they use it.

7 MADAM CHAIR: Well, we have a last name that
8 solves our problem, Ms. Goff.

9 MS. GOFF: What?

10 MADAM CHAIR: Rankin?

11 MS. RANKIN: Rankin.

12 MS. GOFF: Oh, for Pete's sake. Why didn't I
13 even register that?

14 MADAM CHAIR: It's Friday.

15 UNIDENTIFIED VOICE: It's Friday.

16 MS. MELLO: And she's going to file the
17 paperwork to add a G on the end of it. And -- and it all
18 will be settled.

19 MADAM CHAIR: No, she's from the south.

20 MR. DURHAM: Sounds like it's settled.

21 MADAM CHAIR: She can say Rankin'.

22 MS. MELLO: Oh, that's funny.

23 MR. DURHAM: They just misspelled it. Could
24 you -- just give them a spelling correction amendment over
25 there.



1 MS. MELLO: Technical change, trust me.

2 MR. DURHAM: Technical.

3 MS. MELLO: No one will not like it.

4 MR. DURHAM: Correct -- correct the
5 misspelling.

6 MS. MELLO: And -- and I don't mean to cut
7 off discussion of this. I just wanted to give you an update
8 on the Waiver Bill. Would you like me to move to that now
9 or?

10 MADAM CHAIR: Yes, please.

11 MS. GOFF: Sure.

12 MS. MELLO: So, your Waiver Bill, what I call
13 the Board's Waiver Bill affectionately, was in the House
14 Education Committee on Wednesday. Both Jane Goff and Steve
15 Durham testified on behalf of the bill.

16 It was actually a fairly, I thought, kind of
17 an interesting conversation. And there were a lot of
18 questions raised around you all's intention as a Board.

19 So, as you remember, part of the bill gives
20 you the ability to remove a waiver for good and just cause.
21 We had drafted it that way -- earlier on in the
22 consideration, the thought was let's put a time limit on
23 them.

24 And then a point was raised that, well then,
25 you're forcing a bunch of people to come back on some



1 regular basis and kind of justify themselves when we don't
2 have any reason to think they're not doing a good job. So,
3 that we -- we went to that language and we copied it from
4 your existing statutory authority on district waivers. But
5 there was a lot of dialogue about that particular term.

6 And people, I think, felt some discomfort
7 with the lack of definition around that term. And so, we
8 are working to see if we can clarify that a little bit
9 better to the satisfaction of some of the members.

10 We promised that we would work with our
11 sponsor, Representative Pettersen and those other members
12 who are interested to do that before the bill goes to second
13 reading. Because they're doing the budget next week, we
14 actually have plenty of time on that.

15 So -- and I will keep you apprised, of
16 course, of how that proceeds. The vote --

17 MADAM CHAIR: Can you share some example of
18 what that -- how that can be defined because I think we
19 talked about it. We were going to have to define it in our
20 rules.

21 UNIDENTIFIED VOICE: Yeah, we talked about it
22 a lot.

23 MR. DURHAM: I think -- I think the
24 legislature may want to define it. And one of the options
25 we threw out was by the preponderance of the evidence which



1 is, I mean, good and just cause as a legal standard, it's a
2 lower standard than preponderance, you probably wouldn't
3 take any action on a waiver if you didn't believe that the
4 preponderance of the evidence showed something.

5 I think legislature might be more -- could --
6 might be more comfortable with that. I don't think it
7 affects our ability to do anything. And so, I think any of
8 those changes ought to be -- acceptable to -- to us.

9 MADAM CHAIR: Okay. Yeah. We're just
10 worried. Make sure kids are succeeding.

11 MR. DURHAM: Yeah.

12 MS. MELLO: Yeah. And -- and again, I will
13 tell you I just thought it was -- it was actually -- it was
14 one of those days where -- where there was a good policy
15 conversation at the committee level, right, about I think,
16 they were -- they learned a little bit more about innovation
17 status, innovation waivers and how those work and what
18 they're applied to. And I thought it was a good exchange.

19 The bill came out on a vote of 10 to 3, so it
20 was not unanimous, but that's the update. We'll keep
21 working on some possible amendments. Obviously keep you all
22 very much in the loop on that. And like I said, I expect it
23 will go on the floor sometime -- I -- I feel like I --
24 everything, I'm telling you everything is happening the week
25 of April 10th. I'm not wrong in that. Everything is going



1 to happen the week of April 10th.

