

Draft Revisions 12.19.13

DEPARTMENT OF EDUCATION

Colorado State Board of Education

ADMINISTRATION OF STATEWIDE ACCOUNTABILITY MEASURES FOR THE COLORADO PUBLIC SCHOOL SYSTEM, CHARTER SCHOOL INSTITUTE, PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS

1 CCR 301-1

2202-R-0.00 Statement of Basis and Purpose.

These revisions to 1 CCR 301-1 are made under authority granted the State Board of Education in the Colorado Constitution, Article IX, Section 1, and Colorado Revised Statutes § 22-11-207. These revisions have been made to incorporate new statutory requirements established by H.B. 12-1238 (the Colorado Reading to Ensure Academic Development Act (READ Act)), S.B. 13-217 (concerning accreditation criteria and alternative education campuses), and S.B. 13-193 (concerning increasing parent engagement in public schools).

These revisions 1 CCR 301-1, rule 10.01 are made under authority granted to the State Board of Education in the Colorado Constitution, Article IX, Section 1, § 22-2-107 (1) (c), C.R.S. (authorizing the state board to promulgate rules concerning general supervision of the public schools), § 22-11-207, C.R.S. (requiring the state board to promulgate rules establishing objective, measurable criteria that the department shall apply in determining the appropriate accreditation category for each district and the institute), and § 22-11-210 (1) (a) (requiring the state board to promulgate rules establishing objective, measurable criteria that the department shall apply in recommending school plan types). These revisions have been made to ensure that the data used to inform the statewide accountability system is fair, credible and useful.

These revisions to 1 CCR 301-1 are made under authority granted the State Board of Education in the Colorado Constitution, Article IX, Section 1, and Colorado Revised Statutes § 22-11-207. These revisions have been made to incorporate new statutory requirements established by H.B. 11-1277 (concerning statutory changes involving K-12 education) and new statutory requirements established by H.B. 11-1126 (concerning measures to encourage greater parent involvement in public schools).

These revisions to 1 CCR 301-1, rules 5.07, 12.02 and 12.04 are made under authority granted the State Board of Education in the Colorado Constitution, Article IX, Section 1, and Colorado Revised Statutes § 22-11-207. These revisions have been made in response to a request from the Committee on Legal Services and in order to incorporate new powers and duties for District Accountability Committees and School Accountability Committees required by S.B. 10-191, which amended Colorado Revised Statutes § 22-11-302 and 22-11-402.

These accountability measures are adopted under authority granted the State Board of Education in the Colorado Constitution, Article IX, Section 1; and Colorado Revised Statutes § 22-2-106, § 22-7-401 through 410, § 22-7-501 through 505, § 22-11-201 through 22-11-209, § 22-11-303 through 306, § 22-11-501 through 22-11-504, § 22-30.5-503, § 22-32-109, § 22-44-101 through 206, and § 22-45-101 through 113.

The Basic Purposes of the Education Accountability Act of 2009 are:

To provide a process for the State Board of Education to fulfill its constitutional responsibility for supervising the Public Schools of the state;

To focus the attention of educators, parents, students and other members of the community on maximizing every student's progress toward Postsecondary and Workforce Readiness and post graduation success;

To report information concerning performance at the State level, School District or Institute level and individual Public School level that is perceived by educators, parents and students as fair, balanced, cumulative, credible and useful;

To provide more academic performance information, and fewer labels, to move from a punitive accountability system to one that is positive and focused on learning and achieving high levels of academic performance;

To hold the State, School Districts, the Institute and individual Public Schools accountable for performance on the same set of indicators and related measures statewide;

To ensure performance indicators and measures are aligned through a single accountability system to the extent possible that objectively evaluates the performance of the thorough and uniform statewide system of public education for all groups of students at the State, School District or Institute and individual Public School levels and, as appropriate, reward success and provide support for improvement at each level;

To employ a differentiated approach to state intervention based on performance and need, whereby demonstration of high performance results in greater autonomy and demonstration of high need results in greater support and intervention.

1.00 DEFINITIONS.

1.01 "Accreditation" means certification by the State Board of Education that Public School Districts and Public Schools of the School District or the State Charter School Institute and the Institute Charter Schools meet the requirements established by § 22-11-101, C.R.S., et seq., § 22-44-101, C.R.S., et seq. and § 22-45-101, C.R.S., et seq. and the rules promulgated thereunder.

Accreditation includes the process for accrediting School Districts and the Institute and reviewing the performance of Public Schools as provided in § 22-11-201 through § 22-11-210, C.R.S., and the rules promulgated pursuant thereto.

1.02 "Accreditation Contract" or "Contract" means:

- (A) the agreement between the State Board of Education and a local School District as described in § 22-11-206, C.R.S. that includes, but is not limited to, the School District's obligation to manage the Accreditation of the Public Schools of the School District consistent with the provisions of Article 11 of Title 22; or
- (B) the agreement between the State Board and the Institute as described in § 22-11-206, C.R.S., that includes, but is not limited to the Institute's obligation to manage the Accreditation of the Institute Charter Schools consistent with the provisions of Article 11 of Title 22.

1.03 "Accreditation Criteria" means the criteria that determine the Accreditation category of a School District or the Institute pursuant to the provisions of § 22-11-207, C.R.S.

- 1.04 "Accredited" means a School District or the Institute meets statewide attainment on the Performance Indicators and is required to adopt and implement a Performance Plan as described in § 22-11-303, C.R.S.
- 1.05 "Accredited with Distinction" means a School District or the Institute meets or exceeds the statewide targets or targets annually set by the School District or the Institute or exceeds statewide attainment on the Performance Indicators and is required to adopt and implement a Performance Plan as described in § 22-11-303, C.R.S.
- 1.06 "Accredited with Improvement Plan" means a School District or the Institute is required to adopt and implement an Improvement Plan as provided in § 22-11-304, C.R.S.
- 1.07 "Accredited with Priority Improvement Plan" means a School District or the Institute is required to adopt and implement a Priority Improvement Plan as provided in § 22-11-305, C.R.S.
- 1.08 "Accredited with Turnaround Plan" means a School District or the Institute is required to adopt, with the Commissioner's approval, and implement a Turnaround Plan as provided in § 22-11-306, C.R.S.
- 1.09 "Achievement Level" means the level of proficiency a student demonstrates on a statewide assessment.
- 1.10 "Adequate Longitudinal Growth" means Catch-up Growth, for a student who scored at Unsatisfactory or Partially Proficient Achievement Level on the Statewide Assessments in the previous academic year, which is the amount of academic growth necessary to score at the Proficient Achievement Level within three years or by tenth grade, whichever comes sooner; and (ii) Keep-up Growth, for a student who scored at the Proficient or Advanced Achievement Level on the Statewide Assessments in the previous academic year, which is the amount of academic growth necessary to score at the Proficient Achievement Level or higher for the succeeding three years or until the tenth grade, whichever is sooner.
- 1.11 "Advanced" means a student has success with the most challenging content of the ~~Colorado Model Content~~ **Colorado Academic** Standards. These students answer most of the test questions correctly, including the most challenging questions.
- 1.12 "All Students" means every student regardless of gender, socio-economic level, at-risk status, racial, ethnic, or cultural background, exceptional ability, disability, or Limited English Proficiency.
- 1.13 "Alternative Education Campus" means a Public School that receives a designation pursuant to § 22-7-604.5, C.R.S.
- 1.14 "BOCES" means a Board of Cooperative Education Services, as defined by § 22-5-101, C.R.S., et seq.
- 1.15 "Catch-up Growth" means, for a student who scores at the Achievement Level of Unsatisfactory or Partially Proficient on Statewide Assessments, the amount of academic growth the student must attain to score at the Proficient Achievement Level on Statewide Assessments within three years or by tenth grade, whichever is sooner.
- 1.16 "Commissioner" means the State Commissioner of Education.
- 1.17 "Contextual Learning" establishes connections between school-based instruction and the world of work, careers, and learning that occurs beyond the school itself. Examples are service learning, internships, and school collaboration with business and community enterprises.

Comment [LK1]: The Colorado Academic Standards have replaced the Colorado Model Content Standards.

- 1.18 "Department" means the State Department of Education.
- 1.19 "Detention Center" means a center that addresses the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment.
- 1.20 "Facility" means a day treatment center, residential child care facility, or other facility licensed by the Department of Human Services pursuant to § 26-6-104, C.R.S.
- 1.21 "Improvement Plan" means:
- (A) the plan described in and adopted by a Local School Board pursuant to § 22-11-304, C.R.S., in which case it may also be referred to more specifically as a "District Improvement Plan";
 - (B) the plan described in and adopted by the Institute pursuant to § 22-11-304, C.R.S., in which case it may also be referred to more specifically as an "Institute Improvement Plan"; or
 - (C) the plan described in and adopted by a Public School pursuant to § 22-11-404, C.R.S., in which case it may also be referred to more specifically as a "School Improvement Plan."
- 1.22 "Institute" means the State Charter School Institute created pursuant to § 22-30.5-503, C.R.S.
- 1.23 "Institute Charter School" means a charter school that is authorized by the Institute pursuant to the provisions of part 5 of Article 30.5 of Title 22.
- 1.24 "Keep-up Growth" means, for a student who scores at the Achievement Level of Proficient or Advanced on Statewide Assessments, the amount of academic growth the student must attain to score at the Proficient Achievement Level or higher on Statewide Assessments for the succeeding three years or until tenth grade, whichever is sooner.
- 1.25 "Local School Board" means the board of education of a District. "Local School Board" also includes the governing board of a BOCES if the BOCES is operating a Public School.
- 1.26 "Median Student Growth" means, in ranking of individual student growth scores from highest to lowest, the middle student growth score attained.
- 1.27 "Move-up Growth" means, for a student who scores at the Achievement Level of Proficient on Statewide Assessments, the amount of academic growth the student must attain to score at the Advanced Achievement Level on Statewide Assessments within three years or by tenth grade, whichever is sooner.
- 1.28 "Online Program" means a full-time online education program authorized pursuant to Title 22 of the Colorado Revised Statutes that delivers a sequential program of synchronous or asynchronous instruction from a teacher to a student primarily through the use of the internet. "Online Program" does not include a supplemental program. Accountability for each student in an online program is attributed back to a designated school that houses the online program. Any Online Program with one hundred or more students shall be considered an Online School and not an Online Program.
- 1.29 "Online School" means a full-time, online education school authorized pursuant to Title 22 of the Colorado Revised Statutes that delivers a sequential program of synchronous or asynchronous instruction from a teacher to a student primarily through the use of the Internet. An Online School

has an assigned school code and operates with its own administrator, a separate budget, and a complete instructional program. An Online School is responsible for fulfilling all reporting requirements and will be held to state and federally mandated accountability processes.

1.30 "Parent" shall mean a child's biological parent, adoptive parent, or legal guardian or another adult person recognized by the child's school as the child's primary caregiver.

1.31 "Partially Proficient" means a student has limited success with the challenging content of the Colorado ~~Model Content Academic~~ Standards. These students may demonstrate inconsistent performance or may answer many test questions correctly but be generally less successful with questions that are most challenging.

Comment [LK2]: The Colorado Academic Standards have replaced the Colorado Model Content Standards.

1.32 "Performance Indicators" means the indicators specified in § 22-11-204, C.R.S., for measuring the performance of the state public education system, including each Public School, each School District, the Institute, and the state as a whole.

1.33 "Performance Plan" means:

- (A) the plan described in and adopted by a Local School Board pursuant to § 22-11-303, C.R.S., in which case it may also be referred to more specifically as a "District Performance Plan";
- (B) the plan described in and adopted by the Institute pursuant to § 22-11-303, C.R.S., in which case it may also be referred to more specifically as an "Institute Performance Plan"; or
- (C) the plan described in and adopted by a Public School pursuant to § 22-11-403, C.R.S., in which case it may also be referred to more specifically as a "School Performance Plan."

1.34 "Postsecondary and Workforce Readiness" shall have the same meaning as provided in § 22-7-1003(15), C.R.S.

1.35 "Postsecondary and Workforce Readiness Assessment" shall have the same meaning as provided in § 22-7-1003(16), C.R.S.

1.36 "Priority Improvement Plan" means:

- (A) the plan described in and adopted by a Local School Board pursuant to § 22-11-305, C.R.S., in which case it may also be referred to more specifically as a "District Priority Improvement Plan";
- (B) the plan described in and adopted by the Institute pursuant to § 22-11-305, C.R.S., in which case it may also be referred to more specifically as an "Institute Priority Improvement Plan"; or
- (C) the plan described in and adopted by a Local School Board pursuant to § 22-11-405, C.R.S., in which case it may also be referred to more specifically as a "School Priority Improvement Plan."

1.37 "Proficient" means a student has success with the challenging content of the Colorado ~~Model Content Academic~~ Standards. These students answer most of the test questions correctly, but may have only some success with questions that reflect the most challenging content.

Comment [LK3]: The Colorado Academic Standards have replaced the Colorado Model Content Standards.

1.38 "Public School" shall have the same meaning as provided in § 22-1-101, C.R.S., and includes but is not limited to a District charter school, an Institute charter school and an online school as defined in section § 22-30.7-102(9.5), C.R.S.

1.39 "School Accountability Committee" means the committee established by each District Public School and each Institute Charter School pursuant to § 22-11-401, C.R.S.

1.40 "School District" or "District" means a School District organized and authorized by section 15 of Article IX of the State Constitution and organized pursuant to Article 30 of Title 22. "School District" also includes a BOCES if the BOCES is operating a Public School.

1.41 "School District Accountability Committee" means the committee established by each Local School Board pursuant to § 22-11-301, C.R.S.

1.42 "Significant Reading Deficiency" means a student who does not meet the minimum skill levels for reading competency in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, including oral skills, and reading comprehension established by the State Board for the student's grade level pursuant to 1 CCR 301-92.

Comment [PA4]: Added to address inclusion of READ Act rules.

1.423 "State Board" means the State Board of Education established pursuant to Section 1 of Article IX of the state constitution.

1.434 "State Charter School Institute" or "Institute" means the State Charter School Institute created pursuant to § 22-30.5-503, C.R.S.

1.445 "State-Operated Program" means an approved school program supervised by the Department and operated by the Colorado School for the Deaf and Blind, the Department of Corrections, or the Department of Human Services, including but not limited to the Division of Youth Corrections and the Colorado Mental Health Institutes.

1.456 "SchoolView" means the Internet-based electronic data delivery system developed and maintained by the Department pursuant to § 22-11-502, C.R.S.

1.467 "State Review Panel" means the panel of education experts appointed by the Commissioner pursuant to § 22-11-205, C.R.S., to assist the Department and the State Board in implementing provisions of Article 11 of Title 22.

1.478 "Statewide Assessments" means the assessments administered pursuant to the Colorado Assessment Program created in § 22-7-409, C.R.S. or as part of the system of the assessments adopted by the State Board pursuant to § 22-7-1006, C.R.S.

1.489 "Student Group" means the grouping of students based on sex, socioeconomic status, race and ethnicity, disability, English language proficiency and gifted and talented status, as those groups are defined by State Board rule or Federal requirements, as well as the grouping of students based on any other characteristic that the Department might require to align with Federal requirements or to provide additional data for analysis of student learning.

1.4950 "Turnaround Plan" means:

- (A) the plan described in and adopted by a Local School Board pursuant to § 22-11-306, C.R.S., in which case it may also be referred to more specifically as a "District Turnaround Plan";

- (B) the plan described in and adopted by the Institute pursuant to § 22-11-306, C.R.S., in which case it may also be referred to more specifically as an "Institute Turnaround Plan"; or
- (C) the plan described in and adopted by a Local School Board pursuant to § 22-11-406, C.R.S., in which case it may also be referred to more specifically as a "School Turnaround Plan."

1.501 "Unsatisfactory" means a student has little success with the challenging content of the Colorado ~~Model Content Academic~~ Standards.

Comment [LK5]: The Colorado Academic Standards have replaced the Colorado Model Content Standards.

2.00 STATEWIDE PERFORMANCE EVALUATION CRITERIA

- 2.01 The State Board shall annually review the performance of the statewide public education system, including but not limited to reviewing the levels of attainment on the Performance Indicators demonstrated by each District and the Institute (as described in section 4.00 of these rules) and by each Public School (as described in section 9.00 of these rules).
- 2.02 When reviewing attainment on the Performance Indicators, the Department shall determine the level of attainment of the state as a whole on the Performance Indicators using the following information:

2.02(A) Student Longitudinal Academic Growth.

- 2.02(A)(1) Student longitudinal academic growth shall be calculated based on the percentage of all students enrolled in the Public Schools in the state who attain *adequate* longitudinal academic growth, Move-Up Growth and Statewide Median Growth, as well as the Median Student Growth among students enrolled in the District's Public Schools or the Institute's Public Schools.
- 2.02(A)(2) The Department shall calculate *adequate* longitudinal academic growth in such a way that adequate longitudinal academic growth means: (a) Catch-up Growth, for a student who scored at Unsatisfactory or Partially Proficient Achievement Level on the Statewide Assessments in the previous academic year, which is the amount of academic growth necessary to score at the Proficient Achievement Level within three years or by tenth grade, whichever comes sooner; and (b) Keep-up Growth, for a student who scored at the Proficient or Advanced Achievement Level on the Statewide Assessments in the previous academic year, which is the amount of academic growth necessary to score at the Proficient Achievement Level or higher for the succeeding three years or until the tenth grade, whichever is sooner.
- 2.02(A)(3) The Department shall calculate Move-Up Growth in such a way that it means, for a student who scores at the Achievement Level of Proficient on the Statewide Assessments, the amount of academic growth the student must attain to score at the Advanced performance level on Statewide Assessments within three years or by tenth grade, whichever is sooner.

