

Public Comments to SB 163 Draft Proposed Rules

Comment	Response/Suggested Revision
<p>The rules should make clear that districts—not the state—will accredit schools.</p>	<p>Section 10 of the rules states that the Department will recommend to the State Board <i>the type of plan</i> that each school is required to implement and the State Board will notify the local school boards of the type of plan that each school is required to implement. Section 3.04 (C) refers to each district’s system for accrediting its schools.</p> <p><i>Revision:</i></p> <p>3.04 Each Contract, at a minimum, shall address the following elements:</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 40px;">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, <i>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;</i></p> <p>Also see revisions to section 10 “School Plans and Restructuring.”</p>
<p>Districts should be permitted to implement accreditation systems for their schools that include local criteria (in addition to statewide criteria for school performance evaluation).</p>	<p><i>Revision:</i> Same as above.</p>
<p>Section 8.01 (C) states that CDE may recommend to the Commissioner and State Board that the State Board remove a district’s accreditation if the district has substantially failed to comply with statutory requirements related to budget and financial policies and procedures or accounting and financial reporting and the district has not remedied the noncompliance within 90 days after receipt of notice from CDE and loss of accreditation is required to protect the interests of the students and parents of students enrolled in the district schools. Comment is to ensure that a district that has taken the appropriate steps to remedy non-compliance will be dealt with fairly.</p>	<p><i>Revision:</i> section 3.07</p> <p>“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 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 statutory or regulatory requirements, <i>meaning that the District or Institute has not yet taken the necessary measures to ensure that it will meet all legal requirements as soon as practicable,</i> the District or the Institute may be subject to the interventions specified in §§ 22-11-207 through 22-11-210, C.R.S.</p>

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<p>I thought districts were to play a larger role in the school-level process. There is a mention of this in the terms of the district accreditation contract, but then the rules go on to say that the department will annually review EACH school’s performance, strategies and cost effectiveness. I doubt the dept. has near the capacity to do this. It would seem more realistic to specify a process for districts to do this with the department focusing on the bottom x% of schools and/or schools that have not improved over a 3-5 year period.</p>	<p>See revisions to section 10.00 “School Plans and Restructuring.”</p>
<p>It might be helpful to define cost effectiveness so districts know what is expected of them.</p>	<p>Language referring to cost effectiveness has been removed; this analysis will be conducted at the state-level, “to the extent possible.”</p>
<p>Performance reporting –it would be a huge improvement to include school rather than district level budgets in the school reports. That may not be possible with under the current financial reporting system, but hopefully the department could use stimulus funds to develop the capacity. I think this is much more important to report than the district “checkbook register” reporting the interim committee on school finance is going to recommend. Another useful piece of information would be instructional time in core subjects, primary intervention strategies such as extra instructional time for core subjects, after school programs, tutoring or computer-based programs, etc.</p>	<p>This would require a significant additional reporting burden. Currently, this information may be obtained by contacting local school districts.</p>
<p>Under the federal SIG rules, in a small district, with only a couple of elementary or secondary schools – and with very limited options – if one school falls under the Transformation Model – then the other school , even a year or two down the road, is “closed out” from considering that model since no more than 50% of a district’s schools can implement a single reform model. How does that tie into the state rules under Restructuring?</p>	<p>Although SB 163 does not impose a similar restriction on districts, Federal law will trump state law for those districts that receive SIG funding.</p>
<p>Is there a link, in terms of time, to the state and federal initiatives on school turnaround (immediate vs. 5 years)? What does this look like?</p>	<p>The draft regulations for Federal School Improvement Grant funding indicate that schools that receive funding will be required to take immediate action and that SEAs must evaluate whether or not an LEA demonstrates that its schools are meeting or are on track to meet the LEA’s student achievement goals and are making progress on the leading indicators described in the regulations. An SEA may choose to not renew an LEA’s grant for additional one-year periods if the LEA’s participating schools are not meeting or on track to meet their goals. Under SB 163, schools that are required to implement a Priority Improvement or Turnaround Plan will not be permitted to continue to implement a Priority Improvement Plan</p>