2 MADAM CHAIR: And that's because it's a Board
3 meeting week.

4 UNIDENTIFIED VOICE: Yes.

5 MS. MELLO: Of course, yes.

6 MR. DURHAM: We can always do a recess and
7 run over there.

8 MS. MELLO: Yes, of course.

9 MADAM CHAIR: Huh? You -- you, sir, have
10 been wanting to mess with that agenda from day one. And
11 Bizy is going to ge --

12 MS. MELLO: I just want to say in closing,
13 thank you again for your trust in us as a firm to represent
14 you at the State Capitol. We really enjoy the work. It is
15 good work and we are here for you. If you have questions or
16 concerns, you can call me. You can e-mail me. That is
17 entirely appropriate. It's entirely expected and I hope you
18 won't hesitate to do so.

19 MADAM CHAIR: Thank you.

20 MS. MELLO: Thank you.

21 MR. DURHAM: Madam Chair.

22 MADAM CHAIR: Sir?

23 MR. DURHAM: I'd like to give a report on the
24 hearing on House Bill 1271 of the Senate Education
25 Committee.



1 MADAM CHAIR: Sure.

2 MS. MELLO: And I only have my coat on
3 because it's freezing in here.

4 MADAM CHAIR: It's freezing in here. Pam
5 should be glad she's not here.

6 MS. MELLO: Don't interpret that as anything
7 else. It's very cold.

8 MADAM CHAIR: Sir?

9 MR. DURHAM: 1271, Dr. Flores and I did have
10 the opportunity to attend that committee and both of us had
11 the opportunity to testify and represent the Board's
12 position in opposition to House Bill 1271.

13 UNIDENTIFIED VOICE: 1271?

14 MADAM CHAIR: Read Act.

15 UNIDENTIFIED VOICE: That's the Waiver Bill.

16 MR. DURHAM: Oh, I'm sorry. I got it right
17 here. Where -- what's the number?

18 MADAM CHAIR: Oh.

19 MR. DURHAM: Help me. What was the number?

20 MS. MELLO: Oh, excuse me. I'm sorry.

21 MR. DURHAM: What is the number of the bill?
22 I'm sorry.

23 MS. MELLO: Ms. Emm and I were having a
24 conversion.

25 MR. DURHAM: I got the wrong number. It's in



1 this file some place -- 127 --

2 MS. MELLO: I think you were talking about
3 1161.

4 MR. DURHAM: 1161. That's it.

5 MS. MELLO: 1160.

6 MR. DURHAM: 1160.

7 MS. MELLO: 1160. So, I was only one off.

8 MR. DURHAM: Thank you. One of those bills.
9 That -- that's the bill that allows the, primarily, Denver
10 Public Schools not to test in English. And I think, if you
11 remember the pitches we've heard in this, actually testified
12 to us was that -- have been that -- that these children --
13 there's no reason to test them in English if there's no
14 chance at all they will demonstrate as what we already know,
15 that they don't -- that early on as a kindergartner or first
16 year here in an American school that they don't speak
17 English, that shouldn't be a surprise to anyone.

18 Not bad logic actually, on the part of the
19 proponents of the Bill. But at least two, and I think three
20 witnesses that testified for the Bill from DPS -- from
21 Denver Public Schools, were quite proud of the fact that
22 they did not educate these kids in English at all until
23 grade four.

24 So, the premise on which this bill is, is
25 based is, they don't want to test in English because they



1 don't teach in English. And the admission -- the admission
2 was startling to me that they would admit that they don't
3 teach classes in English.

4 And I think when -- when -- when our agenda
5 opens up a little bit and, and we're -- we've offered them a
6 compromise or two on this -- when the agenda opens up a
7 little bit, I'd like to have the opportunity to have them
8 come in and either explain that we misunderstood their
9 testimony, which I don't -- since there was more than one
10 person testifying to it, that's, I think less likely, or how
11 they -- how they want us to believe or anybody else out
12 there to believe that the failure to educate children in
13 English for three solid grades in a row makes any sense at
14 all in achieving the objective of trying to ensure that
15 these children have a fair chance in life to be productive.