2.02(B) Student Achievement on the Statewide Assessments.

2.02(B)(1) Student achievement on the Statewide Assessments shall be calculated based on the percentage of all students enrolled in the Public Schools in the state who score at each of the Achievement Levels included in the Statewide Assessments.

2.02(B)(2) For purposes of calculating student achievement on the Statewide Assessments, the Department shall determine, for each student enrolled in a Public School in the state, the student's Achievement Level in the subjects included in the Statewide Assessments, as demonstrated by the score achieved by the student on the Statewide Assessments.

2.02(B)(3) [The Department shall calculate the percentages of students enrolled in third and fourth grades who were at one time identified as having a significant reading deficiency pursuant to section 22-7-1205 and who score Partially Proficient, Proficient, or Advanced on the statewide reading assessment in third or fourth grade.]

Comment [CDE6]: This update is required by HB 12-1238 (READ Act).

2.02(C) Postsecondary and Workforce Readiness.

2.02(C)(1) Postsecondary and Workforce Readiness shall be calculated based on the following information:

2.02(C)(1)(a) either: (i) the overall percentages of students enrolled in the eleventh grade in the public high schools of the state who score at each Achievement Level on the standardized, curriculum-based, achievement, college entrance examination administered as a Statewide Assessment; or (ii) following the adoption of a Postsecondary and Workforce Readiness Assessment, as described in § 22-7-1003(16), C.R.S., the percentages of students enrolled in each of the grade levels included in the public high schools statewide who score at each Achievement Level on the Postsecondary and Workforce Readiness Assessment administered by the public high schools;

2.02(C)(1)(b) the statewide student dropout rate and the statewide student graduation rate, as defined by section 13.00 of these rules. In evaluating the level of attainment on student dropout and graduation rates, the Commissioner, to the extent practicable, shall ensure that Districts, the Institute, and Public Schools are not penalized for re-engaging students and ensuring that all students successfully graduate; and

2.02(C)(1)(c) beginning with the 2011-12 school year or as soon as practicable, the overall percentage of all students graduating from the public high schools of the state who receive diplomas that are endorsed for Postsecondary and Workforce Readiness, as described in § 22-7-1009(1), C.R.S., and the percentage who received diplomas that are endorsed for exemplary demonstration of Postsecondary and Workforce Readiness, as described in § 22-7-1009(2), C.R.S.

2.02(D) Progress Made on Closing the Achievement and Growth Gaps.

- 2.02(D)(1) Progress made on closing the achievement and growth gaps shall be calculated based on the following information disaggregated by Student Group:
- 2.02(D)(1)(a) the percentage of students enrolled in the Public Schools in the state who attain adequate longitudinal academic growth, as calculated pursuant to section 2.02(A)(2) of these rules;
 - 2.02(D)(1)(b) the percentage of students enrolled in the Public Schools in the state who attain Move-up Growth, as calculated pursuant to section 2.02(A)(3) of these rules;
 - 2.02(D)(1)(c) the percentage of students enrolled in the Public Schools in the state who attain statewide median growth;
 - 2.02(D)(1)(d) the Median Student Growth attained by students enrolled in the Public Schools of the state;
 - 2.02(D)(1)(e) the percentage of students enrolled in the Public Schools in the state, at each grade level, who score at each of the Achievement Levels in each of the subjects included in the Statewide Assessments; and
 - 2.02(D)(1)(f) the overall percentage of students enrolled in the eleventh grade in the public high schools in the state who score at each Achievement Level of the standardized, curriculum-based achievement college entrance examination or the percentages of students enrolled in each of the grade levels included in the public high schools in the state who score at each Achievement Level on the Postsecondary and Workforce Readiness Assessments administered by the public high schools; the overall percentages of students graduating from the public high schools in the state who receive a diploma that includes a Postsecondary and Workforce Readiness endorsement or an endorsement for exemplary demonstration of Postsecondary and Workforce Readiness; and the statewide student dropout rate and statewide student graduation rate, as calculated pursuant to section 13.00 of these rules.
- 2.02(D)(2) To calculate progress made on closing the achievement and growth gaps, the Department shall compare the percentages and the assessment Achievement Levels across Student Groups to determine progress made by the Public Schools of the state in increasing over time each Student Group's longitudinal academic growth, academic achievement, Postsecondary and Workforce Readiness, and graduation rate, and in decreasing each Student Group's dropout rate, especially for those Student Groups who are underperforming in comparison to other groups.

2.03 State Board's Annual Statement of Statewide Targets.

No later than November 30th of each year, following the State Board's annual review of the performance of the statewide public education system, the State Board shall set, reaffirm or revise, as appropriate, ambitious but attainable statewide targets for the measures used to determine the levels of attainment of the Performance Indicators for the coming academic year

with the goal of raising the level of academic performance in the Public Schools throughout the state.

2.03(A) Prior to adopting the statewide targets, the State Board shall consider any information provided by Public Schools, Local School Boards, the Institute, school administrators, teachers and teachers' associations, parents and parents' associations, and Institutions of higher education related to the academic performance of the public education system in Colorado.

2.03(B) These targets shall apply to the academic school year following the year in which they are adopted.

2.03(C) Targets shall be established for grades three through twelve and shall be consistent with the legislative goal, outlined in § 22-7-1002, C.R.S., that all of Colorado's students achieve postsecondary and workforce readiness by the time they graduate from high school, if not earlier.

2.03(D) Differentiated targets shall be established for the Institute, Districts, and the Public Schools of the state, based on the past performance of these entities, which shall be used for the purposes of accrediting Districts and the Institute and assigning to Public Schools the type of plan they shall be required to implement.

2.03(E) The State Board shall, to the extent possible, ensure that the targets meet Federal law requirements.

2.03(F) The State Board's annual adoption of statewide targets shall be published on SchoolView within fifteen (15) business days of the targets being set, affirmed or revised.

3.00 DISTRICT ACCREDITATION CONTRACTS.

3.01 The State Board shall enter into an Accreditation Contract with each Local School Board and with the Institute board, which shall take effect on July 1, 2010.

3.02 Each Contract shall have a term of one year and shall be automatically renewed each year so long as the District or the Institute remains in the Accreditation category of Accredited with Distinction, Accredited or Accredited with Improvement Plan.

3.03 The parties to the Contract may renegotiate the Contract at any time during the term of the Contract, based upon appropriate and reasonable changes in circumstances upon which the original terms and conditions of the Contract were based.

3.04 Each Contract, at a minimum, shall address the following elements:

3.04(A) the District's or Institute's level of attainment on the Performance Indicators, as determined pursuant to § 22-11-204, C.R.S.;

3.04(B) the District's or the Institute's adoption and implementation of its Performance Plan, Improvement Plan, Priority Improvement Plan or Turnaround Plan, whichever is appropriate based on the District's or Institute's Accreditation category;

3.04(C) the District's implementation of its system for accrediting the District Public Schools or the Institute's implementation of its system for accrediting the Institute Charter Schools, which system shall emphasize school attainment of the four statewide Performance

Indicators, and may, in the Local School Board's or Institute's discretion, include additional Accreditation indicators and measures adopted by the District or Institute;

3.04(D) the District's or Institute's system for accrediting Public Schools that meet the definition of an Online School, which system shall emphasize school attainment of the four statewide Performance Indicators, as well as the extent to which the Public School has met the quality standards outlined in § 22-30.7-105, C.R.S. and made progress in implementing any corrective actions required pursuant to § § 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S., and may, in the Local School Board's or Institute's discretion, include additional Accreditation indicators and measures adopted by the District or Institute; and

3.04(E) the District's or the Institute's substantial and good-faith compliance with the provisions of Title 22 and other statutory and regulatory requirements applicable to School Districts and the Institute.

3.05 For purposes of monitoring a District's or the Institute's substantial and good-faith compliance with the provisions of Title 22 and other statutory and regulatory requirements applicable to Districts and the Institute, each Contract shall include the following:

3.05(A) an assurance that the District or Institute is in compliance with budgeting, accounting, and reporting requirements set forth in § 22-44-101, C.R.S., et seq. and § 22-45-101, C.R.S., et seq.;

3.05(B) an assurance that the District ~~or Institute~~ is in compliance with the provisions of § 22-32-109.1, C.R.S., concerning school safety, and the Gun Free Schools Act, 20 U.S.C. 7151;

3.05(C) for Districts, an assurance that the District and the District's Public Schools are in substantial, good-faith compliance with all statutory and regulatory requirements that apply to Districts; and

3.05(D) for the Institute, an assurance that the Institute and the Institute's Charter Schools are in substantial, good-faith compliance with statutory and regulatory requirements that apply to the Institute.

3.06 For purposes of monitoring a District's or the Institute's compliance with its Contract, the Department may request information or conduct site visits as needed.

3.07 If the Department has reason to believe that a District or the Institute is not in substantial compliance with one or more of the applicable statutory or regulatory requirements, the Department shall notify the Local School Board or the Institute that it has ninety (90) days after the date of notice to come into compliance. If, at the end of the ninety-day period, the Department finds that the District or the Institute is not substantially in compliance with the applicable statutory or regulatory requirements, meaning that the District or Institute has not yet taken the necessary measures to ensure that it shall meet the applicable legal requirements as soon as practicable, the District or the Institute may be subject to the interventions specified in § 22-11-207 through 22-11-210, C.R.S.

4.00 DISTRICT ACCREDITATION CRITERIA.

4.01 The Department shall annually review each District's and the Institute's performance, no later than August 15th of each school year. In reviewing District and Institute performance, the Department shall consider the following criteria:

Comment [LK7]: These statutes do not apply to the Charter School Institute.

4.01(A) a District's or the Institute's level of attainment of the statewide targets on the Performance Indicators and the targets annually established by the School District or the Institute, including the levels of the attainment of the District's Public Schools or the Institute's Charter Schools in meeting their annual targets;

4.01(B) a District's or the Institute's level of attainment of the Performance Indicators compared with statewide attainment of the Performance Indicators;

4.01(C) the length of time during which a District or the Institute has been unable to meet the statewide targets or its own targets; ~~and~~

4.01(D) ~~the performance of students enrolled in the District's or Institute's Alternative Education Campuses, which shall be evaluated based on (1) whether the Alternative Education Campus(es) has/have demonstrated improved performance over time and has/have been assigned by the State Board to implement a School Improvement Plan or School Performance Plan, (2) whether the Alternative Education Campus(es) continue(s) to serve students, and (3) whether removing the data for students enrolled in the Alternative Education Campus(es) from the calculations of the District's or Institute's performance on the Performance Indicators would otherwise cause the District or Institute to receive a higher Accreditation rating; and~~

4.01 (E) a District's or the Institute's compliance with the other requirements specified in the District's or Institute's Accreditation Contract.

4.02 To accommodate the special circumstances of those Districts that include only a single Public School, the Commissioner may elect to apply the Public School performance evaluation framework described in section 9.00 of these rules for evaluating such a District.

4.03 When reviewing each District's and the Institute's performance, the Department shall determine the level of attainment of each School District and the Institute on the four key Performance Indicators using the following information:

4.03(A) **Student Longitudinal Academic Growth.**

Student longitudinal academic growth shall be calculated based on the following:

4.03(A)(1) the percentage of all students enrolled in the District's Public Schools or the Institute's Charter Schools who attain adequate longitudinal academic growth, as calculated pursuant to section 2.02(A)(2) of these rules;

4.03(A)(2) the percentage of all students enrolled in the District's Public Schools or the Institute's Charter Schools who attain Move-up Growth as calculated pursuant to section 2.02(A)(3) of these rules;

4.03(A)(3) the percentage of all students enrolled in the District's Public Schools or the Institute's Charter Schools who attain Statewide Median Growth; and

4.03(A)(4) the Median Student Growth among students enrolled in the District's Public Schools or the Institute's Charter Schools.

4.03(B) **Student Achievement on the Statewide Assessments.**

Comment [CDEB]: SB 13-217 required the state board's criteria for assigning accreditation ratings to account for the performance of students enrolled in the District's or Institute's Alternative Education Campuses, taking into account the unique purposes of the campuses and the unique circumstances of and challenges posed by students enrolled in the campuses.

4.03(B)(1) Student achievement on the Statewide Assessments shall be calculated based on the percentage of all students enrolled in the District's Public Schools or the Institute's Charter Schools who score at each of the Achievement Levels included in the Statewide Assessments, as calculated pursuant to section 2.02(B)(2) of these rules.

4.03(B)(2) The Department shall calculate the percentages of students in the District or Institute enrolled in third and fourth grades who were at one time identified as having a significant reading deficiency pursuant to section 22-7-1205 and who score Partially Proficient, Proficient, or Advanced on the statewide reading assessment in third or fourth grade.

Comment [CDE9]: This update is required by HB 12-1238 (READ Act).

4.03(C) Postsecondary and Workforce Readiness.

Postsecondary and Workforce Readiness shall be calculated based on the following information:

4.03(C)(1) the overall percentages of students enrolled in the eleventh grade in all of the District's public high schools or the Institute's public high schools who score at each Achievement Level on the standardized, curriculum-based, achievement, college entrance examination administered as a Statewide Assessment or the percentages of students enrolled in each of the grade levels included in the public high schools who score at each Achievement Level on the Postsecondary and Workforce Readiness Assessments administered by the public high schools;

4.03(C)(2) beginning with the first school year for which criteria are adopted pursuant to section 22-7-1009(1), C.R.S. for awarding diplomas that are endorsed for postsecondary and workforce readiness and for each school year thereafter, the overall percentage of all students graduating from the District's public high schools or from the Institute's public high schools who receive diplomas that are endorsed for Postsecondary and Workforce Readiness as described in § 22-7-1009(1), C.R.S., and the percentage who received diplomas that are endorsed for exemplary demonstration of postsecondary or workforce readiness as described in § 22-7-1009(2), C.R.S.; and

4.03(C)(3) the District or the Institute's overall dropout rate and overall graduation rate, as calculated pursuant to section 13.00 of these rules. To the extent practicable, Districts and the Institute shall not be adversely affected in calculating and reporting the completion of high school graduation requirements by qualified students who have been designated by the Department as ASCENT program participants, pursuant to § 22-35-108(6)(b), C.R.S.

4.03(D) Progress made on closing the achievement and growth gaps.

4.03(D)(1) Progress made on closing the achievement and growth gaps shall be calculated based on the following information disaggregated by Student Group:

4.03(D)(1)(a) the percentage of students enrolled in the District Public Schools or the Institute's Charter Schools who attain adequate

longitudinal academic growth as calculated pursuant to section 2.02(A)(2) of these rules;

- 4.03(D)(1)(b) the percentage of students enrolled in the District Public Schools or the Institute's Charter Schools who attain Move-up Growth as calculated pursuant to section 2.02(A)(3) of these rules;
- 4.03(D)(1)(c) the percentage of students enrolled in the District Public Schools or the Institute's Charter Schools who attain statewide median growth;
- 4.03(D)(1)(d) the Median Student Growth attained by students enrolled in the District's Public Schools or the Institute's Charter Schools;
- 4.03(D)(1)(e) the percentage of students enrolled in the District's Public Schools or the Institute's Charter Schools at each grade level who score at each of the Achievement Levels in each of the subjects included in the Statewide Assessments; and
- 4.03(D)(1)(f) the overall percentage of students enrolled in the eleventh grade in the District's public high schools or the Institute's public high schools who score at each Achievement Level of the standardized, curriculum-based achievement college entrance examination or the percentages of students enrolled in each of the grade levels included in the public high schools who score at each Achievement Level on the Postsecondary and Workforce Readiness Assessments administered by the public high schools; the overall percentages of students graduating from the District public high schools or the Institute's public high schools who receive a diploma that includes a Postsecondary and Workforce Readiness endorsement or an endorsement for exemplary demonstration of Postsecondary and Workforce Readiness; and the District's or the Institute's overall dropout rate and overall graduation rate, as calculated pursuant to section 13.00 of these rules.

4.03(D)(2) The Department shall compare the percentages and the assessment Achievement Levels across Student Groups to determine progress made by the District Public Schools or the Institute's Charter Schools in increasing over time each Student Group's longitudinal academic growth, academic achievement, Postsecondary and Workforce Readiness, and graduation rate, and in decreasing each Student Group's dropout rate, especially for those Student Groups who are underperforming in comparison to other groups.