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	and/or Turnaround Plan for a total of five consecutive years without being subject to restructuring.
<p>We replaced a principal and over 50% of the staff at a struggling school over a year ago – would this be considered a Turnaround Model school? Where would that fall into these draft rules? Are we, again, starting over?</p>	<p>Nothing prevents a school from implementing rigorous intervention strategies whenever it chooses. If a school were required under SB 163 to implement a School Turnaround Plan, the replacement of a principal and over 50% of the staff might be an appropriate turnaround strategy under SB 163.</p> <p><i>Revision:</i> 10.11 (C) At a minimum, each School Turnaround Plan shall: ... 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, which strategies shall, at a minimum, include one or more of the following: 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;</p>
<p>In a small district – and facing the challenges of a binding union contractual relationship with teachers – and not many places to “put” staff that may have been at a struggling school – if we replace the failing school staff with a successful school staff all we are really doing is shifting the problem from one school to another and that school may then fail. What is the vision for a small district? Where do existing negotiated contracts fall into all of this for a small district? Is there any type of consideration for a waiver, or other option, for a district with only several schools in its boundaries?</p>	<p>SB 163 requires that the strategies that a district selects for improving student performance be “<i>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.</i>” SB 163 does not specify which strategies must be taken, but rather provides flexibility for districts and schools to select the strategies that are appropriate. CDE acknowledges the potential need to revise negotiated agreements to address school turnaround. The Department will provide support to the field to help accomplish this.</p>
<p>Is there capacity, across the state, for a number of schools to be managed by a private or public entity other than the District? What accountability structures are in place for that “entity” and does the clock start over – for another 5 years – for that school once restructuring takes place? What if the entity is not successful, where to then – back to submitting a new School Turnaround Plan (10.09)?</p>	<p>CDE is growing capacity and establishing standards providers must meet. The clock would not start over.</p>

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3.03 – I am concerned that the contract can be changed at any time during the term of the Contract (mid-way through a school year?) and based upon “appropriate and reasonable changes in circumstances” (subjective criteria – such as? – define circumstances?)	The language for this statement is statutory. The same opportunity existed under previous accreditation rule and statute. The Department would prefer to leave the language as is, rather than attempt to define all possible scenarios.
4.01 – When will CDE report to the individual districts their accreditation status – no target date identified by which the state reports although a determination is rendered.	<p><i>Revision:</i></p> <p>5.06 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.</p>
7.03 - Shall the district have the same provisions as the Commissioner in terms of “available appropriations” ? Suppose a new curriculum is needed in the area of literacy, but the local school board doesn’t those dollars to support the adoption of same – shall it be penalized for not having those available appropriations – or shall the state provide?	SB 163 requires that the strategies that a district selects for improving student performance be “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.” SB 163 does not specify which strategies must be taken, but rather provides flexibility for districts and schools to select the strategies that are appropriate. The availability of funds should be a consideration in selecting any appropriate strategy.
7.03 - What is “adequate” leadership? In other citations – what is “readiness and apparent”? These are “gray area” phrases based on what premise or standard? Same is true of “infrastructure” and “engage productively with and benefit from an external partner” – what is the standard of measurement?	These areas will be subject to the professional judgment of the State Review Panel.
The rules seem to change the relationship between schools, their district, the local school board and CDE. The rules seem to indicate that boards and their superintendents are not able to fashion the strategies and plans necessary for students to succeed in district schools and that the only place good decisions will be made about expectations and plans is at the state level.	<p>SB 163 requires that the strategies that a district selects for improving student performance be “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.” SB 163 does not specify which strategies must be taken, but rather provides flexibility for districts and schools to select the strategies that are appropriate.</p> <p>Also, the state will not be emphasizing oversight for Performance Plans or Improvement Plans.</p> <p><i>Revision:</i> Add the following clarification in section 10.05: “As described in detail below, for a school required to implement a School Performance Plan or School Improvement Plan, the Local School Board or the Institute will submit said plan to the Department for publishing on SchoolView.</p>

