

# **Transcript of U.S. DEPARTMENT OF EDUCATION NEGOTIATED RULEMAKING**

**Date: March 21, 2016**

**Case: U.S. DEPARTMENT OF EDUCATION IN RE:  
NEGOTIATED RULEMAKING**

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Negotiated rule making committee  
2 title 1, part A of the ESEA as amended by  
3 the every student succeeds act.

4

5 March 21, 2016

6

7 Mr. Rooney: Good morning  
8 everyone. I think we are ready to begin.  
9 Welcome to the first session of the  
10 negotiated rule-making panel for every  
11 student succeeds act. My name is Patrick  
12 Rooney. I am the acting director at the  
13 U.S. Department of Education. I am the  
14 federal negotiator for this committee. I  
15 want to thank everyone for joining us this  
16 morning. I want to particularly thank you  
17 around the table for taking the time over  
18 the past week to prepare for this meeting  
19 and over the next few weeks to help us  
20 support implementations of the ESEA. We  
21 are excited to be here today which is a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 strong bipartisan bill by still including  
2 the nations most vulnerable students. It's  
3 built efforts underway in states districts  
4 and schools across the country and building  
5 on key process over the past few years  
6 including a record high of graduation of  
7 82% significant expansion of high quality  
8 preschool and a million more  
9 African-American and Hispanics in college  
10 since 2008. We spent the last few months  
11 taking public comment. We also met with  
12 groups around the country. Based on that  
13 we heard there's a need for regulations  
14 which support states, districts and schools  
15 as they are implementing the new aspects of  
16 ESSA. Two topics how they ensure federal  
17 funds supplement and state and local funds  
18 and their requirements around state. These  
19 are two significant areas to the groups  
20 consideration that will take that  
21 considered bit of time for all of that to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 grapple with. We worked hard to develop a  
2 committee that we believe captures the  
3 diversity of the committee that's effected  
4 by these direct experiences across the  
5 country. The diverse perspectives that all  
6 of you are going to bring to the  
7 discussion. I want you to know that our  
8 new secretary John King is going to join us  
9 later this morning and welcome all of you.

10 We will pause in the agenda when he comes  
11 out early this morning. I want to  
12 introduce Susan Podziba who is going to be  
13 our facilitator for this committee.

14 Ms. Podziba: Thank you, Patrick.  
15 Most of you know I got a chance to speak  
16 with most of you before we met. I'm Susan  
17 Podziba. I'm a public facilitator and have  
18 been negotiating rule makings for about 20  
19 years for various federal agencies across  
20 the policy spectrum. I hope as I have had  
21 with most of the groups I worked with a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 real good ride and success in developing a  
2 good regulation for the public. I would  
3 like to ask each of you to introduce  
4 yourselves and when you do so I would like  
5 you to say your name and affiliation the  
6 constituency you are representing and a few  
7 sentences about your goals for the  
8 negotiated rule making.

9           Mr. Payment: My name is Aaron  
10 Payment. I'm the chair -- from the Sault  
11 Ste. Marie Tribe, Michigan. I carry my map  
12 with me. We are in the upper peninsula of  
13 Michigan. My tribe is the largest tribe  
14 east of the Mississippi. I am here as an  
15 executive officer with the national  
16 congress of American Indian who has  
17 nominated me. I am a high school drop out.  
18 I am one of those acceptable losses and  
19 among those others category's that usually  
20 you don't hear statistics about. I am  
21 finishing my doctorate degree in

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 educational leadership, and I have three  
2 master's degree and public administration  
3 education administration and education  
4 specialist. I have a very keen interest in  
5 making sure that American Indians are not  
6 left behind which we generally are. I am  
7 working with two tribal schools and also  
8 the intermediate school district back home  
9 92% of our kids go to public schools. They  
10 are not covered under -- education they are  
11 under the governance of department of  
12 education. My constituency is my American  
13 Indian students to make sure we succeed as  
14 well. Thank you.

15 Ms. Briggs with Exxon mobile  
16 foundation. Here representing business as  
17 a member of the committee. Glad to be here  
18 today. I think for the business community  
19 we have a couple of goals. One that we  
20 help ensure the equity agenda that's  
21 involved in this piece of legislation.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Also, ensure that the regulation supports  
2 efficiency and innovation and  
3 simplification.

4           Good morning my name is Lara  
5 Evangelista. I am representing the  
6 principle constituency from New York City  
7 public schools. I'm the principal of the  
8 Flushing International High School. I  
9 worked at the New York City public schools  
10 for 20 years. Our school is a title one  
11 school that serves English language  
12 learners. Mostly recently arrive values.  
13 I am here to represent the interest of  
14 urban schools and EL's and historically  
15 under serves students.

16           Good morning. Eric Parker  
17 executive director of leadership in school  
18 improvement in Montgomery Public schools.  
19 I represent the leaders of the school  
20 leader's category. The committee and I are  
21 very interested in having a conversation

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 around equity and what's necessary for  
2 school improvement as I work to support  
3 title one schools and students and  
4 principals not only in Alabama but the  
5 southeast. Thank you and I look forward to  
6 it.

7           Good morning. My name is Audrey  
8 Jackson. I'm a fifth grade teacher in  
9 Boston public schools and taught there  
10 since 2007. I'm also the current teacher  
11 of the year. I represent the teacher  
12 constituency. I have lot of interest in  
13 this, but mainly areas around equity but  
14 making sure we consider research and best  
15 practices after that regulations really  
16 inform what's best for students in the  
17 classroom. Thank you.

18           Good morning everyone my name is  
19 Ryan Ruelas I'm a teacher in Anaheim High  
20 School. I'm a school board member for the  
21 Anaheim city school board district. I'm

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 here representing NEA as well as CTA. My  
2 main focus is advocate for an asset that's  
3 equity focused resources themselves are  
4 appropriately provided for teacher,  
5 students and districts to ensure learning  
6 is taking place, but all of our students  
7 that we serve and not just by some.

8 Good morning. My name is Lynn  
9 Goss. I'm from the -- school district in  
10 Wisconsin. I am a para-educator title one  
11 previous to that I was a Special Ed para-  
12 educator for ten years. We are looking for  
13 or answer she's that, we are a para-  
14 educator at the table it's very exciting.  
15 We want to look at school equity and making  
16 sure that our student needs are met.

17 My name is Kay Rigling. I am a  
18 lawyer in the Office of the General Counsel  
19 here at the Department. I worked on title  
20 one issues here for 35 years. My goal is  
21 to provide you hopefully clear legal advice

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 if you have any questions about the title  
2 one statute.

3           Good morning. I'm Alvin Wilbanks  
4 Superintendent of Gwinnett County Public  
5 Schools. I am here representing the local  
6 administrators and school boards. More  
7 importantly representing some 50 million  
8 students that go to public school across  
9 the state. I am here this morning to  
10 really try to make sure that we contribute  
11 to the rule making process that really does  
12 benefit students that attend our schools.

13           Good morning. I am Derrick Chau  
14 director of secondary instruction in the  
15 Los Angeles Unified School District. We  
16 received 600 students. We oversee  
17 curriculum for approximately two hundred  
18 middle and high schools in the district. I  
19 am looking forward to this process because  
20 so much effects our students and  
21 classrooms. I am really coming at this

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 from the perspective of how we improve  
2 instruction and will the decision that is  
3 we make improve instructions in a way  
4 that's positive for our students, and of  
5 course has an equity agenda as well.

6 Good morning everyone. I am Mr.  
7 Cheeks from the Mississippi. I serve as  
8 the executive director for federal program  
9 there is and have been in that role for a  
10 couple of years now. I have worked with  
11 title programs for an excess of about 13  
12 years as a state administrator.  
13 Mississippi has roughly 90% of it's schools  
14 that operate as school wide schools we have  
15 a very large investment in terms of this  
16 new law and how it impacts our low  
17 performing students as well as our  
18 economically disadvantaged children across  
19 our state. I am here representing the  
20 national associate of state title one NASTO  
21 for short. I serve as the President of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that association and currently the past  
2 President for that group. We are here  
3 representing the policy aspect of the title  
4 programs. I am ensuring that some of the  
5 nuances of the law where we end up having  
6 to make it I guess the rubber meet the  
7 highway and make it realistic. Those  
8 aspects we want to bring to the table and  
9 tease out the actual actions of carrying  
10 out the --

11 Good morning. I'm Tony Evers  
12 superintendent in Wisconsin. I'm a 40-year  
13 educator. For the last 7 years I have been  
14 elected state superintendent of Wisconsin.  
15 I'm representing the state chiefs and  
16 addition the state school cohort group.  
17 Hopefully, I am representing the kids of  
18 the state and the nation in that we need to  
19 make our decisions based on increasing  
20 equity in this country and serving in our  
21 state of Wisconsin. It's great to be here.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Thanks.

2 I am Delia Pompa. I'm a senior  
3 fellow at the senior migration Policy  
4 institute. I represent the civil rights  
5 community in English learners. I am here  
6 to protect the civil rights of children. I  
7 am so pleased that my colleagues mentioned  
8 equity. I think it drives us as educators  
9 who want the best for children. I believe  
10 my background as a teacher ESEA of federal  
11 government employee and advocate gives me a  
12 perspective that is understanding of all  
13 constituencies. I am hoping that we can  
14 take this legislation which is a big  
15 compromise and make sure we balance the  
16 rights of children against the needs of  
17 adults thank you.

18 Good morning my name is Ron Hager  
19 senior staff attorney at the national  
20 disability rights network. I am here  
21 representing the civil rights community and

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 in general students with disabilities in  
2 general. I like how Alvin characterized I  
3 like to see the regulations benefit all of  
4 our students. I think that's the best way  
5 to put it.

6 I'm Rita Pin Ahrens. I'm  
7 representing the patient and student  
8 constituency. I'm a resident of DC with two  
9 small children. I want to know that I was  
10 a former educator as well and also a  
11 refugee from Cambodia, so I think that's  
12 when I think about representing parents and  
13 students. It's going to come from the  
14 perspective of families and students who  
15 often feel invisible or unwelcome in our  
16 system who don't necessarily know how to  
17 engage in the public education system or  
18 don't have the time, so that is a  
19 perspective that I will bring.

20 My name is Lisa Mack. I'm also  
21 representing the parent and student

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 constituency. I am an immediate past  
2 President of Ohio PTA. I started out as a  
3 strong advocate for my own children and it  
4 grew to be an advocate for the state and  
5 nationally as well. I worked on several  
6 local and state committees to discuss  
7 curriculum and those kinds of things. My  
8 goal is just to make sure that parents are  
9 engaged in involved in education and every  
10 child has the right to high quality  
11 education and graduates career and college  
12 ready.

13 Ms. Podziba: I would like to  
14 have the alternates introduce themselves as  
15 well. Is there a hand held near by?

16 Good morning my name is Regina  
17 Goings. I represent the Clark County  
18 School District in Nevada. I also was a  
19 language pathologist. I'm from the  
20 therapist services in southern Nevada which  
21 includes Las Vegas and surrounding areas.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 I believe that all children should succeed  
2 that's why I am here in hopes to contribute  
3 and my role as a director of speech  
4 language therapy services, SOP's and there  
5 are four hundred of them in Clark County  
6 school district. Many of them work in the  
7 general classroom with the teachers. I  
8 would like to see that continue and we can  
9 be supportive of all students not just  
10 those with disabilities although that is my  
11 area of specialty. I do believe that all  
12 children can succeed and will succeed with  
13 the support and not just general Ed  
14 teachers but general professionals or  
15 really the services of the staff as well.

16 Thank you. Good morning. My  
17 name is Mary Cathryn Ricker. I'm a  
18 national board certified English board  
19 teacher currently serving as the vice  
20 president of the American federation of  
21 teachers. I am looking forward to the rule

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 making process and putting the final put in  
2 the schools all students deserve.

3 I'm Richard Pohlman. I'm the  
4 executive director of Thurgood Marshall in  
5 the District of Columbia. Go warriors. I  
6 am serving as an alternate today  
7 representing the charter school  
8 constituencies both the association of  
9 charter school authorizers as well as the  
10 association of charter schools.

11 Good morning my name is Aqueelha  
12 James. I'm the principal of Roosevelt High  
13 School in the wonderful District of  
14 Columbia school district. I want to fine  
15 point what equality means for all children.

16 Ms. Podziba: Excuse me there  
17 have been multiple lists and I believe that  
18 you are actually a negotiator and that  
19 empty seat is waiting for you if you will  
20 grab that and we will get your name. Sorry  
21 for that over sighting.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 I'm Leslie Harper. I'm from the  
2 Leech Lake Band of Ojibwe in Minnesota. I'm  
3 an alternate under the tribal leadership  
4 category. I have background in public  
5 policy and in education specifically as our  
6 student's are effected as our Native  
7 American students and our students of  
8 Minnesota effected by formerly NCLB and now  
9 as we go into ESEA how that will effect our  
10 students. I am a former principal and  
11 executive director of native language  
12 immersion school's which are highly under  
13 represented. Ojibwe rights are highly  
14 under represented as Native American's in  
15 all of the education laws. My history with  
16 that is my parents and my aunties and  
17 uncles helped write the original Indian act  
18 law that got put into our education bill.  
19 My uncles and aunties wrote the native  
20 American languages act that was inserted in  
21 there that ensured our native American

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 languages would be recognized in all of our  
2 educational areas. I had come of age and I  
3 had the great opportunity to help work on  
4 the Martinez initiative to help write and  
5 testify and to get that to the native  
6 American languages act that is now carried  
7 forward in the ESEA so great history with  
8 it. I am here to ensure that our Native  
9 American students are adequately  
10 represented. Thank you.

11 Good morning thank you so much my  
12 name is Janel George. I am an alternate  
13 representing civil rights community. I'm  
14 with the NAACP Legal Defense and  
15 Educational Fund -- late Supreme Court  
16 justice Thurgood Marshall as an  
17 organization the litigated versus board of  
18 education. We have the strong commitment  
19 to equal opportunity for all children. We  
20 do have to be mindful for our own countries  
21 legacy of segregation in our public schools

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and the purpose of ESSA to address that  
2 legacy of segregation into provide all  
3 students with an equal access to quality  
4 education opportunities so I look forward  
5 to doing that and ensuring that states and  
6 district have the clarity and needed to  
7 implement title one and to address the real  
8 goal of title one to mitigate the effects  
9 of concentrated poverty, and the  
10 marginalized students need supplement  
11 services and supports in order to succeed  
12 thank you.

13 Hi I'm Liz King at the leadership  
14 conference on civil and human rights  
15 representing the civil rights constituency  
16 which includes English learners and other  
17 marginalized children. My priority is to  
18 make sure the law perceives it's civil  
19 rights intent and that we do the right  
20 thing for all children.

21 Good morning Tom Ahart,

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Superintendent of Des Moines, Iowa. In  
2 addition to what several others have said I  
3 really have an eye on ensuring that there's  
4 enough flexibility for local districts  
5 while having an accountability for state  
6 agencies so that we can really follow the  
7 spirit of what's intended for ESSA for all  
8 populations.

9 Ms. Podziba: Is that everyone?  
10 Thank you very much. I am quite humbled by  
11 the level of expertise and passion that you  
12 all are bringing to the table, and I am  
13 very much looking forward to our work  
14 together. I am going to take just a minute  
15 to go over the agenda for our three days  
16 together. We will dive in, so in just a  
17 minute Kay Rigling will give us an overview  
18 of the rule making process that's not on  
19 your written agenda, but we thought that  
20 would be helpful so that we could then seat  
21 the negotiated rule making in the broader

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 process and I will provide a brief overview  
2 of the negotiated rule making process.

3 Then we will go to preliminary activities  
4 which we are to review and adopt

5 organizational protocols that will govern  
6 our time together and affirm the scope of  
7 issues that will be negotiating. Once we  
8 complete those preliminary activities we  
9 will dive into the discussion of issues,

10 the supplement and the assessment issues,

11 finally we will go to next steps at the

12 very end of our three days together. At

13 the end of each day we will set aside some

14 time for public comment. There is a public

15 comment sign up sheet somewhere in that

16 back corner and I would ask people in the

17 audience if you would like to address the

18 committee at the end of the day to please

19 sign up so that we have a sense of how many

20 people will be wanting to do so. Are there

21 any questions about the agenda? I promise

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that there will be breaks and time for  
2 lunch over the three days at least a couple  
3 of times. Okay then. Kay I am going to  
4 ask you to give us an overview of the rule  
5 making process.

6 Ms. Rigling: Thank you Susan.

7 As you know we are here today because  
8 Congress recently reauthorized the  
9 elementary and secondary education act  
10 through the every student succeeds act or  
11 ESSA. This is a federal law that spun to  
12 be distributed to specific purposes of  
13 eligible including state educational  
14 agencies and local school districts  
15 provided they spend the money in accordance  
16 with the applicable provisions in the law.  
17 The part of the elementary and secondary  
18 education act that we are discussing at  
19 this meeting is title one. Under title one  
20 the Department provides funds through state  
21 education agencies to local school

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 districts to raise the achievement of low  
2 achieving children who attend high poverty  
3 schools. The central purpose of title one  
4 is to provide all children a significant  
5 opportunity to receive a fair equitable and  
6 high quality education and a close  
7 achievement gaps. A law often does not  
8 contain all of the details needed to  
9 implement the law properly. So one of the  
10 ways that is used to clarify a new law is  
11 to issue regulations. A regulation is a  
12 rule that's issued by a governmental agency  
13 in this case the U.S. Department of  
14 Education. It is not a law but once it's  
15 finalized it has the force and effect of  
16 law on the regulated entities which in the  
17 case of title one are generally state  
18 educational agencies and local school  
19 districts and schools. And they must  
20 follow the regulation after it's finalized.  
21 A regulation functions to perform uniform

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 application of the law. A regulation  
2 cannot be inconsistent with the law or  
3 outside the scope of the law. It must  
4 derive from the statutory requirements but  
5 it may help clarify the law. On December  
6 22, 2015 we published a notice in the  
7 federal register requesting advice and  
8 recommendations as to whether we should  
9 regulate under title one and if so on what  
10 topics. We also announced two regional  
11 meetings at which stakeholders could  
12 provide such advice and recommendations.  
13 Those meetings were held on January 11th in  
14 Washington DC and on January 19 in Los  
15 Angeles, California. In addition, the  
16 Department received written advice and  
17 recommendations and altogether we received  
18 nearly 400 comments. Rule making is the  
19 process that the Department develops  
20 regulations through in order to implement  
21 substantive policies or requirements. This

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 is our general process. We determine what  
2 issues regulations are necessary in order  
3 to ensure compliance with the law. We  
4 draft proposed regulatory text and we  
5 explain the reasons for that text in what's  
6 called a preamble. We published the  
7 proposed regulations in the federal  
8 register. We take public comment for a  
9 specific period of time usually 45 or 60  
10 days. Then we revise the proposed  
11 regulations based on the public comment  
12 that we received, and we published final  
13 regulations again in the federal register  
14 including a summary of the public comments  
15 and the Departments response. After the  
16 final regulations take effect they have the  
17 force and the effect of law. They will be  
18 published in a book called the code of  
19 federal regulations. If the Department  
20 decides to regulate on standards, state  
21 assessment systems or supplement not

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 supplant. The ESSA requires us to engage  
2 in negotiated rule making, so based on the  
3 advice and recommendation that is we  
4 received based on our federal register  
5 notice in December we announced on February  
6 4th that we intended to conduct this  
7 negotiated rule making session. We also  
8 identified that areas on which we thought  
9 negotiated rule making would focus.  
10 Several specific areas of state assessment  
11 systems and the new supplement not sup  
12 plant requirement. Negotiated rule making  
13 occurs before the Department publishes a  
14 proposed regulation in the federal  
15 register. At the conclusion of this  
16 negotiated session the Department will  
17 publish proposed regs will take public  
18 comment, and then will issue final  
19 regulations. Are there any general  
20 questions about rule makes? I would like  
21 to turn it over to Susan to talk

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 specifically about negotiated rule making.

2 Ms. Podziba: I think what's  
3 happening with the feedback is there are  
4 speakers in the ceilings. If we pull these  
5 lowers if we may not get as much feedback  
6 let's give it a try otherwise there's hand  
7 helds floating around. Could I get my  
8 slides? Thank you Kay for that description.  
9 I have a hunch we will be coming back to  
10 you for some advice about that. Could I  
11 get my slides please? Thank you. All  
12 right, so I am going to give a brief  
13 overview of the negotiated rule making?  
14 Thank you. So I would like to take a  
15 minute to talk about the goal, the approach  
16 and the outcome of negotiated rule making.  
17 So the goal as Kay mentioned is to develop  
18 regulations that achieve the intended  
19 public policy goals while limiting  
20 unintended negative consequences and costs.  
21 The idea is that by bringing together a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 balanced group of representatives that we  
2 can tap into your expertise and your wisdom  
3 and your passion to develop rules that make  
4 sense on the ground. By bringing together  
5 people who are out in the field in addition  
6 to people who govern and people who make  
7 policy we can get the benefits of your  
8 discussions at every level of the  
9 policymaking and rule making level. So if  
10 we are successful we will develop consensus  
11 on actual regulatory text that will form  
12 the basis of the notice of proposed rule  
13 making that the Department within published  
14 within the federal register for public  
15 comment. So the negotiated rule making  
16 process is divided into some parts. In  
17 just a moment we will do the preliminary  
18 issues that are acquired. We will develop  
19 organizational protocols and as I hope that  
20 you had a chance to look at those they were  
21 sent out earlier. That really governs how

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 we will spend our time together. They are  
2 meant to be conflict prevention process  
3 mechanisms. A lot of times people are say  
4 can't we do this and a problem arises and I  
5 am usually the only person at the table who  
6 really loves process. What we find is if  
7 we have to deal with process questions in  
8 the middle of our deliberations they become  
9 politicized. People want the rules to fit  
10 the outcome you want. By taking care of  
11 them up front. We all know what the  
12 playing field looks like and we all have  
13 the same understanding of the rules and it  
14 creates a possibility for our productive  
15 deliberations. Then we will just affirm  
16 again the scope of issues. Those will be  
17 our preliminary items. From there we will  
18 engage in a series of substantive meetings  
19 that's where we will spend our time  
20 actually discussing, learning about,  
21 becoming curious about and developing

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 solutions that will meet the interests and  
2 concerns that all of you raise. I would  
3 like to think of the beginning as  
4 work-shopping issues so we don't dive right  
5 into negotiating detail. We will have a  
6 broad discussion of each issue. I hope  
7 that each of you will contribute your  
8 concerns and ideas. If you do jigsaw  
9 puzzles it's like when you turn over all  
10 the pieces and identify all of the  
11 framework so you know what you are working  
12 with and then you can start putting it  
13 together. That's what we will do in our  
14 first pass through the issues. Between  
15 meetings we will be asking that you check  
16 in with your constituents and other  
17 negotiators and with me as well. There  
18 will be a fair amount of discussions that  
19 takes place between meetings in order to  
20 set up for the next productive meetings.  
21 So it's typical in negotiated rule making

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to use a consensus decision rule. If we  
2 define consensus as unanimity it requires  
3 that you listen intently to each other and  
4 understand each others interest and work  
5 together to create a product, a draft  
6 regulation that actually integrates all of  
7 the concerns and interests at the table, so  
8 if somebody says they can't live with  
9 something I am likely to turn to you and  
10 say can you generate a new idea that  
11 actually satisfies not only with a you want  
12 but what everyone else around the table  
13 wants. If we were to operate by majority  
14 rules than some people would very quickly  
15 be left out of the discussion because  
16 people would very quickly count the votes  
17 they needed to get something through. By  
18 working through a consensus decision rule  
19 we all are committed then. We all have to  
20 in order to achieve success and listen to  
21 each other and work in support of each

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 other. So consensus is a general accord or  
2 agreement. Every decision point is  
3 something that you want to go out and  
4 demonstrate. At some point you have to  
5 identify the things you live with. You  
6 would have gotten as much as you can on the  
7 issues that are most important to you and  
8 there for you might be more flexible on the  
9 issue that is are that you value less. I  
10 like to think of it as in enlighten self-  
11 interest because you are here to negotiate  
12 on behalf of the constituency that you are  
13 representing. In order for you to succeed  
14 and getting as much as possible for them  
15 everyone else around the table has to get  
16 as much as possible for their constituents  
17 as well. You are working from the self-  
18 interest but the enlightened part is that  
19 we are all in the same boat and we have all  
20 go a row in the same direction. If we  
21 don't get consensus then the Department has

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the opportunity to develop the regulations  
2 as it sees fit, so this is the really the  
3 opportunity for all of you to influence  
4 what that outcome is. Working by consensus  
5 maybe different from the way that is you  
6 are used to operating although many of you  
7 I spoke with you do work by consensus in  
8 some of your organizations. It requires  
9 certain things. It absolutely requires  
10 that you participate in the discussions and  
11 voice your opinions and concerns. It would  
12 be harmful if somebody didn't speak until  
13 the last meeting and then when I am seeing  
14 if there's final consensus someone raises  
15 an issue that they didn't raise earlier on.  
16 It really is your responsibility to raise  
17 the issues throughout the discussions.  
18 Again, it's also your responsibility to try  
19 and develop solution that is satisfy all  
20 the interests that people are raising. You  
21 will get in the hang of it and I expect

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that there will be some suggestion that is  
2 will trigger some other people around the  
3 table, but once we hear the constraints and  
4 the limitations that everyone is bringing  
5 we will try to work to satisfy everyone's  
6 objectives. And again, I hope that you  
7 will consent to livable proposals but also  
8 it's your responsibility to block proposals  
9 that you can't live with and the reason for  
10 that is we want this product that we are  
11 developing to live outside the room, so  
12 it's not enough that it works for everyone  
13 around the table or somebody goes home or  
14 goes to their constituents and say you  
15 can't agree to that we need to know that so  
16 because once someone is blocking consensus  
17 it means we need to work a little bit  
18 harder to figure out a solution that will I  
19 object great that concern and interest as  
20 well. What we will do during our  
21 negotiations is we will talk and there will

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 be some agreements in concept that will  
2 start to emerge. Some ideas will start to  
3 emerge and there will be a sense of the  
4 group on a particular direction. The  
5 Department of education will then draft  
6 language that will be reflective of the  
7 discussion that we had and I will warn you  
8 now and I will warn you again the first  
9 draft won't exactly be what you are  
10 expecting it to be because what comes up in  
11 discussion looks very different on paper.  
12 So we will get drafts and from that point  
13 we will then be revising and changing and  
14 modifying and refining the draft text in  
15 order that it point to the kinds of  
16 decisions that you can all agree to. So it  
17 will be an iterative process. We will have  
18 an open workshop discussion, then we will  
19 have some draft text, we will revise the  
20 text and get another version, have another  
21 conversation and revise that and we may

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 have six or 7, eight drafts on some points  
2 in order to get it to where we want.  
3 Between meetings there might be work groups  
4 or subcommittees which would be a small  
5 group of people who has expertise on a  
6 particular item may choose to hold a  
7 conference call to develop a proposal that  
8 would come forward to the full committee.  
9 There won't be, any work groups or subgroup  
10 committees won't have authority to make  
11 decisions. It's a process efficiency  
12 between meetings we would expect ongoing  
13 communications among negotiators. I may  
14 call people or you may call me if someone  
15 seems upset about something I may call to  
16 just check in and find out how we can  
17 improve that. We would also expect there  
18 to be two way feedback between you and your  
19 constituents and that would be when I say  
20 two way it would be one to learn their  
21 responses to new proposal that is may

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 develop and also to educate them about the  
2 limitations that you are hearing at the  
3 table. It's a full negotiation. There  
4 will also be federal internal decision  
5 making, so what we come up with at the  
6 table we will need to be run through the  
7 Department's usual process for affirming  
8 whether it can live with something or not?  
9 I am flagging that now for you there maybe  
10 times during our discussions where Patrick  
11 has to ask for a couple of minutes to check  
12 in with people sitting behind him to see if  
13 he can move in a certain direction. That  
14 will be when we get revised text. It will  
15 take some time because it will have to be  
16 reviewed through multiple levels of the  
17 agency. Okay. Finally this is just what I  
18 call a process map really just a one page  
19 graphic summary of all that I just said so  
20 you can see that we have got a preliminary  
21 activities now, we will do ground rules and

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 our agenda issues. We will sit through an  
2 iterative process negotiate over time until  
3 reach or tentative agreements and then  
4 consensus I hope on all the issues.

5 Mr. Rooney: I think there's a  
6 stopping point. I would like to introduce  
7 Secretary John King.

8 Mr. King: I guess I am on. Good  
9 morning everybody. Thank you for  
10 gathering. I wanted to come down and  
11 express my appreciations to all the members  
12 of the committee for taking time away from  
13 work and family to join us for this  
14 process. I certainly appreciate all the  
15 folks in the room who are participating in  
16 this process. There is important work  
17 ahead of us. There's folks that know me  
18 know I began my career as a high school  
19 social studies teacher. I think this  
20 negotiating committee cares. It has  
21 historic responsibilities to make sure that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 our every student succeeds act lives up to  
2 that legacy of the law. The law was first  
3 adopted in the elementary and secondary  
4 education act in 1965 and important element  
5 because it has to be viewed in the context  
6 of a civil rights act of 1964 and the  
7 voting rights with 1965 has to be viewed as  
8 a civil rights law. Johnson and -- former  
9 teacher when he signed the -- act.