5.00 DISTRICT ACCREDITATION CATEGORIES AND ACCREDITATION REVIEWS

- 5.01 No later than August 15th of each school year, based on an objective analysis of each District's or the Institute's attainment on the four key Performance Indicators, which analysis shall place greatest emphasis upon the longitudinal growth and Postsecondary and Workforce Readiness Performance Indicators, the Department shall determine whether the District or Institute exceeds, meets, approaches or does not meet statewide targets for each Performance Indicator. **After baseline data from the approved READ Act assessments has been collected and verified to be adequately predictive of statewide reading assessment results, the Department shall determine whether the District or Institute meets or exceeds targets established by the State Board for the**

percentage of its third and fourth grade students who were at one time identified as having a significant reading deficiency pursuant to section 22-7-1205 and who have scored Partially Proficient, Proficient, or Advanced on the statewide reading assessment and, if so, shall provide credit to the District or Institute. The Department also shall consider each District's and the Institute's compliance with the requirements specified in that District's or Institute's Accreditation contract. Taking into account this information concerning attainment on the Performance Indicators, concerning the performance of students who were at one time identified as having a significant reading deficiency and who later score Partially Proficient, Proficient, or Advanced on the statewide reading assessment, and concerning compliance with the Accreditation Contract, the Department shall make an initial assignment for each District and the Institute to one of the following Accreditation categories:

5.01(A) Accredited with Distinction;

5.01(B) Accredited;

5.01(C) Accredited with Improvement Plan;

5.01(D) Accredited with Priority Improvement Plan;

5.01(E) Accredited with Turnaround Plan; or

5.01(F) Unaccredited.

5.02 Information concerning the percentage of students enrolled in the District's or Institute's Public Schools who are not tested on the Statewide Assessments will not be factored into the analysis of the District's or Institute's attainment on the Performance Indicators, but will be factored into the Accreditation category assignment.

5.03 A District's or the Institute's failure to ~~comply with the Department's Statewide Assessment administration and security policies and procedures, administer statewide assessment results in a standardized and secure manner so that resulting assessment scores are reflective of independent student performance~~ shall be considered by the Department in assigning the District or Institute to an Accreditation category, and may result in the District or Institute being assigned to an Accreditation category at least one level lower than what otherwise would have been assigned. If the District or Institute otherwise would have been assigned to Accredited with Distinction, Accredited with Performance Plan, or Accredited with an Improvement Plan, it instead may be assigned to Accredited with Priority Improvement Plan. If the District or Institute otherwise would have been assigned to Accredited with Priority Improvement Plan, it instead may be assigned to Accredited with Turnaround Plan. The Commissioner shall determine whether a District or Institute has ~~breached the Department's Statewide Assessment administration and security policies and procedures and shall determine whether the breach failed to administer statewide assessment results in a standardized and secure manner so that resulting assessment scores are reflective of independent student performance and whether the failure~~ was pervasive and egregious enough to warrant a change in the District's or Institute's accreditation rating.

5.04 If a Local School Board or the Institute choose not to endorse a high school diploma as described in § 22-7-1009(2), C.R.S., the District or Institute will not be penalized for such choice when it is assigned an Accreditation category assignment.

5.05 No later than August 15th of each school year, the Department shall provide to each District and the Institute the data used by the Department to conduct its analysis of the District's or Institute's performance and the Department's initial Accreditation assignment.

Comment [CDE10]: Currently, the DPF does not incorporate every single measure associated with each of the performance indicators. Multiple measures are calculated and reported, but not included in the DPF's formula for assigning accreditation ratings. The READ Act specifies that the SBE rules must ensure that "a district shall receive additional credit toward its accreditation ratings based on percentages of students in 3rd and 4th grade who were at one time identified as having a significant reading deficiency and who score partially proficient, proficient, or advanced on the statewide reading assessments in 3rd or 4th grade." Adding this language here makes it clear that this piece of data must be included in the DPF, as soon as predictive data is available.

Comment [LK11]: This revision responds to concerns expressed by OLLS about previous rule language.

Comment [LK12]: This revision responds to concerns expressed by OLLS about previous rule language.

- 5.06 No later than October 15th of each school year, if the District or Institute disagrees with the Department's initial Accreditation assignment and wishes to provide additional information for consideration, the District or Institute shall submit:
- 5.06(A) A statement about the extent to which the District or Institute effectively implemented with fidelity either its Performance Plan, Improvement Plan, Priority Improvement Plan or Turnaround Plan during the previous academic school year. Said statement shall include information about the specific improvements, changes, and interventions the District or Institute has implemented to improve its performance and the extent to which the District or Institute has successfully met the implementation benchmarks in its plan during the previous academic school year; and
- 5.06(B) If the Department has assigned the District or Institute to an initial Accreditation category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan, valid and reliable data demonstrating the progress the District or Institute has made in improving its performance and in moving closer to meeting the statewide targets on the Performance Indicators and the District's or Institute's targets, including evidence from a Department-approved third-party review of performance.
- 5.07 No later than November 15th of each school year, the Department shall determine a final Accreditation category for each District and the Institute and shall notify the District or Institute of the Accreditation category to which it has been assigned.
- 5.08 The State Board may allow a District or the Institute to remain in the Accreditation category of Accredited with Improvement Plan for an unlimited number of years. The State Board shall not allow a District or the Institute to remain in the Accreditation category of Accredited with Priority Improvement Plan and/or Accredited with Turnaround Plan for longer than a total of five (5) consecutive school years before removing the District's or the Institute's Accreditation as provided in § 22-11-209, C.R.S. The calculation of the total of five (5) consecutive school years shall commence July 1, during the summer immediately following the fall in which the District or the Institute is notified that it has been placed in the Accreditation category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan. For those Districts that were placed by the Department in the "Accredited: Accreditation Notice with Support" or "Accredited: Probation" category during the 2009-10 academic school year, the State Board shall not allow that District to remain in the Accreditation category of Accredited with Priority Improvement Plan and/or Accredited with Turnaround Plan for longer than a total of four (4) consecutive school years before removing the District's Accreditation as provided in § 22-11-209, C.R.S.
- 5.09 As described in detail below, the Department shall employ a differentiated approach to state intervention based on performance and need, whereby demonstration of high performance results in greater autonomy and demonstration of high need results in greater support and intervention.

If a District or the Institute is required to implement a Performance Plan or Improvement Plan, the District or the Institute shall submit said plan to the Department for publishing on SchoolView.

If a District or the Institute is required to implement a Priority Improvement Plan, the District or the Institute shall submit said plan to the Department, and the Commissioner, subject to available appropriations may assign the State Review Panel to critically evaluate the plan. The Commissioner may recommend modifications to the Priority Improvement Plan to the Local School Board or Institute and, after making any revisions, the Local School Board or Institute shall submit the plan to the Department for publishing on SchoolView.

If a District or the Institute is required to implement a Turnaround Plan, the District or Institute shall submit said plan to the Department for review by the State Review Panel. The

Commissioner may approve the Turnaround Plan or suggest modifications to the plan. The Local School Board or Institute shall revise the Turnaround Plan, if necessary, and resubmit the plan to the Commissioner for approval. The Local School Board or Institute shall submit the final approved plan to the Department for publishing on SchoolView.

- 5.10 The Department shall provide technical assistance and support to Districts that are Accredited with Improvement Plan, Accredited with Priority Improvement Plan, or Accredited with Turnaround Plan and to the Institute if it is accredited at any of those categories. The Department shall base the amount of technical assistance and support provided to a District or the Institute on the District's or Institute's degree of need for assistance and the Department's available resources. Such technical assistance shall be provided through a mutually agreed upon plan between the Department and the Local School Board or the Institute. Technical assistance and support may include, but need not be limited to:
- 5.10(A) access to data and research to support interpretation of student data, decision-making, and learning;
 - 5.10(B) consultative services on best practices for improvement and implementation of intervention strategies, including, where appropriate, strategies that address early childhood education and student engagement and re-engagement; and
 - 5.10(C) evaluation and feedback on the District's or the Institute's Improvement, Priority Improvement, or Turnaround Plan, whichever is applicable.

6.00 APPEALING PLACEMENT IN THE CATEGORY OF ACCREDITED WITH PRIORITY IMPROVEMENT PLAN OR ACCREDITED WITH TURNAROUND PLAN

- 6.01 If the District or Institute wishes to appeal the Department's final Accreditation determination placing the District or Institute in the category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan, the Local School Board or Institute may appeal the Department's determination before the State Board. The District or Institute shall file with the State Board, within ten (10) days of receipt of the Department's written recommendation, notice that the District or Institute wishes to appeal the recommendation.
- 6.02 The State Board Office shall notify the District or Institute in writing within ten (10) days of receipt of the notice of appeal. The scheduling notification shall provide the date of the next regularly scheduled State Board meeting. After conferring with the District or the Institute, the State Board Office shall include in the scheduling notification the filing deadlines for the appeal. The deadlines set forth below in this section 6.00 of the rules may be modified by agreement between the Department and the District or Institute with approval of the State Board Office.
- 6.03 Within fifteen (15) days of receipt of the scheduling notification, the District or Institute shall file a Position Statement setting forth the specific grounds for the assertion that the District or Institute should not be placed in the category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan. The District or the Institute shall provide a copy of the Position Statement to the Department.
- 6.04 Within fifteen (15) days of the date the Position Statement is filed with the State Board, the Department may file a Response to the Position Statement, and provide a copy of the Position Statement to the District or Institute.
- 6.05 The District or Institute shall file all relevant documents pertaining to the placement of the District or Institute in the category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan, which may include:

- 6.05(A) written document issued by the Department placing the District or Institute in the category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan;
- 6.05(B) written correspondence between the District or Institute and the Department concerning Accreditation; and
- 6.05(C) any other documents, reports, correspondence and other written or electronic materials related to the matters at issue.
- 6.06 The Department shall have ten (10) days from the date of receipt of the documents filed with the State Board to file any objections or proposed additions to the record. The State Board shall rule forthwith on any such objections or proposed additions, and such ruling shall be final.
- 6.07 The State Board shall hold a hearing on the matter at the earliest possible regularly scheduled board meeting.
- 6.08 The State Board shall conduct the hearing in accordance with its administrative procedures.
- 6.09 Following the hearing, the State Board shall issue a written final determination regarding the District's or Institute's placement in the category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan within thirty (30) days of the date of the hearing, and provide a copy to the Local School Board or Institute and the Department.

7.00 DEVELOPING AND SUBMITTING DISTRICT PLANS

7.01 District and Institute Performance Plans and Improvement Plans.

- 7.01(A) Each Local School Board for a District that is Accredited or Accredited with Distinction shall create and adopt a District Performance Plan. Each Local School Board for a District that is Accredited with Improvement Plan shall create and adopt a District Improvement Plan.
- 7.01(A)(1) The Local School Board shall adopt ~~a District Performance Plan~~the plan no later than April 15th of the academic school year in which it is directed to adopt ~~a District Performance Plan~~the plan.
- 7.01(A)(2) The School District Accountability Committee for the District shall advise the Local School Board concerning the contents of the District's ~~Performance Plan~~plan. In advising and making its recommendations, the School District Accountability Committee shall take into account and incorporate any of the School Performance Plans, Improvement Plans, Priority Improvement Plans or Turnaround Plans that the Public Schools of the District submit to the School District Accountability Committee.
- 7.01(A)(3) The District shall submit the adopted ~~District Performance Plan~~plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt ~~a District Performance Plan~~the plan.
- 7.01(A)(4) The Local School Board shall ensure that the ~~District Performance Plan~~plan is implemented for the District and the District Public Schools when the following academic school year begins. This responsibility includes taking all necessary steps in the year prior to implementation to ensure that the plan can be implemented with fidelity.

Comment [CDE13]: Former sections 7.01 and 7.02 have been combined for the sake of efficiency and because the requirements for Performance Plans and Improvement Plans are the same.

7.01(B) If the Institute is Accredited or Accredited with Distinction, the Institute shall create and adopt an Institute Performance Plan. If the Institute is Accredited with Improvement Plan, the Institute shall create and adopt an Institute Improvement Plan

7.01(B)(1) The Institute shall adopt ~~an Institute Performance Plan~~ the plan no later than April 15th of the academic school year in which it is directed to adopt ~~an Institute Performance Plan~~ the plan.

7.01(B)(2) Prior to creating the ~~Institute Performance Plan~~ plan, the Institute shall compile the Institute Charter School Performance Plans, Improvement Plan, Priority Improvement Plans and Turnaround Plans prepared for each Institute Charter School and shall take the compilation of plans into account in creating and adopting the Institute's ~~Performance Plan~~ plan.

7.01(B)(3) The Institute shall submit the adopted ~~Institute Performance Plan~~ plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt ~~an Institute Performance Plan~~ the plan.

7.01(B)(4) The Institute shall ensure that the Institute Performance Plan is implemented for the Institute and Institute Charter Schools when the following academic school year begins. This responsibility includes taking all necessary steps in the year prior to implementation to ensure that the plan can be implemented with fidelity.

7.01(C) A District or Institute Performance Plan or Improvement Plan shall be designed to raise the academic performance of students enrolled in the District or in the Institute Charter Schools and to ensure that the District or Institute, after the annual Accreditation review following implementation of the plan, attains a higher Accreditation category or remains in the same Accreditation category if the District or Institute is Accredited with Distinction. At a minimum, each District and Institute Performance Plan or Improvement Plan shall:

7.01(C)(1) Set ~~reaffirm~~ or revise, as appropriate, ambitious but attainable targets that the District, including District Public Schools, or the Institute, including Institute Charter Schools, shall attain on the Performance Indicators. The Local School Board or the Institute shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 2.03 of these rules. These targets must include targets that the District, including the District Public Schools, or the Institute, including the Institute Charter Schools, shall attain in reducing the number of students who are identified pursuant to section 22-7-1205 as having significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

7.01(C)(2) Identify positive and negative trends for District Public Schools as a group and individually or for Institute Charter Schools as a group and individually in the levels of attainment by the Public Schools as a group and individually on the Performance Indicators;

7.01(C)(3) Assess and prioritize the root causes of any low-performance for the District and for the individual District Public Schools or for the Institute and for the individual Institute Charter Schools that must be addressed to raise the levels of attainment on the Performance Indicators by the District Public Schools or the Institute Charter Schools and to improve

Comment [CDE14]: This is a minor cleanup recommended by OLLS.

Comment [CDE15]: This update is required by H.B. 12-1238 (Read Act).

school readiness in District Public Schools or Institute Charter Schools that serve students in preschool and Kindergarten;

- 7.01(C)(4) Identify specific, research-based strategies to address the District's or Institute's root causes of any low-performance. **These strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205 as having significant reading deficiencies;**
- 7.01(C)(5) Identify the local, state and federal resources that the District or the Institute shall use to implement the identified strategies with fidelity;
- 7.01(C)(6) Identify implementation benchmarks and interim targets and measures to assess whether the identified strategies are carried out with fidelity; and
- 7.01(C)(7) Address any other issues raised by the Department through the Accreditation process described in sections 4.00 and 5.00 of these rules.

Comment [CDE16]: This update is required by H.B. 12-1238 (Read Act).

7.02 **District and Institute Improvement Plans ~~—repealed.~~**

7.03 **District and Institute Priority Improvement Plans.**

- 7.03(A) Each Local School Board for a District that is Accredited with Priority Improvement Plan shall create and adopt a District Priority Improvement Plan.
 - 7.03(A)(1) The Local School Board shall adopt a District Priority Improvement Plan no later than January 15th of the academic school year in which it is directed to adopt a District Priority Improvement Plan. The Commissioner may provide additional time for the Local School Board to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.
 - 7.03(A)(2) The School District Accountability Committee for the District shall advise the Local School Board concerning the contents of the District Priority Improvement Plan. In advising and making its recommendations, the School District Accountability Committee shall take into account and incorporate any of the School Performance Plans, Improvement Plans, Priority Improvement Plans or Turnaround Plans that the Public Schools of the District submit to the School District Accountability Committee.
 - 7.03(A)(3) At the request of the Local School Board, the Department shall provide technical assistance, evaluation and feedback to the Local School Board in preparing the District Priority Improvement Plan.
 - 7.03(A)(4) No later than five (5) business days after the Local School Board has adopted a District Priority Improvement Plan, the Local School Board shall submit the adopted District Priority Improvement Plan to the Department for review. The Commissioner, subject to available appropriations, may assign the State Review Panel to critically evaluate the District Priority Improvement Plan concerning the issues outlined in section 7.03 (C) of these rules.

- 7.03(A)(5) After conducting any such evaluation of the District Priority Improvement Plan, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may recommend to the Local School Board modifications to the District Priority Improvement Plan.
- 7.03(A)(6) After making any revisions to the District Priority Improvement Plan, the Local School Board shall submit the revised plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt a District Priority Improvement Plan.
- 7.03(A)(7) The Local School Board shall ensure that the [revised] District Priority Improvement Plan is implemented for the District and the District Public Schools when the following academic school year begins. This responsibility includes taking all necessary steps in the year prior to implementation to ensure that the plan can be implemented with fidelity.
- 7.03(B) If the Institute is Accredited with Priority Improvement Plan, the Institute shall create and adopt an Institute Priority Improvement Plan.
- 7.03(B)(1) The Institute shall adopt an Institute Priority Improvement Plan no later than January 15th of the academic school year in which it is directed to adopt an Institute Priority Improvement Plan. The Commissioner may provide additional time for the Institute to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.
- 7.03(B)(2) Prior to creating the Institute Priority Improvement Plan, the Institute shall compile the Institute Charter School Performance Plans, Improvement Plan, Priority Improvement Plans and Turnaround Plans prepared for each Institute Charter School and shall take the compilation of plans into account in creating and adopting the Institute Priority Improvement Plan.
- 7.03(B)(3) At the request of the Institute, the Department shall provide technical assistance, evaluation and feedback to the Institute in preparing the Institute Priority Improvement Plan.
- 7.03(B)(4) No later than five (5) business days after the Institute has adopted an Institute Priority Improvement Plan, the Institute shall submit the adopted Institute Priority Improvement Plan to the Department for review. The Commissioner, subject to available appropriations, may assign the State Review Panel to critically evaluate the Institute Priority Improvement Plan concerning the issues outlined in section 7.03 (C) of these rules.
- 7.03(B)(5) After conducting any such evaluation of the Institute Priority Improvement Plan, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may recommend to the Institute modifications to the Institute Priority Improvement Plan.
- 7.03(B)(6) After making any revisions to the Institute Priority Improvement Plan, the Institute shall submit the revised plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt an Institute Priority Improvement Plan.