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	<p>For a school required to implement a School Priority Improvement Plan, the Local School Board or the Institute will submit said plan to the Department and the Commissioner, subject to available appropriations may assign the State Review Panel to critically evaluation 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.</p> <p>For a school required to implement a School Turnaround Plan, the Local School Board 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.”</p>
<p>In light of smaller district considerations – do the School Restructuring (10.10) options make sense in light of the unintended consequences on a small community and the idea of “neighborhood?”</p>	<p>SB 163 outlines numerous restructuring options, some of which may be more appropriate for smaller districts.</p>
<p>In light of leadership – who would “want” to consider leading a district that is under the Priority Improvement or Accredited with Turnaround Plan label especially if the success may not pan out in the timeframe of the plans --- suppose a local board is doing a superintendent search during year 4 of the 5 year time period --- who would they try to attract and what “attraction” would there be for the superintendent candidate to come in given the possibility of non-accreditation and possible consolidation of the district (hard marketing sell I would imagine)?</p>	<p>There will be an opportunity to distinguish one’s leadership capabilities in a challenging situation, coupled with financial incentives, may be considerations for an applicant.</p>
<p>Is there capacity, given the virtue of external “partners” as advocated by the rules, to handle the possible load that may be forthcoming from these rules?</p>	<p>CDE shares concerns about capacity and is working to mitigate this challenge.</p>

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<p>Why is there an over-arching sense of “punitive” in these rules (and “top-down” approach) versus supporting the districts in making the changes necessary to be successful (and yes, I read the <i>Turnaround Challenge</i> piece but differ on their philosophy as we are seeing success in our district as we FOCUS on the job at hand and have made the tough decisions to get the job done)</p>	<p><i>Revision:</i></p> <p>5.08 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:</p> <p>5.08 (A) access to data and research to support interpretation of student data, decision-making, and learning;</p> <p>5.08 (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</p> <p>5.08 (C) evaluation and feedback on the District’s or the Institute’s Improvement, Priority Improvement, or Turnaround Plan, whichever is applicable.</p>
<p>The empowerment of the School Accountability Committee – a group of dedicated volunteers (but volunteers nonetheless) – becomes incredible (as per the bill), and yet in the wrong hands could become a PMD (Plan of Mass Destruction) is personal agendas (i.e. - personality conflicts with the principal and staff) weigh in heavily on the School Performance Plan. Where are the professionals in this sequence? What is the role of the school board?</p>	<p>Under SB 163, School Accountability Committees make recommendations about the contents of school plans. For School Performance Plans and School Improvement Plans, the principal, with the approval of the Superintendent or his or her designee, shall create and adopt the plan. For School Priority Improvement Plans and School Turnaround Plans, the Local School Board shall create and adopt the plan.</p>
<p>How will grade 12 targets be assessed when there is no testing for grade 12?</p>	<p>Targets set by SBE for grades three through twelve could be related to CSAP, OR other measures (graduate rates, PWR assessment or ACT, etc.)</p>
<p>Does CDE have the personnel to review the performance of all 178 districts by August 15th? Reporting criteria will not be too difficult of the data is available without too much digging.</p>	<p>Yes.</p>

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A lot of the language related to developing and submitting district and Institute plans is duplicated. Although the section is thorough, but too long. Separate requirements for the Institute expanded the section.	The rules were organized to be useful to the reader, so that he/she would be able to locate relevant sections quickly.
The section that discusses school performance evaluation criteria duplicates district performance evaluation criteria.	It was intended that the evaluation of districts and schools would be aligned.
Too much repetition.	
The timeline for schools and districts is reasonable, but I am not sure that CDE can meet the requirements without additional personnel.	CDE shares concerns about capacity and is working to mitigate this challenge.
In section 4.01 (E), clarify what “cost effectiveness” is.	Language referring to cost effectiveness has been removed; this analysis will be conducted at the state-level, “to the extent possible.”
Include flexibility for schools that want to make additional changes to their improvement plans in the fall, after having submitted plans in April.	This is not prohibited by statute or rule.
In section 7.03 (D), clarify that “next” review is the review following implementation of improvement plan.	Revision: Rules now state, “ after the annual accreditation review following implementation of the plan. ”
Concern about as yet untested calculation for those students who “attain Move-up Growth, as calculated pursuant to section 2.02 (A) (3).”	CDE is currently working with the TAP committee on how best to evaluate and use this information.
Concern about lack of research and process around the statewide targets that are to be set annually. Timing for the release of the targets is also questionable in terms of the improvement planning process. August 15, while understandable in regards to CSAP availability, is very late in the planning process.	Targets will be set for following school year, and planning process that will begin in August will be for the following school year.
Section 9.02 (C) (2), if endorsed diplomas are a district choice as stated in 22-7-1009, it appears that those districts that choose not to use a differentiated diploma system will be penalized.	<p>Revision:</p> <p>5.03 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.</p> <p>10.01 (B) 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.</p>
Calculation of graduation rates that penalize special education students for taking 5 or 6 years to complete a diploma program is unduly punitive to a school and district.	<p>Revision:</p> <p>2.02 (C) (1) (b) the statewide student dropout rate, as defined by section 2.02 (C) (2) of these rules, and the statewide student graduation rate, as defined by section 2.02 (C) (3) of these rules. <i>In evaluating the level of attainment on student</i></p>