10 Understanding that education was the best  
11 pathway for the country to fulfill the  
12 promise of equality of opportunities. As  
13 we begin these discussions about  
14 implementation of the law we need to do it  
15 in that spirit. Indeed the President  
16 talked when he signed the law about his  
17 belief that the law will build on the civil  
18 rights legacy of the original elementary  
19 and secondary education act. These  
20 conversations will be complicated and they  
21 will be technical in nature at times, but

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 our north star in those conversations has  
2 to be a quality of opportunity and the  
3 civil rights legacy of the law. We are  
4 very pleased that the law maintains the  
5 national committee to directing targeted  
6 resources to the needs of students who are  
7 most at risk maintains that the attention  
8 of the original elementary and secondary  
9 education act on the needs of low-income  
10 students. Invest in the education of  
11 English learners and students with  
12 disabilities. It requires that we pay  
13 attention to our homeless students or our  
14 students in foster care. The law is  
15 designed and we think this is hugely  
16 important to focus our attention on the  
17 students who are most at risk. The law  
18 requires that states and districts  
19 intervene to address gaps in achievement  
20 that when schools are among the lowest  
21 performing and when schools have low

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 graduation rates and when schools are  
2 serving subgroups inadequately. They are  
3 not performing at the level they should.  
4 There's a requirement for action. The  
5 President signed the law because he  
6 believes that intervention is a critical  
7 component of the fulfilling the civil  
8 rights legacy of the law. The law also  
9 importantly maintains the notion that we  
10 need transparent indicators of progress for  
11 families, for educators and for  
12 communities. Those are important elements  
13 and that is the foundation on which these  
14 conversations built. The regulations that  
15 come out of these conversations will define  
16 how we implement the law for years to come  
17 and so it is a weighty responsibility that  
18 you all have. I am appreciative that you  
19 are taking that on. In terms of the  
20 particular topics around assessment and  
21 again, one of the important elements of the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 law from our perspective that it maintains  
2 the requirement for good information for  
3 families and educators each year about  
4 student progresses. Certainly as a  
5 teacher, principal and education policy  
6 maker I personally deeply appreciate how  
7 good assessments can inform good  
8 instruction. I also appreciate the ways in  
9 which low quality assessments can distract.  
10 I hope that this committee will try to  
11 strike the right balance and how we think  
12 about an assessment and how we ensure  
13 assessments give us good information in the  
14 progress of all students and the subgroups  
15 an particularly -- and students with  
16 disabilities. Again, the North Star has to  
17 be equity and asking how do we ensure that  
18 the federal resources aren't additive.  
19 They are expanding opportunities and that  
20 states and districts are not using federal  
21 resources to substitute for their own

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 responsibility to ensure their students are  
2 well served. I hope in both conversations  
3 on assessment and on supplement not  
4 supplant you will ask yourselves, how do  
5 our decisions honor and reflect the civil  
6 rights legacy of the law if you were  
7 sitting -- high school students if you were  
8 sitting with Lyndon Johnson explaining the  
9 decision of this committee in the context  
10 of the civil rights part of this law. I  
11 hope that this is the spirit in which these  
12 conversations will be carried out.  
13 Certainly I hope they will be constructive  
14 and thoughtful and ensure that not everyone  
15 will agree on every point. I think there's  
16 an opportunity to reach consensus through  
17 thoughtful discussion. That's the spirit  
18 for which our team approaches this work.  
19 I am grateful to the experts and  
20 facilitators who are joining us for this  
21 work and I look forward to hearing about

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the consensus reached and the agreements  
2 reached and the ways in which, the ways in  
3 which these regulations will advance our  
4 national committee to equity and excellence  
5 for all of our children. Thank you very  
6 much for being here.

7 Ms. Podziba: Great. Are there  
8 any questions about the negotiated rule  
9 making process? All right. Then I would  
10 ask you to take the draft ground rules that  
11 are in your binder this is a draft it's  
12 developed from past processes. You can  
13 change these. Okay. If IDEA is for you to  
14 make these work for this committee I am  
15 going to go through each paragraph and I  
16 will pause after each and see if there's  
17 questions about it. The mission statement  
18 does everyone have it in front of them?  
19 There's a tab.

20 Is this the same one you e-mailed  
21 earlier?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Podziba: Yes. Okay. Great.  
2 Okay. The mission statement the U.S.  
3 Department of Education has established  
4 this negotiated rule making committee to  
5 develop proposed regulations on certain  
6 topics under title one part A of the  
7 elementary and secondary education act of  
8 1965 ESEA as amended by the every student  
9 succeeds act. Everyone okay with that? If  
10 you are boarding a different plane now is  
11 time to get on. If you want to speak just  
12 put your tent up like that and that signals  
13 me that you want to talk, and I will keep a  
14 running list and as close to the order of  
15 how they go up. Also, can I ask you for  
16 now to turn them towards me because then I  
17 will learn your names for quickly and the  
18 transcriber will have a better chance of  
19 knowing who's speaking. Thank you.

20           Ms. Jackson: I am just wondering  
21 for alternates where it says they can speak

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 as well is there something they should do  
2 to indicate they want to speak.

3 Ms. King: They should switch  
4 seats with the person at the table and then  
5 I will -- so they should have do the  
6 alternates have name tents? So the best  
7 thing to do is keep them underneath of the  
8 name tent of the person you are alternate  
9 for so when they come to the table it's  
10 already there. Thank you.

11 In regards to the bathroom when  
12 should we excuse ourselves?

13 Ms. Podziba: When biology calls.  
14 I will try to have breaks every hour and a  
15 half so everyone gets to take care of  
16 nature as they need to. All right. Where  
17 are the bathrooms just so everybody knows?

18 Mr. Rooney: If you go out either  
19 of the doors the women's room is out that  
20 door and go straight down the hall way it  
21 will be down the hall on your left. The

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 women's is out the door and straight down  
2 the hall. It will be on your right.

3 Ms. Podziba: Thank you. Okay  
4 purpose. The negotiated rule making  
5 process brings together federal state and  
6 local administrators, tribal leaders,  
7 participants after students, teachers,  
8 principals, other school leaders para-  
9 professionals and the civil rights an  
10 business communities to discussion and  
11 negotiate draft regulations. The purpose  
12 of the negotiated rule making is to improve  
13 the substance of regulations and increase  
14 understanding of it and support for those  
15 regulations and encourage effected parties  
16 to communicate with each other and share  
17 information, knowledge and expertise.  
18 Sound good? Participation I am not going  
19 to read out although there is the error, so  
20 if we can just all cross out the star next  
21 to Aqueelha James name. Please cross out

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that asterisk. All right then I am going  
2 to move to be in addition to members of the  
3 negotiating committee the following  
4 individuals will support the work of the  
5 committee in reaching consensus and that's  
6 facilitator and Department of education  
7 counsel and experts. Are there any  
8 questions about those? Okay. Now we are  
9 going to get into process substance. All  
10 members I am reading paragraph C. All  
11 members of the committee may speak during  
12 the negotiations. Each member not  
13 designated as an alternate will participate  
14 for the purpose of determining consensus.  
15 A member Designated as an alternate will  
16 participate from the purpose of determining  
17 consensus in the absence of a member of his  
18 or her designated constituency.

19 Mr. Hager: For our group for one  
20 of the topics in particular one of the  
21 alternates is the real primary expert for

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 us. Would we allow her if I absent myself  
2 to be able the person to be a consensus on  
3 that topic is that something that's  
4 recognized within the policies?

5 Ms. Podziba: It's easier. It  
6 sounds like the best thing to do would be  
7 for her to sit at the table during the  
8 discussion and then when it's time for  
9 dissent, what will happen at some point I  
10 will say and you will see when we get to  
11 the ground rules is there any dissent from  
12 adopting an agreement on this section or  
13 this item, and at that point if you have  
14 dissent you can indicate that just because  
15 it will keep things a little less messy.  
16 Thank you. I want to be sure that people  
17 understand this paragraph okay so we  
18 essentially if you are sitting at the table  
19 now you are designated as negotiators and  
20 not alternates, and so you are the people  
21 that will be responsible for dissenting.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 If you are not here for a meeting because  
2 you are ill and get called away and then  
3 you are alternate will sit in your place  
4 for that purpose?

5 Ms. Ricker: Good morning so is  
6 this what the federal registry says or is  
7 this our interpretation of the federal  
8 registry?

9 Ms. Podziba: I am going to turn  
10 to Kay for that question?

11 Ms. Rigling: I am not  
12 understanding the question?

13 Ms. Ricker: I thought the  
14 federal registry said that all negotiators  
15 were speaking members they were nonvoting  
16 members. I was cure use if there was a  
17 part of the registry that alternates were  
18 also non-speaking members or if it  
19 clarified nonvoting.

20 Alternates can speak? Did I  
21 misspeak?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Ricker: You added a clause  
2 at the end of the second sentence that said  
3 the purpose of the determining after the  
4 end of the first sentence may speak during  
5 negotiations if a primary member is absent  
6 from the table. It doesn't say that here.

7           Ms. Podziba: I apologize if I  
8 misspoke. The alternates are invited to  
9 participate fully in the discussion. The  
10 alternates are not or do not have the  
11 authority to dissent. That's the  
12 difference.

13           Mr. Payment: So maybe this will  
14 help, so several advisory committees that I  
15 am on use FOCA regulations and so basically  
16 the person who's sitting as the  
17 representative steps out it doesn't have to  
18 physically step out and then you hand the  
19 floor to the alternate. The alternate can  
20 speak as if they were the actual person.  
21 They are in no way limited you are taking

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 turns with the seat.

2 Ms. Podziba: I am glad that you  
3 raised it. It's very important for  
4 everyone to understand is that clear to  
5 you? Is that more aligned with what your  
6 thoughts were?

7 Ms. Ricker. It seems like it was  
8 an interpretation because the language  
9 seemed very simple that everyone would  
10 speak and didn't speak to changing places.  
11 So if my understanding is that's an  
12 interpretation that will be adopted at this  
13 table I think that's clear enough yeah.

14 Ms. Podziba: Thank you. Is  
15 there any questions or comments or proposed  
16 changes to item C?

17 Ms. Jackson: If it would make  
18 sense for the hand held available for  
19 discussion purposes. I don't know how  
20 others this example here illustrates how it  
21 could be inefficient?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Podziba: Let's think about  
2 that. It just the idea is really that's  
3 there's one seat for that constituency and  
4 so it's I understand that it's a bit  
5 cumbersome. It actually makes for more  
6 productive discussions because otherwise we  
7 have people that I can't recognize from  
8 behind the table, so I apologize for that  
9 but hope that we can live with that rule.

10           Mr. Hager: If it really gets  
11 silly in terms of getting up and moving can  
12 we come back to that? We can still raise  
13 the flag for the person they don't have to  
14 physically change chair that is' a thought.

15           Mr. Rooney: I think that's fair.  
16 It doesn't change anything in the  
17 protocols. It's more operations as we say  
18 thank you. All right I am going to move to  
19 paragraph D. The committee may add  
20 members. Requests for membership must be  
21 made at the beginning of the first session

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 on March 21, 2016 and must be approved by  
2 consensus of the committee members as  
3 defined in these protocols. To be  
4 considered by the committee, the individual  
5 must be among the individuals or group that  
6 is provided advice and recommendations in  
7 response to the Department's request for  
8 information published on December 22, 2015.  
9 New members may begin to participate  
10 immediately upon admission to membership.  
11 I just want to call your attention to a  
12 footnote any new member must not have a  
13 conflict of interest that would prevent the  
14 individual from engaging in the  
15 negotiations of good faith. Are there  
16 questions about this section? Okay so if  
17 we adopt it "as is" when we complete our  
18 discussion of the protocols I will call for  
19 petitions for membership and we will  
20 entertain any petition that is come to us.  
21 All right. Paragraph E subcommittees maybe

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 formed by the committee at the request of  
2 any member to address specified issues and  
3 to make recommendations to the committee.  
4 Subcommittees are not authorized to make  
5 decisions for the committee. Subcommittee  
6 meetings are open to any member of the  
7 committee and maybe held between meetings  
8 two between the committee. All committee  
9 members will be notified of all  
10 subcommittee members. Are there any  
11 questions or comments? Audrey?

12 Ms. Jackson: I'm wondering if  
13 there's any detail for the time line of  
14 being notified? I don't know if it's  
15 totally matters is it a day before or an  
16 hour before?

17 Ms. Podziba: Do you have a  
18 proposal? What would you like to add?

19 Ms. Jackson: I don't know what  
20 other people think I would say two to three  
21 days before just if people were interest ed

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 in attending I don't know if it comes up.  
2 Some level of notice if some people wanted  
3 to be part of this?

4 Ms. Podziba: So all committee  
5 members will be notified of all  
6 subcommittees meetings two to three days  
7 prior to the meetings and can we add the  
8 catch all if practicable if there's a  
9 necessity to call one quickly. Thank you.  
10 Okay.

11 Mr. Wilbanks: Just for  
12 clarification when you refer to a meeting I  
13 assume these three days are referred to as  
14 the meeting here and is the meeting any  
15 meeting between today and tomorrow is that  
16 such a meeting do you understand my  
17 question?

18 Ms. Podziba: Subcommittee  
19 meetings between days of our negotiating  
20 sessions? I think the subcommittee  
21 meetings are that's a good question.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Obviously we can want --

2           Mr. Wilbanks: I am not hung up  
3 with it I am just trying to get  
4 clarification.

5           Ms. Podziba: There's a  
6 possibility that a small group of  
7 negotiators would want to get together in  
8 the evening to develop a proposal. In that  
9 case if we do say two to three days prior  
10 to the meeting if practicable then that  
11 would not be practicable right? Okay. So  
12 there's a proposal to revise the protocols  
13 that reads two to three days prior to the  
14 meeting if practicable is there any dissent  
15 from adding that language? Okay. I am  
16 going to move onto paragraph F. Upon the  
17 initiation of any member and after  
18 consultation with the facilitator, the  
19 secretary may remove a member he determines  
20 is not act anything good faith in  
21 accordance with nine B of this protocol.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 In such a case, the secretary will provide  
2 an explanation in writing to the member and  
3 the committee. We can talk about good  
4 faith when we get to nine B. Okay. G. The  
5 secretary may remove any member who ceases  
6 to be employed by or associated with the  
7 constituencies the individual was chosen to  
8 represent. If any of you change jobs and  
9 move to another sector. You would be asked  
10 to leave. All right. Any questions on  
11 section 3?

12 Mr. Payment: I have a protocol  
13 question for E should we make an effort to  
14 announce the subcommittee at the break of  
15 the day each day because then it does say  
16 that all committee members have to be  
17 notified of a subcommittee. Let's say  
18 there's a group that happens to be hanging  
19 out together and they call a subcommittee  
20 and they send out a communication and  
21 that's not practicable, so should we make

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 an effort to make the announcement of  
2 subcommittees at the end of each day so  
3 that we can try to coordinate our ability.  
4 Also, there might be competing subcommittee  
5 that is way we at least have time to  
6 coordinate our efforts and availabilities.

7 Ms. Podziba: A subcommittee  
8 usually emerges from a discussion at the  
9 table. It's not a subcommittee if five of  
10 you go out for dinner and some ideas  
11 emerge. So I think yes, if people know  
12 they want to have a subcommittee that we  
13 should be sure to let everybody know at the  
14 end of the day.

15 Mr. Hager: I guess connected to  
16 that would be a difference between a  
17 subcommittee and a caucus. A subcommittee  
18 would be a designated meeting for a  
19 specific purpose. A caucus is an informal  
20 discussion of a group of like-minded people  
21 about a topic is that clear?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           So a subcommittee let's say we  
2 are having a discussion and there's a  
3 technically complex question and five  
4 people have expertise in budgeting for  
5 example. Let's say so someone might say  
6 how about if we have a subcommittee to go  
7 through the details of this issue and come  
8 back to you with a proposal. What often  
9 happens is people make sure that generally  
10 the constituents are represented on that  
11 subcommittee so that the proposal that  
12 comes through has been developed with  
13 multiple perspectives that's where a  
14 subcommittee comes in. A caucus is during  
15 the meeting and will get to this in just a  
16 minute. Caucuses are during the meeting  
17 when a subgroup of people wants to meet to  
18 discussion usually an alignment of their  
19 interests on a particular proposal. Then  
20 they might say to me Ms. Podziba we would  
21 like 15 minutes or half an hour for a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 caucus and we will make room for that to  
2 happen during the eight hours of  
3 negotiations day caucus that happens  
4 offline can just happen, okay. Great  
5 questions. Anything else on section three?  
6 All right I am going to move to section  
7 four participant rules. Committee members  
8 are responsible one, for participate  
9 anything committee meetings to ensure that  
10 the interests the member represents are  
11 considered. The working to reach consensus  
12 on the issues before the committee and 3  
13 participate anything subcommittees and or  
14 caucuses as needed, to develop options to  
15 bring before the entire committee questions  
16 or comments on that? The facilitator  
17 that's me will be responsible for chairing  
18 the meetings in an impartial manner, two  
19 assisting committee members in conducting  
20 the discussions and negotiations to ensure  
21 that the meeting proceedings in an orderly

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 manner. Three developing the meeting  
2 agenda in consolidation with members of the  
3 committee and four helping the parties to  
4 resolve their differences and achieve the  
5 consensus on the issues addressed by the  
6 committee five, facilitating all committee  
7 meetings and subcommittee meetings and  
8 caucuses to the extent possible, and six  
9 maintaining records of agreements and  
10 disagreements, any questions or comments  
11 about that? I will say that I serve my  
12 perspective is that the committee is my  
13 client. I serve as your behest. If I do  
14 something that feels wrong to you I would  
15 ask you to just come and let me know and  
16 give me an opportunity to make an  
17 adjustment. I am not intending to do  
18 something that would upset somebody. If I  
19 do I apologize in advance. Please come up  
20 to me and let me know so I can make the  
21 appropriate adjustment, five, decision

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 making. The committee will operate by  
2 consensus, meaning that there must be no  
3 dissent by any member in order for the  
4 committee to be considered to have reached  
5 agreement. Thus, no member can be out  
6 voted. Members should not be block or with  
7 hold consensus unless they have serious  
8 reservations about the approach or solution  
9 that is proposed for consensus. Absence or  
10 abstention will be equivalent to not  
11 dissenting. All consensus agreements  
12 reached during the negotiations will be  
13 considered tentative until all members of  
14 the committee reach final agreement on  
15 regulatory language. Once final consensus  
16 is achieved committee members may not  
17 withdraw their consensus. So what that  
18 means as we are working through a document  
19 I will ask for, I will ask the question is  
20 there any dissent from reaching a tentative  
21 agreement on this section. Tentative means

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that we can reopen it it's not final. We  
2 may need to reopen it because something we  
3 work on later in the document is  
4 inconsistent with an earlier decision.  
5 It's also because we are going to reach  
6 final consensus on the package of  
7 agreements, so it's helpful to get  
8 tentative agreements to narrow our  
9 discussion to the outstanding issues for  
10 which there are not yet tentative  
11 agreement. Are there questions about that?  
12 This is a really important section.

13 Ms. Briggs: The goal is that  
14 there's a consent are the entire list of  
15 issues or success making this up everything  
16 works great for assessments and supplements  
17 does that work?

18 Ms. Podziba: The way these are  
19 written as proposed is there can be final  
20 consensus on supplements not supplant final  
21 consensus on assessment or both. The

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 proposal is you can choose to keep it this  
2 way if there's agreement on assessment but  
3 not supplement or supplant. The assessment  
4 will still be used in the notice of the  
5 proposal making. That's the proposal and  
6 you can change that.

7 Mr. Hager: I mean when we get  
8 down to regulatory language within the  
9 category which is a broad one we might have  
10 an agreement on three quarters of the  
11 regulation one quarter we don't. I would  
12 like to make sure whatever consensus we  
13 reach and we reach then if there's sub part  
14 it would be okay. Is that a little bit  
15 different than you are suggesting.

16 Ms. Podziba: If we wait just a  
17 minute we can get to the section where we  
18 can have that discussion.

19 Mr. Rooney: I just want to you  
20 skipped the expert section on four C.

21 Ms. Podziba: Sorry. Apologies.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 I was so excited to get to the decision  
2 making section. Okay so section C experts  
3 are responsible for one answering questions  
4 posed by committee members and two  
5 providing information to clarify and ensure  
6 accurate understanding of issues within the  
7 scope of the negotiations, any questions on  
8 the rule of the expert?

9 Mr. Payment: I like that  
10 section. I need that section back home.  
11 So does that mean as we are going through  
12 this if we come across something we don't  
13 fully appreciate we can ask the expert what  
14 if they don't have the answer, do they have  
15 to have the answer or do they make it up?

16 Ms. Podziba: Well, that's a good  
17 question. I think that they will probably  
18 give you the best answers they have.  
19 Perhaps at times we may say can you go and  
20 research that a bit for us and come back  
21 tomorrow. I think it might be hard to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 demand if they have the right answer.

2           Mr. Payment: One other thing was  
3 so we operate we try to operate by  
4 consensus but we are pretty westernized  
5 sometimes. This suggests that we are going  
6 to work until we get to consensus. I think  
7 that is in the principle of a consensus is  
8 that you may have disagreements, but you  
9 have the responsibility to find the  
10 solution and not hold back your consensus.  
11 The one provision is a little bit and I  
12 don't mean to be offensive. It's a little  
13 bit of a cop out because that doesn't count  
14 toward the opposition of a consensus. Our  
15 duty really is to work through the issues  
16 until we get to the point where we have the  
17 consensus that we can live with. Those are  
18 the kinds of terms.

19           Ms. Podziba: Thank you. Are  
20 there any other comments or questions on  
21 section five?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Rooney: We would like to  
2 propose is a I think it says by notice and  
3 by any member that means any member that is  
4 not an alternate. I think that was a  
5 clarification you meant to make?

6           Ms. Podziba: Members -- so  
7 members should not block or with hold  
8 consensus that paragraph?

9           Mr. Rooney: The first sentence  
10 meaning there's no dissent by any member  
11 that should be by any member who is not an  
12 alternate? Is that the right language to  
13 use?

14          Ms. James: That also speaks to  
15 new members and that's going back to  
16 section four, section three excuse me  
17 adding membership to the table?

18          Ms. Podziba: If we add members  
19 we should define if they are alternates or  
20 full members and if they are members then  
21 they will fall under all of the ground

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 rules that refer to members. So we would,  
2 so if we add members we add them to the  
3 section that list it is members and then  
4 they would be as everybody else around the  
5 table. All right.

6 Mr. Payment: I have a proposed  
7 language that is a little more collegial  
8 rather than say except the alternates that  
9 would say seated member. You are a seated  
10 member if you are an alternate. I can see  
11 the seat if it's a particular issue then I  
12 am giving the expertise to the alternate  
13 than that person is the seated member for  
14 that point. I would say seated member  
15 rather than the distinguished alternate.

16 Ms. Podziba: That gets to the  
17 issue that Ron raised earlier. Is  
18 everybody okay with that language? The  
19 proposal is that the committee will operate  
20 by consensus meaning that there's no  
21 dissent by any seated member. We will

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 understand seated to mean those of you  
2 seated at the table. Okay. Thank you. All  
3 right.

4 Ms. Rigling: Do we need to make  
5 that same change in C 3C the definition of  
6 consensus?

7 Ms. Podziba: Yes. Do you have a  
8 proposal on how to take that? We can just  
9 change it to each seated member we will  
10 participate for the purpose of determining  
11 consensus so that's

12 Ms. Mack: I need clarification  
13 if we are going back to that 3 C it was my  
14 understanding that only the actual members  
15 had voting privilege. Now it seems as  
16 though if an alternate is sitting that  
17 alternate has I just need clarification on  
18 that thank you.

19 Mr. Rooney: Yes, I think that  
20 the primary negotiator has the seat. In  
21 this proposal could defer its seat to an

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 alternate. Is that acceptable to you?

2 Ms. Mack: I just needed  
3 clarification.

4 Mr. Rooney: I like the idea but  
5 I wonder if it causes some confusion for  
6 taking multiple votes I don't know votes is  
7 the right word and making multiple  
8 decisions in order to then identify if the  
9 person at the table should switch with the  
10 alternate each time if that's going to  
11 cause confusion versus just having the  
12 person at the table be the or the person  
13 who's the member the non-alternate be the  
14 person that votes and they should be  
15 consulting with other people. That would  
16 be a cleaner way to do it?

17 Ms. Podziba: Richard?

18 Mr. Pohlman: Yes, I also have a  
19 question this is sort of proof of the  
20 awkwardness I think. Is there a way to  
21 codify or within this obligation or through

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 reaching consensus for negotiators at the  
2 table to confer with alternates within the  
3 category because I think that as these  
4 amendments come up what I hear is more of a  
5 separation from the alternates from  
6 speaking at the table given that my status  
7 I am the only charter representative. Why  
8 we share a category there's not another  
9 charter school representative. I think  
10 many of our category have different  
11 perspectives and how can we codify an  
12 obligation at least confer during that  
13 consensus process?

14 Mr. Rooney: Do you have a  
15 proposal?

16 Mr. Pohlman: If there's a  
17 modification I think that what maybe Mr.  
18 Rooney is suggesting could some ways  
19 address that by affirming through reaching  
20 consensus the negotiator should confer with  
21 alternates in the same category prior to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 reaching consensus or prior to expressing  
2 consensus.

3           Ms. Podziba: Except could you  
4 further define what you mean by confer?  
5 Because do you mean consult with or are you  
6 suggesting that the primary negotiator  
7 can't consent if his or her alternate is  
8 not willing to do so?

9           Mr. Pohlman: I suggest that  
10 conference is necessary or speaking to but  
11 not to provide some sort of a veto or the  
12 voice be unanimous between those alternates  
13 within the category but rather there be a  
14 duty to speak to confer with prior to  
15 expressing consensus.

16           Mr. Wilbanks: It seems to me  
17 that the rules imply that whoever is  
18 representing the group whether it be the  
19 negotiated at the table or the alternate  
20 that you discuss with them you try to get  
21 consensus there. I think we are in deep

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 trouble if we can't get consensus within  
2 our group that we are representing. I  
3 think when you open it up to changing  
4 alternates with the negotiator that's could  
5 be problematic. I mean if they can't reach  
6 consensus why did we group them that way in  
7 my view?

8 Ms. Podziba: Do I understand  
9 your view then is that there's no need to  
10 change to add any additional language  
11 because that's implied.

12 Mr. Wilbanks: Yes.

13 Ms. Podziba: Okay.

14 Ms. Pompa: I am wondering if we  
15 are using consensus in the same way as  
16 voting because if we are giving the, if we  
17 are giving the authority for permission for  
18 an alternate member to block consensus then  
19 is that equivalent to a vote changing the  
20 voting status?

21 Mr. Rooney: Could be seen that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 way.

2 Ms. Pompa: The statement that  
3 only seated members can vote or non-  
4 alternative members can vote. Where does  
5 that derive from? Is that part of our  
6 agreement to a protocol is that stated  
7 elsewhere when you talk about negotiated  
8 rule making?

9 Ms. Podziba: These are your  
10 protocols to develop?

11 Ms. Pompa: when you sent out the  
12 list the people with an asterisk are not  
13 voting members. Is this also part of our  
14 protocol or is that outlined in the process  
15 for negotiated rule making?

16 Ms. Podziba: I am going to turn  
17 to the Department for that

18 Ms. Rigling: I don't think its  
19 part of the negotiated rule-making act. I  
20 think that it was our process to enable as  
21 many voices to be heard just like Richard

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 said that he perhaps has the only voice for  
2 charter schools but yet he is a member of  
3 the school leader's group. I think we also  
4 have an intent to keep the group manageable  
5 so that when we did try to reach consensus  
6 it was not the more quote voting members  
7 the more one single person can achieve the  
8 group from not reaching consensus and so we  
9 were trying to keep a manageable size of  
10 the group in terms of those members  
11 reaching consensus, but enabling a wide  
12 variety of interests to be able to speak  
13 and to inform the decisions of the group.

14 Mr. Ahart: Thank you. I guess I  
15 am getting back a little bit to what I  
16 believe Audrey brought up earlier to  
17 participate in this process as an alternate  
18 it feels like it's going to be exceedingly  
19 clumsy. If this is the meeting site for  
20 the remainder of the meetings or if we  
21 could have a way for all alternates to be

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 at the table and have some way to designate  
2 which is alternates and which are nonvoting  
3 and which are voting when the consensus  
4 process comes around?

5           Mr. Hager: That was from mine  
6 before or either that having the mic's back  
7 in freely. I think there's a difference  
8 with discussion where it should be more  
9 free and consensus where it does help to  
10 have someone physically at the table who  
11 has the authority that has more style than  
12 anything else. I did want to comment on  
13 Kay's point. It is in the language of the  
14 notice of proposed rule making specifically  
15 say that is in the case of constituencies  
16 for which an alternate is selected the  
17 primary negotiator will participate for the  
18 purpose of determining consensus. That's  
19 in the that answers your question that's in  
20 the notice of proposed rule making can we  
21 as a part of the process modify the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 language in the notice of proposed rule  
2 making which I am going to deter to you on  
3 that Kay. Do you understand what I am  
4 saying if it's not notice of proposed rule  
5 making do we have the authority to amend it  
6 through our own process?

7 Ms. Podziba: Let's ask Kay about  
8 that?

9 Ms. Rigling: It's my  
10 understanding that the notice of proposed  
11 rule making set out what the Department how  
12 we view it had process, but in fact the  
13 protocol that is you are looking at right  
14 now are in fact, run what will govern the  
15 operations of the committee.

16 Mr. Payment: I am on a couple  
17 committees. One is the secretary for the  
18 HHS and we have our primary delegate and  
19 alternates. It isn't clumsy it works  
20 pretty smoothly even when you get into the  
21 thick of very technical questions. I think

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 it really depends on if we have a collegial  
2 approach to what we are doing. We are  
3 educators in one-way or another. I think  
4 that as long as we respect the alternate it  
5 is to see the person it sounds like it's in  
6 congruent and it might be setting and over  
7 riding the language if we are saying that  
8 the seated person is the one that makes a  
9 decision even if it's the alternate that  
10 happens to be seated, but remember we are  
11 the people that are sitting here now are  
12 the pointed persons. We have the authority  
13 to choose to defer and let an alternate sit  
14 in our stead, and then they become the  
15 seated person for the purpose of a  
16 consensus. The other thing is we are not  
17 taking votes. It's a very different  
18 consensus is to get us to what we can agree  
19 to. If we don't agree to something it's  
20 our responsibility to find a way to get to  
21 the proposal so that it's something we can

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 agree on. We are not voting on anything or  
2 Vetoing on anything. We have the  
3 responsibility to change our proposal  
4 substantively so it's something we can live  
5 with. Those are keywords to getting us to  
6 the end point. So I think there's a little  
7 bit of a concern about how this is going to  
8 work and whether it will be smooth enough.  
9 You will find it will be as good as the  
10 people sitting at the table. I intend to  
11 be fluid with the way I do it. I know we  
12 have only met today too by the way. So  
13 also some of us have experience beyond what  
14 you might think. I am a former charter  
15 school President so some of us are multi.  
16 We are all multi dimensional. I think the  
17 voices and caucus and ability to bring  
18 those issues I think we are going to be  
19 able to do if we have a collegial approach.  
20 The one specific question for legal throw  
21 and it was my proposal. If the regulations

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 restrict it to the appointed person maybe  
2 we can't do that and I would concede that  
3 if that's the case.