16 So, I just thought, you know, once in a while
17 you learn something in a committee hearing and that was
18 probably the most startling admission against interest, I
19 think, that I've heard. So, thank you.

20 MADAM CHAIR: Well, especially since the
21 younger you learn a second language, the easier.

22 MR. DURHAM: Well, that was the other thing.

23 MADAM CHAIR: That's surprising. That's very
24 surprising.

25 MR. DURHAM: -- that -- that -- that the --



1 that the proponents of the Bill, I think, in -- in their
2 casual conversations positioned it that -- well, they'll be
3 able to learn English. We just want find out is they read
4 in Spanish because reading from one language translates to
5 reading in another language.

6 And -- and frankly, as I went through this, I
7 thought we probably ought to compromise on that because I
8 thought some of those arguments made sense right up to the
9 point that they said, oh, by the way, we teach them in -- in
10 Spanish only for three years.

11 MADAM CHAIR: That's on the agenda after we
12 get rid of -- after get -- after we finish our hearings.

13 MS. RANKIN: Can I -- can I just add one
14 thing to that?

15 MADAM CHAIR: Please, Board Member Rankin.

16 MS. RANKIN: I'm sorry to -- to belabor this,
17 but I recall when Board member Flores said, when children
18 that speak Spanish or any language are with a teacher at
19 kindergarten and first grade level, the thing they want to
20 do is please that teacher. And as an ex-kindergarten
21 teacher myself, that resonated with me so much as to why
22 it's so important to be teaching them in English.

23 So, thank you Board Member Flores.

24 MADAM CHAIR: Board Member Goff.

25 MS. GOFF: I would be very happy to forward



1 all of you a link to that testimony that day. I actually
2 made a point of being clear for my own sake what people are
3 saying (indiscernible). The other --

4 MR. DURHAM: Do you disagree that that's what
5 they said?

6 MS. GOFF: I don't disagree, but there was
7 such a (indiscernible).

8 MR. DURHAM: Did -- did they say that they
9 taught in Spanish only through grade three, at least two of
10 those witnesses?

11 MS. FLORES: Three.

12 MS. GOFF: What I heard was --

13 MR. DURHAM: I think it was three, but I
14 thought it -- but at least two.

15 MS. GOFF: I heard one teacher talking about
16 how her -- she was actually involved in what the -- at the
17 third grade level was the transition --

18 MS. FLORES: Transition.

19 MS. GOFF: And I didn't hear any solid
20 evidence that there was no English being taught in those
21 classrooms starting at kindergarten or whenever those kids
22 enter the school.

23 MR. DURHAM: I think the solid -- the solid--

24 MS. GOFF: We're talking about reading
25 (indiscernible).



1 MR. DURHAM: The solid testimony -- the solid
2 testimony was that when they went to PE, which would be a
3 separate class, they might -- emphasis on the word might --
4 speak English there.

5 MS. FLORES: Yeah, that's where they would
6 speak. Seriously that was --

7 MR. DURHAM: That was the testimony.

8 MS. FLORES: -- alarming. And --

9 MS. GOFF: My next discussion point
10 (indiscernible) if -- if there's only points to be made that
11 -- that Denver is the central focus of this controversy --
12 this problem --

13 MS. FLORES: It is Denver. I mean, that's
14 where I hear -- that's where I hear it. I'm sorry.

15 MADAM CHAIR: Shh, let her talk.

16 MS. GOFF: And I guess state law has to be
17 call (indiscernible) in order to address the Denver problem.
18 I'm just not sure that without some further research and
19 some verification with DPS about what's going on,
20 (indiscernible) instructed in, how it's being carried out,
21 then how it relates to reading, so (indiscernible) language,
22 I just wonder if -- unfortunately, perhaps this whole thing
23 has been (indiscernible) from (indiscernible).