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	<i>dropout and graduation rates, the Commissioner shall ensure that Districts, the Institute, and Public Schools have incentives for re-engaging students and ensuring that students successfully achieve Colorado's academic standards upon graduation</i>
Section 2.02 (C) (2) (e), inconsistency between in and out of state record requests serving as adequate documentation that a student is enrolled in another school sets a dual standard and creates an additional burden on districts/schools.	The dropout rate calculations included in the SB 163 rules are consistent with the rules for dropout rate calculations passed by the State Board in June of 2009 (1 CCR 301-67). The key distinction is that in-state district transfers can be verified through end of year attendance data submitted by all districts and BOCES, but out-of-state or out-of-country transfers cannot be verified through the end-of-year collection process.
<p>The following change is recommended to incentive outreach to re-enroll students who dropped out in a given year.</p> <p>2.02 (C) (2) Student Dropout Rate. Annual student dropout rates will be calculated based on the percentage of students in grades seven through twelve who drop out of school between October 2 of a given year and October 1 of the following year and have not returned to an educational environment on or before October 1 of the following year.</p> <p>Conforming changes would need to be made in several places, including the following.</p> <p>2.02 (C) (2) (b) (2) were not enrolled on October 1 of the following year; and 2.02 (C) (2) (d) (1) In-state District requests for records are not adequate documentation that the student has begun attending classes at the District requesting the records. Students transferring to another District who are identified through the Department's end-of-year post-collection process as not returning to another District by October 1 of the following year are dropouts.</p>	<p>The dropout rate calculations included in the SB 163 rules are consistent with the rules for dropout rate calculations passed by the State Board in June of 2009 (1 CCR 301-67). The calculation was updated in June to comply with federal guidance on Title I reporting, provided in the Federal Register on October 29, 2008 (Volume 73, Number 210).</p> <p>Graduation rate calculations account for those students who dropout but then rejoin their cohort before graduation.</p>

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<p>Consider including a calculation of “student re-engagement” that is in addition to the existing performance measures. The idea would be to recognize the ability of schools to bring students back into the system without having it cloud the reporting on graduation rates.</p>	<p>CDE has taken this idea under advisement and is currently evaluating strategies to accomplish this concept while still meeting state and federal requirements for calculating graduation requirements.</p> <p><i>Revision:</i></p> <p>2.02 (C) (1) (b) the statewide student dropout rate, as defined by section 2.02 (C) (2) of these rules, and the statewide student graduation rate, as defined by section 2.02 (C) (3) of these rules. <i>In evaluating the level of attainment on student dropout and graduation rates, the Commissioner shall ensure that Districts, the Institute, and Public Schools have incentives for re-engaging students and ensuring that students successfully achieve Colorado’s academic standards upon graduation</i></p>
<p>Change determination of status of performance indicators to three year average instead of annual determination because of volatility of small populations.</p>	<p>The TAP, in developing a district and school performance evaluation frameworks, is contemplating accounting for performance on each of the 4 performance indicators by using data across three years.</p>
<p>Structure weighted indices for academic growth, achievement level, achievement gap and postsecondary readiness.</p>	<p>The Department is not considering the concept of weighted indices as previously used in the old SAR calculations (the SAR statute has been repealed). The TAP is currently advising CDE on how to assemble the evidence for the 4 key performance indicators. The rules specify that performance evaluation analysis shall place greatest emphasis upon the longitudinal growth and Postsecondary and Workforce Readiness Performance Indicators.</p>
<p>New rules have more criteria to address than past accreditation contract</p>	<p>New rules incorporate criteria from accreditation contracts and codified performance evaluation framework criteria, both of which have been applied to districts in the past—SB 163 aimed to synthesize competing systems of accountability into a single, coherent system of accountability.</p>
<p>Past contract had a wider scope to appropriately assess districts/students—not so much emphasis on CSAP</p>	<p>New contracts will hold districts accountable for all of the same elements as previous accreditation contracts—new contracts will address a district’s compliance with the provisions of Title 22 and other statutory and regulatory requirements applicable to districts.</p>