4 Ms. Podziba: Okay let's hear  
5 from some more people.

6 Ms. Pin Ahrens: I appreciate the  
7 desire to be more inclusive of other  
8 perspectives. I would like to make the  
9 recommendation that we within our category  
10 of caucus either before we get into the  
11 meat of the discussion at least before we  
12 get to the point of deciding whether we  
13 come to a consensus because I mean even  
14 though we don't have alternates I do  
15 appreciate other category does. We want to  
16 make sure that everybody has a chance you  
17 know to share their expertise and  
18 perspective. Given it's really the primary  
19 negotiator that has to give up their  
20 alternate to speak. I am seeing it's  
21 awkward to do this and the primary

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 alternate doesn't have do that if an  
2 alternate wants to speak. I would like to  
3 see some recommendations for caucuses  
4 occurring before we come to consensus.

5 Ms. Podziba: Would you like to  
6 see that in the protocols or just  
7 operationally?

8 Ms. Pin Ahrens: I wouldn't mind  
9 seeing it in the protocol to make sure that  
10 it does happen.

11 Mr. Evers: This is complex. I  
12 don't have an alternate so I will say this  
13 with bias. My concern about the decision  
14 making and the numbers of people making  
15 decisions escalating from 18-20 to 25-30 I  
16 just think it's to be more difficult to if  
17 we are switching seats for making  
18 decisions. It doesn't sit well with me  
19 personally. I think the idea of making  
20 sure that the primary negotiators are  
21 interacting with lots of other people

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 including alternates. I don't have any but  
2 I am sure I will be interacting with all  
3 sorts of people who want to influence how I  
4 take stands on things. It concerns me that  
5 the number of people voting is going to  
6 shift with the issue and it will make it  
7 more difficult to reach a consensus.

8           Mr. Ahart: Just I appreciate the  
9 comments about reaching consensus and that  
10 we are not voting although in the document  
11 it does say there's voting and nonvoting  
12 members. If the intent is for what we are  
13 now being called alternates to fully  
14 participate in the discussion it seems like  
15 this exchanging seat process would have a  
16 somewhat would have a chilling effect over  
17 the course of the negotiations span.

18           Ms. Podziba: I want to say  
19 something operationally we could make the  
20 table less tight so that it would be easier  
21 to get up and back. Just a point.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Jackson: I feel like this is  
2 a real world problem for my fifth graders  
3 to solve. We can send it to them.  
4 The -- when I checked it's 16 voting  
5 members and eight nonvoting members, so if  
6 you are adding four more tables if they  
7 were to have a seat it sounds to me it's  
8 okay without having a voting status. I am  
9 not sure if we would do that so two more  
10 tables. Again fifth graders would have  
11 solved this faster than me. The issue is  
12 do we make a bigger group and everyone  
13 sitting and we leave it as is and the last  
14 thing I will say is I move if there's a  
15 reach tentative consensus on this issue and  
16 then move forward?

17           Ms. Podziba: I am going to take  
18 two more comments. Do you have a proposal?

19           Ms. Jackson: My proposal is to  
20 reach tentative consensus on agreement of  
21 language around voting just to confirm. It

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 sounds like we are on the same page.  
2 Second would be the agreed upon approach  
3 for physical arrangement.

4 Ms. Podziba: I am not sure when  
5 you say voting and we all agree I am not  
6 sure what you are referring to

7 Ms. Jackson: My interpretation  
8 is it sounds like people are fine with  
9 people who do not have an asterisk next to  
10 their name or whoever is seated being  
11 responsible as appropriate for each  
12 consensus and conferring as appropriate.

13 Ms. Podziba: I am looking at  
14 paragraph five. I think the changes are we  
15 will go back to three after words. The  
16 committee will operate by consensus,  
17 meaning that there must be no dissent by  
18 any seated member in order for the  
19 committee to be considered to have reached  
20 agreement. A proposal to add of last  
21 sentence an additional sentence at the end

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 something like primary negotiators will  
2 consult with their alternates prior to  
3 achieving final consensus and I just think  
4 if it's every minute, every single item it  
5 would get very cumbersome. That's my  
6 proposal for the comments that were raised.

7 Ms. Briggs: I think the final  
8 sentence is what I am hearing people are  
9 agreeing on, but I'm not certain the seated  
10 part I want to echo what Tony said. It  
11 gets super complicated. I too don't have  
12 an alternate but lots of people to talk to.  
13 I don't think we need that clarification.

14 Ms. Podziba: You would just  
15 leave it no dissent by any member who is  
16 but we still have to distinguish by the  
17 alternates.

18 Ms. Briggs: I think they are  
19 distinguished. I think we are saying what  
20 Tony said and Audrey said. People aren't  
21 going to be switching out or delegating

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 their consensus authority to an alternate.  
2 They will be conferring that's the last  
3 sentence you added that's absolutely  
4 appropriate. I don't think they are --

5 Ms. Podziba: That would mean no  
6 change in C.

7 No the last sentence.

8 Yes, in five, yes they change in  
9 five.

10 Ms. Podziba: I am going to take  
11 these comments and I am going to give what  
12 is the proposal and then we will take a  
13 break if we don't get into it.

14 Mr. Rooney: I think we would  
15 like to make an amendment we still need to  
16 say there's no dissent by any member that  
17 is not designated an alternate.

18 So no change to C? That was part  
19 of Kerri's proposal.

20 Mr. Rooney: We would keep C the  
21 same and conforming change to five so I

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 think less no notice by any member that is  
2 not designated by an alternate.

3 Ms. Podziba: All right. I'm  
4 sorry.

5 Ms. James: Can we go back to the  
6 statement that Tony spoke to earlier which  
7 was the table the actual logistics  
8 regarding the number of persons at the  
9 table is there anyway that we can enlarge  
10 the setting so that the alternates can sit  
11 at the table? Continue with the language  
12 that's outlined that speaks specifically to  
13 the members continue with the language out  
14 lined in C that each member all members of  
15 the committee may speak during the  
16 negotiation and each member not designated  
17 will participate with the determining of  
18 consensus that way all members voices are  
19 heard. When we talk about voices I think  
20 it's important to note that we are talking  
21 about physical bodies as well. I think

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that really weighs heavily in just the idea  
2 of feeling or being equitable.

3 Ms. Podziba: Patrick, do you  
4 need a little time to consult with --

5 Mr. Rooney: I might need a  
6 minute.

7 Ms. Podziba: Why don't we take a  
8 15 minute break and come back to this when  
9 done. Let's reconvene at 11.

10 Ms. Podziba: Can I ask everyone  
11 in the audience to take their seats? Thank  
12 you. We had multiple proposals having  
13 spoken to some people during the break. I  
14 think the proposal that might satisfy  
15 everyone is that the table would be  
16 expanded so that the alternates would sit  
17 at the table but they would continue not to  
18 have the right to dissent. Is that  
19 acceptable to everybody? Is there anyone  
20 who would dissent from that? Okay.  
21 Logistically that's going to have to wait

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 until tomorrow because physical plant won't  
2 be able to break this down and figure out  
3 how to pick it up. I hope the alternates  
4 are waiting a day to be seated at the  
5 table. I am going to make the observation  
6 it's going to make our time a bit more  
7 complex. I am going to ask everybody to be  
8 clear in their comments an straightforward  
9 because they are just going to be more  
10 people at the table which mean there is'  
11 going to be more said on every issue.  
12 Let's be cognizant of that. Okay.

13 Mr. Rooney: Thank you, Susan.  
14 Since we are unable to expand the table on  
15 short notice today. I think we would like  
16 to propose you use hand held mics so you  
17 don't have to physically switch seats to  
18 make the flow a little bit easier for this  
19 afternoon or the rest of the day we will  
20 try to operate with that? I think Susan  
21 and I defer to you on the logistics you

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 would want the person at the table to put  
2 the tent card up so that way we can get  
3 them in the cue and acknowledge them that  
4 would be most helpful. Maybe we can have  
5 one hand held on each side of the room.

6           Ms. Pin Ahrens: I don't know if  
7 this is the right time to ask about this?  
8 In our conversations we were told we would  
9 be able to have staff or advisor that we  
10 could consult with. Is it possible to have  
11 those seated closer to us whether they are  
12 directly behind us or the first row of the  
13 audience, so we can save time when we need  
14 to consult with them?

15           Ms. Podziba: In as much as there  
16 are empty seats behind you that your  
17 advisors should move to that space and when  
18 the alternates at the table that the seats  
19 behind the negotiators should be available  
20 for advisors. So I would like to just get  
21 back to the protocols and if I understand

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 where we are right now there is no change  
2 to paragraph three but there are two  
3 changes to paragraph seven such that the  
4 first sentence paragraph five, I'm sorry,  
5 paragraph five on page four. The first  
6 sentence would read the committee would  
7 operate by consensus meaning there is no  
8 dissent by any member who is not designated  
9 as an alternate in order for the committee  
10 to be considered to have reached consensus  
11 and then there would be another sentence  
12 added --

13           Ms. Jackson: You may not need to  
14 add a sentence under member  
15 responsibilities it says you need to confer  
16 and take work to reach consensus on issues  
17 so by default it says that you need to  
18 check in with your constituents or other  
19 parties.

20           Okay.

21           Ms. Jackson: Thank you. So then

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 only change to that section would be  
2 addition to the phrase who is not  
3 designated as an alternate.

4 Mr. Rooney: I think one change  
5 to be consistent with that would be in the  
6 start of the next sense tense where it says  
7 thus no member can be out voted would be  
8 thus no such member can be out voted.

9 Ms. Podziba: Does that work for  
10 everyone? All right are there any other  
11 changes for paragraph five and  
12 operationally we will increase the size of  
13 the table and the alternates will be seated  
14 at the table. Okay. Yes?

15 Ms. Goss: For logistical  
16 purposes if the alternates color coded they  
17 could be a different colored tent so that  
18 we know who is the actual voting member and  
19 who is the alternate so that if somebody  
20 were to be dissenting that it's noted that  
21 that person was so and it would be

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 warranted.

2           Ms. Podziba: I think  
3 operationally we will come up with a way of  
4 doing that perhaps putting dot in one of  
5 the corners so that's it's clear and just  
6 in point I would ask that the alternates be  
7 aware of who they are not and not dissent  
8 when I call for dissent. Thank you. Let's  
9 move onto section six. Agreement, the goal  
10 of the committee is to develop written,  
11 proposed regulation that is reflect as  
12 final consensus of the committee. If the  
13 committee reach as final consensus on the  
14 issue of supplement not supplant or the  
15 issue of assessments or on both issues will  
16 use the consensus based language in the  
17 notice of proposed rule making and the  
18 committee members will refrain from  
19 submitting any negative comments through  
20 the public comment process on the consensus  
21 based language of proposed rule. If a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 member never the less submit as negative  
2 comment on the consensus based language,  
3 Ed is under no obligation to respond to the  
4 comment on the final rule.

5           Mr. Hager: I think this is where  
6 it is. I forgot about this being here when  
7 I asked my question before. If like I said  
8 we had like you know three quarter  
9 consensus on the assessment regs but  
10 there's one quarter we didn't does that  
11 mean there's no consensus based on this  
12 language it would seem to mean that it is.

13           Ms. Podziba: The committee can  
14 decide how we can do it the theory of  
15 negotiated rule making is that we are  
16 developing a package of agreements. By  
17 holding it together people become more  
18 willing to live with items that they love a  
19 bit less because they can get something on  
20 an issue they value highly and so by  
21 decoupling them you made getting consensus

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 a bit more difficult because people can  
2 then just reach agreement on the items that  
3 are most important to them and not on item  
4 that is maybe more important to others,  
5 that's the theory of negotiated rule  
6 making. That's why we developed consensus  
7 on the packages. If you would like to make  
8 that proposal to separate them out we can  
9 entertain that proposal.

10 Mr. Hager: We are okay.

11 Ms. Podziba: Any other comments  
12 on that section 6 A or B? Okay. I am  
13 going to move to C but thank you for  
14 raising that because in these discussions  
15 we clarify what it is that we are working  
16 towards. So paragraph C if the committee  
17 reach as final consensus on the issue of  
18 supplement not supplant that's not a repeat  
19 is it? Or the issue of assessments or on  
20 both issues all published propose posed  
21 regulations to which consensus was reached

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 shall conform with a consensus based  
2 language unless Ed reopens the negotiated  
3 rule making process. The Department will  
4 absolutely use the consensus language that  
5 you developed or will reconvene to further  
6 discuss that. Any questions about that or  
7 any comments or do you not want to have to  
8 come back? Okay. Let's move to section  
9 eight committee meetings. The facilitator  
10 will maintain a clear and reliable record  
11 of tentative and final agreements reached  
12 during the negotiation process. The draft  
13 meeting summaries will be provided to  
14 members who may share them within others  
15 within their constituencies after reviewing  
16 an approval by the committee this record  
17 will be made available to the public. B.  
18 The committee meetings will be transcribed.  
19 A transcript of the committee meetings will  
20 be made available to the public at the end  
21 of the negotiating process. Subcommittee

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 meetings and caucuses will not be  
2 transcribed. Everyone okay with that?  
3 Richard?

4 Mr. Pohlman: I think it's 7 and  
5 not 8. It says 8 it should be 7.

6 Mr. Rooney: Good find.

7 Ms. Podziba: Thank you. I  
8 looked at every detail except the ones that  
9 are easy. We will make that change thank  
10 you. Paragraph C, Ed will make every  
11 effort to distribute materials to committee  
12 members in a timely fashion in advance of  
13 committee meetings. D: A cause for the  
14 purpose of consultation maybe requested of  
15 the facilitator at any time by any member.

16 Mr. Hager: The caucuses can we  
17 include others within our constituency  
18 groups beyond the alternate and committee  
19 there was like people that are here from  
20 constituent agency that is are included in  
21 our caucus.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Whoever gets the caucus gets to  
2 decide who's in it. Not everyone has to  
3 agree to be in it but you decide who's in  
4 your caucus. Just on that so all you have  
5 to do is ask me for time for a caucus and I  
6 may say can we wait until lunch or may just  
7 for efficiency reason not do it right away.  
8 If you need it to happen right away let me  
9 know that. Okay. E. All committee  
10 meetings, but not subcommittee meetings are  
11 caucuses are open to the public. If you  
12 want private time with other negotiators  
13 that how you do it. Otherwise the meetings  
14 are all open. Okay. Paragraph eight, safe  
15 guards for members. Any member may  
16 withdraw from the negotiations at any time  
17 by notifying the facilitator in writing. B  
18 all members and organizations they  
19 represent shall act in good faith in all  
20 aspects of these negotiations. Good faith  
21 in my business tends to be defined as

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 you're here to reach an agreement. You are  
2 not negotiating to pocket concessions and  
3 then see where you can do better somewhere  
4 else. If you are sitting here your intent  
5 is to work hard to reach an agreement and  
6 that's how we define good faith  
7 negotiations. Paragraph C in the interests  
8 of promoting free and open conversations as  
9 well as collegial decision making contact  
10 with the media and other organizations  
11 outside the community of interest  
12 represented by the member will generally be  
13 limited to discussion of the over  
14 objectives and progress of the  
15 negotiations. Members should refrain from  
16 characterizing the views, motives an  
17 interest during other members during  
18 contact with the media other interest  
19 represented by the member and to the  
20 general public through social media this is  
21 not an attempt to shut out the media. It's

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 just to say that you are free to speak to  
2 the media about your perspectives and your  
3 interests but not to suppose the interests  
4 or motives of other people around the  
5 table. It's just that old thing we used to  
6 call stability, any questions about that?  
7 In looking at the draft we have one change  
8 on page two which is to remove the asterisk  
9 from Aqueelha's name. Ultimately no  
10 changes on paragraph C. We have a change  
11 on paragraph 3 E so that at the very end of  
12 that paragraph it will say committee  
13 members will be notified of all  
14 subcommittee meetings two to three days  
15 prior to the meeting if practicable, and  
16 then on paragraph five decision making the  
17 first sentence and second sentence read as  
18 follows. The committee will operate by  
19 consensus meaning that there must be no  
20 dissent by any member who is not designated  
21 as an alternate in order for the committee

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to be considered to have reached an  
2 agreement. Thus no such member can be out  
3 voted. And then we are changing the  
4 numbering so paragraph eight is now  
5 paragraph 7 and paragraph nine is now  
6 paragraph eight.

7 Mr. Chau: I think there needs to  
8 be a change in paragraph F. We changed the  
9 numbers of the paragraph eight B not nine B  
10 now.

11 Ms. Podziba: Thank you.

12 Is there any dissent from  
13 adopting these protocols as revised for the  
14 committee's use? Okay then we have  
15 consensus on the protocols.

16 Congratulations you just developed your  
17 first consensus document. That is  
18 considered that a dry run for when we get  
19 to the substance. All right what I am  
20 going to do now is take a deep breath, we  
21 did it. For those of you who thought we

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 might get stuck for the whole day on where  
2 the alternates would sit. I am going to  
3 open the floor for petitions for  
4 membership. Is there anyone in the  
5 audience who intends to petition the  
6 committee for membership at this time if  
7 you do please come forward. It looks like  
8 you are who is here so we are good. All  
9 right. The next thing we are going to do  
10 if you move into your packet there is a one  
11 pager that's titled scope of issues to be  
12 negotiated. Section 1118 B and assessment  
13 section 111-B 2-there's six items under  
14 that. Are there any questions or comments  
15 about the scope of our negotiations? Yes.

16 Just a clarifying question if the  
17 supplement not supplant is applicable to  
18 all titles or only title one? --

19 Ms. Rigling: It will be  
20 applicable to only title one because that's  
21 the section of the statute that the new

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 language is included in. Each other title  
2 that is subject to a supplement not  
3 supplant requirement has it's own specific  
4 language and that language is not always  
5 the same.

6 Ms. Podziba: Any other questions  
7 or comments on the scope? Is there any  
8 dissent from adopting this formerly as the  
9 extent of our negotiations? Okay so I like  
10 to say that this is our list and when we  
11 finish we all get to go home. All right.  
12 That's your second consensus document.  
13 That's all about preliminary activities.  
14 It's 11:30 I suggest we begin supplement  
15 not supplant. I believe we are going to  
16 begin with a presentation from Ary.

17 Mr. Amerikaner: Let's see if  
18 this makes horrible noises. Hi everybody  
19 my name is Ary I'm a deputy assistant  
20 secretary here at the office of secondary  
21 education. I appreciate you letting me be

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 here for this conversation. I want to  
2 start us off by rounding us I want to go  
3 back to the secretaries remarks that we  
4 focus on the purpose of title one and I  
5 thought the easiest way to do that is to  
6 quote very briefly from the every students  
7 succeeds acts title one statement of  
8 purpose. Which says that the purpose of  
9 this title is to provide all children  
10 significant opportunity to receive a fair,  
11 equitable and high quality education and to  
12 close educational achievement gaps. Every  
13 year through title one we spend nearly 15  
14 billion-dollars toward that goal of closing  
15 educational achievement gaps providing a  
16 fair, equitable and high quality education.  
17 All of you know it's worth saying out loud  
18 that 15 billion-dollars comes from the U.S.  
19 Department of Education to our state and to  
20 our district counter parts and to our high  
21 poverty schools. In title one there's a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 provision that's intended to give those 15  
2 billion-dollar as fighting chance that  
3 actually achieving that stated purpose that  
4 provisions says that those 15  
5 billion-dollars are to be used to  
6 supplement state and local educational  
7 funding and not to supplant state and local  
8 funding. And in layman's terms I think we  
9 all know that the funds are to come on top  
10 of the state and local funds and not  
11 replace state and local funds. I think a  
12 little brief bit of history is helpful here  
13 as we start to open this conversation. I  
14 think one thing that is a requirement about  
15 supplement is not new to every student  
16 succeeds act. It didn't just showed up in  
17 December. It's been here since at least  
18 1970 it was introduced after some very very  
19 early years of the elementary and secondary  
20 education act. We saw some abuses of some  
21 of the new federal funds where local

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 leaders were using the new federal dollars  
2 to simply pay for the activity that is they  
3 used to be paying for with their state and  
4 local dollars. And at the time Congress  
5 was concerned because the intent of the law  
6 was as we know to counter act the challenge  
7 that is come with high concentrations of  
8 poverty in particular schools. We know  
9 research says that it takes more money to  
10 provide equitable opportunities for schools  
11 during high concentrations of student's  
12 living in poverty. When those decisions  
13 were made at the local level to spend the  
14 federal dollars to simply buy the same  
15 things they had been buying with state and  
16 local dollars the intended beneficiary it  
17 is low achieving students in high  
18 concentration of high poverty schools were  
19 denied the benefits they were entitled.  
20 The Congress added the supplement not  
21 supplant provisions. Today title one

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 schools in many places across the country  
2 face a similar challenge to one another.  
3 In many many places title one school's.  
4 The schools serving on the highest poverty  
5 schools are receiving fewer state and local  
6 dollars than their non-title one-counter  
7 parts schools within the same district.  
8 Now, for now we are not talking about  
9 inequities in funding across districts  
10 right? We know comes from a lot of other  
11 complicated things like differences in  
12 property wealth and tax space between  
13 districts. We are talking right now about  
14 title one schools who receive fewer dollars  
15 per student within their district than  
16 their non-title school counter part that is  
17 are generally less poverty stricken. When  
18 that happens title one dollars as you can  
19 all imagine come on and instead of being  
20 able to provide an additional supplement  
21 support that we know are very vulnerable

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 students succeed to graduate from high  
2 school and to pursue whatever path they  
3 choose in life successfully. The title one  
4 dollars making up trying to make up the  
5 difference and trying to even up in title  
6 one school that is have fewer state and  
7 local dollars to start with. So before we  
8 dive into the specifics of the new  
9 supplement not supplant provision in the  
10 law. Kay has agreed to give us a very  
11 short overview how supplement not supplant  
12 has been operationalized in the past.

13 Ms. Rigling: There's two types  
14 of title one schools and there's a  
15 different such me innocent not supplant  
16 requirement for each of those types of  
17 schools prior to the ESSA. So the first  
18 type of title one school is what we call  
19 targeted assistance schools. These are the  
20 schools in which title one funds may only  
21 be used to provide services to the lowest

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 achieving students. Those services were  
2 usually provided in a particular subject,  
3 often reading. In those schools the  
4 supplement not supplant requirement  
5 required a school district to demonstrate  
6 that any specific service or activity that  
7 it was providing to low achieving title one  
8 students had to be something that the  
9 district was not providing to either non-  
10 title one schools or non-title one students  
11 with state and local funds. So it was an  
12 activity-by-activity test. And this was  
13 often kind of a murky determination for a  
14 school district to make to think about  
15 every time it was going to use title one  
16 funds to make the determination as to  
17 whether the use of those funds was  
18 supplemental. So as a result many states  
19 and districts developed sometimes rigid  
20 rules that their schools had to follow in  
21 using their title one funds to ensure that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 they wouldn't be violating the supplement  
2 not supplant requirement. Perhaps one of  
3 the most common of those rules was that the  
4 school had to pull out the title one  
5 students from their regular classroom and  
6 to provide title one services in a separate  
7 setting. You know those small closets that  
8 the title one teacher would work with an  
9 individual student or a few students. This  
10 was a practice that was very very common  
11 maybe still is in some title one schools in  
12 order to avoid violating the supplement not  
13 supplant requirement. So I think it's fair  
14 to say that some of those decisions were  
15 not always in the best interest of the  
16 children but they happened legitimately  
17 because districts and states were trying to  
18 stay compliance with the law. The other  
19 type of title one school is what we call is  
20 school wide program school. In this is a  
21 school that has at least 40% poverty or

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 more. Because the theory here is that  
2 there are so many needy students in the  
3 school with high poverty where the poverty  
4 tends to drag down the achievement of many  
5 children in the school not even just those  
6 that are poor that you can use your title  
7 one funds to upgrade the entire educational  
8 program in the school, so you no longer  
9 require or to focus on specific services or  
10 activities for specific identified children  
11 but you can use your title one funds more  
12 flexibly more broadly. The supplement not  
13 supplant requirement for school wide  
14 programs was different from targeted  
15 assistance programs. Rather than focusing  
16 on specific activities it simply said that  
17 a title one school that was operating a  
18 school wide program had to receive all of  
19 the state and local funds it would have  
20 received if title one funds did not exist  
21 in that school.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Amerikaner: Can we get the  
2 slide up? Okay. No one can read -- I know  
3 there's a lot of text. This is a text of  
4 statute it's in your binders I believe its  
5 tab B under supplement not supplant. I  
6 will give you a second to get to that. It  
7 looks like it's a different format. I had  
8 to get it on the power point slide it is  
9 just the text of B. Okay. So the new law  
10 changes the supplement not supplant  
11 requirement. Provision in a couple of  
12 important way that is I want to point it  
13 out here before we open it up for  
14 discussion. This is it. This is a single  
15 supplement not supplant requirement.  
16 There's no longer two different  
17 requirements for the two types of title one  
18 schools. In the prior law there's a  
19 different supplement and supplant. That's  
20 no longer the case there's just one  
21 supplement not supplant requirement. The

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 law now makes clear that a district may not  
2 be required to demonstrate that it's use of  
3 title one funds for each specific activity  
4 this supplemental. You can see that in a  
5 special rule 3A where no LEA shall be  
6 required to identify an individual cost or  
7 service supported under this part is  
8 supplemental. That essentially out law it  
9 is types of tests that Kay was just  
10 describing that often happen in targeted  
11 assistance schools. And that would lead to  
12 the pull out type activities and then third  
13 it add as new compliance paragraph, so  
14 that's a paragraph B two which specifies  
15 how school districts must meet the  
16 supplement not supplant requirement. That  
17 compliance paragraph required that a  
18 district demonstrate that it has a  
19 methodology to allocate state and local  
20 funds to it's school that is ensures that  
21 each title one school receives all of the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 state and local funds it would receive if  
2 it were not receiving funds under this part  
3 if it was a non-title one school in that  
4 district. So our job together here today  
5 starting today and over the next couple of  
6 weeks is to figure out how to  
7 operationalize this compliance requirement  
8 for our districts and one final thing  
9 before we jump into hearing from all of you  
10 and that is we know that everyone has  
11 different levels of experience and  
12 expertise and familiarity with this and it  
13 can be in some cases a daunting, people  
14 sort of cringe at budget conversations and  
15 at money conversations and we really really  
16 want everyone at the table to feel  
17 comfortable to have a meaningful voice in  
18 this and being able to represent your  
19 constituencies. We thought we would start  
20 to have a nationally recognized outside  
21 expert to type about the types of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 methodologies that they are using to  
2 allocate state and local funds. Karen, can  
3 you come up and join us. I guess here is  
4 the best spot for you. Okay, so Patrick is  
5 telling me there maybe confusion on tab B.  
6 Are you all seeing on page 74 tab B. Karen  
7 Miles is our expert for this topic. She's  
8 the President and executive director of  
9 education resource strategies for ERS and  
10 for more than a decade she and ERS has been  
11 working in a wide variety of school  
12 districts. She works districts that have  
13 challenging work of analyzing and improving  
14 their funding systems, and so she is  
15 uniquely positioned we hope to give us the  
16 lay of the land. I do want to say before  
17 Karen starts a role of her role. She's not  
18 a member of a committee. She's not here to  
19 provide us with policy advice. She's here  
20 to give us answers about technical  
21 questions you have and to provide a lay of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the land and so that I will

2 Mr. Hager: This power point

3 would it be available to us at some point  
4 is it in here?