7.03(B)(7) The Institute shall ensure that the [revised] Institute Priority Improvement Plan is implemented for the Institute and the Institute Charter Schools when the following academic school year begins. This responsibility includes taking all necessary steps in the year prior to implementation to ensure that the plan can be implemented with fidelity.

7.03(C) In reviewing a District's or Institute's plan, the State Review Panel shall report to the Commissioner and the State Board its recommendations concerning:

7.03(C)(1) whether the District's or Institute's leadership is adequate to implement change to improve results;

7.03(C)(2) whether the District's or Institute's infrastructure is adequate to support school improvement;

7.03(C)(3) the readiness and apparent capacity of Public School and District or Institute personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the District Public Schools or Institute Charter Schools;

7.03(C)(4) the readiness and apparent capacity of Public School and District or Institute personnel to engage productively with and benefit from the assistance provided by an external partner;

7.03(C)(5) the likelihood of positive returns on state investments of assistance and support to improve the District's or Institute's performance within the current management structure and staffing; and

7.03(C)(6) the necessity that the District or Institute remain in operation to serve students.

7.03(D) A District or Institute Priority Improvement Plan shall be designed to ensure that the District or the Institute improves its performance to the extent that, after the annual Accreditation review following implementation of the plan, the District or the Institute attains a higher Accreditation category. At a minimum, each District and Institute Priority Improvement Plan shall:

7.03(D)(1) Set ~~reaffirm~~ or revise, as appropriate, ambitious but attainable targets that the District, including District Public Schools, or the Institute, including Institute Charter Schools, shall attain on the Performance Indicators. The Local School Board or the Institute shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 2.03 of these rules. **These targets must include targets that the District, including the District Public Schools, or the Institute, including the Institute Charter Schools, shall attain in reducing the number of students who are identified pursuant to section 22-7-1205 as having significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;**

7.03(D)(2) Identify positive and negative trends for District Public Schools as a group and individually or for Institute Charter Schools as a group and individually in the levels of attainment by the Public Schools as a group and individually on the Performance Indicators;

Comment [CDE17]: This is a minor cleanup recommended by OLLS.

Comment [CDE18]: This update is required by H.B. 12-1238 (Read Act).

- 7.03(D)(3) Assess and prioritize the root causes of any low-performance for the District and for the individual District Public Schools or for the Institute and for the individual Institute Charter Schools that must be addressed to raise the levels of attainment on the Performance Indicators by the District Public Schools or the Institute Charter Schools and to improve school readiness in District Public Schools or Institute Charter Schools that serve students in preschool and Kindergarten;
- 7.03(D)(4) Identify specific, research-based strategies that are appropriate in scope, intensity and type to address the District's or Institute's root causes of any low-performance. **These strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205 as having significant reading deficiencies;**
- 7.03(D)(5) Identify the local, state and federal resources that the District or the Institute shall use to implement the identified strategies with fidelity; ~~and~~
- 7.03(D)(6) Identify implementation benchmarks and interim targets and measures to assess whether the identified strategies are carried out with fidelity; and
- 7.03(D)(7) Address any other issues raised by the Department through the Accreditation process described in sections 4.00 and 5.00 of these rules.

Comment [CDE19]: This update is required by H.B. 12-1238 (Read Act).

7.04 District and Institute Turnaround Plans.

- 7.04(A) Each Local School Board for a District that is Accredited with Turnaround Plan shall create and adopt a District Turnaround Plan.
 - 7.04(A)(1) The Local School Board shall adopt a District Turnaround Plan no later than January 15th of the academic school year in which it is directed to adopt a District Turnaround Plan. The Commissioner may provide additional time for the Local School Board to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.
 - 7.04(A)(2) The School District Accountability Committee for the District shall advise the Local School Board concerning the contents of the District Turnaround Plan. In advising and making its recommendations, the School District Accountability Committee shall take into account and incorporate any of the School Performance Plans, Improvement Plans, Priority Improvement Plans or Turnaround Plans that the Public Schools of the District submit to the School District Accountability Committee.
 - 7.04(A)(3) At the request of the Local School Board, the Department shall provide technical assistance, evaluation and feedback to the Local School Board in preparing the District Turnaround Plan.
 - 7.04(A)(4) No later than five (5) business days after the Local School Board has adopted a District Turnaround Plan, the Local School Board shall submit the adopted District Turnaround Plan to the Department for review.
 - 7.04(A)(5) The Commissioner then shall assign the State Review Panel to critically evaluate the District Turnaround Plan concerning the issues outlined in section 7.03(C) of these rules.

- 7.04(A)(6) After conducting such an evaluation of the District Turnaround Plan, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may approve the District Turnaround Plan or suggest modifications to the plan.
- 7.04(A)(7) After making any necessary revisions to the District Turnaround Plan, the Local School Board shall submit the revised plan to the Department for approval no later than March 30th of the academic school year in which it is directed to adopt a District Turnaround Plan.
- 7.04(A)(8) The Local School Board shall submit the final adopted District Turnaround Plan for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt a District Turnaround Plan.
- 7.04(A)(9) The Local School Board shall ensure that the final District Turnaround Plan is implemented for the District and the District Public Schools when the following academic school year begins. This responsibility includes taking all necessary steps in the year prior to implementation to ensure that the plan can be implemented with fidelity.
- 7.04(B) If the Institute is Accredited with Turnaround Plan, the Institute shall create and adopt an Institute Turnaround Plan.
 - 7.04(B)(1) The Institute shall adopt an Institute Turnaround Plan no later than January 15th of the academic school year in which it is directed to adopt an Institute Turnaround Plan. The Commissioner may provide additional time for the Institute to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.
 - 7.04(B)(2) Prior to creating the Institute Turnaround Plan, the Institute shall compile the Institute Charter School Performance Plans, Improvement Plan, Priority Improvement Plans and Turnaround Plans prepared for each Institute Charter School and shall take the compilation of plans into account in creating and adopting the Institute Improvement Plan.
 - 7.04(B)(3) At the request of the Institute, the Department shall provide technical assistance, evaluation and feedback to the Institute in preparing the Institute Turnaround Plan.
 - 7.04(B)(4) No later than five (5) business days after the Institute has adopted an Institute Turnaround Plan, the Institute shall submit the adopted Institute Turnaround Plan to the Department for review.
 - 7.04(B)(5) The Commissioner then shall assign the State Review Panel to critically evaluate the Institute Turnaround Plan concerning the issues outlined in section 7.03(C) of these rules.
 - 7.04(B)(6) After conducting such an evaluation of the Institute Turnaround Plan, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may approve the Institute Turnaround Plan or suggest modifications to the plan.

7.09(B)(7) After making any necessary revisions to the Institute Turnaround Plan, the Institute shall submit the revised plan to the Department for approval no later than March 30th of the academic school year in which it is directed to adopt an Institute Turnaround Plan.

7.09(B)(8) The Institute shall submit the final adopted Institute Turnaround Plan for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt an Institute Turnaround Plan.

7.04(B)(9) The Institute shall ensure that the final Institute Turnaround Plan is implemented for the Institute and the Institute Charter Schools when the following academic school year begins. This responsibility includes taking all necessary steps in the year prior to implementation to ensure that the plan can be implemented with fidelity.

7.04(C) A District or Institute Turnaround Plan shall be designed to ensure that the District or the Institute improves its performance to the extent that, after the annual Accreditation review following implementation of the plan, the District or the Institute attains a higher Accreditation category. At a minimum, each District and Institute Turnaround Plan shall:

7.04(C)(1) Set, ~~reaffirm~~ or revise, as appropriate, ambitious but attainable targets that the District, including District Public Schools, or the Institute, including Institute Charter Schools, shall attain on the Performance Indicators. The Local School Board or the Institute shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 2.03 of these rules. **These targets must include targets that the District, including the District Public Schools, or the Institute, including the Institute Charter Schools, shall attain in reducing the number of students who are identified pursuant to section 22-7-1205 as having significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;**

Comment [CDE20]: This is a minor cleanup recommended by OLLS.

Comment [CDE21]: This update is required by H.B. 12-1238 (Read Act).

7.04(C)(2) Identify positive and negative trends for District Public Schools as a group and individually or for Institute Charter Schools as a group and individually in the levels of attainment by the Public Schools as a group and individually on the Performance Indicators;

7.04(C)(3) Assess and prioritize the root causes of any low-performance for the District and for the individual District Public Schools or for the Institute and for the individual Institute Charter Schools that must be addressed to raise the levels of attainment on the Performance Indicators by the District Public Schools or the Institute Charter Schools and to improve school readiness in District Public Schools or Institute Charter Schools that serve students in preschool and Kindergarten;

7.04(C)(4) Identify specific, research-based strategies that are appropriate in scope, intensity and type to address the District's or Institute's root causes of any low-performance. **These strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205 as having significant reading deficiencies. These strategies shall, at a minimum, include one or more of the following:**

Comment [CDE22]: This update is required by H.B. 12-1238 (Read Act).

7.04(C)(4)(a) employing a lead turnaround partner that uses research-based strategies and has a proven record of success working with

schools under similar circumstances, which turnaround partner shall be immersed in all aspects of developing and collaboratively executing the Turnaround Plan and shall serve as a liaison to other school partners;

- 7.04(C)(4)(b) reorganizing the oversight and management structure within the District or the Institute to provide greater, more effective support for Public Schools;
- 7.04(C)(4)(c) for a District, recognizing individual District Public Schools as innovation schools or clustering District Public Schools with similar governance or management structures into one or more innovation school zones and seeking designation as a District of innovation pursuant to Article 32.5 of Title 22;
- 7.04(C)(4)(d) hiring an entity that uses research-based strategies and has a proven record of success working with schools under similar circumstances to operate one or more District Public Schools or Institute Charter Schools pursuant to a contract with the Local School Board or the Institute;
- 7.04(C)(4)(e) for a District, converting one or more District Public School to Charter Schools;
- 7.04(C)(4)(f) for the Institute, renegotiating and significantly restructuring an Institute Charter School's charter contract;
- 7.04(C)(4)(g) closing the District Public Schools or Institute Charter Schools; and
- 7.04(C)(4)(h) other actions of comparable or greater significance or effect;
- 7.04(C)(5) Identify the local, state and federal resources that the District or the Institute shall use to implement the identified strategies with fidelity; ~~and~~
- 7.04(C)(6) Identify implementation benchmarks and interim targets and measures to assess whether the identified strategies are carried out with fidelity; and
- 7.04(C)(7) Address any other issues raised by the Department through the Accreditation process described in sections 4.00 and 5.00 of these rules.

8.00 REMOVAL OF DISTRICT ACCREDITATION

8.01 The Department may recommend to the Commissioner and the State Board that the State Board remove a District's or the Institute's Accreditation for any of the following reasons:

- 8.01(A) The District or the Institute is in the Accredited with Turnaround category and the Department determines that the District or the Institute failed to make substantial progress under its Turnaround Plan, as evidenced by the District's or Institute's failure to improve attainment on the Performance Indicators or failure to meet the implementation benchmarks and interim targets and measures included in the District's or Institute's Turnaround Plan;

8.01(B) For five consecutive school years, the District or Institute has remained in an Accreditation category of Accredited with Priority Improvement Plan and/or Accredited with Turnaround Plan; or

8.01(C) The District or the Institute has substantially failed to comply with the provisions of Article 44 of Title 22, concerning budget and financial policies and procedures, or Article 45 of Title 22, concerning accounting and financial reporting; and the District or the Institute has not remedied the noncompliance within ninety (90) days after receipt of notice from the Department; and loss of Accreditation is required to protect the interests of the students and parents of students enrolled in the District or Institute Charter Schools.

8.02 Role of the State Review Panel.

If the Department recommends removing a District's or the Institute's Accreditation, the Commissioner shall assign the State Review Panel to critically evaluate the District or Institute's performance and to recommend one or more of the following actions:

8.02(A) If the recommendation applies to a District:

- 8.02(A)(1) that the District be reorganized pursuant to Article 30 of Title 22, which reorganization may include consolidation;
- 8.02(A)(2) that a private or public entity, such as another Colorado District or BOCES, with the agreement of the District, take over management of the District or management of one or more of the District's Public Schools;
- 8.02(A)(3) that one or more of the District's Public Schools be converted to a charter school;
- 8.02(A)(4) that one or more of the District's Public Schools apply for status as an "Innovation School" pursuant to § 22-32.5-104, C.R.S.; or
- 8.02(A)(5) that one or more of the District's Public Schools be closed; or

8.02(B) If the recommendation applies to the Institute:

- 8.02(B)(1) that the Institute board be abolished and that the governor and Commissioner appoint a new Institute board pursuant to § 22-30.5-505, C.R.S.;
- 8.02(B)(2) that a public or private entity take over management of the Institute or management of one or more of the Institute Charter Schools; or
- 8.02(B)(3) that one or more of the Institute Charter Schools be closed.

8.03 In its evaluations and recommendations, the State Review Panel shall consider:

8.03(A) whether the District's or Institute's leadership is adequate to implement change to improve results;

8.03(B) whether the District's or the Institute's infrastructure is adequate to support school improvement;

8.03(C) the readiness and apparent capacity of Public School and District or Institute personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the District Public Schools or the Institute Charter Schools;

8.03(D) the readiness and apparent capacity of Public School and District or Institute personnel to engage productively with and benefit from the assistance provided by an external partner;

8.03(E) the likelihood of positive returns on state investments of assistance and support to improve the District's or Institute's performance within the current management structure and staffing; and

8.03(F) the necessity that the District or Institute remain in operation to serve students.

8.04 If the Department, the Commissioner and the State Review Panel recommend that a District's or the Institute's Accreditation be removed, the Department shall issue to the State Board a written recommendation for removal of Accreditation and shall provide a copy of the written recommendation to the District or Institute.

Process to Appeal Removal of Accreditation.

8.05 If the District or Institute does not wish to appeal the recommendation of the Department, the Commissioner and the State Review Panel to remove a District's or the Institute's Accreditation, the State Board shall determine whether to remove a District's or Institute's Accreditation at the next earliest possible regularly scheduled State Board meeting.

8.06 If the District or Institute wishes to appeal the recommendation of the Department, the Commissioner and the State Review Panel to remove a District's or the Institute's Accreditation, then the District or Institute shall file with the State Board within ten (10) days of receipt of the Department's written recommendation notice that the District or Institute wishes to appeal the recommendation.

8.07 The State Board Office shall notify the District or Institute in writing within ten (10) days of receipt of the notice of appeal. The scheduling notification shall provide the date of the next regularly scheduled State Board meeting. After conferring with the District or the Institute, the State Board Office shall include in the scheduling notification the filing deadlines for the appeal. The deadlines set forth below in this section 8.00 of the rules may be modified by agreement between the Department and the District or Institute with approval of the State Board Office.

8.08 Within fifteen (15) days of receipt of the scheduling notification, the District or Institute shall file a Position Statement setting forth the specific grounds for the assertion that the District or Institute should not have its Accreditation removed. The District or the Institute shall provide a copy of the Position Statement to the Department.

8.09 Within fifteen (15) days of the date the Position Statement is filed with the State Board, the Department may file a Response to the Position Statement, and provide a copy of the Position Statement to the District or Institute.

8.10 The District or Institute shall file all relevant documents pertaining to the removal of the District's or Institute's Accreditation, which may include:

8.10(A) written document issued by the Department recommending removal of Accreditation;

8.10(B) written correspondence between the District or Institute concerning Accreditation; and

8.10(C) any other documents, reports, correspondence and other written or electronic materials related to the matters at issue.

8.11 The Department shall have ten (10) days from the date of receipt of the documents filed with the State Board to file any objections or proposed additions to the record. The State Board shall rule forthwith on any such objections or proposed additions, and such ruling shall be final.

8.12 The State Board shall hold a hearing on the matter at the earliest possible regularly scheduled board meeting.

8.13 The State Board shall conduct a hearing in accordance with its administrative procedures pertaining to appeals of removal of Accreditation.

8.14 Following the hearing, the State Board shall issue a written final determination on the removal of the District's or Institute's Accreditation within thirty (30) days of the date of the hearing, and provide a copy to the District or Institute and the Department. The written determination shall be final.

8.15 If the State Board removes a District's or the Institute's Accreditation, the State Board shall notify the District or the Institute of the actions the District or the Institute is required to take.

8.16 After the District or the Institute takes the required actions, the State Board shall, upon recommendation of the Department, reinstate the District's or the Institute's Accreditation at the Accreditation category deemed appropriate by the State Board.

9.00 SCHOOL PERFORMANCE EVALUATION CRITERIA

9.01 No later than August 15th of each school year, the Department shall annually review the following:

9.01 (A) each Public School's level of attainment of the statewide targets on the Performance Indicators;

9.01 (B) each Public School's level of attainment of the Performance Indicators compared with statewide attainment of the Performance Indicators; and

9.01 (C) the length of time during which a Public School has been unable to meet statewide targets on the Performance Indicators.