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<p>Not enough clarification in the rules as to whether or not individual schools are a part of contract</p>	<p>The state accredits districts and districts accredit their schools.</p> <p><i>Revision:</i></p> <p>3.04 Each Contract, at a minimum, shall address the following elements:</p> <p>...</p> <p>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, <i>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;</i></p>
<p>The language allowing the commissioner to grant an extension to districts on the deadline for submitting a plan, if the district elects to conduct a systemic assessment, is too narrow. There are lots of circumstances where a district may need additional time.</p>	<p>Revisions: Add the following language to sections describing process for submitting Priority Improvement or Turnaround Plan:</p> <p>“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.”</p>
<p>In section 10.13(B), districts and the Institute should have the opportunity to appeal the State Board’s determination of the actions that a Local School Board or the Institute shall take regarding its Public School.</p>	<p>SB 163 does not provide for an appeals process here. Going beyond statute to allow districts to appeal the State Board’s decision to the State Board would not be appropriate.</p>

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<p>11.04 (F) (12), (19) and (20) are all not required by law. 11.04 (F) (12) “concurrent enrollment courses” is unnecessary—schools are required to offer concurrent enrollment courses. 11.04 (F) (19) “credit recovery programs” and (20) “assistance for out of school youth to re-enroll” are poor terminology. What does “out of school youth” refer to—would it be more accurate to just refer to “dropouts”?</p>	<p>The State Board has the authority to include additional elements on school performance reports that are not listed in the statute. (The law outlines the minimum requirements.) These items have all been included to be consistent with the State Board’s attention on dropout prevention and student re-engagement efforts. Even though all schools are required to make concurrent enrollment courses available to their students, CDE staff would like performance reports to include information about whether concurrent enrollment courses are provided <i>on campus</i>.</p> <p>The term “out of school” youth refers to those who are not enrolled in a school and have not earned a high school credential (either a diploma or equivalency credential, such as a General Education Development certificate). It refers both to students who have dropped out within the current school year and those who have dropped out in previous years. For example, a student may have left due to life events such as illness, pregnancy/parenting, foster care, need for employment, etc. in the previous years and may not have returned, or may have returned and left again. This is a term used by the workforce and job training field, National Volunteer and Community Service Act and the child welfare system to identify those who need tailored education services and/or job training. In the education field, it is generally used to capture a broader scope of students than that identified in an annual dropout rate.</p>

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<p>The requirement that school performance reports include “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” implies that all schools necessarily have a wellness policy. Suggestion is to amend language so that school reports are required to include links to the school’s wellness policy IF the school, in fact, has a wellness policy.</p> <p>There may be confusion and inconsistency in reporting for all of the items listed in the section (e.g., what does it mean to have a “full-time nurse”?) and figuring out the answer to whether or not each of those programs/services is offered at each school will create an administrative burden. Suggestion is to only require links to each school’s wellness policy, under the assumption that each of the items listed in the draft rules would already be addressed in any such wellness policy.</p>	<p>The State Board is required to specify the type of information about programs and services that are available at schools to support student health and wellness that will be reported on school performance reports. The information included below strikes an appropriate balance between providing useful information and being the least burdensome for districts.</p> <p>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:</p> <p>11.05 (G) (1) all students in grades K through 6 have access to recess (yes/no);</p> <p>11.05 (G) (2) a school health team or school wellness committee exists (yes/no);</p> <p>11.05 (G) (3) a school-based or school-linked health center, as defined by the Colorado Department of Public Health and Environment, is provided (yes/no);</p> <p>11.05 (G) (4) health education is required for all students (yes/no);</p> <p>11.05 (G) (5) physical education is required for all students (yes/no);</p> <p>11.05 (G) (6) the Public School participates in the federal school breakfast program (yes/no); and</p> <p>11.05 (G) (7) students have access to school nurse services (yes/no).</p>