5 Ms. Podziba: It's not in there.

6 We will make sure we get it to you I  
7 apologize for that.

8 Ms. Hawley Miles: Okay. So I am  
9 glad to be here to try to help. One thing  
10 I do want to say although that we have been  
11 an organization a nonprofit organization.  
12 I have been a nonprofit individual for 25  
13 working on these kinds of things and spent  
14 a lot of time our goal is to help schools  
15 an districts to help allocate resources  
16 equitably and strategically to -- I don't  
17 understand legislation and know all the  
18 rules and all of that like Kay. My goal is  
19 to say let's start what we need to do and  
20 figure out how to do it. That's sort of  
21 where my expertise comes from. I looked at

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 hundreds and hundreds and millions of rows  
2 of budget data, something that I don't wish  
3 on any of you. I am just going to take a  
4 few minutes to go through this. My  
5 guidance was to go quickly and not stop the  
6 questions and then I don't know if we will  
7 have do -- we will do questions immediately  
8 following. You will know some of you know  
9 this all of this like the back of your  
10 hands. Others it's to create a little bit  
11 of a level playing field here. The first  
12 thing that just is said here is that  
13 spending varies hugely across states right?  
14 In fact it varies by about 3 times from you  
15 know this is just a sample of district that  
16 is we looked at just that per people  
17 spending on K-12 all funds. It varies  
18 hugely across states with the lowest being  
19 about 8, 000 and the highest at 21. I  
20 would call your attention it varies within  
21 states. You can see Prince George's county

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Maryland and Baltimore city with different  
2 per people spending levels. That's because  
3 of their all of these different sources of  
4 funding that come to do this and these are  
5 just national average numbers so on average  
6 about ten percent of the dollars come from  
7 the federal sources and the rest is split  
8 on average between state and local funds.  
9 You know from the state that is you come  
10 from this can also vary hugely, so for  
11 example Massachusetts and Connecticut have  
12 a lot more that comes from the local  
13 sources and less from state sources and the  
14 state like New Mexico is almost like all  
15 state with the federal piece. The second  
16 thing I would call your attention to is a  
17 typical urban district because it has  
18 higher concentrations of poverty realize  
19 more on the federal sources of funds and  
20 often has less property tax to draw on in  
21 terms of it's local fund so you can see the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 split there and they are also drawing on  
2 state funds as well. How do districts  
3 allocate resources to schools. Most  
4 districts allocate staff positions to  
5 schools based on district level guidelines  
6 or ratios. Some are you know allocated  
7 just one per school or two per school so an  
8 example is if you go to the second piece an  
9 example is you get one principle and one  
10 secretary and one AP if you are above a  
11 certain size you might get two AP's  
12 assistant principle. This comes from  
13 looking at so many budget that is would be  
14 obvious to me. One teacher and this is  
15 just an example you might get one teacher  
16 for each 18 students in grades K-3. One  
17 teacher for each 22 and grades through four  
18 through five and one special Ed teacher for  
19 24 students designated as receiving special  
20 Ed resource rooms sorts of resource related  
21 services. That's just an example an the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 ratios would go on down and you would get  
2 line items often allocated on a per people  
3 basis for things like instructional  
4 materials and that sort of thing. There  
5 are some districts in the use of this is  
6 growing that use a weighted student funding  
7 which is student based budgeting and in  
8 that method schools get a set dollar amount  
9 per pupil so that is the base amount, and  
10 then they get additional dollars for each  
11 student who is participating in a certain  
12 program or had certain characteristics  
13 that's lots of variations on how that's  
14 developed. You would get five thousand  
15 dollars for each. That would be the base  
16 amount for each student. You might get I  
17 am making this up 600-dollars for each low  
18 income student and maybe a thousand for  
19 each English language learner in your  
20 school. There's lots of variations and  
21 things on this that things we can talk

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 about. That's to give you a sense of the  
2 two ways the staffing method is by far the  
3 most used in districts. It's important to  
4 note that not all positions are spending in  
5 schools go through these formulas. There  
6 are a lot of positions that might be  
7 allocated using different rules. For  
8 example instructional coach that is are  
9 designed to help in schools where there's  
10 lots of new teachers or low performing  
11 schools or additional staff or resources  
12 for magnet programs or staff positions  
13 often called to positions that serve more  
14 than one school like a nurse or art teacher  
15 that might have assignments to work in  
16 different schools in different days those  
17 might be on the central budget. Things  
18 like utilities and maintenance not always  
19 on the school budget because all sorts of  
20 reasons. So it's also, so it's important  
21 to note that everything goes down to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 schools. Districts really vary on how much  
2 they put down to the school level in these  
3 formulas and how much they talk about as a  
4 school level expenditure. So another  
5 important thing to realize is that most if  
6 you do a per pupil spend most districts  
7 experience significant variation across  
8 their schools. This chart might look  
9 confusing. Each is a school inside each  
10 district. Not including title one dollars  
11 and or any federal dollars on students, so  
12 it would be state and local funds and what  
13 it shows you is that first districts spend  
14 different amounts on elementary and middle  
15 and high schools based on their staffing  
16 allocation guidelines and the staffing  
17 policies they set, and there's wide  
18 variation between the low and high spending  
19 in districts when you do it on a per pupil  
20 basis. Secondary schools tend to be funded  
21 higher depending on what your guidelines

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 are for teacher student ratios at the  
2 elementary school level and that can vary  
3 and it often does by state. And so there  
4 are some very common reasons why this  
5 spending differs and across the schools and  
6 even though you know they are using you  
7 know pretty similar kinds of staffing  
8 ratios. The first is school size if you  
9 are allocating one principle for the same  
10 size school you are going to get  
11 differences in spending because you are  
12 dividing that cost of a principle for  
13 example over different numbers of students.  
14 The second is that not all districts follow  
15 their staffing rules every year exactly.  
16 They make exceptions for certain programs  
17 and special programs and things like that.  
18 So not all districts actually exam what the  
19 spending is at each school in really  
20 rigorous ways. And then the third very  
21 important reason is teaches salaries

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 differ. In schools salaries are a big big  
2 deal right? This chart shows you the  
3 percent of a school budget a typical school  
4 budget that's spent on people. All the  
5 blue shaded parts are staff positions.  
6 Naturally the largest one 65% is teachers.  
7 And so you know the other light blues are  
8 things like instructional aids and students  
9 and support staff and so on. When you are  
10 talking about school budgets salaries are  
11 super important. Salaries of most of these  
12 positions grow over time based on the  
13 number of years folks have worked in  
14 schools, so if you have a school that has  
15 high concentration of very experienced  
16 folks they are going to have higher  
17 salaries than a school that let's say  
18 pretend have all brand new folks. On  
19 average salaries, teacher salaries grow  
20 from start to end of career by about twice  
21 so just as an example right if you had all

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 new students, all new teachers an everybody  
2 else was brand new first job it would cost  
3 about half as much in terms of salary to  
4 staff that school and so as you can imagine  
5 this is really challenging to manage across  
6 the system, so what most districts do is  
7 they use average salaries as a way to  
8 budget and I'm saying most. I am saying  
9 the vast majority of districts in the  
10 country you budget using average salaries.  
11 So actually I think it's easier to look at  
12 the bottom to make sure we are all on the  
13 same page with this. If you use actual  
14 salaries and pretend the school has ten  
15 teachers to keep it easy. School A just  
16 say the novice teacher earns 30, 000 each.  
17 The mid level teacher earns 60, 000 each  
18 this would include compensation because you  
19 know -- include benefits because you know  
20 these salaries are higher and so on. The  
21 actual salary cost for school A more junior

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 staff is 450, 000 where in school B if you  
2 move those teachers are more experienced  
3 it's a significantly greater amount. We  
4 can get into more questions on this is  
5 something that I have studied a lot. If  
6 you use an average thing then you are  
7 taking you are just saying let's say the  
8 average actually is 60, 000 so we are going  
9 to budget and report that spending of the  
10 school level using average salaries. In  
11 this case it would show up on the budgets  
12 as having the same spending because they  
13 have the same numbers of teachers but it's  
14 not actually what the district is spending  
15 in those two schools. When you are looking  
16 at most district budget this is the number  
17 the stop one that you will see. That's  
18 important because for our purposes because  
19 novice teachers tend to be distributed  
20 unevenly across schools, not always and you  
21 know they are important exceptions to this.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 It tends to be true so this is just an  
2 example in a district we do this in every  
3 district we ever work with and it's usually  
4 something like this that the highest need  
5 quartile of schools has twice the percent  
6 of novice teachers as the lowest need  
7 quartile of schools, so I rushed through  
8 this very quickly, but the summary there  
9 then of what I have gone through is total  
10 spending varies hugely and you are still  
11 looking at that. It's total spending  
12 varies hugely and districts allocate staff  
13 positions down to the school level by and  
14 large. They allocate different portions  
15 through the very publicized formula's and  
16 they budget using actual, average salaries  
17 and not actual. All right. That was a  
18 world wind tour. I give tour that is last  
19 many semesters that cover this topic. Many  
20 weeks I should say not many semesters.

21 Ms. Podziba: We will open the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 floor for questions. All right, so are  
2 there questions about budgeting?

3 I don't think about budgeting on  
4 the supplement not supplant issue paper we  
5 are given it references in the third  
6 paragraph section 1, 111 where is that?

7 Mr. Amerikaner: We can certainly  
8 hand that out to you. It is the section of  
9 the report card requirements in title one.  
10 It is requirement that every state and  
11 district report the per people expenditures  
12 of federal, state and local funds at the  
13 school level. I apologize we didn't put  
14 that in. There was only so much paper that  
15 we felt like was reasonable to ask you to  
16 internalize at once. We did think it's an  
17 important context for the committee to know  
18 that the Congress added that relevant  
19 provision as well. If people are likely to  
20 see it we are happy to pass around copies.  
21 We will get that.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Thank you.

2 Ms. Briggs: Question about how  
3 these methodologies play out with rural  
4 schools that are you know, small school LEA  
5 they are pretty different than a few --

6 Ms. Hawley Miles: It's a good  
7 question. Well for one school LEA's those  
8 dollars flow straight to the school with  
9 the piece taken out for the, for the admin  
10 and those percentages would vary by the  
11 cost of the however the district had  
12 organized. Smaller districts same thing  
13 goes, so you know it's the pieces that the  
14 central functions are taken out of the  
15 budget and then the staff get allocated in  
16 title one dollars would go straight to the  
17 schools that had title one schools in them  
18 and the district would have some discretion  
19 to make sense out of it. It's usually  
20 staff.

21 Ms. Goss: I guess my question

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 goes backwards a little bit. I wanted to  
2 clarify is there still targeted titles so  
3 that is gone or is that or is there still  
4 targeted title here and what is the, if  
5 there is what is the threshold?

6 Ms. Rigling: There is still a  
7 section in the title one law about targeted  
8 assistance schools. There is a new  
9 provision in that allows the district to  
10 request the state to wave the 40% poverty  
11 threshold. In essence any title one school  
12 could be a school wide program with the  
13 permission of the state, but if a school  
14 wants to remain targeted assistance it can  
15 still do that and there are specific  
16 requirements that apply to that school.  
17 The supplement not supplant requirement is  
18 now the one that was the one on the screen  
19 earlier that Ary talked about. There's a  
20 single sup me innocent not supplant  
21 requirement that applies to all title one

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 schools.

2 Ms. Goss: Thank you.

3 Ms. Podziba: Are there any other  
4 questions?

5 Mr. Payment: This is a lot to  
6 digest. I'm thinking about the  
7 implications for, so the average salary  
8 obviously school districts are going to  
9 vary in distribution based on entry level  
10 versus experience and then the additional  
11 content of how they qualified that's not  
12 someone that's generally entry level. I  
13 wonder with implications that has for  
14 funding for so you are reporting on what we  
15 see what's actually out there. So you know  
16 the modeling for staffing over a period of  
17 time to the average is kind of an arbitrary  
18 sort of thing. I don't know I think I  
19 think maybe this is a practical question I  
20 guess at the ground level is what is your  
21 distribution look like over time, what is

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 your planning over time so that you know  
2 what your available funding is over time?  
3 I can see some districts because it's very  
4 complex with different districts, different  
5 states and what funding you have for  
6 equitable and funding at different states  
7 and then trying to plan all of that for  
8 your funding and why some districts end up  
9 trying to supplement or supplant rather  
10 than supplement. I see the few tilt of it.  
11 It brings many more questions for me. It's  
12 an observation.

13 Ms. Goings: I'm good.

14 -- were they targeted, did you  
15 see trends of hiring practices with related  
16 services to add staff?

17 Ms. Hawley Miles: We see related  
18 services staff allocated in much of the  
19 same way that I described in terms of staff  
20 that you are doing the count of what the  
21 student needs are in allocating based on

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that. And yes and or counting up their  
2 related services and allocated to that.  
3 Most often districts don't put those  
4 dollars down at the school level. They are  
5 at the reported at the district level so  
6 part of the -- yes so most often specialist  
7 staff are reported at the central level.

8 Mr. Amerikaner: I am going to  
9 pass around the reporting language. It's  
10 paper clipped together so be gentle. It's  
11 not stapled. You will find on the front  
12 page is the lead in language so you can see  
13 the beginning of the first half of the  
14 sentence and the third page there's a star  
15 next to the provision that we are talking  
16 about.

17 Mr. Pohlman: I have two  
18 questions the first is can you talk about  
19 the source of the data used in the  
20 presentation from where that comes and any  
21 comments or limitations with that data.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 The second question and this is a little  
2 more complicated is to talk about the  
3 relationship between the 3 fiscal tests  
4 within title one both MOE and comparability  
5 in relationship to supplements not  
6 supplant.

7 Ms. Hawley Miles: In terms of  
8 source some of the broad data comes from  
9 NCS database. Most of the more detailed  
10 data about what gets to schools an how it  
11 gets to schools an how staff and folks are  
12 distributed comes from the deep part we do  
13 with school districts. We go in and do  
14 deep analysis of encodings and we can do  
15 apples to apples comparisons with districts  
16 spending across districts and states and we  
17 have a whole process and coding system that  
18 we need to do that so that's the --

19 Mr. Pohlman: When you mention  
20 the database it's the civil rights data  
21 collection the source of it?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           That's the national center for  
2 educational statistics that reports annual  
3 reports on spending and staffing.

4           It's different from the civil  
5 rights data. On the second question I  
6 don't think I'm on the expert to comment on  
7 that one.

8           Ms. Rigling: I am going to try.  
9 Richard is right there are three different  
10 fiscal equity requirements in title one.  
11 The first one is maintenance of effort and  
12 that is a requirement that applies at the  
13 school district level and it basically  
14 requires in district to spend out of state  
15 and local funds at least 90% of the amount  
16 that it spent in the prior year for free  
17 public education. Basically, it's just  
18 saying to a district keep your expenditures  
19 at least 90% of what you spent last year  
20 and you will be able to maintain effort.  
21 There's an ability to request a waiver if

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 you fall below the 90% in a given year.  
2 The second equity provisions that was put  
3 in around the same time as supplement not  
4 supplant is the comparability of services  
5 provision. This provision say that is  
6 district must use it's state and local  
7 funds to provide services in it's title one  
8 schools that are at least comparable to the  
9 service that is it applies in it's non-  
10 title one schools. So it's really kind of  
11 focused on what is the school providing  
12 with state and local funds? Probably the  
13 most common way that this provision has  
14 been implemented over the years is to look  
15 at student's staff ratios. We don't define  
16 what those ratios have to be or we don't  
17 define what staff are included in those  
18 ratios districts have quite a bit of  
19 flexibility and often times an  
20 instructionally is counted as equivalent to  
21 a teacher in order to determine

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 comparability. Then we have the supplement  
2 not supplant requirement which prior to the  
3 E SSA has been really almost looked at on a  
4 student level activity by activity basis  
5 now as we talked about just a few minutes  
6 ago it's more of an allocation of dollars  
7 requirement of state and local dollars to  
8 title one schools compared to the non-title  
9 one schools in the district. So there are  
10 all district level requirements.

11 Ms. Podziba: Is that card up for  
12 Mary Cathryn?

13 Ms. Ricker: Thanks. Thank you  
14 very much for the budgeting examples I have  
15 a couple different questions first do you  
16 also have the place, the percentage of  
17 placement for early career administrators?

18 Ms. Hawley Miles: That I could  
19 use that as a an example as well that also  
20 happens you can take these same charts and  
21 do it for novice principles that the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 turning over is in the highest need schools  
2 is by far in the principals and principals  
3 salaries rise in the same way.

4 It's also 16 and 30?

5 Ms. Hawley Miles: I don't have  
6 those specifics, the phenomenon is the  
7 same.

8 Ms. Ricker: In early career  
9 education support professionals

10 Ms. Hawley Miles: The same.

11 Ms. Ricker: You don't have that?

12 Ms. Hawley Miles: In terms of  
13 overall budget implications it's the reason  
14 I chose the teachers is because teachers  
15 represent 65% of the budget. Principals  
16 are the same phenomenon holds true and  
17 support professionals are also on a same  
18 kind of longevity base pay the same thing  
19 will be true. We can look into those  
20 numbers.

21 In districts that are almost wall

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to wall title school do you see the trend  
2 for early school in attendance?

3 Ms. Hawley Miles: I don't have  
4 those numbers I could guess.

5 Ms. Ricker: Last is on your  
6 actual example if you can give me a little  
7 more background does it account for  
8 additional funds kept at the district level  
9 than are actually sent out to schools under  
10 separate cover for English language  
11 learners an special programs an other  
12 programming at the school?

13 Ms. Hawley Miles: Yes our  
14 numbers would look at the dollars spent at  
15 the school level for special programs.  
16 What I was saying before is one of the  
17 thing that is we have to think about is how  
18 do we talk about what's required to be  
19 reported down at that school level and  
20 districts have different practices about  
21 how they report those positions at the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 school level or at the district level for  
2 various reasons Mary. I think that will  
3 answer the question there was a second  
4 part.

5           The actual example? You can't  
6 tell me an actual example?

7           Ms. Hawley Miles: What I can  
8 tell you it's very different in different  
9 districts I couldn't tell you on one that  
10 was a hypothetical example. In the numbers  
11 that I showed you one of the things we do  
12 is we look at and say what is really spent  
13 at the school numbers those are the numbers  
14 that I am showing you that's what we do.  
15 That's what showed what is really a wide  
16 variation of what is really spent at the  
17 school level at each school level as it  
18 being different that's -- no that chart is  
19 not a hypothetical. It's just an example  
20 from statistics. She's pointing to the  
21 chart that has all of the schools it's

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 looking at --

2 I can show you the chart, sorry.

3 She's pointing to this chart and asking me  
4 if it's hypothetical. This is the chart  
5 that we do in every district we are in. It  
6 looks roughly similar in every district we  
7 are in. Every district we are calculating  
8 what percent of schools is within ten  
9 percent of the line because you know you  
10 are never going to get every school at  
11 exactly the same line. What percent of  
12 schools are within ten percent of that  
13 amount for your particular grade level? We  
14 find that some districts get 85% of their  
15 schools up to there and we find some have  
16 less than half of their schools within that  
17 median.

18 Ms. Pompa: Can you characterize  
19 the school that is get less for people when  
20 you look at those bars is there a defining  
21 element shared among them?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Hawley Miles: It's a good  
2 question. We do this everywhere we are.  
3 The answer is that it's sometimes the  
4 highest need schools but not always at all.  
5 It's sort of a very specific thing it's  
6 because there are multiple factor that is  
7 contribute to that. You know it's school  
8 size and it's did they get the number of  
9 students they thought they would get. You  
10 know when they did the ratios. It's what  
11 the combination of special programs that  
12 they have. Yes, in general it's the  
13 highest needs school tend to get the least  
14 but it's not universal. Yes.

15           Ms. Pompa: Yeah, so when you  
16 are talking about the weighted student  
17 funding examples what's a motivation within  
18 the district to decide to make the  
19 transition from a staffing model to a  
20 weighted student funding model why is that?

21           Ms. Hawley Miles: There's three

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 big reasons that districts choose to do it.  
2 The first they perceive it as a way of  
3 ensuring equity so that they are using it  
4 as a yardstick to make sure they are really  
5 looking closely at what gets down to the  
6 school level and they perceive looking at  
7 spending data as the way to do that. The  
8 second is that they are pushing toward  
9 greater flexibility at the school level and  
10 so they view one of the enabling conditions  
11 is that if you are having schools trade out  
12 all sorts of positions and think  
13 differently about how they spend dollars  
14 then it's a lot easier to maintain equity  
15 and to facilitate that to move to a kind of  
16 a student based budgeting way of  
17 accounting. I can go into that more if  
18 that's interesting. And then the third  
19 reason flexibility moving a student based  
20 budget by itself does not create  
21 flexibility. You have to do all sorts of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 other things to enable flexible use of  
2 resources you can have such a low spend  
3 that you don't have money to do anything  
4 but what you required to do. Even though  
5 you are doing student based budgeting you  
6 don't have flexibility at all. It's a way  
7 to enable flexibility and the key  
8 condition. The key reason is it's related  
9 to the equity. One is that many districts  
10 that have quite a large charter populations  
11 want to move toward much more equity across  
12 both types of schools and they want to use  
13 this as a way to be able to be transe  
14 patient and be able to talk about that at  
15 that spending level. It's equity  
16 transparency and flexibility.

17 Ms. Pompa: Okay.

18 Ms. Jackson: I teach in a school  
19 that has weighted school funding. I am  
20 curious to be very clear I absolutely know  
21 that greater amounts of funding is

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 generally a good thing so I am not  
2 advocating for that. I am wondering if  
3 there's any analysis or districts or states  
4 where there's a correlation between  
5 increased funding and actual outcomes so  
6 where it's leveraged for positive changes  
7 in comparison to school that is may have  
8 had increased funding or districts that may  
9 have had increased funding and not achieved  
10 those positive outcomes.

11 I think you are asking is there a  
12 consistent relationship between spending  
13 and results?

14 No, sorry. I am curious if  
15 there's any other behaviors or models  
16 related to increasing spending. I won't  
17 say cause or correlated to increased  
18 positive outcome. For example if it's tied  
19 to lowering the student to teacher ratio or  
20 if it's tied to wrap around service program  
21 integration. Is there any analysis to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that?

2           Ms. Hawley Miles: I feel like I  
3 have spent my life trying to look at this  
4 question and my answer is of course it  
5 matters how those dollars are used, but  
6 there isn't one way to use those dollars  
7 it's about how you, so I can't say it's  
8 about lowering because the data quite  
9 clearly doesn't do it. The one thing we  
10 can say that if you have more effective  
11 instruction that is, you know for the same  
12 dollar amount that's going to get you  
13 better results. The question of how you  
14 organized to create more effective  
15 instruction and all of that is the opening  
16 question. What's the combination of  
17 strategies you invest in a lined coherent  
18 way to get there.

19           Ms. Jackson: I would be curious  
20 about like where the decisions are made so  
21 that when it has the greatest efficacy not

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that there's one magic solution but if the  
2 decision is being made or more effective if  
3 decisions are made at a certain level?

4 Ms. King: So sort of the  
5 opposite of that question when there's a  
6 difference in spending What are those  
7 children losing out on. When a school has  
8 less resource what is does it mean for the  
9 children in that school what are districts  
10 or in a world of fine identity resources  
11 what are they -- does that make sense?

12 What's the opposite if you have less money  
13 what are you taking away from the children?

14 Ms. Hawley Miles: I am not quite  
15 sure to answer that. I think when it's a  
16 combination of where the school level of  
17 overall spending is relative to the  
18 mandated required staff in schools and so  
19 what the answer is you know when you are at  
20 the very basic level all you are getting  
21 the things that are required by contract

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and by states so you are getting the set  
2 number of hours that are required. You are  
3 getting the basic staffing you know basic  
4 staffing guidelines and the basic course  
5 offered by statute and by contract. When  
6 there are extra dollars available there's a  
7 variety of ways being used to target  
8 special assistance. I am not sure I can  
9 answer that specifically. There's not just  
10 one way.

11 Ms. Pompa: Is there a whether he  
12 says variation across schools and funding  
13 depending on whether it's a weighted  
14 student formula or a different allocation  
15 or different kind of allocation?

16 Ms. Hawley Miles: It depends on  
17 how much is put through the formula. And  
18 you know so that goes through staffing  
19 formula's and that goes through weighted  
20 student funding formula's too, so we have  
21 worked in districts that have a weighted

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 student funding formula and they are  
2 putting 20% of their dollars through it.  
3 You are going to have all the same issue  
4 that is way. But assuming large portions  
5 of the dollars are put through the funding  
6 formula we generally see a greater equity,  
7 great every equity across the schools.  
8 Getting to greater equity requires a  
9 flexibility that not all districts have.  
10 Some districts don't get enough funding to  
11 fund the basic things so then they are in  
12 this role of having to put extra dollars in  
13 to fund the basic stuff and all of a sudden  
14 they are on the way to student funding any  
15 more. They can be the staff the art, the  
16 music, the P E because they didn't have  
17 enough weighted student amount so they get  
18 more it's gone. In general if the funding  
19 level is high enough then we tend to see  
20 more equity. Getting to more equity in  
21 dollars is not necessarily the same thing

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 is getting to equitable potential because  
2 of the teacher effectiveness issues which I  
3 know you know will.

4           Mr. Ahart: I feel like we are  
5 missing a pretty important element here in  
6 terms of equity because there's a teacher  
7 effectiveness issues that don't weight  
8 linear in fashion with teacher quality.  
9 There are also you could have two identical  
10 teachers and depending on the way your  
11 contract or benefits are set up one teacher  
12 in my district is identical experience and  
13 identical effectiveness could cost 15-20,  
14 000 more. You are talking about equity for  
15 results and quality and the amount of  
16 services providing, the district the  
17 providing for students you can't do  
18 comparable accurately by just doing a  
19 apples to apples an dollars spent  
20 comparison because more dollars spent could  
21 actually equate to fewer services an less

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 quality.

2           Ms. Hawley Miles: I don't need  
3 to add to that except to say that's why I  
4 had that chart. Exactly you can have two  
5 teachers making the same salary with  
6 different levels of effectiveness. One the  
7 research is still pretty clear that novice  
8 teachers need a little while to learn what  
9 they have, so that's one very objective  
10 measure you can look at that around which  
11 there are striking differences that's a  
12 really important thing. I will reiterate  
13 that we have done a lot of analysis looking  
14 at teacher effectiveness data across the  
15 spread across schools and we do also tend  
16 to find that the most highly effective  
17 teachers are concentrated in the least  
18 needy schools as rated by their principles  
19 as evident in value added scores and in  
20 student education sorts of surveys.

21           Ms. Podziba: Any other questions

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 or comments? Okay. It's 12: 20 it's a  
2 good time to break for lunch. When we come  
3 back at 1: 20 we will look at the  
4 questions on the issue paper for supplement  
5 not supplant.

6           Mr. Amerikaner: I am apparently  
7 supposed to tell you information which is  
8 that negotiators can use room 1 W 117 for  
9 lunch if they want a place to eat and talk  
10 amongst themselves.

11           Ms. Podziba: Welcome back. I  
12 hope you enjoyed your lunch and found your  
13 way back. I would like to remind the  
14 people in the audience that there is a  
15 public comment sign in sheet. It's back on  
16 the table behind me so if you do intend to  
17 make a public comment please sign in so  
18 that we have got so that we know how many  
19 people are planned to do that. When we  
20 broke we had heard from Karen, and I think  
21 we are ready to go into the questions that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 are listed in the issue papers so I am  
2 going to turn over to Ary to get us started  
3 on that. Can we get the slide with the  
4 text? We can get started. The first  
5 question in the back this is in the sup me  
6 meant not supplant tab. The first one is  
7 what does it mean to ensure that a title  
8 one school receives all of the state and  
9 local fund that is would otherwise receive  
10 if it was not receiving this assistance  
11 under this part. We are now hoping that we  
12 will hear from the committee and we hear  
13 ideas from you.

14 Ms. Podziba: The floor is open  
15 for that question.

16 Mr. Payment: My answer to that  
17 question was more simple before I had the  
18 presentation this morning. Theoretically  
19 there is a test or a number out there that  
20 other schools that are not receiving or  
21 being supported by title funds, title one

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 funds are spending at, so there has to be a  
2 point of comparison, so theoretically if we  
3 can agree to that concept we have to then  
4 figure out how to get to that and figure  
5 out what that point of comparison is. The  
6 question that's now risen in my mind is so  
7 in my research unit of measurement is key.  
8 So what is the unit of measurement. This  
9 seems to be leaning more toward district  
10 level rather than individual student level  
11 or using a proxy which is the teacher to  
12 student ratio, but I am still concerned now  
13 about individual schools within the  
14 district. So how do we get at like let's  
15 say a district the providing a service and  
16 it appears district wide that that service  
17 is being fulfilled but there are schools  
18 within that district that are historically  
19 disadvantaged that are further  
20 disadvantaged because we created the unit  
21 of measurement to be the district. More

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 questions?

2           Ms. Pompa: Given that it's got  
3 to be relative to schools within the  
4 district. Couldn't you talk about any time  
5 one school is not spending less than state  
6 and local dollars than you would spend in  
7 other schools than that wouldn't bring that  
8 up to some sort of equity in title one fund  
9 ins this case.

10           Mr. Amerikaner: Do you want me  
11 to answer?

12           I guess it was rhetorical.

13           Mr. Wilbanks: There's a lot of  
14 different ways in the district and schools  
15 within that district how their needs  
16 challenges and as well as the thing that is  
17 the district may see needs to be done. I  
18 think that we all probably agree whole-  
19 heartedly that title one is supposed to add  
20 additional funding to schools that meet the  
21 criteria. And I think that's fairly easy

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to come up with but I do think you got to  
2 be very careful when you start include  
3 salaries that kind of thing because of the  
4 varying things that goes with that. Are  
5 you going to be changing teachers every  
6 year in a title one school just because  
7 somebody leaves or retires or whatever or  
8 are you going to be limited by for example  
9 we allow our schools so many points which  
10 is an average teachers salary? However, we  
11 do not limit them on hiring whoever is the  
12 best person that they have that applies for  
13 the position. So they may hire someone  
14 that's a new teacher or they may hire  
15 someone with three years experience or 20  
16 years experience. They do that. So if  
17 that's one element that goes into really  
18 past the test of comparability you won't  
19 have to get into moving staff every year  
20 and particularly in the high need schools  
21 one of the big things that contributes to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the social competency of that school is  
2 stability. I think once you disrupt that  
3 you better have everybody there as a great  
4 teacher because that's one of the negatives  
5 that I think exacerbates challenges that  
6 you have at high need schools. For that  
7 reason I think it would be an over reach if  
8 we look at the comparability based on  
9 salary of what's spent. I think it's very  
10 fair and should be applied. Does that  
11 school, the title one school get the same  
12 amount of state and local dollars as any  
13 other school in the district, if not they  
14 should?

15 Mr. Cheeks: So this is what I  
16 wanted to weigh in on earlier when we were  
17 given the overview of subsidizing the plan  
18 and how districts are using funds from  
19 various I guess funding mechanisms. It's  
20 easy to slip over to the conversation I  
21 think to deal with effectiveness. I think

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the bottom line of my question is what is  
2 the starting point? Where is the  
3 threshold? Where is the point where the  
4 basic educational program begins and ends.

5 I think that's going to vary depending on  
6 the level of schooling or the level of  
7 success of that particular school. You  
8 could find in some school that is are in  
9 need of a great deal of support because of  
10 the fact that school is not being very  
11 successful which would mean from the state  
12 side that floor of support is much higher  
13 financially, and just as on the other end  
14 of the spectrum school district that is are  
15 being successful that have a much higher  
16 tax base that floor of basic educational  
17 program from the state side could be  
18 weighted differently. I think the  
19 difficulty in trying to implement this law  
20 is finding that threshold, finding that  
21 point of ending and beginning for the state

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 dollar versus the federal dollar. With  
2 keeping in mind the need of the actual  
3 school because we are still and I was  
4 really glad I was pointed out this morning  
5 we are still having to address this issue  
6 of poverty and the disparity it's created  
7 because of poverty. Somehow this insuring  
8 all title dollars are getting to the  
9 particular school it has to be addressed  
10 from the standpoint of the basic  
11 educational program where does that end and  
12 begin before we begin to add the federal  
13 dollar?

14 Ms. Podziba: Thank you.

15 Ms. King: I wanted to sort of  
16 build on a couple of things Mr. Wilbanks'  
17 thing about teacher variability was an  
18 important one and recognizing that  
19 different schools have different needing.  
20 I think we would also all agree it's not  
21 healthy for any school to have a high

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 concentration of novice teacher. This is  
2 not about teacher policy. I want to back  
3 up after think again about what does it  
4 mean for funds to be supplemental. It's  
5 extra. If it's not even to start with I  
6 don't think you can argue with what you are  
7 getting is extra. If there's an equity if  
8 you are starting with an inequity the money  
9 you are getting is bringing you up to where  
10 other people are is straight up with  
11 supplanting will be. The comparability  
12 requirement is a different requirement and  
13 a different that's not under the scope of  
14 networks reg. In terms of making sure that  
15 funds are supplemental it seems pretty  
16 straightforward for me in order for dollars  
17 to be supplemental they have to be adding  
18 on and if they are filling in they are not  
19 adding on. I think Marcus added another  
20 really good point, which is this question  
21 of the basic educational program. I think

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 we would all agree that there are thing  
2 that is all children and all schools need  
3 to be successful. The challenge would be  
4 you know we could come up with a  
5 requirement that a district you know in  
6 order to be compliant with the supplement  
7 not supplant provision had to demonstrate  
8 that they were providing from state an  
9 local funds education to all children in  
10 all school. What makes me nervous about  
11 there's 24 of us and I think we would come  
12 up with 30 different definitions of what a  
13 basic education includes does it include  
14 foreign language and how much physical  
15 education does that include? What is the  
16 appropriate class size for every school in  
17 the country? I think what we need to find  
18 is a test that is really come clear and  
19 transparent that can be understandable by  
20 the educators in the building and by the  
21 administrators in the district, by the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 community stakeholders and by policy  
2 maker's right? We need a standard that  
3 everybody can look at and say yes that is  
4 fair and that is equal there for the  
5 federal dollars are extra or nope that's  
6 not equal what you are doing is filling in  
7 you are not adding onto. I think that was  
8 sort of the parts that I wanted to build  
9 on. You know it's hard I mean especially  
10 thinking about the charts and thinking  
11 about the variability between states is a  
12 good point but it's just hard to come up  
13 with one federal standard to make sure that  
14 the federal law meets the federal intend of  
15 the federal dollars. I think that's what  
16 we should be looking at is the most  
17 objective test we can come up with that is  
18 based on the actual dollars being equitable  
19 in the title one schools.