24 It seems to be mainly a Denver issue. And --

25 MS. FLORES: Adams 14 maybe.



1 MADAM CHAIR: Boulder has a dual language.

2 MS. GOFF: (Indiscernible), Val. I'm trying
3 to --

4 MS. FLORES: Well, it's Adams -- well --

5 MS. GOFF: (Indiscernible).

6 MR. DURHAM: I think -- I think we want to
7 just, you know, get it all on the table. This issue goes
8 back to the original allegation that there was inaccurate,
9 I'll use a polite term, submission of reports by Denver as
10 to the literacy results at -- under the Read Act as to
11 whether or not they could read and whether or not they were
12 actually reporting reading, and leading -- leading the
13 department here to believe that was reading English as
14 opposed to reading some other language.

15 MADAM CHAIR: So, I'm getting --

16 MR. DURHAM: That's where it started. That's
17 where this started about three years ago. So, is it -- is
18 it largely a Denver problem? Probably. Were they guilty of
19 that particular offense? I don't know if we're going to go
20 back three years and try and prove that one way or the
21 other.

22 So that then -- they then initiate an
23 attorney general's opinion. So, we did rewrite our rules as
24 a result of that attorney general's opinion. They did -- at
25 least someone from Denver indicated to me that -- that the



1 argument that I said had -- I thought had some merit.

2 Now -- and then, but I don't think there's
3 any question their testimony was crystal clear. That they
4 spoke -- that they taught Spanish only for three years.

5 MADAM CHAIR: I'm getting text messages right
6 now that say that's not what they said. So how about we get
7 the informa --

8 MR. DURHAM: Well, it most certainly is what
9 they --

10 UNIDENTIFIED VOICE: -- how about we get the
11 information, Steve, and then --

12 MR. DURHAM: So if they want to correct the
13 record, they should come here and do it and tell us what
14 they're really doing.

15 MADAM CHAIR: Totally agree. Totally agree.

16 MR. DURHAM: But -- but their teachers -- the
17 two people who testified that were teachers -- and they
18 seemed very proud of the fact that they didn't teach
19 English.

20 MS. GOFF: See that's -- that's an opinion
21 statement that you know neither us or anybody in the school
22 district --

23 MS. FLORES: Well --

24 MS. GOFF: -- we don't have time for that.

25 MS. FLORES: -- that's what teachers were



1 pushed to do.

2 MS. GOFF: My main point is, yes, if there's
3 something mean mis -- there was a little misfeasance in a
4 school district, then let's get to the bottom of it. I'm
5 just -- I'm down to the point where I'm thinking --

6 MR. DURHAM: This -- well, if this bill
7 passes -- there won't -- there won't be misfeasance, it'll
8 be perfectly legal.

9 MS. GOFF: Well, hang on a second. I don't
10 want to -- I don't want to have anybody giving us inaccurate
11 information. Nobody should get inaccurate information.
12 It's just -- it's kind of gotten to the point where one di -
13 - one district's issue is now becoming everybody else's
14 problem and obligation. This law, in its present form, and
15 our rules in their present form and even before, affect
16 every single school district.

17 So, we're talking about requiring Eagle
18 County who we heard a lot of backlash on this thing before.
19 Every school district is impacted by this. So there is a
20 requirement put -- being put on every single district that
21 may or may not have had an issue with the data and how they
22 reported it. Now, their -- the expectation is we're going
23 to give another test in addition to not only the other
24 reading test -- diagnostic test that's given, but also
25 another language acquisition, in addition to the regular



1 language acquisition test these kids all take. I -- I just
2 think it's gotten a little too single district centric. And
3 it's something that is impacting everybody.

4 And you know, if you're talking about a
5 benefit or a potential benefit for districts, that's ano --
6 one kind of conversation. This is another load that
7 somebody has to pick up in one way or another. And I, you
8 know, I don't disagree that accurate data is absolute must.
9 And if there was a problem with that and is still, then we -
10 - then that needs to be dealt with. But to change the whole
11 requirement load on every single district in this state is a
12 little too much for me right now.

13 I can't -- I can't wrap my head around that.

14 MADAM CHAIR: Was that the end of your
15 report, Board Member Durham?

16 MR. DURHAM: It is. It was really a joyful
17 hearing.

18 MADAM CHAIR: And it was joyful report.
19 Folks have a great weekend. We're adjourned.

20 (Meeting adjourned)

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C E R T I F I C A T E



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CERTIFICATE

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IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of October, 2018.

/s/ Kimberly C. McCright
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