9.02 In reviewing each Public School's level of attainment of the statewide targets on the Performance Indicators, the Department shall use the following information:

9.02 (A) Student Longitudinal Academic Growth.

Student longitudinal academic growth shall be calculated based on the following:

9.02 (A) (1) the percentage of all students enrolled in the Public School who attain adequate longitudinal academic growth, as calculated pursuant to section 2.02 (A) (2) of these rules;

9.02 (A) (2) the percentage of all students enrolled in the Public School who attain Move-up Growth as calculated pursuant to section 2.02 (A) (3) of these rules;

9.02 (A) (3) the percentage of all students enrolled in the Public School who attain Statewide Median Growth; and

9.02 (A) (4) the Median Student Growth among students enrolled in the Public School.

9.02 (B) Student Achievement on the Statewide Assessments.

9.02 (B) (1) Student achievement on the Statewide Assessments shall be calculated based on the percentage of all students enrolled in the Public School who score at each of the Achievement Levels included in the Statewide Assessments, as calculated pursuant to section 2.02 (B) (2) of these rules.

9.02(B)(2) The Department shall calculate the percentages of students in public schools in third and fourth grades who were at one time identified as having a significant reading deficiency pursuant to section 22-7-1205 and who score Partially Proficient, Proficient, or Advanced on the statewide reading assessment in third or fourth grade.

Comment [CDE23]: This update is required by HB 12-1238 (READ Act).

9.02(C) Postsecondary and Workforce Readiness.

Postsecondary and Workforce Readiness shall be calculated for each public high school based on the following information:

9.02(C)(1) the overall percentages of students enrolled in the eleventh grade in the Public School who score at each Achievement Level on the standardized, curriculum-based, achievement, college entrance examination administered as a Statewide Assessment or the percentages of students enrolled in each of the grade levels included in the Public School who score at each Achievement Level on the Postsecondary and Workforce Readiness Assessments administered by the Public School;

9.02(C)(2) beginning with the first school year for which criteria are adopted pursuant to section 22-7-1009(1), C.R.S. and for each school year thereafter, the overall percentage of all students graduating from the Public School who receive diplomas that are endorsed for Postsecondary and Workforce Readiness as described in § 22-7-1009(1), C.R.S., and the percentage who received diplomas that are endorsed for exemplary demonstration of postsecondary or workforce readiness as described in § 22-7-1009(2), C.R.S.; and

9.02(C)(3) the Public School's dropout rate and graduation rate, as calculated pursuant to section 13.00 of these rules.

9.02(D) Progress made on closing the achievement and growth gaps.

9.02(D)(1) Progress made on closing the achievement and growth gaps shall be calculated based on the following information disaggregated by Student Group:

- 9.02(D)(1)(a) the percentage of students enrolled in the Public School who attain adequate longitudinal academic growth as calculated pursuant to section 2.02(A)(2) of these rules;
 - 9.02(D)(1)(b) the percentage of students enrolled in the Public School who attain Move-up Growth as calculated pursuant to section 2.02(A)(3) of these rules;
 - 9.02(D)(1)(c) the percentage of students enrolled in the Public School who attain statewide median growth;
 - 9.02(D)(1)(d) the Median Student Growth attained by students enrolled in the Public School;
 - 9.02(D)(1)(e) the percentage of students enrolled in the Public School at each grade level who score at each of the Achievement Levels in each of the subjects included in the Statewide Assessments; and
 - 9.02(D)(1)(f) for a public high school, the overall percentage of students enrolled in the eleventh grade in the Public School who score at each Achievement Level on the standardized, curriculum-based achievement college entrance examination or the percentages of students enrolled in each of the grade levels included in the public high schools who score at each Achievement Level on the Postsecondary and Workforce Readiness Assessments administered by the public high schools; the overall percentages of students graduating from the Public School who receive a diploma that includes a Postsecondary and Workforce Readiness endorsement or an endorsement for exemplary demonstration of Postsecondary and Workforce Readiness; and the Public School's dropout rate and graduation rate, as calculated pursuant to section 13.00 of these rules.
- 9.02(D)(2) The Department shall compare the percentages and the assessment Achievement Levels across Student Groups to determine progress made by the Public School in increasing over time each Student Group's longitudinal academic growth, academic achievement, Postsecondary and Workforce Readiness, and graduation rate, and in decreasing each Student Group's dropout rate, especially for those Student Groups who are underperforming in comparison to other groups.

10.00 SCHOOL PLANS AND SCHOOL RESTRUCTURING

10.01 No later than August 15th of each school year, based on an objective analysis of each Public School's attainment on the four key Performance Indicators, which analysis shall place greatest emphasis upon the longitudinal growth and Postsecondary and Workforce Readiness Performance Indicators, the Department shall determine whether the Public School exceeds, meets, approaches or does not meet statewide targets. **After baseline data from the approved READ Act assessments has been collected and verified to be adequately predictive of statewide reading assessment results, the Department shall determine whether each Public School serving third and/or fourth grade students meets or exceeds targets established by the State Board for the percentage of third and fourth grade students who were at one time identified as having a significant reading deficiency pursuant to section 22-7-1205 and who have scored Partially Proficient, Proficient, or Advanced on the statewide reading assessment and, if so, shall provide credit to the District or Institute.** Taking into account this information, the Department shall

Comment [CDE24]: Currently, the SPF does not incorporate every single measure associated with each of the performance indicators. Multiple measures are calculated and reported, but not included in the SPF's formula for assigning accreditation ratings. The READ Act specifies that the SBE rules must ensure that a school "shall receive additional credit toward its accreditation ratings based on percentages of students in 3rd and 4th grade who were at one time identified as having a significant reading deficiency and who score partially proficient, proficient, or advanced on the statewide reading assessments in 3rd or 4th grade." Adding this language here makes it clear that this piece of data must be included in the SPF, as soon as predictive data is available.

formulate an initial recommendation for each Public School as to whether the Public School should implement a Performance Plan, an Improvement Plan, a Priority Improvement Plan or a Turnaround Plan, or that the Public School should be subject to restructuring.

10.01(A) Information concerning the percentages of students at the Public School who are not tested on the Statewide Assessments will not be factored into the analysis of the Public School's attainment on the Performance Indicators, but will be factored into the determination of which type of plan the Public School must implement.

10.01 (B) A Public School's failure to ~~comply with the Department's Statewide Assessment administration and security policies and procedures~~ administer statewide assessment results in a standardized and secure manner so that resulting assessment scores are reflective of independent student performance shall be considered by the Department in identifying which type of plan the Public School must implement, and may result in a plan type at least one level lower than what otherwise would have been required. If the Public School otherwise would have been required to implement a Performance Plan or Improvement Plan, it instead may be required to implement a Priority Improvement Plan. If the Public School otherwise would have been required to implement a Priority Improvement Plan, it instead may be required to implement a Turnaround Plan. The Commissioner shall determine whether a Public School has ~~breached the Department's Statewide Assessment administration and security policies and procedures and shall determine whether the breach failed to administer statewide assessment results in a standardized and secure manner so that resulting assessment scores are reflective of independent student performance~~ and shall determine whether such failure was pervasive and egregious enough to warrant a change in the Public School's plan type assignment.

Comment [LK25]: This revision responds to concerns expressed by OLLS about previous rule language.

Comment [LK26]: This revision responds to concerns expressed by OLLS about previous rule language.

10.01(C) If a Local School Board or the Institute choose not to endorse a high school diploma as described in § 22-7-1009(2), C.R.S., the Public School will not be penalized for such choice when the Department makes a determination regarding the type of plan the Public School must implement.

10.01(D) For those Public Schools designated as Alternative Education Campuses, the Department shall incorporate the results of the performance evaluation framework for Alternative Education Campuses, as described by rule of the State Board, when determining which type of plan the Alternative Education Campus must implement.

10.02 No later than August 15th of each school year, the Department shall provide to each District and the Institute, for each of the District's Public Schools or the Institute's Public Schools, the data used by the Department to conduct its analysis of that Public School's performance and the Department's initial recommendation concerning the type of plan that the Public School shall implement.

10.03 No later than October 15th of each school year, each District and the Institute shall submit to the Department the following:

10.03(A) The Accreditation category assigned to each Public School, as determined by the Local School Board or Institute, and the school performance framework used for that Accreditation assignment, including evidence of the Public School's level of attainment of District or Institute targets on the Performance Indicators and the Public School's level of attainment of its own annual targets; and

- 10.03(B) If the District or Institute disagrees with the Department's initial recommendation concerning the type of plan that the Public School shall implement and wishes to provide additional information for consideration, the District or Institute shall submit:
- 10.03(B)(1) A recommendation from the District or Institute regarding the type of plan the Public School shall implement;
 - 10.03(B)(2) A statement about the extent to which the Public School effectively implemented with fidelity either the School Performance Plan, School Improvement Plan, School Priority Improvement Plan or School Turnaround Plan during the previous academic school year. Said statement shall include information about the specific improvements, changes, and interventions the Public School has implemented to improve its performance and the extent to which the Public School has successfully met the implementation benchmarks in the Public School's plan during the previous academic school year; and
 - 10.03(B)(3) For Public Schools that the Department has initially recommended to implement a School Priority Improvement Plan or a School Turnaround Plan, valid and reliable data demonstrating the progress the Public School has made in improving its performance and in meeting the statewide targets on the Performance Indicators, the District or Institute targets on the Performance Indicators, and its own school targets, including evidence from a Department-approved third-party review of performance.
- 10.03(C) No later than November 15th of each school year, the Department shall formulate a final recommendation as to whether each Public School should implement a Performance Plan, an Improvement Plan, a Priority Improvement Plan or a Turnaround Plan, or that the Public School be subject to restructuring. This final recommendation shall take into consideration both the objective analysis of each Public School's attainment on the Performance Indicators, as described in section 10.01 of these rules, and the additional information submitted by a District or Institute, as described in section 10.03(B) of these rules. The Department shall submit its final recommendation to the State Board, along with any conflicting recommendation provided by the District or Institute.
- 10.04 No later than December of each school year, the State Board shall make a final determination regarding the type of plan each Public School shall implement. The State Board shall notify the Local School Board for the Public School, or the Institute if the Public School is an Institute Charter School, regarding the type of plan the Public School shall implement. ~~For a Public School that meets the definition of an Online School, the timing of this notification shall align with the notifications described in § 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S.~~
- 10.05 A Public School shall not be permitted to implement a Priority Improvement and/or Turnaround Plan for longer than a combined total of five consecutive school years before the District or Institute is required to restructure or close the school. The calculation of the total of five (5) consecutive school years shall commence July 1, during the summer immediately following the fall in which the Public School is notified that it is required to implement a Priority Improvement or Turnaround Plan. A Public School implementing an Improvement Plan is not subject to a time limitation for implementing its Improvement Plan. 10.06 As described in detail below, the Department shall employ a differentiated approach to state intervention based on performance and need, whereby demonstration of high performance results in greater autonomy and demonstration of high need results in greater support and intervention.

Comment [CDE27]: Sections 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S., have both been repealed.

For a Public School required to implement a School Performance Plan or School Improvement Plan, the District or the Institute shall submit said plan to the Department for publishing on SchoolView.

For a Public School required to implement a School Priority Improvement Plan, the District or the Institute shall submit said plan to the Department and the Commissioner, subject to available appropriations may assign the State Review Panel to critically evaluate the plan. The Commissioner may recommend modifications to the School Priority Improvement Plan to the Local School Board or Institute and, after making any revisions, the Local School Board or Institute shall submit the School Priority Improvement Plan to the Department for publishing on SchoolView.

For a Public School required to implement a School Turnaround Plan, the District or Institute shall submit said plan to the Department for review by the State Review Panel. The Commissioner may approve the School Turnaround Plan or suggest modifications to the plan. The Local School Board or Institute shall revise the plan, if necessary, and resubmit the plan to the Commissioner for approval. The Local School Board or Institute shall submit the final approved plan to the Department for publishing on SchoolView.

A School District with one thousand students or fewer may submit a single plan to satisfy the School District and School plan requirements, so long as the plan meets all state and federal requirements for School District and School plans. A School District with more than one thousand but fewer than one thousand two hundred students may, upon request and at the Department's discretion, submit a single plan to satisfy the School District and School plan requirements, so long as the plan meets all state and federal requirements for School District and School plans.

10.07 At the request of a Local School Board or the Institute, the Department shall provide technical assistance and support to the Public School, Local School Board, or Institute in preparing and implementing the Public School's Improvement, Priority Improvement, or Turnaround Plan. The Department shall base the amount of technical assistance and support provided to a Public School, the Local School Board, or the Institute on the Public School's degree of need for assistance and the Department's available resources. Such technical assistance shall be provided through a mutually agreed upon plan between the Department and the Public School, Local School Board or the Institute. Technical assistance and support may include, but need not be limited to:

10.07(A) access to data and research to support interpretation of student data, decision-making, and learning;

10.07(B) consultative services on best practices for improvement and implementation of intervention strategies, including, where appropriate, strategies that address early childhood education and student engagement and re-engagement; and

10.07(C) evaluation and feedback on the Public School's plan.

10.08 **School Performance Plans and Improvement Plans.**

10.08(A) If the State Board directs a District Public School to adopt a School Performance Plan or Improvement Plan, the school principal and the District superintendent, or his or her designee, shall adopt ~~a School Performance Plan~~ the plan. The Local School Board is encouraged to review and approve such plan and to consider in its local policies whether it would like to require the school principal and District superintendent or designee to submit the plan to the Local School Board for approval.

Comment [LK28]: Former sections 10.08 and 10.09 have been combined for the sake of efficiency and because the requirements for Performance Plans and Improvement Plans are the same.

- 10.08(A)(1) The ~~School Performance Plan~~ shall be adopted no later than April 15th of the academic school year in which the Public School is directed to adopt ~~a School Performance Plan~~ the plan.
- 10.08(A)(2) The School Accountability Committee for the Public School shall advise the principal concerning preparation of the ~~School Performance Plan~~ and make recommendations to the principal concerning the contents of the plan. The principal, with the approval of the Superintendent or his or her designee, shall create and adopt the ~~School Performance Plan~~, taking into account the advice and recommendations of the School Accountability Committee.
- 10.08(A)(3) The School District Accountability Committee shall include the adopted ~~School Performance Plan~~ in the compilation of the plans of its Public Schools that the committee considers when making recommendations for a District plan.
- 10.08(A)(4) The Local School Board shall consider the adopted ~~School Performance Plans~~ school plan in developing the budget required by § 22-44-108, C.R.S.
- 10.08(A)(5) The District shall submit the adopted ~~School Performance Plans~~ school plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt ~~a School Performance Plan~~ the plan.
- 10.08(A)(6) The principal and superintendent or his or her designee shall ensure that the ~~School Performance Plan~~ is implemented for the Public School when the following academic school year begins.
- 10.08(B) If the State Board directs an Institute Charter School to adopt a School Performance Plan or Improvement Plan, the school principal shall adopt ~~a School Performance Plan~~ the plan. The Institute Charter School's Board and the Institute are encouraged to review and approve such plan. The Institute also is encouraged to consider whether it would like to require the Institute Charter School's board and the school principal to submit the plan to the Institute for approval.
- 10.08(B)(1) The ~~School Performance Plan~~ shall be adopted no later than April 15th of the academic school year in which the Charter School is directed to adopt ~~a School Performance Plan~~ the plan.
- 10.08(B)(2) The School Accountability Committee for the Institute Charter School shall advise the principal concerning preparation of the ~~School Performance Plan~~ and make recommendations to the principal concerning the contents of the plan. The principal shall create and adopt the ~~School Performance Plan~~, taking into account the advice and recommendations of the School Accountability Committee.
- 10.08(B)(3) The Institute shall include the adopted ~~School Performance Plans~~ school plan in the compilation of the plans of its Public Schools that the Institute considers when making recommendations for the Institute's plan.

- 10.08(B)(4) The Institute shall submit the adopted ~~School Performance Plans~~school plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt ~~a School Performance Plan~~the plan.
- 10.08(B)(5) The principal shall ensure that the ~~School Performance Plan~~plan is implemented for the Institute Charter School when the following academic school year begins.
- 10.08(C) A School Performance Plan or Improvement Plan shall be designed to raise the academic performance of students enrolled in the Public School and to ensure that the Public School, after its annual Accreditation review following implementation of the plan, attains a higher Accreditation category or remains in the same Accreditation category if the Public School is already accredited by the District or the Institute at the highest level. At a minimum, each School Performance Plan or Improvement Plan shall:
- 10.08(C)(1) Set, reaffirm or revise, as appropriate, ambitious but attainable targets that the Public School shall attain on the Performance Indicators. The principal and the District superintendent, or his or her designee, shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 2.03 of these rules. These targets must include targets that the Public School shall attain in reducing the number of students who are identified pursuant to section 22-7-1205 as having significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;
- 10.08(C)(2) Identify positive and negative trends in the levels of attainment by the Public School on the Performance Indicators;
- 10.08(C)(3) Assess and prioritize the root causes of any low-performance at the Public School that must be addressed to raise the levels of attainment on the Performance Indicators by the Public School and to improve school readiness, if the Public School serves students in preschool and Kindergarten;
- 10.08(C)(4) Identify specific, research-based strategies to address the Public School's root-causes of any low-performance. If the Public School serves students in kindergarten and first, second, and third grades, these strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205 as having significant reading deficiencies;
- 10.08(C)(5) Identify the local, state and federal resources that the Public School shall use to implement the identified strategies with fidelity;
- 10.08(C)(6) Identify implementation benchmarks and interim targets and measures to assess whether the identified strategies are carried out with fidelity; and
- 10.08(C)(7) Address any other issues raised by the Department through the performance evaluation process described in section 9.00 of these rules. For a Public School that meets the definition of an Online School, the School Performance Plan shall address any corrective actions required pursuant to § 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S.