20 Mr. Cheeks: So I think the law  
21 is getting the room for states to use a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 number of different formula processes this  
2 basic educational program. What I think is  
3 void of is the conversation around the  
4 basic program where the general interest  
5 and needs for children in Mississippi or in  
6 Ohio or any other state where that starts  
7 based on that states current educational  
8 system, so I am not suggesting that we  
9 codify a definition for that beyond where  
10 we have already gone but I think we do need  
11 to point states into a mind set of  
12 determining whatever that is and whatever  
13 that basic program is for your particular  
14 state. That may still give you a range of  
15 looking at teacher salaries or equipment  
16 materials or instructional supports. It  
17 will still give you a general area to begin  
18 that conversation.

19 Thank you.

20 Mr. Payment: Again, the outcome  
21 unit of measurement is always going to be

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the student, but the funding the unit of  
2 measurement is the district, so what is the  
3 base performance outcome and so when we are  
4 talking about you know I used during our  
5 lunch the example of the affordable care  
6 act. Even with this hugely lucrative plan  
7 in front of states, some states have not  
8 done it and some kicked and screamed for  
9 two years and I think we have two-thirds of  
10 the state that is are on board for Medicaid  
11 expansion, education if there's one issue  
12 that's strongly brings to bear local  
13 control at the state level. What is the  
14 base performance for equity purposes and I  
15 will be careful not to use equal because  
16 equal funding doesn't equal equity? So  
17 maybe what we need and this is an idealist  
18 talking. Maybe we need the states to  
19 define what equity is and their respective  
20 realms at the state level and district  
21 level at the local level how are we going

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to know what's supplemental if they don't  
2 do that? How are we going to know what  
3 that is? So what is their plan to access  
4 these funds first of all what is their plan  
5 for equitability and outcomes and how are  
6 they achieving that in order to tap into  
7 something that's supplemental to what they  
8 are doing already? So I know that's really  
9 naive and it's huge but how otherwise are  
10 we going to know what is supplemental?

11 Mr. Chau: Just to piggy back off  
12 of what Aaron just mentioned. Some of our  
13 states have started making efforts to  
14 provide supplemental funds for some of our  
15 students. In California we already have a  
16 state funding formula that was generated  
17 that was a proposed recently and accepted  
18 that provides additional funds for some of  
19 our low income as well as some of our high  
20 need students, so some states are already  
21 making an effort to provide additional

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 funds. I know that California is an  
2 exception to that rule. I want to  
3 emphasize that any efforts to try to  
4 federally regulate or add language around  
5 equalizing funding might actually not be  
6 equal across all of the states so the less  
7 we are strict in terms of the defining that  
8 methodology but as Mr. Wilbanks mentioned  
9 before allowing our districts to share what  
10 those methodologies are I think is  
11 definitely in our interest.

12 Ms. Jackson: I wanted to in case  
13 you didn't look at it before bring  
14 attention to this copy that was submitted  
15 to us because I want to highlight what  
16 already exists in the statute so we are not  
17 discussing ways that would be reinventing  
18 the wheel for that. What has the star next  
19 to it. I think this is in a separate  
20 section but it is related. The per people  
21 expenditures of federal, state and local

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 fund which is are the Lee levels we talked  
2 about including actual personal  
3 non-personnel and federal state and local  
4 funds disaggregated by source -- I think  
5 that's already there so to consider the way  
6 in which we can use that or refer to that  
7 and I don't know I hear people talking  
8 about the need for that it's already here.  
9 The only thing that I would add to that is  
10 there may be a need for defining each of  
11 those terms which I am sure it will take us  
12 days or that states define them. I guess  
13 that would be the most useful the state  
14 defined how determining it. The  
15 expenditures are just salary and benefits.  
16 This to me looks like something states are  
17 already being asked to do this then they  
18 have to justify how they are supplementing  
19 or giving extra funds for the kids in need  
20 but those would be tied in together.

21 Ms. Pompa: May I ask Karen a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 question. I guess I was suggesting in my  
2 rhetorical question earlier that you use  
3 some sort of fiscal measure to make sure  
4 one's in place. In your work have you seen  
5 other approach that is get you to where we  
6 want to go? How effective are they?

7 Ms. Hawley Miles: What I can say  
8 is there's a couple different methods one  
9 could use the reporting of actual  
10 expenditures by per student by school is  
11 one. Then there's the decision about  
12 whether to use the actual or average  
13 salaries and that's up to your discussion  
14 we can share data about it what that ends  
15 up meaning. Then there's the other method  
16 that is have been used which are to look at  
17 what is the formula that you are planning,  
18 what is your staffing formula that you are  
19 using and is it the same for you know for  
20 all of your schools before you are adding  
21 on the title one? I think if you were to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 go that second way then you would want to  
2 think about the presentation that I gave  
3 earlier about the fact that the formula's  
4 include a wide variation of the percent of  
5 dollar that is actually get down to the  
6 school and are very different across  
7 districts and also in their state context.  
8 So it's one thing to do that within a state  
9 and a district then look at the practices  
10 it's harder to think about that at a  
11 national level.

12           Mr. Wilbanks: I really  
13 appreciate the need to understand what some  
14 of the terms or whatever means. However, I  
15 think they are clearly defined in the act.  
16 I think our challenge is how do we  
17 implement that to not violate those  
18 statements and if you are supplementing  
19 that's a process you could figure out by  
20 looking at what the methodology is for that  
21 district. If you are planning that can be

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 figured out by the same process. I would  
2 caution as to really get too deep in  
3 defining what's already I think is very  
4 clear in the act. It's been around for a  
5 long time since 1970. It's been a few  
6 changes like most of us. I may be the only  
7 one in the room that remembers 1970?

8 Mr. Evers: I remember.

9 (laughter) these comments might bleed a  
10 little bit into the second question. It  
11 seems to me that over time Congress and the  
12 reiterated it at this time has focused on  
13 defining school wide programming in a ways  
14 that seemingly borders on best practices if  
15 there is such a thing here, and in July of  
16 15 of this last year the Department of Ed  
17 promulgated rules around school wide and  
18 what kind of methodology and what kind of  
19 processes would be used. I think that's a  
20 good place to start. I don't think our  
21 work here is going to solve all the equity

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 issues because they are too complex for us  
2 to cram into an administrative rule, but I  
3 sure it's clear that this is a what's being  
4 expected of us is to use the methodology  
5 that is presently used in school wide  
6 programming. If we are going to build upon  
7 that if we can that's good. I am a little  
8 fearful of become too nuance within our  
9 conversations that will cause havoc on a  
10 local level making decisions and that we  
11 didn't anticipate.

12 Ms. King: Building on different  
13 things the methodology the district used to  
14 allocate their own resources is  
15 interesting. I think the textbook law is  
16 pretty clear that the Department cannot  
17 describe a specific methodology in  
18 allocating. In some world someone has to  
19 use a weighted system. The law doesn't  
20 allow us to do that so we will have to do  
21 that another time. The question really

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 then is you know if building a sort of Ms.  
2 Jackson's point about the per people  
3 expenditure. If you have a test that is  
4 based on the data you already have to  
5 report that shows you are compliant you  
6 very well might not have to do anything  
7 right you send to your state the report  
8 card you send to parents with the reported  
9 data that says see look here we spend in  
10 all of our title one's at least as much as  
11 we spend in our the average of our non-  
12 title ones and we are compliant and we are  
13 moving on with our lives. So I think  
14 there's a real value in focusing on the  
15 outcome which is what are the dollars  
16 available to serve children rather than  
17 these sort of you know my understanding is  
18 that the district finance is as much  
19 sausage making as law making is. Rather  
20 than the district saying here are the many  
21 ingredients in our sausage and the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 different ways to combine them. Here are  
2 the dollars that we use in this school to  
3 serve the children in this school. So I  
4 think that you know just getting away from  
5 what is the methodology being used to  
6 allocate state and local funds to each  
7 school and toward what is the outcome of  
8 the available dollars. There's a concern  
9 about equalizing or lowering those  
10 districts who are really leaders. Those  
11 district leaders who said our -- children  
12 who need more get more. In our district we  
13 are going to spend more money to educate  
14 children facing greater challenges. We of  
15 course not want to penalize them. You need  
16 to build into the rule, into the test that  
17 they are getting at you know when they get  
18 at least much we are very excited they are  
19 getting more. We are very excited these  
20 are educator who is have said we are going  
21 to do the right thing for our kids in the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 district. I think that should not be the  
2 goal. You know to that end we can't I  
3 would love if this neg reg I could solve  
4 all the problems then we should have  
5 started this a long time ago. I think we  
6 should not make things worse that's my fear  
7 here. The supplement not supplant test I  
8 think there's challenges with it. It's  
9 been an important part of making sure these  
10 special federal funds, which are meant to  
11 serve children in poverty are actually  
12 reaching those children. If we are going  
13 to change that test and change the way it  
14 works we need to be very careful that the  
15 way we are changing it is going to make  
16 sure that those children that are meant to  
17 benefit from federal dollars. I think  
18 that's really important to keep in mind.  
19 Just as there are examples of those  
20 districts where the district leaders have  
21 taken on the charge and provided additional

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 fundings and support and they have done  
2 that work there's district that haven't.  
3 There are districts where they are spending  
4 less money in their higher need schools and  
5 they are sending more resources to the kid  
6 that is need more. They are taking those  
7 federal dollars that are using them to make  
8 up the gap that is shouldn't be in the  
9 first place. I never want to make it  
10 harder for someone to do the right thing  
11 but I do want to make it harder to do the  
12 wrong thing. I think there's a way to  
13 provide the flexibility and educators need  
14 to make educated decisions there's a way to  
15 provide the strong transparency guardrails  
16 that we all know that children need to get  
17 the resources they need.

18 Ms. Briggs: Really complicated  
19 issue. I think about my home state of 1400  
20 plus different school districts who use at  
21 least these methodologies probably some of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the examples were one that is Karen let on  
2 because she's active in Texas. The equity  
3 challenge whether or not that's a federal  
4 problem that can be solved through this  
5 provision or this statute I'm not certain  
6 about because the other thing you want to  
7 see protected is the ability for districts  
8 to innovate and use their funds from any  
9 given year which do change from year to  
10 year given taxes that come in and property  
11 that come in and kids that move in and out  
12 and all of those dynamics change very very  
13 often, and so we want to give the local  
14 district its ability to be innovative and  
15 flexible and efficient and so I think  
16 trying to regulate every scenario of every  
17 district is just not possible, so I think  
18 kind of reflecting on guidance and that  
19 might be a better position.

20 Ms. Pin Ahrens: I wanted to  
21 follow up on not being a goal. I know

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 Aaron said it as well we have to be very  
2 careful about looking at are we spending  
3 the same amount before title one dollars  
4 for schools within the same districts  
5 because we know it costs more to educate  
6 students in certain demographics. It costs  
7 more for the parent support services  
8 especially for limited English proficient  
9 parents. We have to take that into account  
10 when we are looking at are the schools  
11 receiving enough funds from the district  
12 and the state itself for the students they  
13 have before we you know look at the  
14 supplemental federal dollars. I would  
15 argue that if a high need school is  
16 spending the same level as a non high need  
17 school the district and state are not doing  
18 their job in providing them with adequate  
19 funds, so not only should the district and  
20 state be allocating more funds to those  
21 high need schools but then you know when we

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 are using that metric we should then look  
2 also at the federal funds. I also want to  
3 add in a different point is that we have to  
4 also take care of how we look at single  
5 school districts you know and think about  
6 the metric that we are using in terms of  
7 comparing those single school districts to  
8 other districts within the state.

9 Thank you.

10 Mr. Payment: I think I'm not  
11 sure what I am hearing but I also just want  
12 to under score so obviously we don't have  
13 the authority because the local control and  
14 states to demand anything or control  
15 anything and in a perfect world school  
16 systems would be providing equity as a  
17 natural course. However, this law came  
18 into being because they weren't. It wasn't  
19 a natural thing. So certain populations  
20 didn't have the kind of political clout.  
21 That will probably change in about 20 years

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and there's still kind of a blind spot to  
2 that if that is going to change? So equity  
3 funding is going above and beyond. If you  
4 are providing the same amount for all  
5 students it's inequitable. It's inherently  
6 inequitable. We have to remember the  
7 spirit of this law initially was to erase  
8 and correct for the inequity that is  
9 existed in the first place. It's an  
10 opportunity for school districts to go  
11 above and beyond and look at it as an  
12 opportunity and I know in our school  
13 district back home we have a charter  
14 school. We have 75% free and reduced  
15 lunch. And we have standardized test  
16 scores double digits higher than the public  
17 schools partly because we qualify for  
18 funding because of the equity issues. That  
19 really is an opportunity because all  
20 students can succeed. In our experience we  
21 demonstrated that they excelled. We have

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to not lose sight and it might be  
2 idealistic so what do we have as a body to  
3 recognize the current conditions at the  
4 state level to provide for the equity that  
5 needs to happen and recognizing that equity  
6 and equal is not the same. What can we do  
7 in supplement that the schools are already  
8 doing to assist them in a meaningful way  
9 and targeted way in complex as these issue  
10 what is it that we can do as a body as a  
11 challenge to draft up the regulations that  
12 then have to go through several other steps  
13 after us. What is it that we can do to  
14 ensure that? I wanted to make sure we are  
15 all on the same page when we are talking  
16 about equity.

17 Mr. Amerikaner: I was looking  
18 around and not seeing additional name  
19 plates up which I thought we should move to  
20 question 2. We may not have a lot of new  
21 thoughts here but I wanted to make sure we

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 ask the question separately because there's  
2 a nuance here about what does it mean to  
3 have a methodology for allocating state and  
4 local funds which is the wording from the  
5 law when in many districts they as Ms.  
6 Hawley Miles explained to us at the  
7 beginning allocate staff positions and  
8 other sorts of resources. Whether this  
9 committee has ideas about how that should  
10 be operationalized this requirement that  
11 they have, the district demonstrate that is  
12 the methodology uses to allocate state and  
13 local funds to each school in part that  
14 ensures that each school receives all and  
15 state and local fund that is are not  
16 receiving assistance in this parted. What  
17 should that mean in a district where they  
18 have a system that they allocate resources  
19 such as staff positions as opposed to  
20 dollars directly.

21 Ms. Podziba: I think we heard

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 some of that. Are there additional  
2 questions on that comments?

3 Ms. King: I wasn't clear on the  
4 distinction so I'm fine moving on.

5 Ms. Jackson: I would stress that  
6 like what it would mean would hopefully  
7 depend on what the need is in that place.  
8 It shouldn't be descriptive in every one  
9 needs extra reading source teacher no  
10 matter what maybe that's not the need in  
11 that school or area. I would imagine that  
12 extra allocations of funds through the  
13 school based budgeting should be based on  
14 what the biggest deficit or biggest area  
15 where you need support is in that entity  
16 whether it's a school or district if that  
17 makes sense?

18 Mr. Wilbanks: One of the things  
19 we do for example a couple years we have  
20 been looking what is our area of great  
21 itself need curriculum? Math is for us

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 throughout, so we have chosen to look at  
2 the lowest performing schools in math and  
3 provide them a math, not a coach but we  
4 call a math specialist that really works  
5 with the teachers to finally build the  
6 capacity in those students. Why this  
7 doesn't come up in staffing another thing  
8 we do is provide each school per people  
9 money based on enrollment. For the low or  
10 high free and reduced lunch those students  
11 get additional dollars that's local  
12 dollars.

13 Ms. Podziba: Thank you. Mr.  
14 Amerikaner?

15 Ms. Evangelista: Any school is a  
16 title one school program in New York City.  
17 I do feel lucky we have a weighted school  
18 formula so all the school ins our area  
19 receive more or less the same amount then  
20 you are given additional weights and given  
21 the grade, scoring. We have the student's

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 scoring on assessments, EL's and special  
2 needs and so we are giving additional  
3 funding for all the students and we at the  
4 school level to make the choices about the  
5 staff members that we think we need to hire  
6 that are going to serve the best needs of  
7 our population. One of the things we all  
8 need to do is set goals at the staff level  
9 and submit those level to the state and  
10 district and talk about how the title one  
11 funds are serving the needs of the students  
12 supplementally to the additional to the  
13 fair student funding that we received in  
14 the district and state.

15 Ms. Podziba: Any other comments  
16 on question 2? Okay.

17 Mr. Ruelas: To just kind of  
18 support what my colleague Liz said earlier  
19 you know about the whole issue of  
20 the -- prohibits them from prescribing what  
21 methodology the districts use. I think the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 major thing we need to focus on is to make  
2 sure we have a consistency on how we are  
3 going to be transparent with our spending  
4 itself. That transparency itself in the  
5 way we report it needs to be consistent  
6 throughout all the states because as long  
7 as we are basically able to be transparent  
8 with everything that itself lends the  
9 accountability and provides all the  
10 information for the citizens about the  
11 decisions being made by their government  
12 itself. I think the transparency and  
13 consistency itself is going to be basic  
14 with us.

15           Mr. Amerikaner: Let's go to the  
16 third question whether regulations should  
17 create certain allowances an flexibility  
18 such as when a district has a particular  
19 small school or allow different allocations  
20 among grade spans?

21           Mr. Pohlman: I think it's been

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 said a few different times, but I think  
2 from the perspective of that I have is a  
3 single school LEA I think this becomes very  
4 important that it be clear either through  
5 guidance or regulation like, I am still  
6 waiting to see if regulation is necessary  
7 here. That guidance or needs to be clear  
8 to our auditors and to others that  
9 application of any test for us is I don't  
10 know of one. So that has been unclear for  
11 a number of years and that I think that we  
12 have I know myself I have had several  
13 conversations with auditors over the years  
14 to explain how this really we don't have a  
15 test to demonstrate this. I think it would  
16 do a great service to rural schools or any  
17 school or single school LEA in allowing  
18 that flexibility. I am not sure if that's  
19 the right place to comment on it. I think  
20 the guidance or regulation has to be clear  
21 on that point. The other thing I would say

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 is that it's important that we recognize  
2 that charter school LEA's are oftentimes  
3 included in the funding allocations for  
4 districts. It would be explicit within the  
5 guidance or regulation that is those  
6 schools must be considered at the same rate  
7 of funding as any other school in the  
8 district so that there's not some level of  
9 inequity simply by virtue since it's a  
10 charter school or district school or  
11 district authorized charter in the  
12 allocation.

13           Mr. Amerikaner: Can I ask a  
14 follow up clarification? You said it's  
15 important that we be as clear as possible  
16 about what the requirement is for single  
17 school LEA's. Do you have any suggestions  
18 of what that requirement should be?

19           Mr. Pohlman: I think something  
20 to the effect of where an LEA receives it's  
21 allocations of state and federal funding

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 from the SEA and does not further  
2 distribute that funding to schools through  
3 any other mechanism or because it has a  
4 single school as an LEA. That the  
5 supplements is there for rendered  
6 inapplicable or something to that effect.

7 Ms. Briggs: The question here is  
8 for flexibility for certain types of  
9 school. I can come up with certain  
10 situations. I think trying to regulate  
11 every unique school situations is going to  
12 be tough here. To the extent possible to  
13 be simple and straightforward and the I  
14 allow for innovation and flexibility and as  
15 different school get created as stem  
16 schools an newcomer schools an schools for  
17 kid that is are dropped out and all sorts  
18 of different types of thing that is will  
19 effect an outcome that could be treated  
20 equally in methodology.

21 Ms. James: My question is

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 flexibility is great. I wonder if we  
2 already account for different methodology  
3 that is are required already if there are  
4 methodology that is are already out lined  
5 for specific small schools or small grades  
6 or what have you that this in so many  
7 different ways almost makes me wonder if we  
8 are thinking about a one size fits all or  
9 if we are considering the idea of we  
10 already have methodologies in place that  
11 might speak to this point here. If I need  
12 to make myself clear that's okay I can do  
13 that.

14           Mr. Amerikaner: Are you asking a  
15 question it would be great if you can  
16 clarify.

17           I think I did practice by saying  
18 a question but it's really a statement. If  
19 we already have methodology that is speak  
20 to variances allowed do we need to offer,  
21 do we need to offer additional for small

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 schools. If we are already given charge to  
2 districts and or states the abilities to  
3 out line how they will spend their moneys  
4 do we need additional flexibilities?

5 Mr. Amerikaner: Okay.

6 Ms. Podziba: Other thoughts on  
7 this question or support or affirmations or  
8 any idea for support that has already been  
9 said.

10 Mr. Wilbanks: I would amen her  
11 statement I think there's already the  
12 flexibilities allowed for it.

13 Mr. Cheeks: So the fact that  
14 comes to concern to me is auditors. You  
15 know I think educator wills see this very  
16 cut and dry and clear. From an audit stand  
17 point where would that direction come from?  
18 So if and I know it remains to be seen in  
19 terms of what the compliance supplements  
20 will look like but that maybe another area  
21 where it will get to really spelling out

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 how this new test will ensure the equity  
2 that's really needed. I think the audit  
3 question is something that has to be  
4 somewhere about because states will  
5 ultimately be held accountable for the  
6 resources and the misuse of it.

7 Ms. Pin Ahrens: I just wanted to  
8 comment on something that Richard said, and  
9 please correct me if I mischaracterize  
10 this. You had thought that a single school  
11 LEA's or single school charter or single  
12 charter districts should be exempt from the  
13 supplements not supplant rule. I would  
14 caution against that. I think that for a  
15 single school LEA's especially charter  
16 schools is that we really need to use the  
17 statewide average and I say this bringing  
18 up an example from New Orleans where it's a  
19 hundred percent charter. And in some of  
20 the charter school that is we have seen  
21 it's really English language learners after

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 students with disabilities who suffer  
2 because they are not receiving the  
3 appropriate services. So I really want to  
4 just be careful about exempting schools  
5 from these supplement not supplant rule.

6 Mr. Pohlman: As a single school  
7 LEA I have no ability to impact the  
8 allocations that come to me from the state  
9 or from the SEA and the impact how the  
10 federal or local dollars come to my school  
11 slash LEA it is one in the same. My school  
12 budget and LEA school budgets are the same  
13 thing because there's no difference. How  
14 do I demonstrate or what test I would use  
15 to then demonstrate to an auditor that I  
16 have allocated those proportionately  
17 correctly escapes me. I think it's escaped  
18 auditors throughout of what test is  
19 appropriate where I don't control the  
20 allocation amounts.

21 Ms. Pin Ahren: I think my issue

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 is how the state is allocating money to the  
2 single school LEA.

3 As we heard before from Ms.  
4 Rigling this is a district level test not a  
5 state level test.

6 People in the audience are having  
7 a hard time hearing. If you are getting  
8 feedback try lowering your Mic a little  
9 bit. If some people are seated right under  
10 speakers we will make sure that you have a  
11 hand held. Thanks.

12 Ms. King: I just wanted to  
13 reinforce what Marcus had said on the  
14 auditing point. I think some of us like  
15 there are times when we are going to think  
16 auditing is too aggressive or not  
17 aggressive enough. I think one of the  
18 experiences of the specifically S and S  
19 auditing has been inconsistent and there's  
20 not a lot of faith in the way that works  
21 that point to the use of a expenditure test

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that's based on the people per expenditure.  
2 There's not room for interpretation it's a  
3 math question. You publicly report it had  
4 data the parents has it and the SEA has it  
5 and the feds can look at it on the website  
6 and anybody can look at it and see  
7 compliance or non-compliance. That's the  
8 most reliable way of knowing that there is  
9 compliance because it just it seems like  
10 anything else is a level of auditing  
11 discretion which you know I think would be  
12 the one thing we are almost certainly all  
13 agree on is the auditing is inconsistent  
14 and does not served school system well and  
15 serve children well. I want something  
16 that's easier to oversee in a process and  
17 then demonstrated equity in that seems like  
18 the most way to get a overcome that  
19 problem.

20 Mr. Amerikaner: I just wanted to  
21 ask a follow up question for Alvin. I am

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 still thinking about it. I wanted to ask  
2 and Marcus made me think of it. You said  
3 you thought the law was pretty clear the  
4 way it was written that the terms had all  
5 been pretty well defined. I wondered if  
6 you could help me understand how you think,  
7 how if its clear how an auditor would come  
8 in and check to see if your district had  
9 complied with the requirement? I won't  
10 read it but number two up here on the  
11 screen. That is relatively clear. I just  
12 don't understand that. Maybe there's  
13 another I don't know how that's not clear.  
14 So if you can do your methodology you can  
15 indicate that the title one school is  
16 getting the same amount or comparable  
17 amount of state and local funds and none  
18 title one schools get it. If the title one  
19 money is going to the its never been  
20 accused of being a geek or a brain but I  
21 understand it. (laughter).

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Amerikaner: I appreciate  
2 that that's very helpful.

3           Mr. Ahart: I want to go off what  
4 Alvin said if you can demonstrate  
5 internally in a transparent way to auditors  
6 or whoever else then you have a system then  
7 you follow that system consistently then  
8 the supplemental versus supplant is  
9 straightforward. When we look at the  
10 reporting requirements if we go down that  
11 road for auditors then we are going to lose  
12 from my view potentially we are going to be  
13 doing a lot disrupting the staffing and  
14 schools and cutting staff in places we  
15 don't want to cut staff so we can  
16 demonstrate we are spending the exact same  
17 amount. There's so many factors that don't  
18 equate to the same level of service but I  
19 think that's completely in the wrong  
20 direction. I would agree with Alvin nobody  
21 ever accused me of being a brain surgeon

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 either. I can demonstrate on how I staff  
2 my schools in an equitable fashion and  
3 apply title one to the supplement not  
4 supplant I don't have an issue with that.  
5 To me it seems like we might be over  
6 thinking this thing a bit much.

7           Mr. Cheeks: So I think Alvin may  
8 have mentioned in some of his earlier  
9 comments part of his formula process in his  
10 particular district involves providing  
11 points to schools that have a very high  
12 poverty percentage. It still gets away  
13 from this view of giving an equal level of  
14 funding or receiving an equal level of  
15 funding from the state. I think the piece  
16 that still has to be spelled out to  
17 entities is that your demonstration yes, if  
18 that definition is very clear but I think  
19 the demonstration still has to not lean  
20 itself toward something that's necessarily  
21 equal which will come out I think from the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 standpoint of testing from an auditing  
2 standpoint, but one that does show how you  
3 are showing the general principles and  
4 tenants of this program which are designed  
5 to provide the extra support, the extra  
6 incentive and layer of resources that in  
7 the and sense of the federal resource it is  
8 district would not normally receive. So a  
9 weighted system if I am on the other side  
10 of auditing and if I am looking at this  
11 from a weighted system that now shows that  
12 you are providing the extra support to  
13 those lower performing high poverty areas  
14 then you are now demonstration makes sense.  
15 If you are demonstration is to simply show  
16 you gave everyone the same thing. Then  
17 your demonstrations loses the components it  
18 ensure that is the schools are receiving  
19 all state and local resources. That's  
20 where I would guess agree with Mr. Wilbanks  
21 in his simplicity of what's defined there

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 already.

2           Ms. James: I would like to build  
3 on something Lara stated and I think  
4 everyone around the table has stated in one  
5 way or another is accountable. I really  
6 believe as a school principal that we are  
7 required to out line what our comprehensive  
8 plan is and what our budget plan is and  
9 provide that information to the powers that  
10 be and then along the way go through a  
11 series of checks and balances to ensure  
12 that we are on track with that plan. Let's  
13 use that model all the way up. If we are  
14 really saying hey let's make a difference  
15 let's really make a difference and be  
16 thoughtful and pay particular attention  
17 about the accountability associated with  
18 submission of the methodologies. Perhaps  
19 that's the question I'm not sure but that's  
20 just one that I like us if possible to  
21 begin to take a stab at.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Amerikaner: Thank you that  
2 actually I have been sitting here thinking  
3 about the follow up question that you  
4 nicely transitioned us to about the  
5 accountability of methodology. I think if  
6 Liz wants in her heart to make every  
7 district related to a funding system. We  
8 know that we can't and that prohibition  
9 wouldn't let us and I think we at the  
10 Department of Ed wouldn't want to do that  
11 anyway. What sort of accountability or  
12 perimeters if any should we be thinking  
13 about putting around what ever  
14 methodologies the districts choose here is  
15 that a better way to think about this is  
16 instead of trying to describe a specific  
17 methodology what safeguards or methodology  
18 or accountability provisions should we be  
19 putting in and any sort of characteristics  
20 or end results that whatever methodology a  
21 district chooses should lead to.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. King: I want to go back a  
2 couple of points. I did want to write the  
3 methodology the use of the word methodology  
4 in the statute is referring to how state  
5 and local funds go to schools. It's not  
6 referring to how the federal government  
7 chose compliance as just a reminder. The  
8 question I am wondering is what the  
9 scenario is in which so, let's say that you  
10 have a school district that is allocating  
11 resources and funds and which ever way they  
12 are doing it and I don't know as much as  
13 about budgets as Karen does. This is not as  
14 clear-cut as we are making it sound. I  
15 feel like there's one big check that gets  
16 cut like there's a hodgepodge of things  
17 going on. The bigger question I am  
18 wondering sort of backing up a little bit  
19 and thinking about the intent of this  
20 provision is what is the scenario in which  
21 there is an equity in which a district is

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 spending less money in their hiring in  
2 schools in which title one schools are  
3 being used to compensate for inadequate  
4 funding in which scenario is that in fact  
5 supplementing. My thought on this one is  
6 that by definition supplanting. I don't  
7 know if this is the argument that there's a  
8 teacher in the world that is so excellent  
9 that her excellence, supersedes the fact  
10 that all of the children in her school are  
11 under resourced. I mean that's sort of the  
12 scenario I am wondering. It feels like to  
13 me if you are using federal dollars to fill  
14 gaps can someone sort of share with me  
15 their thinking about why that's not  
16 supplanting and that why that is in fact  
17 supplemental even though you have less  
18 money you have extra stuff.