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<p>11.04 (G) (2), whether or not the school has a health and wellness committee: a school health and school wellness committee is not a “program or service”—and is already addressed in a district’s wellness policy</p> <p>11.04 (G) (3), whether or not the school has a school-based and school-linked health center: should read “school-based OR school-linked health center.”</p> <p>11.04 (G) (4), whether or not the school has health education requirements for ALL students: what about students that opt out of health education requirements? Health Education is provided in lots of courses (P.E., science, etc.)—why should it be parsed out separately here?</p> <p>11.04 (G) (5), schools are already required, under 11.04(F)(5) to state whether they offer P.E.. Why should they also report whether P.E. is required for all students?</p> <p>11.04 (G) (7) “full-time nurse”: why is there a focus on full-time only? This element should be deleted or revised to “school nurse services.”</p>	<p>Please see response in row above.</p>

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<p>Possible suggestions for the health and wellness reporting:</p> <ul style="list-style-type: none"> • For links to a school wellness policy, add the clarification “if the district has a wellness policy” • Amend access to recess for all students to specify that this is just required for grades K-6 • Change 11.04 (G)(3) to “AVAILABILITY OF school-based OR school-linked health center AS DEFINED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT” • Change 11.04 (G)(4) to “DESCRIPTION OF health and education requirements” • Change 11.04 (G)(5) to “DESCRIPTION OF physical education requirements” (schools could then describe the percentage of students that take courses, frequency, number of hours, etc.) • Change 11.04 (G)(7) to “AVERAGE NUMBER OF HOURS THE NURSE SPENDS AT THE SCHOOL PER WEEK” 	<p>Please see response in row above.</p>
<p>Financial transparency will be addressed in upcoming bill this legislative session. Is there a way to ensure that the reporting elements in the SB 163 rules are not duplicative or overly-burdensome, considering the additional reporting burden that may be included in the upcoming legislation?</p>	<p>This matter should be addressed during the State Board hearing in March, after the upcoming legislation has been introduced and possibly debated by the legislature, and we can better assess what, if anything, may be required to be reported under that law.</p>
<p>Providing districts just one week notice about the time and place of the hearing to appeal removal of accreditation seems like too short of notice.</p>	<p>Changes have been made so that the district will file an appeal with the State Board and then the State Board Office will issue a scheduling notification providing the district with notice of the hearing before a position statement is filed.</p>
<p>What are the State Board administrative procedures referred to in section 8.13?</p>	<p>These will be clear guidelines for filing that will apply to all other areas in which parties file documents with the State Board, including innovation schools, charter schools, and exclusive chartering authority requests. They will include directions on how to file information (using the e-filing mailbox), requirements about how many copies to provide, etc.</p>
<p>Remove requirement, in section 5.01, that the Department consider in its evaluation of a district’s performance, the “quality” of the district’s accreditation process used for accrediting its schools. Seems nebulous and already addressed by district’s accreditation contract. How will this be evaluated? If anything, the Department should just consider whether the accreditation system is implemented, whether the local board of education has adopted an accreditation policy.</p>	<p>The Department believes it is important to monitor the quality of each district’s accreditation system for its schools.</p>

Comment	Response/Suggested Revision
Remove from section 8.01 (A) the explanation that failure to make substantial progress under a Turnaround Plan is “evidence by lack of progress on the District’s or Institute’s 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.”	The Department wishes to outline the 2 criterion that will be relied up on in assessing whether or not a district has failed “to make substantial progress under a Turnaround Plan.”
The rules indicate that districts and schools will be evaluated on the postsecondary and workforce readiness indicator and gap indicator based on the percentage of diplomas with PWR endorsement and the percentage of diplomas endorsed as exemplary. This contradicts section 22-7-1009, CRS and 22-7-1017, CRS, which states that local boards have the discretion to decision whether to apply these criteria to their diplomas. Boards that choose not to apply these criteria should not be penalized. If these criteria are not removed from the rules, add the following statement “If a local school board chooses not to endorse high school diplomas as described in 22-7-1009(2), CRS, such choice shall not adversely affect a school district’s or public school’s accreditation.	<p><i>Revision:</i></p> <p>5.03 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.</p> <p>10.01 (B) 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.</p>
Timeline for appealing accreditation is too short—allow 60 days?	Process for appealing accreditation has been amended. After a district or the Institute files a notice of intent to appeal, the State Board Office will now issue a scheduling notification with all of the deadlines for filing documents related to the appeal.
Start counting time in 2010-11 instead of 2009-10?	Revisions have been made to the rules so that the clock will begin July 1, 2011, after districts and schools have been notified of the type of plan they are required to implement. For districts that 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.
Allow districts to appeal placement in any category? Or, at a minimum, allow districts to appeal if placed in priority improvement category?	Revisions have been made to allow districts to appeal placement in the category of Priority Improvement. Please see section 6.00.