Comment [CDE29]: This update is required by H.B. 12-1238 (Read Act).

Comment [CDE30]: This update is required by H.B. 12-1238 (Read Act).

Comment [CDE31]: Sections 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S., have both been repealed.

10.09 **School Improvement Plans** ~~—repealed.~~

10.10 **School Priority Improvement Plans.**

10.10(A) If directed by the State Board, the Local School Board shall adopt a School Priority Improvement Plan for its Public School.

10.10(A)(1) Within 30 days after receiving the initial notice of the State Board's determination or, if the determination is appealed, within 30 days after receiving final notice of the State Board's determination, the School District shall notify the parents of the students enrolled in the school of the required plan type and the issues identified by the Department as giving rise to the need for the required plan. The notice shall also include the timeline for developing and adopting the required plan and the date~~s~~, time~~s~~, and location~~s~~ of ~~a the public meeting and public hearing described below. The public meeting shall be held by the School Accountability Committee to solicit input concerning the contents of the School Priority Improvement Plan before the plan is written. At this meeting, the school principal shall review the school's progress in implementing its plan for the preceding year and in improving its performance. The Local School Board shall hold a public hearing after the plan is written to review the School Priority Improvement Plan prior to final adoption. A member of the School Accountability Committee is encouraged to attend the public hearing. public hearing held by the Local School Board to review the plan prior to final adoption. At the public hearing, the Local School Board shall also review the school's progress in implementing its plan for the preceding year and in improving its performance.~~ The date of the public hearing shall be at least thirty days after the date on which the School District provides the written notice. The School Priority Improvement Plan shall be adopted no later than January 15th of the academic school year in which the Public School is directed to adopt a School Priority Improvement Plan. The Commissioner may provide additional time for the Local School Board to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.

10.10(A)(2) The School Accountability Committee for the Public School shall advise the Local School Board concerning preparation of the School Priority Improvement Plan and make recommendations to the Local School Board concerning the contents of the plan, taking into account the recommendations received at the public meeting. The Local School Board shall create and adopt the School Priority Improvement Plan, taking into account the advice and recommendations of the School Accountability Committee.

10.10(A)(3) At the request of the Public School's Local School Board, the Department shall provide technical assistance, evaluation and feedback on the Public School's plan.

10.10(A)(4) No later than five (5) business days after the Local School Board has adopted a School Priority Improvement Plan, the Local School Board shall submit the adopted plan to the Department for review.

10.10(A)(5) The Commissioner, subject to available appropriations, may assign the State Review Panel to critically evaluate the School Priority Improvement Plan concerning the issues outlined in section 10.10(C) of these rules.

Comment [CDE32]: These updates are required by SB 13-193.

After conducting any such evaluation, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may recommend to the Local School Board modifications to the School Priority Improvement Plan.

- 10.10(A)(6) After making any revisions to the School Priority Improvement Plan, the Local School Board shall submit the revised School Priority Improvement Plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt a School Priority Improvement Plan.
- 10.10(A)(7) The School District Accountability Committee shall include the [revised] School Priority Improvement Plan in the compilation of the plans of its Public Schools that the committee considers when making recommendations for a District plan.
- 10.10(A)(8) The Local School Board shall consider the [revised] School Priority Improvement Plan in developing the budget required by § 22-44-108, C.R.S.
- 10.10(A)(9) The Local School Board shall ensure that the [revised] School Priority Improvement Plan is implemented for the Public School when the following academic school year begins.
- 10.10(B) If directed by the State Board, the Institute shall adopt a School Priority Improvement Plan for its Institute Charter School.
- 10.10(B)(1) Within 30 days after receiving the initial notice of the State Board's determination or, if the determination is appealed, within 30 days after receiving final notice of the State Board's determination, the Charter School shall notify the parents of the students enrolled in the school of the required plan type and the issues identified by the Department as giving rise to the need for the required plan. The notice shall also include the timeline for developing and adopting the required plan and the dates, times, and locations of ~~at the public meeting and public hearing described below. The public meeting shall be held by the School Accountability Committee to solicit input concerning the contents of the School Priority Improvement Plan before the plan is written. At this meeting, the school principal shall also review the school's progress in implementing its plan for the preceding year and in improving its performance. The Institute shall hold a public hearing after the plan is written to review the School Priority Improvement Plan prior to final adoption. A member of the School Accountability Committee is encouraged to attend the public hearing. public hearing held by the Institute to review the plan prior to final adoption. At the public hearing, the Institute shall also review the school's progress in implementing its plan for the preceding year and in improving its performance.~~ The date of the public hearing shall be at least thirty days after the date on which the Charter School provides the written notice. The School Priority Improvement Plan shall be adopted no later than January 15th of the academic school year in which the Charter School is directed to adopt a School Priority Improvement Plan. The Commissioner may provide additional time for the Institute to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.

Comment [CDE33]: These updates are required by SB 13-193.

- 10.10(B)(2) The School Accountability Committee for the Institute Charter School shall advise the Institute concerning preparation of the School Priority Improvement Plan and make recommendations to the Institute concerning the contents of the plan, taking into account the recommendations received at the public meeting. The Institute shall create and adopt the School Priority Improvement Plan, taking into account the advice and recommendations of the School Accountability Committee.
- 10.10(B)(3) At the request of the Institute, the Department shall provide technical assistance, evaluation and feedback on the Institute Charter School's plan.
- 10.10(B)(4) No later than five (5) business days after the Institute has adopted a School Priority Improvement Plan, the Institute shall submit the adopted plan to the Department for review.
- 10.10(B)(5) The Commissioner, subject to available appropriations, may assign the State Review Panel to critically evaluate the School Priority Improvement Plan concerning the issues outlined in section 10.10(C) of these rules. After conducting any such evaluation, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may recommend to the Institute modifications to the School Priority Improvement Plan.
- 10.10(B)(6) After making any revisions to the School Priority Improvement Plan, the Institute shall submit the revised School Priority Improvement Plan to the Department for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt a School Priority Improvement Plan.
- 10.10(B)(7) The Institute shall include the [revised] School Priority Improvement Plan in the compilation of the plans of its Charter Schools that the Institute considers when making recommendations for an Institute plan.
- 10.10(B)(8) The Institute shall ensure that the [revised] School Priority Improvement Plan is implemented for the Institute Charter School when the following academic school year begins.
- 10.10(C) In reviewing a Public School's plan, the State Review Panel shall report to the Commissioner and the State Board its recommendations concerning:
 - 10.10(C)(1) whether the Public School's leadership is adequate to implement change to improve results;
 - 10.10(C)(2) whether the Public School's infrastructure is adequate to support school improvement;
 - 10.10(C)(3) the readiness and apparent capacity of Public School's personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the school;

- 10.10(C)(4) the readiness and apparent capacity of Public School's personnel to engage productively with and benefit from the assistance provided by an external partner;
 - 10.10(C)(5) the likelihood of positive returns on state investments of assistance and support to improve the Public School's performance within the current management structure and staffing; and
 - 10.10(C)(6) the necessity that Public School remain in operation to serve students.
- 10.10(D) A School Priority Improvement Plan shall be designed to raise the academic performance of students enrolled in the Public School and to ensure that the Public School, after its annual Accreditation review following implementation of the plan, attains a higher Accreditation category. At a minimum, each School Priority Improvement Plan shall:
- 10.10(D)(1) Set or revise, as appropriate, ambitious but attainable targets that the Public School shall attain on the Performance Indicators. The Local School Board or the Institute shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 2.03 of these rules. These targets must include targets that the Public School shall attain in reducing the number of students who are identified pursuant to section 22-7-1205 as having significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;
 - 10.10(D)(2) Identify positive and negative trends in the levels of attainment by the Public School on the Performance Indicators;
 - 10.10(D)(3) Assess and prioritize the root causes of any low-performance at the Public School that must be addressed to raise the levels of attainment on the Performance Indicators by the Public School and to improve school readiness, if the Public School serves students in preschool and Kindergarten;
 - 10.10(D)(4) Identify specific, research-based strategies that are appropriate in scope, intensity and type to address the Public School's root causes of any low-performance. These strategies must include strategies to increase parent engagement in the Public School. If the Public School serves students in kindergarten and first, second, and third grades, these strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205 as having significant reading deficiencies;
 - 10.10(D)(5) Identify the local, state and federal resources that the Public School shall use to implement the identified strategies with fidelity; ~~and~~
 - 10.10(D)(6) Identify implementation benchmarks and interim targets and measures to assess whether the identified strategies are carried out with fidelity; and
 - 10.10(D)(7) Address any other issues raised by the Department through the performance review process described in section 9.00 of these rules. ~~For a Public School that meets the definition of an Online School, the School~~

Comment [CDE34]: This update is required by H.B. 12-1238 (Read Act).

Comment [LK35]: This update is required by SB 13-193.

Comment [CDE36]: This update is required by H.B. 12-1238 (Read Act).

~~Priority Improvement Plan shall address any corrective actions required pursuant to §§ 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S.~~

Comment [CDE37]: Sections 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S., have both been repealed.

10.11 **School Turnaround Plans.**

10.11(A) If directed by the State Board, the Local School Board shall adopt a School Turnaround Plan for its Public School.

10.11(A)(1) Within 30 days after receiving the initial notice of the State Board's determination or, if the determination is appealed, within 30 days after receiving final notice of the State Board's determination, the School District shall notify the parents of the students enrolled in the school of the required plan type and the issues identified by the Department as giving rise to the need for the required plan. The notice shall also include the timeline for developing and adopting the required plan and the dates, times, and locations ~~of a the public meeting and the public hearing described below. The School Accountability Committee shall hold a public meeting to solicit input concerning the contents of the School Turnaround Plan before the plan is written. At this meeting, the school principal shall also review the school's progress in implementing its plan for the preceding year and in improving its performance. The Local School Board shall hold a public hearing after the plan is written to review the School Turnaround Plan before it is written. A member of the School Accountability Committee is encouraged to attend the public hearing. public hearing held by the Local School Board to review the plan prior to final adoption. At the public hearing, the Local School Board shall also review the school's progress in implementing its plan for the preceding year and in improving its performance.~~ The date of the public hearing shall be at least thirty days after the date on which the School District provides the written notice. The School Turnaround Plan shall be adopted no later than January 15th of the academic school year in which the Public School is directed to adopt a School Turnaround Plan. The Commissioner may provide additional time for the Local School Board to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.

Comment [CDE38]: These updates are required by SB 13-193.

10.11(A)(2) The School Accountability Committee for the Public School shall advise the Local School Board concerning preparation of the School Turnaround Plan and make recommendations to the Local School Board concerning the contents of the plan, taking into account the recommendations received at the public meeting. The Local School Board shall create and adopt the School Turnaround Plan, taking into account the advice and recommendations of the School Accountability Committee.

10.11(A)(3) At the request of the Public School's Local School Board, the Department shall provide technical assistance, evaluation and feedback on the Public School's plan.

10.11(A)(4) No later than five (5) business days after the Local School Board has adopted a School Turnaround Plan, the Local School Board shall submit the adopted plan to the Department for review.

10.11(A)(5) The Commissioner shall assign the State Review Panel to critically evaluate the School Turnaround Plan concerning the issues outlined in

section 10.10(C) of these rules. After conducting such an evaluation of the School Turnaround Plan, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may suggest modifications to the plan and may require that those plan modifications be made prior to the date when the State Board enters into an accreditation contract with the Public School's authorizing District.

- 10.11(A)(6) After making any necessary revisions to the School Turnaround Plan, the Local School Board shall submit the revised plan to the Department for approval no later than March 30th of the academic school year in which it is directed to adopt a School Turnaround Plan.
- 10.11(A)(7) The Local School Board shall submit the final adopted School Turnaround Plan for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt a School Turnaround Plan.
- 10.11(A)(8) The School District Accountability Committee shall include the final adopted School Turnaround Plan in the compilation of the plans of its Public Schools that the committee considers when making recommendations for a District plan.
- 10.11(A)(9) The Local School Board shall consider the final adopted School Turnaround Plan in developing the budget required by § 22-44-108, C.R.S.
- 10.11(A)(10) The Local School Board shall ensure that the School Turnaround Plan is implemented for the Public School when the following academic school year begins.
- 10.11(B) If directed by the State Board, the Institute shall adopt a School Turnaround Plan for its Institute Charter School.
 - 10.11(B)(1) Within 30 days after receiving the initial notice of the State Board's determination or, if the determination is appealed, within 30 days after receiving final notice of the State Board's determination, the Charter School shall notify the parents of the students enrolled in the school of the required plan type and the issues identified by the Department as giving rise to the need for the required plan. The notice shall also include the timeline for developing and adopting the required plan and the date~~s~~, time~~s~~, and location~~s~~ of ~~a the public meeting and the public hearing described below. The School Accountability Committee shall hold a public meeting to solicit input concerning the contents of the School Turnaround Plan before the plan is written. At this public meeting, the school principal shall also review the school's progress in implementing its plan for the preceding year and in improving its performance. The Institute shall hold a public hearing after the plan is written to review the School Turnaround Plan prior to final adoption. A member of the School Accountability Committee is encouraged to attend. | public hearing held by the Institute to review the plan prior to final adoption. At the public hearing, the Institute shall also review the school's progress in implementing its plan for the preceding year and in improving its performance.~~ The date of the public hearing shall be at least thirty days after the date on which the Charter School provides the written notice.

Comment [CDE39]: These updates are required by SB 13-193.

The School Turnaround Plan shall be adopted no later than January 15th of the academic school year in which the Charter School is directed to adopt a School Turnaround Plan. The Commissioner may provide additional time for the Institute to adopt and submit a plan, to the extent the Commissioner finds an extension to be reasonable.

- 10.11(B)(2) The School Accountability Committee for the Institute Charter School shall advise the Institute concerning preparation of the School Turnaround Plan and make recommendations to the Institute concerning the contents of the plan, taking into account the recommendations received at the public meeting. The Institute shall create and adopt the School Turnaround Plan, taking into account the advice and recommendations of the School Accountability Committee.
- 10.11(B)(3) At the request of the Institute, the Department shall provide technical assistance, evaluation and feedback on the Institute Charter School's plan.
- 10.11(B)(4) No later than five (5) business days after the Institute has adopted a School Turnaround Plan, the Institute shall submit the adopted plan to the Department for review.
- 10.11(B)(5) The Commissioner shall assign the State Review Panel to critically evaluate the School Turnaround Plan concerning the issues outlined in section 10.10(C) of these rules. After conducting such an evaluation of the School Turnaround Plan, the State Review Panel may recommend modifications to the plan to the Commissioner. Taking into consideration any recommendations of the State Review Panel, the Commissioner may suggest modifications to the plan and may require that those plan modifications be made prior to the date when the State Board enters into an accreditation contract with the Institute.
- 10.11(B)(6) After making any necessary revisions to the School Turnaround Plan, the Institute shall submit the revised plan to the Department for approval no later than March 30th of the academic school year in which it is directed to adopt a School Turnaround Plan.
- 10.11(B)(7) The Institute shall submit the final adopted School Turnaround Plan for publication on SchoolView no later than April 15th of the academic school year in which it is directed to adopt a School Turnaround Plan.
- 10.11(B)(8) The Institute shall include the final adopted School Turnaround Plan in the compilation of the plans of its Charter Schools that the Institute considers when making recommendations for an Institute plan.
- 10.11(B)(9) The Institute shall ensure that the School Turnaround Plan is implemented for the Institute Charter School when the following academic school year begins.
- 10.11(C) A School Turnaround Plan shall be designed to raise the academic performance of students enrolled in the Public School and to ensure that the Public School, after its annual Accreditation review following implementation of the plan, attains a higher Accreditation category. At a minimum, each School Turnaround Plan shall:

10.11(C)(1) Set or revise, as appropriate, ambitious but attainable targets that the Public School shall attain on the Performance Indicators. The local school board or the Institute, shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 2.03 of these rules. These targets must include targets that the Public School shall attain in reducing the number of students who are identified pursuant to section 22-7-1205 as having significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

Comment [CDE40]: This update is required by H.B. 12-1238 (Read Act).

10.11(C)(2) Identify positive and negative trends in the levels of attainment by the Public School on the Performance Indicators;

10.11(C)(3) Assess and prioritize the root causes of any low-performance at the Public School that must be addressed to raise the levels of attainment on the Performance Indicators by the Public School and to improve school readiness, if the Public School serves students in preschool and Kindergarten;

10.11(C)(4) Identify specific, research-based strategies that are appropriate in scope, intensity and type to address the Public School's root causes of any low-performance. These strategies must incorporate strategies to increase parent engagement in the Public School. If the Public School serves students in kindergarten and first, second, and third grades, these strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205 as having significant reading deficiencies. These, which strategies shall, at a minimum, include one or more of the following:

Comment [LK41]: This update is required by SB 13-193.

Comment [CDE42]: This update is required by H.B. 12-1238 (Read Act).