19 Ms. Jackson: This isn't directly  
20 responding to Liz, but I am just grappling  
21 with the idea of that there's an easy

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 answer between what supplement or  
2 supplanted or there's an easy answer  
3 between local and to those provided some  
4 max amount that we agree upon and federal  
5 dollars come in. I say that right now in  
6 Boston we are dealing with a budget deficit  
7 and one of the challenges is that  
8 everything that's been cut in many ways is  
9 justified as something that is needed and  
10 yet there's only well, there's disagreement  
11 on this but you know if the community would  
12 say or the mayor and other politicians will  
13 say there's only so much that the city  
14 could continue to give. It's not  
15 sustainable. We have a structural  
16 definition. There's this reliance on that  
17 we will have some support for federal funds  
18 coming in. A need to acknowledge what  
19 limits there are and what's possible and  
20 how long it can be sustained as I am  
21 sitting here thinking about Boston. You

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 can't just say the max amount that a  
2 community can give has been given and that  
3 it's equitable and now it's acceptable to  
4 put in federal dollars. It's not just a  
5 simple question and so the thing that I am  
6 grappling with is more about not  
7 necessarily having the justification come  
8 only a certain levels but that it has to be  
9 a whole comprehensive analysis of where  
10 investments need to be made and that there  
11 has to be justification behind it and I  
12 will leave it there.

13 Thank you.

14 Mr. Wilbanks: To follow up on  
15 what Audrey has said when you have budget  
16 cuts to be made and every district at some  
17 point in time has to do that you just can't  
18 cut your title one schools you cut  
19 everybody. And if you again, are using  
20 your state and federal dollars to fund  
21 comparable programs and activities or

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 whatever staffing, and all the schools  
2 including the title one schools,  
3 everybody's probably going to be cut but  
4 then the federal dollars again is applied  
5 to the title one schools and I think that's  
6 how I mean that's something that happens  
7 every day an every budget year in this  
8 country. You can't just cut your title one  
9 school and you can't cut your programs out  
10 of that. I was in the meeting every day  
11 where your supervisors said they are going  
12 to continue to do art in all the schools  
13 and I think that's great.

14 Ms. Podziba: I am wondering if  
15 people are going to entertain the question  
16 that Ary put on the table about perimeters  
17 or safeguards any thoughts on that.

18 Mr. Amerikaner: I realize I may  
19 have framed it clumsily to start with. I  
20 think the question I was trying to ask was  
21 should we put perimeters around the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 methodologies given Karen's data she  
2 presented to us at the beginning of us  
3 around the document to some of the current  
4 inequities. We know that districts are  
5 using it a wide variety or at least two  
6 methodologies and we seen some of the  
7 equities come from that in short  
8 of -- methodology. Should we be putting  
9 perimeters whether that I think we heard  
10 here at least equal spending in title one  
11 school as a non-title one schools or there  
12 might be others that folks could come up  
13 with. I am wondering if people have  
14 specific thoughts about that given the data  
15 that we got from Karen?

16 Mr. Ahart: Well I don't know the  
17 inequities from Karen's work was purely  
18 dollars right?

19 Mr. Amerikaner: Correct.

20 Mr. Ahart: I would say no.

21 Ms. Podziba: Other thoughts on

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that?

2 Ms. Pompa: I would make a strong  
3 statement that dollars matter. I think  
4 what Karen said to us that all the research  
5 shows that they matter when you look at the  
6 bars up there on the chart that Karen had  
7 there's schools that get fewer resources  
8 and every district and we can't take care  
9 of all the schools but we certainly have  
10 responsibility at this table through title  
11 one schools. If we can have the perimeters  
12 that safeguard they are not getting less  
13 money than other schools. It's as much as  
14 this committee can do without taking care  
15 of the whole world unfortunately.

16 Ms. Briggs: I think the answer  
17 to the question is if the statutes right  
18 the parameter is supplemental funds they  
19 would receive in absence of federal funds  
20 being available. That's the framing. I  
21 don't think you can direct with much

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 precision exactly how many state and local  
2 dollars any district is getting from the  
3 federal point of view.

4           Mr. Hager: In terms of this  
5 particular test it is about dollars. It is  
6 the legal test is about dollars so you have  
7 to demonstrate how you are using your funds  
8 in such a way that you are not supplanting.  
9 So whatever you have to have a method, a  
10 test that looks at money in terms of the  
11 ultimate goal of the law to show a better  
12 outcome that is' a whole other part of the  
13 law which is the assessments and the  
14 accountability system. This particular  
15 part of the law is looking at money.

16           Mr. Ahart: I don't disagree that  
17 money is very important, but I don't think  
18 this is just looking at money. It's  
19 looking at equity. What title brings to  
20 the table is additional to what otherwise  
21 would have got and if you can do that on a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 dollar to dollar it hurts kids by doing  
2 dollar by dollar. I can have fewer  
3 teachers serving in title one school. I  
4 can have my test keepers on title one  
5 school. If we do it purely dollar to  
6 dollar I think that causes more problems  
7 than it fixes.

8           Mr. Evers: I have a question and  
9 I think it was addressed before if I am  
10 forgetting -- that's typical. Isn't there  
11 like three measures here maintenance and  
12 comparability and supplant or supplement  
13 not supplant. At times during the  
14 conversation it seems like we are talking  
15 about all three at the same time. Is there  
16 a way to focus the discussion on the  
17 supplement or supplant or supplement versus  
18 supplant?

19           Mr. Amerikaner: We are attending  
20 for the supplant -- Kay did answer the  
21 question about how the three interacted. I

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 am happy to have Kay repeat it if she  
2 doesn't mind.

3 Ms. Rigling: We should take  
4 maintenance of effort off the table.  
5 Maintenance of effort is about expenditures  
6 about the district level. It doesn't look  
7 at what happens within the district to  
8 individual schools. So that leaves us with  
9 comparability and supplement not supplant.  
10 I think in the past those two requirements  
11 have been perhaps more different than maybe  
12 they are under the new law. Again, I think  
13 we would like to keep comparability focused  
14 on services and that the services that the  
15 state and local funds provide in title one  
16 schools compared to non-title one schools  
17 as like I said are most commonly measured  
18 by students staff ratios. Look at the new  
19 language in B two as to how can the  
20 regulations if they should ensure that in  
21 fact when a district distributes funds,

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 state and local funds to it's schools that  
2 it's title one schools are getting at least  
3 as much as they would be getting if they  
4 were not title one schools.

5 Ms. King: So I think it's  
6 important to remember that all three fiscal  
7 requirements are meant to reinforce sort of  
8 the two big things about title one right?  
9 One of them is that the dollars are  
10 supposed to matter. The fact that is  
11 child's school is receiving title one funds  
12 is supposed to make the educational  
13 experience better for them. The other  
14 point is that it is supposed to be  
15 supplemental. It's supposed to be an  
16 addition. All three fiscal requirements  
17 are serve differences in different ways.  
18 The way that MOE fits in here if the  
19 district was not getting any title one  
20 money and then they get a million dollars  
21 and then they cut their expenditures then

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 there's no more money that's why the  
2 supplemental intent as well as the dollars  
3 actually matter. Comparability is meant to  
4 achieve some level of parity among schools  
5 within the district whether it's an all  
6 title one with one title one and all title  
7 one. As Kay pointed out on a services  
8 standard not on a dollars standard neither  
9 of those are under the scope of negotiation  
10 right now. They are relevant right now.

11 Now the supplement not supplant standard is  
12 where this gets tricky, the Department has  
13 been prohibited by Congress from using a  
14 services test. Now, you know whether they  
15 could use that as one of the tests they  
16 certainly can't use it as the only test.

17 If they can't use the services test then it  
18 seems like the most logical way to go is to  
19 use an actual expenditures test. I think I  
20 am still missing you know I mean Frankly if  
21 there's some schools that have found ways

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 of achieving much higher outcomes for  
2 children using less money or no money at  
3 all that would be a great scenario. That's  
4 not my understanding of most of our system.  
5 Most of the time in most of our schools we  
6 are not providing enough funding to serve  
7 the children we need to serve and there's  
8 educators -- working their butts off in  
9 terms of those situations. Certainly the  
10 dollars matter and the quality of service  
11 matter not all services are equal and not  
12 all expenditures in that way are equal if  
13 we want a test or a requirement that would  
14 allow everybody to see the playing field at  
15 least level preferably better than level.  
16 Preferably your state and your LEA have  
17 decided they are going to invest more to  
18 serve higher need children. If it's at  
19 least a level playing field and we have an  
20 assurance and understanding and we know and  
21 we have a confidence that those federal

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 dollars are both meaningful and extra and  
2 so that's the question is what is the  
3 scenario in which federal dollars are not  
4 extra that is justifiable and is meeting  
5 the requirement of supplement not supplant?  
6 That's the piece I still am not seeing.  
7 Nobody, it's a crude test, this is not the  
8 only thing we need to know about how  
9 districts are managing their money. I  
10 think local state holders have a lot of  
11 interest in what happens to money and they  
12 should continue to have all of these  
13 interests. For the purpose of this  
14 requirement and the purpose of federal  
15 government ability to monitor federal funds  
16 in the way they are meant to be used that's  
17 what we need to figure out is that test.

18           Mr. Amerikaner: I was going to  
19 ask if -- I was thinking we might move to  
20 the next question on the page unless anyone  
21 disagrees. I just want to say up front

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 until we go into the last three questions  
2 some of these are hard to respond to  
3 without having a specific proposal and I  
4 understand that is challenging and we  
5 wanted to make sure that we were hearing  
6 from all of you first before we try to put  
7 pen to paper. We fully expect to come back  
8 and take all of your thoughts and try to  
9 craft it into something and give you  
10 something to respond to as soon as we  
11 possibly can. I just want us to  
12 acknowledge that as we go through these  
13 questions if there's not a ton to say today  
14 until you have more to respond to that's  
15 okay. That being said the next question is  
16 how should the new emphasis on allocation  
17 of funds in the supplement supplant test  
18 retained at the district level. This is a  
19 follow up to Ms. Hawley Miles spoke about a  
20 bit which is not all funds go through a  
21 districts formula whether that's resources,

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 staffing based formula or a weighted  
2 student formula that some funds are  
3 retained at the district level and spent on  
4 district wide activities. We wanted to  
5 hear from the committee about whether  
6 anyone had ideas about specific ways that  
7 this compliance paragraph should or should  
8 not or how should it apply to that category  
9 of funds.

10 Any thoughts on that? You warned  
11 us.

12 Mr. Ruelas: Nothing specific but  
13 once again you know the whole issue of the  
14 federal government and how it should  
15 enforce uniform measures of spending clear  
16 and transparent methods of reporting  
17 expenditures itself. I think it's so, so  
18 important if the federal government is  
19 providing the money they should require  
20 strict reporting in regards to the district  
21 that is are receiving money in regards to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 how they are spending it. I think that  
2 transparency itself is just so important.

3 Ms. Briggs: I think it's part of  
4 the methodology and that fund that is are  
5 kept at the district level are district  
6 level funds and not distributed out to  
7 schools.

8 Mr. Cheeks: The one thing I  
9 wanted to bring to light is particularly on  
10 this point Ryan pointed out and I think we  
11 heard it's said a couple of times the key  
12 pieces of accountability and whether it  
13 shows up in a public reporting of district  
14 level expenditures prior to the addition of  
15 the title dollar or something that shows  
16 some type of break down where there is a  
17 range of resources that are being funneled  
18 into high poverty areas and something that  
19 has to ultimately hold the school district  
20 accountable for ensuring that this portion  
21 of the law is actually being carried out.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 The one thing from my constituents  
2 perspective we were concerned about there's  
3 a number of state initiatives that provide  
4 funding for if we are looking at a cost  
5 scenarios such as teaching units that  
6 require districts to have in place for that  
7 particular program. When you start looking  
8 at off the top reservation or district  
9 reservation that provides title resources  
10 that is reserved for the district level for  
11 initiative that is may or may not be  
12 required at the state level somehow it has  
13 to be tied into this that will ensure in  
14 instances of that nature the title dollar  
15 isn't then being used to supplant  
16 requirement that is are district focused  
17 requirements just by virtue of the  
18 initiative they are bringing forward. So  
19 here again I think the key piece is and I  
20 wish I had the answer I don't necessarily  
21 have the answer, but I think that those

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 factors are thing that is have to be  
2 considered when we are doing the  
3 accountability piece there.

4           Mr. Payment: So I am I think I  
5 am stuck with the concept of being a  
6 supplement and school districts, local,  
7 state should be providing a baseline and  
8 whether we can get to what that baseline  
9 looks like we will articulate that I know  
10 we can't mandate it. I am interested in  
11 the accountability of the supplemental  
12 funds. What are the supplemental funds  
13 being used for and is it meaningful? How  
14 is it going to know if it's not supplanting  
15 if it isn't doing something above and  
16 beyond what we meaningful should be doing.  
17 Is there an intervention fashioned that can  
18 be demonstrated that had actually has the  
19 value of spending those tax dollars? So  
20 when we look at the allocation per district  
21 or for pupil even that doesn't get to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 whether or not this is a meaningful  
2 intervention whether the dollars are being  
3 spent in any meaningful way to change the  
4 equity issue that's in front of us for  
5 certain populations, so some schools have  
6 meaningful improvement plans that maintain  
7 students through graduation. Some have  
8 different measures of what graduation level  
9 is. We are finally getting across states  
10 an agreement on how to calculate the  
11 graduation rate is. I want to make sure we  
12 don't lose and I am trying not to default  
13 to what tribes have to do which is to  
14 demonstrate per compact funding how you get  
15 the funding in the first place and then how  
16 you are measured against the use of those  
17 funds in order to get the funds again  
18 because I don't education should be a  
19 right. It's a federal right for equality  
20 of education and equity funds are designed  
21 to supplement to get to that point. I just

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 want to make sure that we don't gloss over  
2 this to the point where we are not giving  
3 some expectations to the state that they  
4 developed some kind of meaningful  
5 intervention for the use of those dollars.  
6 I know we can't stipulate it or regulate it  
7 but we might be able to expect it and have  
8 states then articulate what that looks  
9 like.

10           Ms. King: Sort of. First an  
11 answer to this question, I think it's a  
12 great one about how to handle district  
13 funds. I think the general principle is we  
14 don't want people gaining the system but we  
15 want to be responsive and provide for a  
16 bunch of different models. I think it  
17 would be easier for all of us to read  
18 existing guidance. I don't know Karen that  
19 if you have things that we can all look  
20 about at this. The per person expenditure  
21 included in civil rights data collection or

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 guidance that goes to LEA about how to  
2 report maybe that's a good place to report.  
3 I think I certainly do want more  
4 information about what the options are  
5 because I totally could make something up.  
6 I would rather its grounded in practice and  
7 to Mr. Payment's point I think it's also  
8 important to remember what the fiscal  
9 requirement about supplemental that the  
10 funds be supplemental does not touch the  
11 allowable use requirements there's other  
12 requirements in the law and regulation and  
13 guidance about how title one funds can be  
14 spent. So it's just because when I was  
15 thinking about this before I think that's  
16 an important thing for a member. It's not  
17 supplemental for any old thing right? We  
18 do want them to spend on high impact and  
19 instructional expenditures. There's a lot  
20 of flexibility within existing federal  
21 rules on how to spend title one funds.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 There are rules but I think that provides  
2 us some protection and thinking also about  
3 the, I think one of our colleagues had in  
4 the para-educator section had asked about  
5 or mentioned the difference between  
6 targeted assistance and school wide program  
7 those rules still apply in a targeted  
8 school you have to serve the intended  
9 children in the school wide school you are  
10 allowed to use title one funds into school  
11 wide reform and school wide reform there's  
12 other requirements. This is thankfully not  
13 the only rule governing the way that title  
14 one funds can or must be spent.

15 Ms. Hawley Miles: I want to  
16 respond to Liz's question. It's building  
17 on your point about transparency. I do  
18 think it's possible to clearly define what  
19 you mean by school level resources in a  
20 common way you could do that at the state  
21 level or and we do it to look nationally.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 That one is not that tricky. Because it's  
2 about having a common definition there's  
3 thing that is you might define as a central  
4 or could get murky. I do think it's  
5 possible to have a common description of  
6 what you mean by school level resource that  
7 is will include things like teachers that  
8 work in the school. Whether it's reported  
9 at the district level or bottom level you  
10 would have a common way of reporting that.  
11 Those kinds of things that are sometimes  
12 reported at the district school level. You  
13 can lay that out whether that happened at  
14 the state or federal level as a key test  
15 for -- are we comparing apples to apples?

16 Mr. Chau: I want to echo that  
17 emphasis on transparency I think when we  
18 are asking for this methodology we are  
19 asking for schools and districts to share  
20 how they are spending their funds. I do  
21 think some of our states have requirements

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 around that transparency especially how  
2 funds are spent at the district level. I  
3 know our district is being held account for  
4 that as well in terms of how many out of  
5 classroom staff there are in the district  
6 level compared to the school level. I know  
7 states already have some of those rules in  
8 place as well. I want to go back something  
9 mentioned that I have been processing about  
10 the small schools issue and how a lot of  
11 our discussion is focused on inequities and  
12 that sometimes there's an assumption that  
13 we are spending less for the student that  
14 is need more. That might not actually  
15 always be the case. There's certainly  
16 instances like ours where we have some very  
17 small school that is are under enrolled  
18 high school that is are title one schools  
19 and in those instances they might not have  
20 based on the school based budgeting  
21 formula. They may not receive enough

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 staffing to offer the full courses that  
2 students need to graduate from high school.  
3 In those instances our district is having  
4 to provide extra funds to those schools in  
5 order for those students to have minimum  
6 program that we expect for them to have.  
7 In those instances those are title one  
8 students who are actually receiving above  
9 and beyond what they would normally receive  
10 from state and local funds right now. I  
11 don't think there's any intention in this  
12 law to say that they can use title one  
13 funds for that. I wanted to put that out  
14 there since it was one of the questions but  
15 there's instances where we have some small  
16 school that is are under enrolled and that  
17 might be happening in other districts as  
18 well. Where they might run into instances  
19 where they don't have enough funding at the  
20 school level to fund the educational  
21 program that students need. I just want to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 put that out there.

2 Thank you.

3 Mr. Evers: I just want to make  
4 sure we are on question four and it deals  
5 with the issue of emphasis on state and  
6 local funds. Just my reading of it the  
7 Congress has changed it from saying  
8 nonfederal funds to state and local funds  
9 that's a major difference between the two  
10 laws. I would argue that a change is not a  
11 huge one and basically it deals with  
12 Congresses interest in school wide  
13 programming. The difference between  
14 nonfederal and in the past and there's no  
15 child left behind and state and local and  
16 under ESSA seems to be a difference. Am I  
17 wrong with that in my analysis.

18 Mr. Amerikaner: I certainly  
19 don't want to say you are wrong in that  
20 analysis. I want to reiterate a couple  
21 changes that I said at the beginning. At

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 this point feels like many moons ago.  
2 Other changes include the use of only one  
3 test for all schools right, school wide  
4 program and targeted assistant schools as  
5 well as this new compliance paragraph that  
6 will provide some additional specificity  
7 around how districts are expected to meet  
8 the requirement including that they  
9 demonstrate compliance by demonstrating  
10 that the methodology used to allocate their  
11 statement will fund each school receiving  
12 assistance under this part ensures that  
13 such a school receives all of the state and  
14 local funds that would otherwise receive.  
15 Actually a fair bit of that language is  
16 new. So while I don't mean to say that  
17 there's you know huge worlds of difference  
18 between it I just wanted to reiterate the  
19 parts that were new.

20 Ms. King: I just wanted to add  
21 that I think there's an impact aid is meant

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 to supplant and meant to replace state and  
2 local revenue. You would want to consider  
3 impact aid on the state and local side of  
4 the ledger. They are not meant to be  
5 supplement they are meant to supplant.

6 Mr. Amerikaner: Question five is  
7 about time lines. What does it mean to  
8 meet this requirement two years after the  
9 date of enactment when the date of  
10 enactment is in the middle of the school  
11 year. We assigned this law into effect in  
12 December. Technically two years after the  
13 date of enactment would be December 7,  
14 2017: We are looking input here on how we  
15 should interpret that and the second  
16 question is whether district might need  
17 additional time to meaningful implement a  
18 methodology that reaches this requirement  
19 that ensures that each title one school  
20 reach the local, state funds. Maybe we can  
21 get input on each of those time line

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 questions.

2           Mr. Payment: Did they mean to  
3 enact it to match the school year or is it  
4 just our Congress?

5           Mr. Amerikaner: All we know is  
6 what's on the page. My guess is that often  
7 times we get sort of two years later kinds  
8 of clauses in order to give advance notice  
9 of what's to come. It's not unusual that  
10 we would have the situation like this.

11           Mr. Payment: Would we be trying  
12 to give guidance to starting implementation  
13 in the middle of the school year or are we  
14 looking to you can't go after you could go  
15 before but then what authority exists to  
16 implement six months before?

17           Mr. Amerikaner: I actually think  
18 what we would love to hear from you guys  
19 what would be the best outcome we could get  
20 to if given what's on the page and then we  
21 can come back and see what we can do with

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that and work with our lawyers and see what  
2 we can produce that would reflect your best  
3 ideas.

4           Mr. Payment: It seems to me that  
5 you are going to more likely to implement 6  
6 months after and ask for a delay so you can  
7 fully implement because you are  
8 interrupting revenue streams. It won't  
9 match the fiscal cycle getting Congress to  
10 solve that. You are more likely to get a  
11 delay than a supplement.

12           Mr. Pohlman: I am wondering if  
13 there's a way of any flexible of kind of  
14 findings that looks at fiscal years or  
15 audits of the fiscal years so that the  
16 audits performed on the fiscal year or two  
17 years prior or two years after enactment.  
18 I think it would allow for the difference  
19 in fiscal years that I don't think there's  
20 a ton of variety at the state level. It  
21 would allow for if there's a different

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 fiscal year that this test is really  
2 applied during the volume. The auditors  
3 need to be applying the test during your  
4 annual circular audits. How is there a way  
5 to extend the language to think about it  
6 within the sort of two years after the  
7 fiscal year, the fiscal year starting two  
8 years after the enactment.

9           Mr. Wilbanks: First of all let  
10 me say you are all consistent. Every time  
11 there is a law or something passed we have  
12 this and it's March now, and it will be  
13 awhile before all the rules get obligated  
14 it would be helpful if there's a two year  
15 period regardless. It could begin this  
16 August as the waivers end August of this  
17 coming year. Then two years in would be  
18 much better. Many of us operate from a  
19 rolling three-year budget so we are  
20 obviously developing our FY 17 budget as we  
21 speak, but we are also looking out and

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 getting a handle on 18 and 19. This will  
2 allow us time to do that.

3 Ms. King: Yeah I just wanted to  
4 add the poor people expenditure reporting  
5 needs to be included for the first time on  
6 the 17-18 year report card and that's based  
7 on the prior year data. It make it is most  
8 sense to align this with that. Again, with  
9 part of the goal being that the ease of  
10 enforcement and the compliance in terms of  
11 your evidence of compliance is publicly  
12 reported data if you wanted to come up with  
13 an entire other system for additional new  
14 reporting of data not previously reported  
15 you wouldn't necessarily tie it to this.  
16 Assuming we are wanting to go with  
17 otherwise required data. I wanted to add  
18 that to the mix. Maybe it would be you  
19 have your 2017, 2018 school year would be  
20 the first time that you publicly reported  
21 the data and that year doesn't show up in

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 compliance and then you use that  
2 information to inform on how you make new  
3 decisions on the actual fiscal calendar an  
4 in consistent with the fiscal calendar and  
5 you end up demonstrating compliance in the  
6 18-19 school year. It would be helpful to  
7 get other counsel. We are going to have  
8 loads and loads of LEA's that are already  
9 compliant so they could demonstrate  
10 compliance tomorrow. For those LEA ease  
11 going to have to take action to demonstrate  
12 compliance what is the right amount of time  
13 to get to compliance so that they can  
14 demonstrate it.

15 Ms. Pompa: I think this is one  
16 definitely where it depends on what  
17 methodology you come up with or if you are  
18 going to have any guardrails, but whatever  
19 it is it seems to me that you could leave  
20 this coming year as is and have districts  
21 report what is going on, and then start the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 following year building on Liz's notion of  
2 maybe they are in compliance already if you  
3 put this in if not I think it would be a  
4 fascinating way to show how law has changed  
5 what's happening in districts.

6           Mr. Evers: My answer won't solve  
7 the problem, but I think the issue of  
8 meaningfully implementing a methodology in  
9 mid year as a practical matter it's already  
10 been done by setting the budget for the  
11 previous summer. So I don't think that's  
12 an issue or shouldn't be an issue locally  
13 I'm not a local official any more. Where I  
14 think where it gets kind of clunky is the  
15 idea of collecting the data in 2016-17  
16 where that data system really doesn't exist  
17 in any places now. As far as rolling out a  
18 methodology I don't think as a practical  
19 matter it's been done the previous summer  
20 when the budget was passed.

21           Ms. Mack: My comment kind of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 deals with this question and also the one  
2 that's following just wanted to note that  
3 each though time line should be followed  
4 and we are going to establish something  
5 that if there is a district that doesn't  
6 need that time line that there should be  
7 supported put in there to help that be met  
8 rather than that being punitive because in  
9 the end it's the student that is lose.

10           Mr. Chau: I want to emphasize  
11 the need to align this with any federal  
12 reporting clients that our districts have  
13 as well. They tend to have to report out  
14 data a year prior to the consolidated  
15 applications. I know that the more we can  
16 align and not have additional reporting  
17 requirement it is better and since we are  
18 already required to do some of that and  
19 integrate it with the existing reporting  
20 requirements will be very important so it's  
21 not to create more work. I know others

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 said we do our budget planning a year in  
2 advanced before. To distinguish between  
3 reporting what we are going to do and  
4 implementing it are two different things  
5 and we can certainly report ahead of time  
6 but the implementation can come the year  
7 after. We may need to distinguish what it  
8 is they are asking for in this requirement.  
9 It's one thing to report and it's another  
10 thing to demonstrate you are doing it.

11 Ms. Jackson: This is not my area  
12 of expertise, but Derrick said what I was  
13 thinking this triage approach of first  
14 let's get the lay of the land what's the  
15 situation. What do we ideally what to do  
16 and where are you and what is the plan?  
17 You don't want to recreate a plan that you  
18 are finally going forward with for five  
19 years and adjust it if it's not working. I  
20 like your different phase approach you  
21 described.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Cheeks: I am real concerned  
2 about auditors. (laughter) they are going  
3 to hang their hat on two words shall and  
4 may. The one thing I want to echo and I  
5 think everyone is going to be exactly on  
6 point it's easy to meet this requirement.  
7 I guess I just really am concerned about  
8 how the interpretation of this law is then  
9 carried out in terms of verifying that  
10 people are in compliance because oftentimes  
11 people got to verify compliance have no  
12 view whatsoever in terms of the actual  
13 impacting they are having on children. So  
14 that's the one piece that I would really  
15 lift to ensure that somehow we have figured  
16 that nuance out.

17           Ms. Podziba: Ary let's segway  
18 into the last question.

19           Mr. Amerikaner: What enforcement  
20 action must a state take if they find a  
21 district does not comply with the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 requirement. I thought it might be knowing  
2 that in addition to auditors there is also  
3 monitoring responsibilities of the state  
4 with their districts and so that there are  
5 it's not just auditor that is would be  
6 technically in compliance with this  
7 requirement.

8 Ms. Jackson: So when I try not  
9 to get anybody in trouble with this  
10 comment. I just want to know that Marcus  
11 said there's a difference between  
12 compliance and being impactful in positive  
13 ways. I have had hundreds of dollars worth  
14 of supplies dropped off in my classroom  
15 without any training for them and these are  
16 fiscal years changing like we have to use  
17 money for something here you go. So then  
18 you have hundreds of dollars of materials  
19 sitting there we had one training and  
20 here's table of contents and then a year  
21 and a half we have a new curriculum. So

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 this maybe beyond the scope of statute and  
2 regulations here but as a teacher I just  
3 want to mention that the intentions are  
4 mostly always good. People want to make  
5 sure that you are actually utilizing funds  
6 given for something that benefits, but when  
7 there are tight time lines and the issue is  
8 compliance instead of impact that the  
9 children don't always benefit.

10 Mr. Amerikaner: Is there  
11 something here just as a follow up Audrey  
12 that you would hope we could do? Is there  
13 an action you want me to take in this  
14 particular regulation that you want me to  
15 take to address this?

16 Ms. Jackson: As a classroom  
17 teacher I would look at a different cohort.  
18 Sometimes I have many children way behind  
19 for one thing. They are not all struggling  
20 for reading for the exact same reason. To  
21 me the intent, the time line, and like

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 measurable outcomes you are going to  
2 monitor along the way are the most critical  
3 parts. With a are you trying to shift? I  
4 was each thinking you know what are the,  
5 what is the like interval for measuring  
6 it's just every year if it's always a year  
7 dose I don't think that matches every type  
8 of impact you are trying to say. Sometimes  
9 you need to say a change in a month.  
10 Sometimes it may take years to have a  
11 significant impact which is hard for us to  
12 hear sometimes when you are talking big  
13 dollars in kids lives. Sometimes it takes  
14 years for a significant change to happen.  
15 If you only reward investments in one-year  
16 intervals you may not always invest what  
17 you need to for the big long-term change.  
18 That doesn't give you a quick answer. I  
19 think if there is a way to in regulatory  
20 guidelines or supporting materials to talk  
21 about selecting what the problem practice

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 if you will in a bigger picture outside the  
2 classroom is that you are trying to address  
3 the levers for impact and they held  
4 accountable as opposed can you assure me  
5 that this went to ex.

6           Mr. Pohlman: Sure. I would just  
7 like to add that you noted several entities  
8 beyond auditors who have authorities -- I  
9 would add authorizers that's allowed or  
10 discussed in state lied that's a difference  
11 to the state charter law. That needs to be  
12 made clear that authorizers should be  
13 included in the end and enforcement actions  
14 or corrective actions in response to areas  
15 of findings.

16           Ms. Pin Ahrens: As a parent and  
17 student advocate here I would encourage  
18 that for deciding the corrective action  
19 that the district and state should take.  
20 This is an opportunity for meaningful  
21 engagement of families and students in

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 terms of what do we do when those funds are  
2 not allocated appropriately to schools  
3 within, so I think there should be some  
4 sort of guidance that could come out of  
5 this piece in terms of including the  
6 parents and family members.

7 Ms. Briggs: More of the question  
8 I am not sure what the options are  
9 currently or what's envisioned for  
10 enforcement or corrective action.

11 Mr. Amerikaner: I don't know if  
12 I can speak to the entire realm of options,  
13 but I can sort of say that like for  
14 instance some of the things that when we  
15 have found when states have found or  
16 auditors have found noncompliance in the  
17 past there's been remedies including sort  
18 of making the shortchanged entity whole in  
19 some way over some amount of time. You  
20 know calculating how much money was sort of  
21 not spent in whatever way the rule in

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 question was asking it to be spent and  
2 whether to make that entity whole and  
3 immediately or over a certain amount of  
4 time. It is one example that's just coming  
5 to my mind. There's probably others so I  
6 don't mean at all to limit the committees  
7 thinking on that.

8 Ms. Podziba: Other thoughts?

9 Mr. Cheeks: That last comment  
10 brings to light a major problem that we run  
11 into in my state and probably a number of  
12 other states which is making the program  
13 whole. At the end of the day the child in  
14 the seat still doesn't benefit necessarily  
15 from that re-cooping of funds so one of the  
16 things I want to think to try advantage of  
17 if there's ways to provide proactive  
18 substantive actions that will prevent  
19 school districts from falling into a  
20 position being out of compliance with this.  
21 That positions you to at least to deal with

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the worst of the worse those are going to  
2 be blatantly not even applying with the  
3 law. I think somehow clarification on  
4 supporting the correct action prior to the  
5 punitive components makes a better  
6 approach. It works more beneficial for the  
7 child in the seat.

8           Ms. Briggs: I sound like I'm  
9 repeating myself again. Given that any  
10 problems that might be found would be  
11 unique to the particular situation either  
12 in the district or within the state again,  
13 I think regulatory saying these are the  
14 three options seems like not the best way  
15 to go and so I will leave this up to  
16 guidance and you know past practice.

17           Ms. Pin Ahrens: I just wanted to  
18 you know since we are talking about  
19 interventions I was thinking about the  
20 single school district again. I think this  
21 might be the opportunity if they were to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 provide reporting and not be exempt from  
2 the supplement not supplant reporting this  
3 would be the place where the state would  
4 have the opportunity to intervene and  
5 provide more funds to those districts.

6           Mr. Chau: I want to connect this  
7 back to the previous question in our  
8 discussion around reporting and the more we  
9 could ask for districts to report out how  
10 they are planning on spending their funds  
11 which we do anyways to our states in our  
12 budgeting process. If we can include this  
13 reporting the year prior to or the  
14 beginning of the year so that we would be  
15 able to receive feedback rather than having  
16 the pay back in the middle of the year  
17 that's definitely something that we would  
18 want to avoid and try to fix that prior to  
19 or during the school year.

20           Ms. Ricker: I actually want to  
21 concur with what Rita said earlier as I am

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 thinking through this I am thinking if  
2 there is a school or a state who's  
3 misallocated funds it's uncovered after the  
4 school year the money has already been  
5 spent or accidentally spent or misspent  
6 it's certainly not a solution to with hold  
7 funds from them at the end of the day  
8 that's programming for kids they don't get.  
9 I would say that like a serious, sincere  
10 attempt to communicate with the communicate  
11 with the community is to how that, like how  
12 that got misspent or accidentally misspent  
13 or accidentally allocated incorrectly needs  
14 to happen so that the community can feel  
15 that at the end of the day there's a  
16 accountability to us to them. The  
17 community can help hold that district or  
18 that school site accountable then to say  
19 okay so as a result of this misallocation  
20 we are going to watch X, Y and Z this year  
21 because we realize that's what our students

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 need. So I am really strongly attracted to  
2 this idea that it is an opportunity to have  
3 a meaningful partnership with students in  
4 their families around the intentional  
5 allocation of those funds.

6 Mr. Chau: I just wanted to flag  
7 that I totally agree. I think there's a  
8 nice symmetry when we talk about  
9 methodology we are talking about  
10 transparency. When we talk about  
11 compliance and performance we talk about  
12 transparency as well. It's nice  
13 symmetrical approach to this.

14 Ms. Pin Ahrens: Do you have  
15 another comment?

16 Mr. Payment: So I am putting my  
17 school board President hand on. What are  
18 the points of intervention where  
19 preliminary report could be submitted and  
20 viewed against other funding sources and  
21 then reconciliation report done as a later

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 point so there is time before the end of  
2 the school year. I don't think we have  
3 ever done this I am trying to think how it  
4 happens. I guess maybe if there's an  
5 administrator that hasn't managed multiple  
6 I am wondering if there are I don't know  
7 how much states vary in their funding is it  
8 June first or July first through June 30th  
9 for most school systems at the state level  
10 I don't know if that's different. Federal  
11 funding is probably different than October  
12 1st so what would be is there a meaningful  
13 points of check points that could be done  
14 early on and looked at and later in time  
15 for reconciliation so I think that's  
16 probably that's how you get to the  
17 solution.

18                   Mr. Evers: Three times in a row  
19 this is great, again, not to belabor this  
20 point. The idea of looking at what we are  
21 suggesting with congressional intent is

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 really critical we all agree in focusing on  
2 equity and families and parents are  
3 involved. At the end of the day what we  
4 suggest is rule making for guidance needs  
5 to be consistent with what Congress  
6 intended. I think we need to look back  
7 where this began and go from there. I will  
8 tell you from our advantage point from  
9 Wisconsin when we get in this position with  
10 school districts everybody is involved. We  
11 wanted to first step to collaborate the  
12 local school districts and make a difficult  
13 decision rather than going -- that's my  
14 vantage point from Wisconsin. For this  
15 group I hope we can focus on what  
16 congressional intent is.

17 Mr. Amerikaner: Can I ask a  
18 follow up for making difficult situation  
19 better? Is there for my purposes do you  
20 happen to have an example or are you  
21 thinking of a way you might approach that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 with the district in this context? I don't  
2 mean to put you on the spot I am okay with  
3 that.

4 Mr. Evers: Our present position  
5 is if we find somebody not in compliance we  
6 as soon as we figure it out we meet with  
7 district leadership right from the get go  
8 and try to resolve it. If we can't resolve  
9 it then we escalated it to the point where  
10 we may have to recoop funds, but as the  
11 last position, so between that and taking  
12 funds away there's a whole slew of steps  
13 involving the community.

14 Mr. Payment: So some states are  
15 probably better than others with that. We  
16 just went through a reform with the bureau  
17 of Indian education. It's moving towards  
18 more of the gotcha approach, the jugular  
19 approach to more of the facilitated  
20 approach at the heart is the difference in  
21 some ways between charter officers who then

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 compliance Department's and the state  
2 Department's where we do see ourselves as  
3 the team and our charter officers work with  
4 us more closely. I think it's a resource  
5 issue too. States have so much more  
6 resource and they are monitoring. I think  
7 there's a different paradigm there of  
8 catching it in a proactive way is different  
9 than catching it down the road where it  
10 maybe too late. I think part of that is  
11 facilitating that relationship between the  
12 funding source and the person and the  
13 entity that receives the funding so they  
14 are volunteering information in advance. I  
15 think I am doing it wrong, oh no I am doing  
16 it wrong. You can't do it that way but  
17 maybe you can do it that way.

18 Mr. Wilbanks. I think what  
19 really calls the non-compliance? Is it  
20 something that's been repeated and is  
21 more -- at many times when you take away

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 funds or you require repayment of funds  
2 which is really this you don't send funds.  
3 I guess there's been a few checks written  
4 but generally you don't get future funds  
5 and the kids do suffer, but you just can't  
6 keep on using that as an excuse for not  
7 complying. There has to be some  
8 consequences down the road. I think of  
9 consequences be at the highest level in the  
10 district. They are called superintendents  
11 aren't they?

12 (laughter)

13 Ms. Podziba: Ary, you will be  
14 working with your team to develop language,  
15 are there any points or language you need  
16 more input on?

17 Mr. Amerikaner: I think we put  
18 on all of them. I know that we have been  
19 through a lot of material. I wanted to  
20 give everyone one last chance if there's  
21 anything that this conversation has

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 triggered for them they didn't say before  
2 we go back and put pen to paper before we  
3 go back and respond to.

4 Ms. George: I wanted to add onto  
5 the graduated consequences is the provision  
6 of technical assistance something that  
7 might need additional assistance to  
8 districts to help them out.

9 Ms. Podziba: Any other advice or  
10 input that anyone would like to provide to  
11 Ary before she and her team put pen to  
12 paper and bring a proposal back to you?  
13 Okay. So it's 3: 20 let's take a 15  
14 minute break and when we come back we will  
15 start on assessments.

16 Ms. Podziba: We are going to  
17 move to the assessment issues. I am going  
18 to turn the floor over to Patrick to do the  
19 overview for us.

20 Mr. Rooney: Thank you and good  
21 afternoon. It's rare that I get to say we

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 move to the exciting portion of the topic  
2 testing especially after following  
3 budgeting. I think we will spend the rest  
4 of today and tomorrow going through the  
5 assessments. Before we begin I want to  
6 give a little bit of context and talk about  
7 two things, first as opposed to the  
8 supplement not supplant. We are not  
9 covered under title one regulations there's  
10 an extensive set of regulation that is have  
11 been this place for a number of years right  
12 after the no child left behind. Many of  
13 the statutory requirements have not changed  
14 significantly between what the requirements  
15 are under NCLB and what the requirements  
16 are under ESSA. As a result we propose the  
17 theory of action that the committee started  
18 with the current regulations as the base  
19 and amend or advise those regulations as  
20 necessary where there's new aspects of the  
21 statute where we incorporate new or

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 specific clarifications. You can see that  
2 approach reflected in an issue paper that  
3 we created for the discussion today which  
4 is largely focused on significant new  
5 aspects of the law where there are not  
6 current regulations. In addition if you  
7 look at issue paper six it's designed to  
8 show how the current regulation that is are  
9 not covered in individual issue papers but  
10 the smaller shifts of a language that are  
11 in the ESSA compared to what's done in  
12 grand NCLB. Limited English proficient to  
13 English learner to match the change in the  
14 ESSA and removing the time line for line  
15 assessments first need to be administered  
16 under NCLB which introduced the idea of  
17 annual assessments through grades through  
18 eight. It's a time line for when states  
19 had to comply with that piece. Since it's  
20 no longer germane to where states are today  
21 the -- show a strike through to remove that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 piece. The second topic around which we  
2 wanted to write brief context the  
3 Department's role with the state assessment  
4 systems. The law requires that the  
5 Department to conduct a peer review of  
6 state title one plans which include data  
7 assessment systems. This was a requirement  
8 under NCLB and remains a requirement it's  
9 an essential tool that the Department uses  
10 to confirm that states have complied with  
11 the basic requires of the law to have a  
12 basically sound assessment system. We have  
13 been conducts peer reviews of state,  
14 language arts and science and math  
15 assessments since early 2000's and it's  
16 grounded in the statutes an national  
17 testing standards. The peer review itself  
18 consists of a panel of outside experts  
19 conducting their review by examining states  
20 documentation about how it's been developed  
21 and how the test was performed as the state

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 intended it to be performed. The peer  
2 review is not actually looking at the  
3 actual test or the actual test questions  
4 that are on the test. It's around the  
5 process documentation of how the state  
6 document it is creation of the test and the  
7 data confirms how the test performed.  
8 After they review the recommendations or  
9 the Department makes a determination about  
10 whether the assessment system met all the  
11 requirements in the statute of limitations.  
12 With that short overview of context I  
13 actually want to before we dig into  
14 specifics certainly where we did with Karen  
15 we had experts join us at the table.  
16 Hopefully tomorrow we will have more space.  
17 We have three experts to join us to help  
18 with our discussion over the next three  
19 days. Next we have Peggy Carr she's the  
20 national center of education statistics.  
21 And she's led the national progress for a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 number of years as long as I can remember.  
2 Dr. Martha Thurlow next to her is the  
3 director of the national center and at the  
4 University of Minnesota she has a wealth of  
5 experience working with states to support  
6 their efforts to develop assessments for  
7 students with disabilities. In the corner  
8 we have Dr. Hakuta who is a professor of  
9 education at Stanford University. He has  
10 been working with the states for the  
11 assessment of English learners and math  
12 content as well as English language  
13 proficiency. I want to turn it over the  
14 Peggy in what it means to have a technical  
15 sound system.

16 Ms. Carr: Thank you. My charge  
17 is to talk a little bit about what makes a  
18 high quality assessment.

19 Mr. Rooney: We have the power  
20 point she's going to go through in hand  
21 outs which we will hand out to you.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Carr: I want to preference  
2 my remarks with today is that I will not go  
3 overall of the important factors but just  
4 the crucial ones that make a high quality  
5 assessment will lead to a lot of what needs  
6 to be assessed in Q and A. When we talk  
7 about in general assessment it includes  
8 more than just a pool an instrument it's a  
9 collection of loss of data from different  
10 sources and a variety of sources and the  
11 tool itself, the assessment tool is just  
12 one part of the assessment system. Of  
13 course there are different types of  
14 educational assessments and we have  
15 formative assessments and we have summative  
16 assessments and that's going to be the  
17 focus of my remarks today. Summative  
18 assessments measure what students should  
19 know and be able to do at the end of some  
20 targeted period usually a specified  
21 targeted period, but it's about mastery of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 a domain and how students are actually  
2 performing or demonstrate that  
3 understanding of that domain. Test  
4 questions and sometimes people will talk  
5 about them as probes. Really these are the  
6 tools within the assessment that are used  
7 to locate the student on a continuum of  
8 ability or a continuum of understanding of  
9 a domain of interest. This is regardless  
10 of the time of assessment it is, so whether  
11 it is a criteria referenced or assessment  
12 or an assessment that is known referenced  
13 where you are looking at the average  
14 student is benchmarking the place where you  
15 want to compare the student. The goal is  
16 to locate the student on this continuum.  
17 So there are two important functions that I  
18 want to talk about when we reference a high  
19 quality educational assessment. They are  
20 in the categories of the integrity, the  
21 internal workings of and assessment itself

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and how valid the assessment is for making  
2 inferences about what students know and can  
3 do and then of course there's consequential  
4 validity the importance of the consequences  
5 of the utility, and the relevance of the  
6 assessment for the purposes for which it  
7 was intended. So by far perhaps the most  
8 important concept when it comes to making  
9 valid inferences about students is the  
10 validity of the assessment and how valid is  
11 the assessment when you talk about the  
12 degree to which the assessment measures  
13 what it purports to measure or intends to  
14 measure there are components that is are  
15 also related. They are not mutually  
16 exclusive to the concept we are a larger  
17 concept of validity. They include  
18 reliability, alignment, and fairness. They  
19 are all necessary components of the  
20 validity. They are not necessary and  
21 sufficient in and of themselves for

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 determining whether or not an instrument  
2 has validity or the degree of validity that  
3 an instrument is able to claim. So the  
4 concept of validity is a very large concept  
5 and they are various types of validity and  
6 content and criteria reference validity and  
7 at the highest level you have construct  
8 validity. In all of these cases the core  
9 is how well this assessment measure what is  
10 it purports to measure the reliability of  
11 an instrument is the degree to which an  
12 instrument can precisely predict how well  
13 it precisely how well it can predict what a  
14 student knows, what he is able to do how  
15 well you are able to locate that student on  
16 the mastery domain. How consistent is that  
17 prediction. Are you able to conduct a test  
18 and then a retest and then pretty much come  
19 up with the same response. If you have  
20 equivalent instruments or forms are they  
21 highly correlated. Do they have comparable

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 level of reliability? These are important  
2 criteria for determining one's ability to  
3 be able to locate students on the continuum  
4 of a domain. Then there's content  
5 alignment and how well the assessment  
6 actually covers the domain of interest  
7 whether we are talking about mathematical  
8 abilities or literacy and how much depth  
9 and breadth that one sees in the  
10 assessment. Then of course there's  
11 fairness, there's issues of bias and issues  
12 we want to make sure it measures the domain  
13 of interest and not construct irrelevant or  
14 perhaps another domain that is not  
15 intended, and then as I indicated  
16 consequences are important. I want to dive  
17 just a few minutes we are not going to talk  
18 much about some of these other topics and  
19 what you see here is again that major goal  
20 of locating that student on that assessment  
21 domain and the questions that you ask the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 student is how you are able to determine  
2 where that student is. It's not just the  
3 number of questions it's the nature and the  
4 quality of the questions. So if you have a  
5 fourth grader you really shouldn't ask the  
6 student one plus one or two plus two  
7 because that's not going to give you a lot  
8 of information about what a fourth grader  
9 knows and can do or what the fourth grader  
10 is expected to know and be able to do.  
11 What about that complex equation there?  
12 It's not something you want to focus on for  
13 a fourth grader. It's not going to give  
14 you a lot of information about that  
15 student. Collectively the right number and  
16 the nature of the questions and the quality  
17 of the questions collectively give you  
18 information about the accuracy that you  
19 need to locate that student on that  
20 continuum of ability. I want to point out  
21 something important because we often use

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 these terms synonymously or as if they are  
2 equal validity and reliability. You can  
3 have an instrument that's extremely  
4 reliable and accurate and very consistent  
5 and gives you the same response again and  
6 again. If you are not measuring what you  
7 report to measure then there is no  
8 validity, so an instrument can be very  
9 reliable but not valid. An instrument that  
10 is valid is always reliable. Fairness my  
11 colleagues will say a little bit more so I  
12 won't spend too much time on this. Issues  
13 of fairness and equity can be built into  
14 the instrument itself and how you design  
15 the items and even how you administer the  
16 assessment. You want to allow the student  
17 to tell you through the questions what  
18 they're able to know and not be confused  
19 by the language and not be inhibited or  
20 have barriers because the accommodations  
21 are not available. There are also

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 technical ways to determine fairness and  
2 bias. You may have heard of terms like a  
3 differential item functioning and if you  
4 have students of different background that  
5 is have the exact same ability but they  
6 perform differently statistically on an  
7 item that's an item you want to flag and  
8 take a little or a deeper look into it. I  
9 mentioned earlier about content alignment.  
10 This is very close to the concept of  
11 content validity. Any assessment starts  
12 with an assessment framework that really  
13 define it is domain so whether we are  
14 talking about gee I don't mean met try,  
15 measurement or statistics in probability  
16 the framework will lay it all out for you.  
17 There's a blueprint that test developers  
18 use to actually determine what type of  
19 items we are going to include on the  
20 assessment, the nature of those items where  
21 the logical choice, construct tiff response

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and how much time the students should be  
2 spending on those items and for what  
3 content strand. I want to also point out  
4 because it's mentioned in some of the  
5 literature that we have here is that we  
6 want to make sure that we are able to  
7 locate that student on that continent so  
8 you can't just always concentrate on the  
9 middle of the distribution you may need  
10 items at the top or at the bottom because  
11 there's students down at either end or up  
12 at either end and you want to be able to  
13 indicate what that student knows and can  
14 do. Finally I mentioned consequential  
15 validity. You want to be able to have an  
16 instrument that can communicate  
17 expectations for the student or the parent  
18 for the teacher about what is expected what  
19 the student is expected to know and be able  
20 to do. This is important for instruction  
21 and important for transparency for

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 stakeholders through the reports and  
2 through the items. That concludes I think  
3 the comments that I have I will turn it  
4 back over to you at this point.

5           Mr. Rooney: One other hand out  
6 that I wanted to hand out before we get  
7 started and that is we realized that  
8 everyone in your packet I think it's after  
9 six we have the copy of the assessment of  
10 the ESSA statute that the missing every  
11 other page. Which will make this  
12 conversation a little bit more difficult  
13 when you don't have the statutes. This  
14 version shall swap out the version in your  
15 packet I apologize for that. Before we  
16 start into issue papers I think we wanted  
17 to have an opportunity for questions for  
18 Peggy. Martha and Kenji will give a short  
19 presentation. We will talk about inclusion  
20 of students with disabilities and Kenji  
21 before issues five A and five B. However,

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 we want them to be part of this  
2 conversation throughout all of the question  
3 about assessments how to make sure that we  
4 are including all student ins according to  
5 them all of the issue papers an all of the  
6 discussion we want to have as a committee  
7 over the next two days, so feel free to ask  
8 them questions as well. We want to have  
9 Peggy to the overview. I want to flag that  
10 Martha and Kenji will talk later in the  
11 week.

12 Ms. Podziba: Should we see if  
13 there's any questions for Peggy?

14 Mr. Payment: I love measurement  
15 and data and statistics. I appreciate the  
16 section on bias so you stated that to me I  
17 understand that and I agree with that if  
18 it's there's additional content in the  
19 question that can lead a student away from  
20 what it's actually measuring it's not only  
21 it's an invalid measurement as well, so it

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 sounds definitive to me it's coming from  
2 the Department of Education. So is it  
3 understood that it's that clear today or do  
4 we have people around the room that don't  
5 quite understand that yet? I would add  
6 that the rural communities where literacy  
7 is lower than it's even further compelling.

8 Ms. Thurlow: I will start. Do  
9 people really understand bias means? The  
10 simple answer is no it's very complex in  
11 the end. I would start that Peggy  
12 emphasized the domain, the importance of  
13 the domain in defining what you mean in the  
14 frameworks, et cetera. People often think  
15 they agreed there but they go along through  
16 the next steps that we will take is this  
17 unfair or not unfair? Is it bias in the  
18 results, and in fact they have different  
19 very different definitions of what the  
20 content means so going it's always critical  
21 to start that what does the content mean?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 You will see this example when people talk  
2 about reading. A standard may say  
3 understands or comprehends the text. For  
4 some people comprehend means they can  
5 decode and they can understand. For others  
6 it means they can understand it doesn't say  
7 anything about decoding, so that's just one  
8 example it's a lot of complexities I say  
9 around bias and there's not necessarily  
10 agreement.

11 If I could just add to this I  
12 really appreciated that question, and I  
13 would say that there's a term that's going  
14 around these days called the assessment  
15 literacy which is the literacy of educators  
16 around assessment that assessment systems.  
17 I think it's become, it's kind of jumped to  
18 the foreground because of the in many ways  
19 the radical uses of assessment under no  
20 child left behind as a punitive and so  
21 forth. Really not using it in the hint of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 trying to support instruction. Like giving  
2 feedback on that you know an annual  
3 assessment and so forth. It really got  
4 over used and now we are seeing kind of a  
5 push back against that. It include ed in  
6 that are a lot of thing that is you are  
7 concerned about that the assessment is  
8 considered a one size fits all. It's given  
9 far more credit for accurately validly and  
10 reliably assessing students understanding  
11 than is wanted even by the test takers and  
12 so forth. It truly is a problem. As our  
13 student becomes more diverse and culturally  
14 diverse and so forth that becomes a  
15 question as well. I do think that this  
16 really this assessment and conversation  
17 gives us the opportunity to try to in a  
18 sense improve the assessment literature of  
19 all the users of the assessment systems.

20 Ms. Jackson: I won't get into  
21 this too much right now. I don't know if

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 this is accurate use of the term. To me  
2 there's also in some ways a bias in terms  
3 of access to accommodation. I have many  
4 students effected by trauma. In order for  
5 to receive many accommodations they have to  
6 have an IEP or 504 plan. I am interested  
7 in the role UDL can play in more reliable  
8 and accessible accommodations I will put  
9 those two together. There's also a bias  
10 there's time when I give a math test and I  
11 will have kids that will not do as well if  
12 I gave them one question each half hour  
13 they would guarantee to get almost  
14 everything right. The context in which the  
15 assessment delivered is actually itself can  
16 play a role.

17 Ms. Carr: I was going to say the  
18 literature is still growing when it comes  
19 to identifying appropriate accommodations.  
20 There's a lot of consensus just in general  
21 about the use of particular accommodations

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 but not all of them have been proven to be  
2 effective accommodations and the literature  
3 is now just beginning to grow around quasi  
4 experimental designs in which we  
5 demonstrate that an accommodation really is  
6 helping to remove a barrier for a student.

7 Ms. Jackson: I am very  
8 interested in learning about that. For  
9 many students having more time or have them  
10 a break even though they illusion is that  
11 it would. So thank you for noting that.

12 Ms. Thurlow: I was going to add  
13 that we have been going through a paradigm  
14 shift since 2010-11-12 somewhere in there  
15 where the consortium states have really  
16 tried to step back and open up what do we  
17 mean by universal design and accessibility  
18 and pull thing that is maybe in the past  
19 were considered accommodations into a more  
20 accessibility framework where all students  
21 can benefit from them. It raises one issue

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and that is about decision making when  
2 either IEP team or 504 team and now a  
3 designated adult makes decision about what  
4 a student needs or doesn't need those are  
5 very difficult decisions. They should be  
6 data based, but often there's not enough  
7 time for database decisions, so we need to  
8 put some effort or thinking around that  
9 decision making process as well.

10 Mr. Hakuta: Around  
11 accommodations it's definitely growing  
12 around what's an appropriate accommodation  
13 for whom. And Martha and I represent sort  
14 of a diagram of students with disabilities  
15 and English language learners within  
16 there's a lot diversity to begin with and  
17 that that there are sort of misuses that  
18 are fortunately I think are starting to go  
19 away of taking some of the combination  
20 practices for students with disabilities  
21 and say things that's good for them. Let's

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 use it for that. A lot of this is well  
2 intentioned and you know they might convert  
3 the universal design principles and there  
4 for this and that. There is a knowledge  
5 based and I hope to share some of that with  
6 you of you know you really need to target  
7 this. There are you know native language  
8 assessments or assessments through Spanish  
9 or a native language from a student that  
10 maybe inappropriate accommodation for some  
11 students but not all even if their English  
12 language learners. Those are the kinds of  
13 nuances. I think we are getting better at  
14 understanding.

15 We have to because we have  
16 increasing population of English learners  
17 who have disabilities.

18 Ms. Briggs: A clarifying  
19 question to mar that you were talking about  
20 bias. I thought I heard you say that a  
21 question might be bias if the student can

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 comprehend it but not decode it?

2           Ms. Thurlow: I was talking about  
3 the interpretation of the content being  
4 assessed. Really understanding what you  
5 how you're defining that content. What  
6 your standards are in what they mean, so we  
7 have standards now that say the student  
8 will comprehend text. I can tell you  
9 person A will say that means that student  
10 understands it and it doesn't say anything  
11 about that student needing to decode it so  
12 it would be appropriate for the student to  
13 have text to speech and others will say  
14 when you use the word comprehends what it  
15 means is that the student can decode the  
16 text and understands it. So the point I  
17 was trying to make is that bias is a very  
18 complex issue and often it goes back way to  
19 the standard you are trying to get at and  
20 that people understand the same words  
21 differently. Did that help or no?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           I still think I hear you saying  
2 that could be bias around whether or not a  
3 student needs to decode the question or  
4 content or text. That seems to make a  
5 difference of opinion.

6           Right. It's complicated bias  
7 conversation. Yeah. Good clarification.

8           Yeah. So this is just a little  
9 aside but as we started our work here we  
10 were decoding several words that we weren't  
11 quite sure we understood were on the same  
12 page. Until we got on the same page we  
13 were interpreting different outcomes or  
14 results of what we were talking about until  
15 we came to that conclusion and understood  
16 it. I think most people sitting at the  
17 table are college educated. We had  
18 different -- we carried about what bias  
19 means in our different communities and  
20 professions, et cetera. Sometimes we gloss  
21 over the differences of being able to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 decode words without recognizing that.

2           Ms. Carr: I just wanted to  
3 follow up on the issue that I think Martha  
4 is referring to regarding a reading  
5 comprehension that construct of reading  
6 comprehension. There are some state level  
7 differences about what reading  
8 comprehension is. The nape assessment  
9 defines reading comprehension to exclude  
10 reading the reading test. There are some  
11 states we won't call any names out.  
12 There's some states that have as their  
13 definition that reading comprehension and  
14 an appropriate accommodation is to read the  
15 entire reading test, but they would be  
16 excluded from the nape assessment and some  
17 of the international assessments if they  
18 did that. That's an example of how it can  
19 be a very different interpretation of the  
20 construct and could lead to differences in  
21 inclusion of students.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Pohlman: This may not be the  
2 right time to ask the question so someone  
3 can say table it. Can you commend on the  
4 impact of any translations or other items  
5 that will sort of materials on the  
6 underlying validity of an assessment. If  
7 it were translated for adaptive into  
8 languages other than it's original  
9 publishing what effect or impact that might  
10 have. This maybe let's take a look and  
11 move on but it's a question I have.

12           Mr. Hakuta: This is a typical  
13 expert response which is its complicated.  
14 You know you can go to Google translate and  
15 it will translate stuff for you and that's  
16 not a good translation. It gets you by in  
17 some cases that's not a standard that we  
18 want within translation. So there is and  
19 so simply doing an expert translation of a  
20 test might not do justice to the validity  
21 of that same test. A good translation

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 could and so we have examples of that for  
2 example the some of the smarter balance  
3 assessment in that is in Spanish for  
4 example that would be an example of a  
5 clearly well conducted translation, so it  
6 is possible to do but it's hard to do on  
7 the cheap, so there are other things you  
8 can do around giving linguistic access  
9 using the native language. It could  
10 involve glossaries and so forth or you  
11 could you know translate the instructions  
12 well. There's different hybrid approaches.

13           May I ask a follow up? I think  
14 you would have to translate that assessment  
15 first and then go through any validity  
16 testing that would be necessary; is that  
17 correct?

18           Yes, I want to add to I think  
19 your response would you describe really  
20 good. The industry has made a lot of  
21 progress in this area particularly because

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 we are now very much involved in  
2 international assessment so the protocol  
3 for handling an assessment that is supposed  
4 to be comparable and standardized across  
5 different languages has really been  
6 something that the field has a lot of  
7 experience in. So for example translating  
8 and then back translating is of course  
9 expensive but something that a good process  
10 would try to do. The nape assessment for  
11 example did something very similar when we  
12 went into Puerto Rico we had it translated  
13 but then we found out that the translator  
14 didn't really know Puerto Rican Spanish or  
15 something. I didn't realize there was a  
16 difference, but there was and when the  
17 students read the assessment they were  
18 confused about some of the language, so we  
19 learned the hard way, so I do want to  
20 emphasize that the field is making some  
21 really good progress but it is not cheap.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Hakuta: But just to add to  
2 that with the kinds of construct that is  
3 trying to be measured today it gets more  
4 complicated. So many of the concepts  
5 within college career ready standards  
6 involve quite sophisticated displays of  
7 language by the test taker. So that and in  
8 the traditional sense you might have tried  
9 to simplify the language or tried to remove  
10 that as a constructs to be measured but  
11 then that is part of the construct.  
12 Language is much more construct as a lot of  
13 the academic assessments that are used  
14 today. So in language is differ in the way  
15 they express some of these things like  
16 trying to construct an argument on how you  
17 make it plain and how you display the  
18 evidence around it and so forth. So I  
19 think that how that plays out in  
20 translation is still you know you can't  
21 take the old research and translation and

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 just immediately apply it to the current  
2 kind of construct that we are trying to  
3 measure all of that to say that this is  
4 quite complicated. It's exciting for  
5 researchers but at the practical level it's  
6 very complicated.