10.11(C)(4)(a) employing a lead turnaround partner that uses research-based strategies and has a proven record of success working with schools under similar circumstances, which turnaround partner shall be immersed in all aspects of developing and collaboratively executing the School Turnaround Plan and shall serve as a liaison to other school partners;

10.11(C)(4)(b) reorganizing the oversight and management structure within the Public School to provide greater, more effective support;

10.11(C)(4)(c) for a District Public School, seeking recognition as an innovation school or clustering with other District Public Schools that have similar governance management structures to form an innovation school zone pursuant to Article 32.5 of Title 22;

10.11(C)(4)(d) hiring a public or private entity that uses research-based strategies and has a proven record of success working with schools under similar circumstances to manage the Public School pursuant to a contract with the Local School Board or the Institute;

10.11(C)(4)(e) for a District Public School that is not a charter school, converting to a charter school;

- 10.11(C)(4)(f) for a District charter school or an Institute Charter School, renegotiating and significantly restructuring the charter school's charter contract; and
- 10.11(C)(4)(g) other actions of comparable or greater significance or effect, including those interventions required for low-performing schools under the Elementary and Secondary Education Act of 1965 and accompanying guidance;
- 10.11(C)(5) Identify the local, state and federal resources that the Public School shall use to implement the identified strategies with fidelity; ~~and~~
- 10.11(C)(6) Identify implementation benchmarks and interim targets and measures to assess whether the identified strategies are carried out with fidelity; and
- 10.11(C)(7) Address any other issues raised by the Department through the performance review process described in section 9.00 of these rules. ~~For a Public School that meets the definition of an Online School, the School Turnaround Plan shall address any corrective actions required pursuant to §§ 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S.~~

Comment [CDE43]: Sections 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S., have both been repealed.

10.12 School Restructuring.

- 10.12 (A) If a Public School fails to make adequate progress under its School Turnaround Plan, as evidenced by the Public School's failure to improve attainment on the Performance Indicators or failure to meet the implementation benchmarks and interim targets and measures included in the Public School's Turnaround Plan, or if the Public School continues to operate under a School Priority Improvement and/or School Turnaround Plan for a combined total of five (5) consecutive school years, the Commissioner shall assign the State Review Panel to critically evaluate the Public School's performance and determine whether to recommend one of the following:
 - 10.12 (A) (1) with regard to a District Public School that is not a Charter School, that the District Public School be managed by a private or public entity other than the District;
 - 10.12 (A) (2) with regard to a District or Institute Charter School, that the public or private entity operating the Charter School or the governing board of the Charter School should be replaced by a different public or private entity or governing board;
 - 10.12 (A) (3) with regard to a Public School, that the District Public School be converted to a Charter School if it is not already authorized as a Charter School;
 - 10.12 (A) (4) with regard to a District Public School, that the District Public School be granted status as an innovation school pursuant to § 22-32.5-104, C.R.S.; or
 - 10.12 (A) (5) that the Public School be closed or, with regard to a District Charter School or an Institute Charter School, that the Public School's charter be revoked.

- 10.12 (B) The State Review Panel shall present its recommendations to the Commissioner and the State Board. Taking the recommendations into account, the State Board shall determine which of the actions described in section 10.12 (A) of these rules the Local School Board for a District Public School or the Institute for an Institute Charter School shall take regarding the Public School and direct the Local School Board or Institute accordingly.

11.0 PERFORMANCE REPORTING

- 11.01 The Department shall publish on SchoolView a school performance report for each Public School in the state, a School District performance report for each School District in the state, a performance report for the Institute, and a performance report for the state as a whole.
- 11.02 The Department shall continuously update the data included in the performance reports as soon as practicable, but not later than sixty (60) days, after the data become available. Data shall be considered "available" following processing and verification.
- 11.03 The Department shall ensure that the information reported on SchoolView is transparent and serves as a tool for parents, educators, and the community at large to understand and communicate about state, district, school, classroom and programmatic performance.
- 11.04 Contents of School, District, Institute and State Performance Reports.

The information in each type of performance report shall be consistent and, at a minimum, shall include the following:

- 11.04(A) The report subject's level of attainment on each of the Performance Indicators as determined pursuant to sections 2.02, 4.02 and 9.02 of these rules, including whether the report subject met the targets set for the applicable school year. This portion of the performance report shall be referred to as the "School Performance Framework Report" , "District Performance Framework Report" or "Institute Performance Framework Report" ;
- 11.04(B) ~~The number and percentage of the report subject's students in kindergarten, first or second grade that score proficient on one of the assessment instruments approved and identified by the State Board pursuant to the Colorado Basic Literacy Act (section 22-7-504, C.R.S.), that also score proficient in the third grade in the subject of reading on the state assessment described in section 22-7-400, C.R.S. The Department shall calculate this number and percentage using student level data provided by Districts and the Institute in conjunction with annual reporting required under section 22-7-505, C.R.S.~~
- 11.04(BE) For Public School performance reports, a comparison of the report subject's levels of attainment on the Performance Indicators with the levels of attainment of the other Public Schools of the District and in the state and the information specified in section 11.05 of these rules;
- 11.04(CD) For District performance reports and the Institute performance report, a comparison of the report subject's levels of attainment on the Performance Indicators with other Districts in the state and the Institute and the information specified in section 11.06 of these rules;
- 11.04(DE) Information concerning comparisons of student performance over time and among Student Groups;

Comment [CDE44]: This was not required by statute but was added by the State Board in 2010. It was a way to monitor the efficacy of the CBLA programs. CDE recommends removing it now, since the READ Act has replaced CBLA and similar reporting is required by the READ Act.

- 11.04(EF) Any information that may be required to be reported by federal law; and
- 11.04(EG) The report subject's rates of completion, mobility, and truancy, calculated according to the requirements in section 13.00 of these rules.

11.05 **Additional Contents of School Performance Reports.**

Each school performance report shall include the following information concerning the operations and environment of the Public School that is the subject of the report:

- 11.05(A) The name of the Public School, the type of school program provided at the Public School, and the school year for which the information in the performance report is provided. The performance report shall also include the Public School's street address, telephone number, and email address, and, if one exists, the Web site address of the District or Public School;
- 11.05(B) Information concerning the percentages of students who are not tested or whose scores are not included in determining attainment of the Performance Indicators;
- 11.05(C) Student Conduct. The occurrence of student conduct and discipline code violations reported pursuant to § 22-32-109.1(2)(b), C.R.S., expressed as a number and as a percentage of the total occurrences of all of the following incidents reported:
 - 11.05(C)(1) carrying, bringing, using or possessing a dangerous weapon on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events without the authorization of the Public School or District;
 - 11.05(C)(2) use or possession of alcohol on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events;
 - 11.05(C)(3) use, possession, or sale of a drug or controlled substance on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events;
 - 11.05(C)(4) use or possession of tobacco products on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events;
 - 11.05(C)(5) being willfully disobedient or openly and persistently defiant or repeatedly interfering with the Public School's ability to provide educational opportunities to and a safe environment for other students;
 - 11.05(C)(6) commission of an act on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events that, if committed by an adult, would be considered first degree assault, as described in § 18-3-202, C.R.S., second degree assault, as described in § 18-3-203, C.R.S., or vehicular assault, as described in § 18-3-205, C.R.S.;
 - 11.05(C)(7) behavior on Public School property, in Public School vehicles, or at Public School activities or sanctioned events that is detrimental to the welfare or safety of other students or of Public School personnel,

Comment [CDE45]: This change has been recommended by OLLS, to make the rule consistent with section 22-32-109.1(2)(b), C.R.S.

Comment [CDE46]: This change has been recommended by OLLS, to make the rule consistent with section 22-32-109.1(2)(b), C.R.S.

including behavior that creates a threat of physical harm to the student or other students;

11.05(C)(8) willful destruction or defacement of Public School property;

11.05(C)(9) commission of an act on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events that, if committed by an adult, would be considered third degree assault, as described in § 18-3-204, C.R.S., or disorderly conduct, as described in § 18-9-106(1)(d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in § 18-9-106(1)(e) and (1)(f), C.R.S.;

Comment [CDE47]: This change has been recommended by OLLS, to make the rule consistent with section 22-32-109.1(2)(b), C.R.S.

11.05(C)(10) commission of an act on Public School grounds, in Public School vehicles, or at Public School activities or sanctioned events that, if committed by an adult, would be considered robbery;

Comment [CDE48]: This change has been recommended by OLLS, to make the rule consistent with section 22-32-109.1(2)(b), C.R.S.

11.05(C)(11) other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.

11.05(D) **Student Enrollment and Attendance.** The following student enrollment and attendance information:

11.05(D)(1) the number of students enrolled at the Public School;

11.05(D)(2) students, reported as the number and percentage of the total student enrollment at the Public School, who are eligible for free or reduced-cost lunch pursuant to the federal "National School Lunch Act" , 42 U.S.C. sec. 1751 et seq.;

11.05(D)(3) student enrollment stability at the Public School;

11.05(D)(4) average daily attendance at the Public School;

11.05(D)(5) for elementary schools, the availability of a preschool program, full-day Kindergarten program, and before- and after-school programs at the Public School;

11.05(E) **Staff Employed and Professional Experience.** The following information concerning the staff employed at the Public School:

11.05(E)(1) the number of persons employed at the Public School in each of the following categories and explanations of the job descriptions for each category:

11.05(E)(1)(a) classroom teachers;

11.05(E)(1)(b) paraprofessionals;

11.05(E)(1)(c) administrators;

11.05(E)(1)(d) other professionals;

11.05(E)(1)(e) school support staff;

- 11.05(E)(1)(f) school counselors; and
- 11.05(E)(1)(g) school librarians;
- 11.05(E)(2) the students-per-classroom-teacher ratios for each grade level included in the Public School;
- 11.05(E)(3) the average number of years of teaching experience among the teachers employed at the Public School;
- 11.05(E)(4) the number of teachers employed at the Public School who hold master's or doctoral degrees;
- 11.05(E)(5) for junior high, middle, and high schools, the percentage of teachers employed at the Public School who are teaching in the subject areas in which they received their bachelor's or graduate degrees;
- 11.05(E)(6) the number of teachers employed at the Public School who have three or more years of teaching experience in the District. For purposes of this subparagraph (6), the data used shall describe teachers who have obtained nonprobationary status pursuant to the provisions of part 2 of Article 63 of Title 22; and
- 11.05(E)(7) the number of professional development days included in the school year.
- 11.05(F) **Course and Program Offerings.** Information concerning whether the following courses and programs are available to students enrolled in the Public School and, to the extent they are available on the Public School's, District's or Institute's Web site, Internet links to descriptions of the following courses and programs. For purposes of this section, a "course" shall be defined as including, but not limited to, a traditional class, an on-line program, an internship, an externship, a mentor experience, or an independent study course that culminates in an integrative or specialized performance, showcase, or exhibition:
 - 11.05(F)(1) visual art;
 - 11.05(F)(2) drama or theater;
 - 11.05(F)(3) music;
 - 11.05(F)(4) dance;
 - 11.05(F)(5) comprehensive health education;
 - 11.05(F)(6) physical education;
 - 11.05(F)(7) economics;
 - 11.05(F)(8) world languages;
 - 11.05(F)(9) history;
 - 11.05(F)(10) geography;

- 11.05(F)(11) civics;
- 11.05(F)(12) for middle and high schools, career and technical education;
- 11.05(F)(13) for high schools, concurrent enrollment courses made available by the Public School on-line or on the Public School's campus. A concurrent enrollment course shall be defined as any course that allows a student to simultaneously earn credit both by a local education provider and an institution of higher education;
- 11.05(F)(14) opportunities for civic or community engagement;
- 11.05(F)(15) Internet safety programs;
- 11.05(F)(16) school library programs, as defined by the Commissioner;
- 11.05(F)(17) for high schools, advanced placement, International Baccalaureate or honors courses;
- 11.05(F)(18) for elementary schools, International Baccalaureate or Montessori curricula;
- 11.05(F)(19) extracurricular activities;
- 11.05(F)(20) athletics;
- 11.05(F)(21) for middle and high schools, credit recovery programs. A credit recovery program shall be defined as a program implemented at the school and/or District level that enables high school students who have fallen behind on graduation requirements to make up credits or middle school students who have fallen behind in grade promotion and/or transition into high school. This includes programs or activities that facilitate accrual of credits or course remediation especially in core courses (math, science, reading and social studies) and/or allow struggling students to continue earning course credits and make progress toward graduation or grade promotion. Credit recovery may occur as a student is completing other courses or as an extension activity, such as summer school. Examples include: self-paced digital content programs, online courses, work/study that awards credits, course remediation programs and alternative education programming that result in accrual of credits;
- 11.05(F)(22) for middle and high schools, assistance for out-of-school youth to re-enroll. Assistance for out-of-school youth to re-enroll shall be defined as school and/or District approaches and systems to re-engage youth who are not enrolled in school and have not earned a high school credential (either a diploma or equivalency credential, such as a general education development certificate). This includes retrieval of students who have dropped out within the current school year or those who have dropped out in previous years. Examples include: designating staff to identify and outreach to students who have dropped out and re-enrollment processes that involve individualized transition planning and assessment of a re-enrolled student's educational needs/strengths and provision of support and link to resources; and

11.05(G) **Student Health and Wellness.** To the extent that the Public School, District or Institute has adopted a wellness policy and to the extent it is available on the Public School's, District's or Institute's Web site, Internet links to the Public School's wellness policy, as well as information concerning whether the following programs and services are available to students enrolled at the Public School to support student health and wellness:

- 11.05(G)(1) all students in grades K through 6 have access to recess (yes/no);
- 11.05(G)(2) a school health team or school wellness committee exists (yes/no);
- 11.05(G)(3) students have access to a school-based or school-linked health center, as defined by the Commissioner (yes/no);
- 11.05(G)(4) comprehensive health education is required for all students (yes/no);
- 11.05(G)(5) physical education is required for all students (yes/no);
- 11.05(G)(6) the Public School participates in the federal school breakfast program (yes/no); and
- 11.05(G)(7) a registered school nurse who is licensed with the Department and the Colorado Department of Regulatory Agencies is available on the school premises or for consultation (yes/no).

11.06 **Additional Contents of District and Institute Performance Reports.**

Each District and Institute performance report shall include the following financial data:

- 11.06(A) total District or Institute revenue and the percentage of the revenue received from state and local tax contributions;
- 11.06(B) the total District or Institute revenue per pupil, calculated as: Total [budget year] District revenue per pupil = \$ [amount of total District revenue listed in chart divided by total District pupil enrollment for that budget year];
- 11.06(C) the District or Institute per pupil operating revenue and state average per pupil operating revenue;
- 11.06(D) sources of District or Institute revenue, including but not limited to:
 - 11.06(D)(1) local tax contributions;
 - 11.06(D)(2) state tax contributions;
 - 11.06(D)(3) federal grants;
 - 11.06(D)(4) state grants;
 - 11.06(D)(5) private and public-private partnership grants; and
 - 11.06(D)(6) other discretionary income;

11.06(E) the District's or Institute's use of funds for the following items, as described in the chart of accounts, as well as the District's total audited expenditures:

- 11.06(E)(1) instruction and instructional support;
- 11.06(E)(2) administration;
- 11.06(E)(3) building and facility maintenance;
- 11.06(E)(4) operational expenses;
- 11.06(E)(5) capital expenditures;
- 11.06(E)(6) debt service; and
- 11.06(E)(7) other expenditures such as food services and community services;

11.06(F) information on District or Institute debt and facility construction, including:

- 11.06(F)(1) the total outstanding bonded debt;
- 11.06(F)(2) the average annual percentage interest rate on the District's or Institute's debt;
- 11.06(F)(3) the amount raised from the District's or Institute's most recent bond issue; and
- 11.06(F)(4) the amount spent on new school buildings in the last two years.

11.07 Prior to the publication of the performance reports on SchoolView, the Department shall allow each District and the Institute a reasonable period of time to review the District's or Institute's information as it shall appear on the performance reports and correct any errors or misinformation identified by the District or Institute.

11.08 The school performance report produced for each Public School may contain Internet links through which a person may access additional information not provided in detail in the report.

12.0 DISTRICT AND SCHOOL ACCOUNTABILITY COMMITTEES ~~repealed.~~

13.00 DATA COLLECTION CALCULATIONS AND END-OF-YEAR DATA COLLECTION PROCESS.

13.01 Student Dropout Rate.

13.01 (A) Definition. The annual student dropout rate is the percentage of students in grades 7 through 12 who drop out of school in a given year between July 1 and June 30 and have not returned to an educational environment on or before the end of the school year or June 30. An educational environment is a public school within a School District or the Institute, nonpublic or private school, home-based education program (home school) pursuant to section 22-33-104.5, C.R.S., GED program, vocational education program, licensed eligible Facility, State-Operated Program, Detention Center, or other education program operated by the Department of Youth Corrections or Department of Corrections. This includes students in grades 7 through 12 who:

Comment [CDE49]: The sections of rule outlining the membership requirements and duties of District Accountability Committees and School Accountability Committees have been repealed for the sake of efficiency. These sections of rule were merely a restatement of statute.

- 13.01 (A) (1) were enrolled in school at some time during the current reporting school year; and
- 13.01 (A) (2) were not enrolled at the end of the school year or June 30; and
- 13.01 (A) (3) have not graduated from high school or received a GED certificate, or completed a district-approved educational program; and
- 13.01 (A) (4) do not meet any of the following exclusionary conditions:
 - 13.01 (A) (4) (a) temporary absence due to serious illness or injury, suspension or expulsion; or
 - 13.01 (A) (4) (b) death; or
 - 13.01 (A) (4) (c) transfer to another educational environment.
- 13.01 (B) Numerator and Denominator. The numerator for the student dropout rate is the number of grade 7-12 students who dropped out and the denominator is the cumulative unduplicated enrollment for grades 7-12.
- 13.01 (C) The following student dropout rate formula shall be applied:

$$\frac{\text{Number of dropouts in year X}}{\text{Number of students part of same membership base at end point within year X}}$$
- 13.01 (D) Dropout rate clarifications.
 - 13.01 (D) (1) Any student whose transfer to another educational environment cannot be verified is a dropout for reporting purposes. School Districts and the Institute must apply a default status of dropout to any student who does not have adequate documentation on file, meaning a records request or confirmation of enrollment and attendance at another School District or the Institute, by the end of the school year. Please see further clarifications below.
 - 13.01 (D) (2) Mandatory school age legislation, in section 22-33-104(1) C.R.S., requires that every child who has attained the age of six years and is under the age of seventeen years attend public school. This mandatory school age legislation does not exempt a School District or the Institute from reporting a student as a dropout. Students at any stage in court proceedings to compel compliance with the compulsory attendance statute who have not yet returned to school shall be counted as dropouts.
 - 13.01 (D) (3) Students transferring to another School District or the Institute who are identified through the Department's post-collection process as not returning to another School District or the Institute by the end of the current school year or June 30 shall be counted as dropouts. The Department shall verify student attendance through the data submitted by other School Districts and the Institute through the end-of-year data collection.

- 13.01 (D) (4) Various forms of documentation may or may not serve as adequate documentation for an educational transfer based on the following:
- 13.01 (D) (4) (a) In-state transfers to a Public School may not be documented through records requests or the Record Integration Tracking System (RITS) because a student may never have attended the school in which the student enrolled. An in-state confirmation of attendance is adequate documentation and may be requested as part of the end-of-year verification processes.
 - 13.01 (D) (4) (b) In-state transfers to other Colorado entities such as private schools, Detention Centers, licensed eligible Facilities, or State-Operated Programs may be documented through records requests or confirmations of attendance. Adequate documentation of a transfer to home-based education programs (home school) pursuant to section 22-33-104.5, C.R.S., is a parent/guardian signature on a written confirmation of the intent to home school.
 - 13.01 (D) (4) (c) Out-of-state transfers may be documented through records requests or confirmations of attendance.
 - 13.01 (D) (4) (d) Transfers to an out-of-country educational entity can be documented by a records request, a confirmation of attendance, a written confirmation by a school administrator or designee based on a conversation with a parent/guardian, or a parent/guardian signature on a written confirmation of the intent to emigrate to and attend school in another country.
- 13.01 (D) (5) Adequate documentation for other student statuses is as follows:
- 13.01 (D) (5) (a) Seriously ill students can be documented by a written confirmation by physician or health care provider.
 - 13.01 (D) (5) (b) Deceased students may be documented by a copy of the obituary, a letter from the parent/guardian or a written confirmation by a school administrator or designee.
- 13.01 (D) (6) Determination of whether a student has completed the school year or is considered a dropout is based upon two factors, length of time absent prior to the end of the school year and coursework completion.
- 13.01 (D) (7) Students shall be counted as completing the school year if they leave school within three weeks of the last day of school or have completed all coursework early, meaning that they have completed the locally defined requirements for the current grade level and will be promoted into the next higher grade the following school year.
- 13.01 (D) (8) Students who leave within three weeks of the last day of school or June 30th, whichever comes first, whether with excused or unexcused absences, are not dropouts, but non-exiting students. However, these early exiting students who are recorded as completing the current school year who are not documented to return to an educational program the following school year must be recorded as summer dropouts in the next reporting period.

- 13.01 (D) (9) Students who do not meet the exclusionary conditions listed under section 13.01 (A) (4) of these rules and are absent more than three weeks from the last day of school and have not completed all coursework, whether with excused or unexcused absences, are dropouts. Students shall be considered to have completed all coursework if they have completed the locally defined requirements for the current grade level and will be promoted into the next higher grade the following school year.
- 13.01 (D) (10) For students who are withdrawing from a Public School, School Districts and the Institute are authorized to request information from the parent or guardian about the specific type of educational environment to which the student will be transferring, in order to monitor compliance with the School Attendance Law, section 22-33-104 (1), C.R.S. If a student in seventh through twelfth grade has indicated on a written notification of withdrawal that he or she is transferring to another Colorado School District or the Institute but the Department's post-collection process indicates that the student has not attended class in another Colorado School District or the Institute, that student will be classified as a dropout, unless further investigation proves otherwise. Colorado Public Schools and local education agencies are required to send transcripts or to confirm attendance when requested from another Colorado Public School or local education agency within two weeks of receiving the request with the exception of students in out-of-home placements whose records must be transferred within five days pursuant to 22-32-138(2)(a)(II) and (3)(a), C.R.S.
- 13.01 (D) (11) Students who register for school but never attend are not to be included in reported dropout data. Students who never attend may also include non-attending students who are eligible for special education and related services.

13.02 On-Time Graduation Rate.

- 13.02 (A) Definition. The high school graduation rate is the percentage of students from an end-of-year eighth grade cohort, adjusted for verified transfers in and out, who leave school as graduates, as defined by the School District or the Institute Charter School, in four years or less. Verified transfers refer to transfers for which a records request or confirmation of enrollment and attendance has been provided.
- 13.02 (B) Numerator and Denominator. The numerator for the on-time graduation rate is the number of cohort members (students) who graduated in year x and the denominator is the number of end-of-eighth-grade cohort members adjusted for verified transfers in and out.
- 13.02 (C) The formula for the on-time graduation rate is as follows:

$$\frac{\text{Number of on-time (four-year or prior) graduates in year X}}{((\text{Number of end-of-year 8th graders in year X} - 4) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$
- 13.02 (D) On-time Graduation Rate Clarifications.

- 13.02 (D) (1) Graduation rates for a high school not containing a ninth grade will be adjusted according to the grades contained within the Public School. Notations will be made when the standard four-year graduation rates are not applied.
- 13.02 (D) (2) School District and Institute graduation rates will be held to a four-year standard regardless of the grade ranges of the Public Schools in the School District or Institute.
- 13.02 (D) (3) Expanded graduation rates, when used, should always be clearly labeled with the time span to differentiate from the on-time four-year graduation rate.
- 13.02 (D) (4) Graduation rates shall include students who completed eighth grade but did not enroll in ninth grade or transfer to another school that awards diplomas or a home-based education program (home school)) pursuant to section 22-33-104.5, C.R.S. Students shown as aging out, dropping out, expelled, or transferring to non-district GED programs are included in graduation calculations.

13.03 Expanded Graduation Rates.

- 13.03 (A) The three-year graduation rate formula is as follows:

$$\frac{\text{Number of three-year graduates in year X}}{((\text{Number of end-of-year 8th graders in year X} - 3) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$
- 13.03 (B) The five-year graduation rate formula is as follows:

$$\frac{\text{Number of five-year graduates in year X}}{((\text{Number of end-of-year 8th graders in year X} - 5) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$
- 13.03 (C) The six-year graduation rate formula is as follows:

$$\frac{\text{Number of six-year graduates in year X}}{((\text{Number of end-of-year 8th graders in year X} - 6) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$
- 13.03 (D) The seven-year graduation rate formula is as follows:

$$\frac{\text{Number of seven-year graduates in year X}}{((\text{Number of end-of-year 8th graders in year X} - 7) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

13.04 Completion Rate.

- 13.04 (A) Definition. The high school completion rate is the percentage of students from an end-of-year eighth grade cohort adjusted for verified transfers in and out, who

leave school as graduates or completers, as defined by the School District or Institute Charter School. Students who do not meet specified graduation requirements are not graduates, but completers. Verified transfers refer to transfers for which a records request or confirmation of enrollment and attendance has been provided. Completers include students who:

- 13.04 (A) (1) receive a GED certificate through the completion of a GED program;
 - 13.04 (A) (2) receive a certificate of completion;
 - 13.04 (A) (3) complete a vocational program; or
 - 13.04 (A) (4) are accepted into an institution of higher education to pursue either a bachelor's or associate's degree.
- 13.04 (B) Numerator and Denominator. The numerator for the completion rate is the number of cohort members (students) who graduated or completed in year X and the denominator is the number of end-of-eighth-grade cohort members enrollment adjusted for verified transfers in and out.
- 13.04 (C) The formula for the completion rate is as follows:
- $$\frac{\text{Number of on-time (four-year or prior) graduates and completers in year X}}{((\text{Number of end-of-year 8th graders in year X} - 4) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$
- 13.04 (D) Completion rate clarifications.
- 13.04 (D) (1) For purposes of the completion rates, completers are those students who have received a certificate or other designation of high school completion, such as a GED. Completers have met the locally defined requirements for high school completion and are not continuing to receive educational services from a local education agency. Students are not considered completers until educational services have ended.
 - 13.04 (D) (2) Completion rates for a high school not containing a ninth grade will be adjusted according to the grades contained within the school. Notations will be made when the standard four-year completion rates are not applied.
 - 13.04 (D) (3) District and Institute completion rates will be held to a four-year standard regardless of the grade ranges of the Public Schools in the District or Institute.
 - 13.04 (D) (4) Completion rates shall include students who completed eighth grade but did not enroll in ninth grade or transfer to another school that awards diplomas or a home-based education program (home school) pursuant to section 22-33-104.5, C.R.S. Students shown as aging out, dropping out, expelled, or transferring to non-district GED programs are included in completion calculations.

13.05 **Expanded Completion Rates.**

13.05 (A) The three-year completion rate formula is as follows:

$$\frac{\text{Number of three-year graduates and completers in year X}}{((\text{Number of end-of-year 8th in year X} - 3) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

13.05 (B) The five-year completion rate is as follows:

$$\frac{\text{Number of five-year graduates and completers in year X}}{((\text{Number of end-of-year 8th graders in year X} - 5) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

13.05 (C) The six-year completion rate is as follows:

$$\frac{\text{Number of six-year graduates and completers in year X}}{((\text{Number of end-of-year 8th graders in year X} - 6) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

13.05 (D) The seven-year completion rate is as follows:

$$\frac{\text{Number of seven-year graduates and completers in year X}}{((\text{Number of end-of-year 8th graders in year X} - 7) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

13.06 **Mobility Rates.**

13.06 (A) Mobility rates are indicators of turnover in the student population within a given school year. Any student in grades K-12 who enters or leaves a school between the start of the school year and the last day of school is counted in the mobility rate. This includes students who:

- 13.06 (A) (1) transfer into a School District or Institute Charter School;
- 13.06 (A) (2) transfer within a School District or Institute Charter School;
- 13.06 (A) (3) transfer to another School District or Institute Charter School, nonpublic or private school, home-based education program (home school) pursuant to section 22-33-104.5, C.R.S., GED program, vocational education program, licensed eligible Facility, State-Operated Program, Detention Center, or other educational program operated by the Department of Youth Corrections or Department of Corrections;
- 13.06 (A) (4) have been expelled;
- 13.06 (A) (5) have dropped out or exited to an unknown educational setting;
- 13.06 (A) (6) are absent for extended periods; or
- 13.06 (A) (7) are seriously ill or deceased.

13.06 (B) Mobility Rate Clarifications.

13.06 (B) (1) School Districts and the Institute shall indicate an instance of mobility for a student after ten consecutive days of excused or unexcused absences.

13.06 (B) (2) Students who register for school but never attend are not to be included in reported mobility data. Students who never attend may also include non-attending students who are eligible for special education and related services.

13.06 (B) (3) Grade level mobility rates will contain duplications because students may be mobile across different grade levels throughout the school year. If a student changes grades, the student will be included in the numerator and denominator of each grade level of which they were a member.

13.07 **Student Mobility Rate.**

13.07 (A) Definition. The student (unduplicated) mobility rate is the proportion of students having moved during the school year. The student mobility rate measures the number of students who have moved (a count of one regardless of the number of times a student moves). The rate includes an unduplicated count of students who transfer into or out of the Public School, School District or Institute Charter School during the regular school year.

13.07 (B) Numerator and Denominator. The numerator for the student mobility rate is the unduplicated count of grade K-12 students who moved into or out of a Public School, School District, or Institute Charter School during the school year and the denominator is the cumulative unduplicated student enrollment for the kindergarten through twelfth grades.

13.07 (C) The formula for the student mobility rate is as follows:

Unduplicated count of grade K-12 students
who moved into or out of the school or district in Year X
Number of students part of same
membership base at end point within year X

13.08 **Occurrence Mobility Rate.**

13.08 (A) Definition. The occurrence (duplicated) mobility rate is the frequency with which student moves occur during the school year. The occurrence mobility rate measures the number of moves made by students (a count equal to the number of times a student has moved). The rate includes a duplicated count of students who transfer into, out of, or both into and out of the Public School, School District, or Institute Charter School during the regular school year.

13.08 (B) Numerator and Denominator. The numerator for the occurrence mobility rate is the duplicated count of grade K-12 students who moved into, out of, or both into and out of the Public School, School District, or Institute Charter School during the school year. The denominator is the cumulative unduplicated student enrollment for the kindergarten through twelfth grades.

13.08 (C) The formula for the occurrence mobility rate is as follows:

Duplicated count of grade K-12 students who moved into,
out of, or both into and out of the school/district in Year X
Number of students part of same membership
base at end point within year X

13.09 Truancy Rate.

13.09 (A) Truancy rates are indicators of unexcused absences from public school within a given school year.

13.09 (B) Truancy Rate Clarifications.

13.09 (B) (1) School Districts shall address truancy in accordance with the local school board policies and procedures established pursuant to the compulsory school attendance law, section 22-33-107 (3) (b) C.R.S.

13.09 (B) (2) School Districts and the Institute shall report unexcused absence days in accordance with the Rules Concerning the Standardized Calculation for Counting Absences of Students, 1 CCR 301-78.

13.09 (B) (3) Students who register for school, but never attend are not to be included in reported truancy data. Students who never attend may also include non-attending students who are eligible for special education and related services.

13.09 (B) (4) Truancy rates will be reported for Alternative Education Campuses and online Public Schools. These schools must have a method to track the attendance for enrolled students.

13.10 Truancy Rate – Unexcused Absence Days.

13.10 (A) Definition. The unexcused absence days truancy rate is the proportion of days in which students were absent without an excuse.

13.10 (B) Numerator and Denominator. The numerator for the unexcused absence days truancy rate is the aggregate number of days of unexcused student absences. The denominator is the aggregate number of student days possible, which is calculated by adding the total student days attended, the total student days of excused absences and the total student days of unexcused absences.

13.10 (C) The formula for the unexcused absence days truancy rate is as follows:

Total student days unexcused
$$\frac{\text{Total student days unexcused}}{(\text{Total days attended}) + (\text{Total days of excused absences}) + (\text{Total days of unexcused absences})}$$

13.11 Truancy Rate – Habitually Truant Students.

13.11 (A) Numerator and Denominator. The numerator for the habitually truant students truancy rate is the number of students who are habitually truant, meaning all students who are at least the age of six on or before August 1 of the year in question and under the age of seventeen years and who have four (4) total days of unexcused absences from public school in any one calendar month or ten (10) total days of unexcused absences from public school within a given school year. The denominator is the cumulative unduplicated enrollment for grades K-12.

13.11 (B) The formula for the habitually truant students truancy rate is as follows:

Number of students who have 4 total days of unexcused absences in any one calendar month or

10 total days of unexcused absences during the school year

Number of students part of same membership base at end point within year X

13.12 End-of-Year Collection Process

13.12 (A) School District and Institute Responsibilities.

13.12 (A) (1) School Districts and the Institute shall ensure that the student data submitted is as clean and accurate as possible.

13.12 (A) (2) In order to know the whereabouts of 7-12th grade transfer students, Districts and the Institute are encouraged to conduct timely inquiries when students withdraw from school, keep documentation on file regarding each, and follow-up on 7-12th grade students for whom appropriate documentation has not been secured.

13.12 (A) (3) The reporting period for the end-of-year collection is from July 1st to June 30th, annually. School Districts and the Institute shall mark the appropriate information as of the last day of school or June 30th, whichever occurs first.

13.12 (A) (4) School Districts and the Institute may include summer graduates or completers up until August 31st of each year. School Districts and the Institute shall include graduates and completers after that date in the next end-of-year reporting period.

13.12 (A) (5) On or before September 15th of each year, every School District and the Institute shall initially approve submitted end-of-year files.

13.12 (A) (6) Each year, every School District and the Institute shall approve submitted end-of-year files on or before the Department's announced interim and final deadlines.

13.12 (A) (7) If a School District provides educational programs to Detention Centers as well as Facilities, they must continue to report accurate and complete data in terms of the 7th through 12th grade students served within the end-of-year reporting period until such time as cross-agency data sharing has eliminated the need to do so.

13.12 (B) Colorado Department of Education Responsibilities.

13.12 (B) (1) The Department shall ensure that student data is as clean and accurate as possible.

13.12 (B) (2) The Department shall announce the annual schedule of each collection no later than one month prior to collection opening.

13.12 (B) (3) The Department shall annually notify School Districts and the Institute where lists of Detention Centers and facilities with educational programs administered by School Districts are located on the Department's website.

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