7 Ms. Jackson: I just want to add  
8 a clarifying question if you translate a  
9 test into child's native language or a  
10 language responsible at home that it  
11 wouldn't be reliable unless instruction is  
12 in that language newcomers aside. If you  
13 are learning about a topic all the time and  
14 then it's translated that it wouldn't  
15 necessarily be reliable?

16 Mr. Hakuta: I think you hit the  
17 nail right on the head. Again, there's  
18 some people who some students this would be  
19 appropriate. If you are not receiving  
20 instruction in that language then there's a  
21 lot of each something simple as just that

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 the vocabulary used in the discipline  
2 unless you are taught in it you won't get  
3 it.

4 Ms. Harper: Not to go too far  
5 down this because I think this will be part  
6 of a discussion in one of our under one of  
7 these specific topics but I represent  
8 native American languages, native languages  
9 in school that is are taught in the medium  
10 of native languages and we have a lot of  
11 questions about the validity and  
12 reliability of result that is come from  
13 translated assessments and this is an issue  
14 with specifically with our native language  
15 medium schools with a lot of -- the less  
16 commonly taught languages around the U.S. I  
17 think this is definitely something that we  
18 do need to dive into later, but we have  
19 been shown in several instances where  
20 translating assessments into the native  
21 languages is inefficient. It's a waste of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 resources in years and resources that can  
2 be better spent serving our students so we  
3 need to talk about our civil rights  
4 assessments in the language of instructions  
5 in schools just as Ms. Jackson is saying we  
6 should match up assessments with the  
7 language of instruction. I will be happy  
8 to get into that more later.

9           Mr. Rooney: We have a whole  
10 issue that is on that topic. We can hold  
11 onto that conversation until we get to that  
12 topic.

13           Ms. Ricker: Thank you. I  
14 actually because we had brought up bias  
15 earlier and we are actually talking about  
16 translation my hypothesis is that  
17 translating something doesn't mean we  
18 removed the cultural bias from it or any  
19 bias from it. And understanding that  
20 actually constructing a test in someone's  
21 in a native language of a student may not

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 necessarily remove bias either, but I am  
2 wondering you could comment on the  
3 protocols in place to scrub bias and the  
4 remedy from when unbiased is uncovered in a  
5 test whether it's been translated or not?

6 Ms. Carr: I mentioned earlier  
7 statistical approaches to trying to uncover  
8 bias or equity issues in the development of  
9 assessment when I talk about DIV. I want  
10 to say program that is are concerned about  
11 DIF analysis where IE functions differently  
12 for different groups when they all have the  
13 exact same or you have been controlled for  
14 liability. They need to be doing these  
15 types of assessments for these different  
16 students on language backgrounds most large  
17 assessment scales do them. That is  
18 something that we should be concerned about  
19 that the groups of interest where you want  
20 to make absolutely sure that something  
21 isn't getting passed once it's been

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 developed through the design process  
2 through the item development process things  
3 could slip through. So there are other  
4 technical approaches to trying to identify  
5 them. I want to be careful and say that  
6 you might have an item that shows up in DIF  
7 but when you look at it and you dissect the  
8 item there's really nothing wrong with it  
9 and you let it go. Usually there's a board  
10 program that has enough funds to do this.  
11 They have something like IRB boards when  
12 items don't pass DIV you have a group of  
13 able bodies experts that dive into those  
14 items to make a determination as to whether  
15 or not there's a problem that needs to be  
16 explored.

17 Can I ask I think Martha maybe we  
18 can talk about what states generally do to  
19 revise our assessments.

20 That's kind of where I was going  
21 that often states have more than one

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 process to look at bias and the statistical  
2 analysis is one approach and then followed  
3 up by looking at the items. Many states  
4 also have either what they call content  
5 review or bias and sensitivity review  
6 committees, so there's a committee to look  
7 at the content. Is the congress tent of  
8 every item exactly what we expect it to be  
9 when getting at the standard we expect it  
10 to be getting at? Then they have a bias in  
11 sensitivity committee which is made up of  
12 you know individuals who know students with  
13 disabilities after individuals who know  
14 English learners an individuals who know  
15 low performing students and different  
16 ethnic groups who really look at the items  
17 for any potential issues that they see in  
18 terms of bias of the items for the various  
19 groups of students and then the statistical  
20 often followed by another one.

21 Mr. Payment: So I mentioned

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 literacy and sometimes embedded in some of  
2 the biases is also first experience or  
3 first generation. In some cases my family  
4 lineage my mother was raised on this little  
5 island off the mainland. We were talking  
6 through 1950 so she has an eighth grade  
7 education. She didn't have the experience  
8 of the classics or some literature that we  
9 still use as passages that we have students  
10 read. It's so disconnected from their  
11 every day life that there's a bias in math  
12 as well, sometimes people don't recognize  
13 that. So just the experience of being  
14 first generation and not being literate you  
15 know through a certain generation that's  
16 it.

17           Mr. Ahart: Can you speak a  
18 little bit more on what standards the state  
19 has to meet in terms of the technical  
20 adequacy and when that was last done?

21           Mr. Rooney: That's maybe a

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 question for us in the Department to  
2 handle. The peer review process that I  
3 mentioned when I was talking about the  
4 process part is based, the statute so under  
5 the past was under the statute NCLB and the  
6 regulations we developed would be under  
7 ESSA and according to the regulation that  
8 is we come to through this committee and  
9 then the educational testing standards is  
10 APA the American psychological association  
11 and American educational research  
12 association and the national council for  
13 measurement of education NCME APA, ARA and  
14 ACPME the three organizations developed the  
15 professional education testing Standards  
16 for all educational and psychological  
17 assessments. They just revised and  
18 released standards in 2014 which is the  
19 first time they have been updated since  
20 1999. The Department uses those standards  
21 in addition to statute of regulations to

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 develop our guidance for the peer review of  
2 state assessments which we conducted from  
3 the early 2000's to about 2012 when we  
4 paused holding a peer review. Most states  
5 were using new assessments and we released  
6 a -- we launched the peer reviews which are  
7 starting later this spring.

8 Thank you.

9 Ms. Thurlow: I just wanted to  
10 add that the Standard for education and  
11 psychological testing went through a  
12 dramatic change between the previous  
13 version which was 1999 and the 2014  
14 version. If you go find a 1999 version you  
15 will see the validity and reliability, and  
16 I can't remember all the next ones but way  
17 toward the back is a chapter on students or  
18 individuals with disabilities and then  
19 another one on they called it something  
20 different. It wasn't just the L's it was  
21 linguistic and cultural diversity something

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 like that. The new set of standards really  
2 took seriously the fairness and bias issues  
3 and they ended up having three foundational  
4 chapters they called them foundational  
5 chapters on which everything else should be  
6 based. Everything should be flowing  
7 through all the chapters and certification  
8 exams and lots of different kinds of  
9 testing topics in the three chapters are  
10 validity, reliability and fairness and so I  
11 think it's a really important shift. I  
12 think that shift was recognized or is  
13 recognized in the peer review guidance.

14 Ms. Podziba: I checked at the  
15 break so there was no one signed up for a  
16 public comment. Do you think it makes  
17 sense to dive into the first assessment  
18 issue? Let's try to get our feet wet  
19 through the topic. We can pick it up  
20 tomorrow. The first paper is on computer  
21 adaptive testing. Under assessments number

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 one is the-

2           Mr. Rooney: I will do a short  
3 intro and we have two questions or there's  
4 three questions. Thank you, Audrey. To  
5 guide us today the first topic is computer  
6 and testing I want to have a little bit of  
7 frame to make sure we are talking about the  
8 same thing fixed foreign test all students  
9 take the same questions and a computer  
10 adapted test. The test is responses from a  
11 student to determine whether to offer  
12 harder or easier questions as a result not  
13 all students will get the exact same  
14 questions on the assessment. The benefit  
15 of this is the test is more tailored to  
16 what the student's knowledge and ability.  
17 It also permits an adaptive test permits  
18 the similarly valid and reliable score as a  
19 fixed form test user fewer questions so  
20 they can calibrate to what the student  
21 knows and can do it can become a more

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 precise measure with fewer questions. The  
2 ESSA exclusively permits computer adaptive  
3 testing. It was not explicitly permitted  
4 but it was something states could do. Many  
5 states did develop an adaptive test, Oregon  
6 has had computer adaptive testing since the  
7 beginning of NCLB and there's many states  
8 that have computer adaptive test. It's  
9 guiding part of the conversation we have.  
10 So the test needs to meet the state  
11 requirements for technical quality's that  
12 are identified elsewhere in the statutes  
13 for all assessments. It needs to measure  
14 among each students based on the academic  
15 standards for the students grade level and  
16 grow toward sump standards an adaptive  
17 tests may also measure the students level  
18 of proficiency and growth using items above  
19 or below students grade level. States may  
20 also develop an adaptive alternate  
21 assessment based on alternate academic

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 achievement standards for the students with  
2 the most cognitive disabilities. They also  
3 have the same, the language is different  
4 but it's same requirement measuring.  
5 Achievement standards for which the student  
6 is enrolled with that overview I want to  
7 jump into the conversation. Some of these  
8 are different. The issue paper is one of  
9 them in that we tried to craft what  
10 potential proposed regulations might be for  
11 this topic. If you look on page topic and  
12 the in blue is the text that is taken  
13 directly from the statute and in red is  
14 some potential language for the groups  
15 consideration for discussion today. For  
16 all of them we want to use this session to  
17 talk through the questions and the issues  
18 some of them are a little more  
19 straightforward I think we did take a crack  
20 as what some of the proposed language.  
21 With that we can go through the first

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 questions. I will read the first question  
2 is the statute sufficiently clear that from  
3 computer adaptive test must meet the same  
4 requirements that are like reporting grade  
5 level achievement and then a follow up if  
6 it captures information about the fifth  
7 grade student who's third year is well  
8 below grade level how would a state credit  
9 the school for the students learning while  
10 fifth-grade content and is still behind.

11 Ms. Pompa: I think the language  
12 is good for today. I think one thing to  
13 consider is more and more test makers are  
14 looking at computer adaptive testing for  
15 English learners. It carry it is same  
16 dangers in terms of changing language or  
17 modifying language such that the standard  
18 is not actually what's being measured. I  
19 would if it could be somehow expanded right  
20 now it gives the impression that we are  
21 only talking about students with severe

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 cognitive disabilities, but the nature of  
2 testing in how it's changing is that it's  
3 going to be used with more and more  
4 students, so language that can convey that  
5 somehow would be important I think?

6 Ms. Podziba: I am unsure are you  
7 talking about the proposed regulatory  
8 language?

9 Ms. Pompa: Yes.

10 Ms. Podziba: I am wondering if  
11 we can respond to the questions first and  
12 after words look at the regulatory text  
13 based on the --

14 I think this language is fine for  
15 today meaning not today, today this era  
16 this world we are living in.

17 Okay.

18 Mr. Rooney: When you are talking  
19 about adaptive test for English learners,  
20 do you mean test of an English learners  
21 English language proficiency or a test of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 their reading and math content?

2 Ms. Pompa: Reading and math  
3 content knowledge.

4 Ms. Podziba: Thank you.

5 Ms. Briggs: I agree with Delia.  
6 I think it reference that is the caps have  
7 to be as good as the other assessments.  
8 The second question strikes me as  
9 accountability. How is state credits the  
10 school for what the student has learned  
11 either straight upgrade level or growth  
12 above the blue I think that of that what  
13 you do with the data once you get it and  
14 less of an assessment issue. I am not sure  
15 is that reflected somewhere. I guess maybe  
16 that's three? Is that new language three?

17 Well, I think actually I would  
18 say two little, little two ii's we are  
19 trying to clarify about measuring students  
20 proficiency at the grade level in growth  
21 provide that had the assessment provides

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 sufficient valid and reliable information  
2 at the grade level efficiency.

3           Is that 200.8 the reports to  
4 parents the individual's reports to parents  
5 and students?

6           Mr. Rooney: I am forgetting what  
7 200.8 is?

8           Ms. Briggs: I am in the table of  
9 contents. I did have a couple of questions  
10 about what cats can do as opposed to dogs  
11 (laughter). There's this notion of I think  
12 they are cross referenced to 200.2 would  
13 suggest that the cats need to provide  
14 itemized score analyzed and achievement  
15 standards? Is all of that possible? I  
16 wasn't sure about what cats can do?

17           That's what 200.8 is about the  
18 individual student reports and making sure  
19 it provides diagnostic information about  
20 students and the that's required of all  
21 tests is the statement requirements.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           I take a cat in the fourth grade  
2 it tells me I am so smart I am actually a  
3 sixth grader. Dare to dream. I don't know  
4 what itemized score analysis is and that  
5 possible to create out of cats because that  
6 would be required in making this reference  
7 to 200.2.

8           Mr. Rooney: Our expert says that  
9 it is. I don't think of it is any less  
10 likely to happen in a fixed forum test.  
11 Typically the way it states report and I  
12 actually heard others at the table who knew  
13 this better than I do. They often report  
14 kind of strain level information the  
15 student took a fourth grade content and  
16 here's how they did on algebra and  
17 probability and statistics, and they can  
18 try to provide sub-scores based on other  
19 topics others that do what they want.

20           I want to chime in to say in  
21 order for that to happen there has to be

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 constraints on they call it the algorithm  
2 used to define which items. An individual  
3 student would end up saying based on their  
4 performance. If they are not constraints  
5 on the content or the test blueprint I  
6 think then you are much more challenged to  
7 be able to report in a way that you need to  
8 be able to report.

9           Ms. Carr: In my estimation it's  
10 not a valid cat. You do not include  
11 consideration of content coverage as  
12 basically is what I just went over in my  
13 overview. The algorithm should include  
14 specifications about psychological I'm  
15 sorry the psychometric qualities of the  
16 items that as well as the content coverage  
17 aligned with the domain of interest.

18           Ms. Thurlow: There are cats out  
19 there that do not consider the standards of  
20 the content domains. They are based solely  
21 on student's performance which is a danger

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 for equity.

2 I just want to answer the basic  
3 question which is I think is important  
4 which is when you do have a task that go  
5 above or below grade level. I think it's  
6 helpful to have that information which I  
7 think is important in looking at growth,  
8 but the bottom line is the danger of taking  
9 assessments and going below particularly  
10 below grade level you still want to make  
11 sure you have a final measure of how that  
12 student is performing on the grade level  
13 standards. That's the requirement in the  
14 statute and the regulation should be very  
15 clear and specifying that.

16 Ms. Evangelista: As someone who  
17 -- what I think of assessment the first  
18 thing I think about is how it's driving the  
19 instruction that we are doing with  
20 students. And I know that you know working  
21 with the population where none of my

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 students are come anything at grade level  
2 in the ninth grade certainly not in English  
3 some of them in math, but mostly most of  
4 them are not. I do think it's important  
5 that students are given credit for the  
6 growth that they make with students and  
7 that information is used on the school  
8 level to really drive our instruction and  
9 set next steps for students just saying  
10 they are not on grade level doesn't always  
11 help us to tailor the instruction that  
12 students need. I know that we know in New  
13 York we are given credit for that progress  
14 reporting an overall on the city level to  
15 see how we have made progress for students  
16 coming in at the low-grade level.

17 Ms. Ricker: Thank you. I want  
18 to be technology specific about the answers  
19 to the statute sufficiently clear? And say  
20 that right now one concern we have is that  
21 the statute is insufficiently clear

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 specifically about the condition that is  
2 need to exist to accurately and equitably  
3 access the sort of bandwidth the technology  
4 needed to perform a computer adaptive test  
5 successfully. Obviously one piece of that  
6 is training on the technology right? And  
7 Delia is right more and more testing  
8 companies are designing computer adaptive  
9 tests. I think that will grow faster than  
10 this sort of access to the technology and  
11 bandwidth and school districts need to do  
12 this and not have you know a testing site  
13 crash or kicked off on question five and  
14 they log it back in and they are on  
15 question eight mysteriously. I would and I  
16 do believe it's necessary to address the  
17 sort of conditions that need to exist to do  
18 this or to access computer adaptive  
19 assessment

20 Ms. Goss: To kind of reiterate  
21 what she was saying about growth a lot of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 times they come in at below grade level  
2 when they come to us in our title one  
3 programs and how would this then show then  
4 total growth within each of the areas  
5 because they could actually in the case of  
6 that you know going away from literacy a  
7 little bit going into the math aspect their  
8 growth might need to be in say fractions or  
9 decimals or you know something like that.  
10 They may go leaps and bounds on that subject  
11 but go know where on anything else and so  
12 how does some of those kinds of things show  
13 up in the reporting data with the cats?  
14           Mr. Rooney: I don't know if we  
15 need to respond to that. I think that's a  
16 good question the question is whether the  
17 regulation would permit an adaptive test  
18 that then could measure that and whether we  
19 are providing the conditions I think not  
20 necessarily our I don't think the  
21 regulations would be prescriptive on how

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 that would be done. I love to hear more  
2 people when they think how Ed should  
3 consider that in the regulation we are  
4 trying to craft.

5 Ms. James: So just talking about  
6 the growth versus academic proficiency part  
7 of what I enjoy most is being able to  
8 reflect and operate as reflective  
9 practitioner with my teachers as well as my  
10 additional support staff. One of the  
11 things that I think we do a pretty good job  
12 at assessing students at where they are and  
13 then measuring how far they have grown and  
14 having had experience within the last two  
15 years with use of the adaptive test it has  
16 proven to help our students specifically  
17 that are not on grade level to help our  
18 teachers identify how to backfill and  
19 thousand provide that into intervention  
20 support. I am really fancied by how it  
21 works because what we learned specifically

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 with second graders is that some of our  
2 second graders who a couple of the students  
3 were deemed as autistic students they  
4 actually demonstrated high levels of  
5 proficiency above what the teacher was  
6 actually was teaching in the classroom.  
7 Then there were certain areas for students  
8 if I think about some of my former high  
9 school counter parts and now current high  
10 school counter parts. I think specifically  
11 about some of the students who are  
12 considered advanced in enrolled in classes  
13 such as advanced placement classes is  
14 wondering how they are making an impact on  
15 the student who obviously passed very  
16 foundational courses what they have learned  
17 that you can still have the opportunity to  
18 truly measure growth. I personally would  
19 like to steer away. I think there's need  
20 to look at active proficiency. If we are  
21 really impacting lives of young people and

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 trying to measure mastery within our  
2 teacher staff if you will and understand  
3 the impact that the teachers have I really  
4 think we should spend more time on growth.  
5 I don't discount at all the need to have  
6 aligned with academic proficiency, but I  
7 think I would like to push the need to  
8 measure growth because that's what we are  
9 doing. All of our children come to us at  
10 different levels. I don't want to take too  
11 much air space. I think that we are on the  
12 right track when we start to measure growth  
13 regardless of any student's learner  
14 profile.

15 Ms. Jackson: We are kind of  
16 mixing diagnostic with some of the  
17 assessments. In the reporting that would  
18 be really important to note that teachers  
19 and schools are going to have to be  
20 reflective if the diagnostic interpretation  
21 which is more in line with growth if you

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 are entering grade level for example. If  
2 that's based on what they have been  
3 instructed on. If the teachers is meeting  
4 them where they are at to move them and  
5 help them grow and if they are only grade  
6 level standards and the child is starting  
7 to make progress with regard to that. I  
8 think that's complex and you can argue a  
9 lot of different ways. I want to note that  
10 we are basically talking about taking two  
11 different types of assessments an  
12 integrating them into one computer  
13 experience and then I also wanted to come  
14 back to the idea of the purpose of the  
15 assessment and I love, I love data and I  
16 love growth data a lot. I think it really  
17 motivates students. I want to make sure  
18 that we discussed at some point probably  
19 not at four thirty on a Monday making sure  
20 we are not duplicating assessments if it is  
21 diagnostic that the timing of reporting

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 back is efficient and quickly enough to  
2 actually inform and adjust practices.

3           Mr. Ruelas: So to that in  
4 regards I agree with Delia with regards to  
5 the whole statute is clear in regards to  
6 reporting student achievements on cats  
7 itself. The part that you know I find  
8 pretty interesting in gist kind of want to  
9 point out is that the last part of the  
10 question says how would a state credit the  
11 school for the student's learning while we  
12 are reporting that the student did not  
13 master the fifth grade content is still  
14 behind? That's a state accountability  
15 question it can't be answered at the  
16 federal level even know the student is not  
17 at that grade level his or her score will  
18 more than likely count toward the  
19 determination of the school being  
20 classified as one of the lowest performing  
21 schools which is what the federal requires.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 I think the state is the ultimate decision  
2 on how to support these schools in regards  
3 to the growth or lack there of, et cetera.

4           Mr. Rooney: So that's fair and  
5 this might be a nice transition to the  
6 second question if people are amenable to  
7 it. I think both Lara and Aqueelha and  
8 Ryan have started to address what the  
9 question is a little bit, and there is a  
10 separation between the data that come from  
11 the assessment system and the use of that  
12 data and how it's used in the  
13 accountability system. Right now we are  
14 focused on the first part is how do you get  
15 good data from the assessment system and we  
16 are not delving into then how does the  
17 states accountability system use that data.  
18 The second question is over time could a  
19 focus exclusively on student growth  
20 without -- grade level neither chronic  
21 under performance at grade level graduating

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 from high school or college or career  
2 despite consistently improving each year.  
3 That's partly why some of the comments you  
4 heard from the table is around this statute  
5 is clear that if you do an adaptive test  
6 you have measure the performance of the  
7 student on the grade level achievement and  
8 you may also include additional and then  
9 you can measure growth a grade level and  
10 then you can include content above or below  
11 as necessarily helpful to write additional  
12 information and if there's a focus on the  
13 growth without a focus on the grade level  
14 of achievement of that then it could mass  
15 that can the students growing each year but  
16 still not exactly where they need to be  
17 before they graduated high school and ready  
18 for whatever the next step is college or  
19 career and how do you balance those two  
20 things between the growth data and the  
21 grade level achievement data?

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Ms. Podziba: Let's get some  
2 answers.

3           Mr. Hager: Definitely you run  
4 into that problem. You are going to have a  
5 group of students that are never catching  
6 up. You have to grow toward something and  
7 how far you are going. If you are growing  
8 at the same pace and you started three  
9 years behind and then three years behind  
10 and never caught up. A colleague gave this  
11 analogy and I think it's an apartment one  
12 for this discussion. You know how you get  
13 a credit card statement if you continue to  
14 pay at this amount it will take you 30  
15 years to get to you know your credit card  
16 will be paid off. I think in it's very  
17 easy for me to say this in terms of we  
18 credit growth and we credit getting to the  
19 goal of deficiency that we have to make  
20 sure that we are not taking 30 years to pay  
21 off our credit card bill. The ideal goal

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 would be by the time the student is  
2 actually caught up. It's going to happen  
3 for some quicker than others. In terms of  
4 how we balance growth versus proficiency.  
5 We have to make sure that we are not just  
6 happy we are making one year progress if  
7 the student is three or four years behind.  
8 It's got to capture more than that.

9           Ms. James: Just to speak to that  
10 and build a front end Ron, I think there's  
11 a good place to start with growth and I  
12 don't think that is the all's well end well.  
13 I believe it should be used as a spring  
14 board and to dig deeper. I most certainly  
15 believe at the district level there should  
16 be guidance that's given for school  
17 principles and school leaders to develop a  
18 comprehensive school plan in which they out  
19 line specific target goals aligned to  
20 academic proficiency. I do believe that  
21 there needs to be sub goals that support

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 growth and then that cause and momentum  
2 that's huge in a school and especially when  
3 you are talking about having data driven  
4 instruction or data driven meetings with  
5 individual children and it trickling up to  
6 the teacher from the administrative level  
7 and administrative meeting with their  
8 instructional suits and that continues to  
9 have a string line of accountability. It  
10 is certainly what I appreciate is using the  
11 growth measurement as a tool to help steer  
12 teachers and or school leaders and support  
13 staff to the direction of how do we get  
14 children to be proficient. Just speaking  
15 from my own personal experience having  
16 students that attended a school who were  
17 three years behind in their reading grade  
18 levels with the diagnostic assessment given  
19 early in the school year understanding  
20 where we are starting, and then being  
21 intentional about testing intermittently

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and then saying having students participate  
2 in that dialogue and then allowing them to  
3 see significant growth and just last year I  
4 am speaking from my own experience about  
5 90% of my students exceeded a 2.6 growth in  
6 reading and interventions which was a  
7 direct reflection of how and what we choose  
8 to do with the growth measurement tool.

9           Mr. Wilbanks: I too think it is  
10 a good form of really offering some  
11 incentive if not satisfaction to teachers  
12 and principals that really work for years.  
13 I think danger which is stated in the  
14 question at some point in time they got to  
15 graduate from high school and will there be  
16 college and career ready. There has to be  
17 I think either another something that gives  
18 a projectory of where that student is and  
19 what is the likelihood that he or she will  
20 be able to complete high school. I do  
21 think it's great that it's only part of

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 what I see as one of the problems in really  
2 getting kids to where they need to be.

3 Ms. Pin Ahrens: Thank you. I  
4 want to build on that and saying that I  
5 appreciate that as a former educator that's  
6 this focus on growth, but as a parent I  
7 want to reinforce what Alvin is saying by  
8 the end we need to get them to be able if  
9 they choose to go to college without  
10 remediation. I want to emphasize that I  
11 think we should be focusing more on making  
12 sure that they are meeting those grade  
13 level standards while still giving them  
14 credit for growth but it has to be a  
15 sufficient accelerated growth rate. We  
16 need to determine if they are three years  
17 behind then what is the growth rate at each  
18 grade level to ensure by the end that they  
19 are not needing remediation when they  
20 graduate from high school? So there's got  
21 to be I think different growth we are

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 talking about.

2 Ms. Briggs: I echo the comment  
3 about how this is a danger. Reading your  
4 text it says you offered responses to the  
5 questions above. I am just curious what  
6 answer is in the proposed regs to that  
7 second bullet about this notion of growth  
8 and is that enough?

9 Mr. Rooney: I would point you to  
10 C 2II and the red text that's added there.  
11 Provide third-degree the assessment  
12 pertains -- determination of the grade  
13 level proficiency. I think our intent  
14 there is to hopefully make it clear that  
15 the test needs provide same level of  
16 validity and reliability around the  
17 precision of grade level achievement but we  
18 were providing any other there for  
19 providing a clear grade level achievement.

20 Ms. Podziba: Okay. Let's take  
21 two more comments and call it a day Tony

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 and Thomas. I am going to check in with  
2 the public. Let's have those two final  
3 comments from the committee today.

4           Mr. Evers: The law is clear that  
5 the proficiency has to be measured. I  
6 think this is what you have is a great  
7 first start. In turn I value the growth if  
8 they are going to be valued in one test. I  
9 am not a statistician. It seems to me in  
10 those cases where cats have been made so  
11 that you can measure proficiency and growth  
12 in the same test the requirements like the  
13 peer reviewers have looked at and  
14 recommended and required actually make the  
15 test longer. That's just something that  
16 people have to recognize. If you are going  
17 to have a cat and it's going to measure  
18 both proficiency and it's going to measure  
19 an addition growth likelihood of us  
20 expanding testing time for kids is going to  
21 increase.

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1           Mr. Ahart: I like to weigh in on  
2 the important of growth I think it's  
3 emphasized more than it has in the past.  
4 Efficiency is paramount. One of the thing  
5 that is large urban struggle with is growth  
6 actually not really being given full credit  
7 for that and actually if you want to talk  
8 about return on investment and the  
9 performance of the school and the results  
10 they get for their kids they out shine some  
11 of their well to do surburban neighbors but  
12 continue to get punished and labeled as  
13 failure and that can be you know just  
14 be -- for the teachers and leaders in that  
15 school. It keeps it more and more  
16 difficult to keep the people serving the  
17 kids with the most needs. In particular we  
18 looked at this very closely in our district  
19 particularly with our immigrant EL's when  
20 we are required to test them after their  
21 first year in the country. I feel like we

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 are punishing them we are demonstrating  
2 four five years of growth within a year.  
3 If we get them as freshman in high school  
4 age our teachers can work miracles and not  
5 have them proficient. I do believe that  
6 some credit should be given that the school  
7 suspect failing because I think our school  
8 has a whole lot of kids they get through no  
9 one's fault there's huge gaps in their  
10 learning. It paints an accurate picture on  
11 how schools are performing even if the  
12 students haven't reached their ultimate  
13 goal by the time we want them to reach it.  
14 I think that's very important.

15 Ms. Podziba: Thank you I would  
16 like to check in with the public is there  
17 anyone that would like to address the  
18 audience today? Sorry I'm tired. Is there  
19 anyone in the committee that would like to  
20 address the audience? Is there anyone in  
21 the audience that would like to address the

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.

1 committee?

2           Ms. Podziba: Patrick, I will  
3 turn it to you to adjourn for the day.

4           Mr. Rooney: Thank you everyone  
5 for a very productive first day. I  
6 appreciate everyone's time for sticking  
7 through it. We will convene tomorrow  
8 morning at 9 a.m. Thanks.

9                           [END OF TRANSCRIPTION]

DISCLAIMER: This transcript was produced under a contract by an independent subcontractor, and is solely the work product of the subcontractor. The Department has determined that the transcript contains errors, including typographical errors, errors in attribution, and other errors that may not accurately reflect the content of the negotiations during negotiated rulemaking. Unfortunately, the Department is unable to correct the vast majority of these errors because there is no recording or other reliable source that could be used to produce a more accurate transcript. Consequently, the Department is making this transcript publicly available, despite the errors, consistent with its prior commitment to make such a transcript available; but the Department cautions that in no case should it be relied upon for purposes of verbatim citation of statements made during negotiated rulemaking.