Comment	Response/Suggested Revision
Need more than one week's time to prepare for State Board hearing. Documentation that must be submitted is too broad.	Changes have been made so that the district will file an appeal with the State Board and then the State Board Office will issue a scheduling notification providing the district with notice of the hearing before a position statement is filed. Changes have been made so that rules provide a list of suggestions for which documents might be considered relevant.
Seems unnecessary to repeat the role of DAC throughout.	The rules outline the timeframes/process for developing and submitting plans. DACs are a part of this process.
Timeline for posting plans on SchoolView is tight—extend at least 10 business days?	Changes have been made to make the rules consistent—all district and school plans will be submitted to the Department by April 15 th for publication on SchoolView. Local school boards and the Institute may adopt plans at whatever point they choose before that deadline.
Delete language about the implementation of the plan requiring “taking all necessary steps in the year prior to ensure that the plan can be implemented with fidelity.	The Department does not wish to make this change at this time. It would like the rules to signal the importance of pre-planning to ensure that plans submitted to the Department are effectively implemented the following school year.
Extend deadline for priority improvement and turnaround plans to February 15 th ? Seems too tight to require these by Jan. 15 th , especially if a district appeals accreditation category.	Plans must be submitted by Jan 15 th in order to keep the plan cycle aligned with federal plan cycle, so that districts and schools may adopt and submit a single plan that satisfies both federal and state requirements. The rules give the commissioner latitude to extend this deadline if an extension seems reasonable to the commissioner.
Regarding section 8.01, how will “lack of progress” be determined?	The rules explain that “lack of progress” will be based on the following criterion-- 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
What is meant by “standardized, curriculum based achievement college entrance examination”? Is this from CRS 22-7-101? Seems more accurate to simply refer to the ACT as “standardized college entrance exam.”	This language was taken from section 22-7-101, C.R.S.
Why require State Board approval to modify timelines for appeal?	Please see revisions to section 6.00. The timelines may be modified with agreement between Department and district and approval of State Board Office.
Why require “targets and implementation benchmarks” for plans? What is meant by targets? At a minimum, delete “targets” because they are used to refer to the performance indicators.	Language has been changed to state “implementation benchmarks and interim targets and measures.”

Comment	Response/Suggested Revision
<p>In defining “Accreditation” in the definitions section, make the following change “Accreditation means the 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 22-44-101, CRS and 22-45-101...” Local boards of education accredit schools.</p>	<p>The definition of Accreditation to include the public schools of the school district is statutory and provided in C.R.S. 22-11-103. It does remain the responsibility of local school districts to accredit its schools; however the Department believes it is important to monitor the quality of each district’s accreditation system for its schools.</p>
<p>Make the following deletion in section 3.07: “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 statutory or regulatory requirements, meaning that the District or Institute has not yet taken the necessary measures to ensure that it shall meet all 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.” “Meeting all legal requirements” is not the same as “substantial compliance.”</p>	<p>We have attempted to clarify what it means to be “substantially in compliance.” Although a district may not yet be in full compliance, it will be considered to be in “substantial compliance” if it has at least taken the steps necessary to ensure that it will be in full compliance as soon as practicable.</p>
<p>Clarify whether or not there will be a penalty for students who dual-enroll.</p>	<p>The following language has been added to section 4.03 (C) (3):</p> <p>“ the District or the Institute’s overall dropout rate, as calculated pursuant to section 2.02 (C) (2) of these rules, and the District’s or the Institute’s overall graduation rate, as calculated pursuant to section 2.02 (C) (3) of these rules. To the extent practicable, Districts and the Institute <i>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.</i>”</p>
<p>Calculations for measuring attainment on the Performance Indicators are not transparent enough.</p>	<p>The TAP has been working on performance evaluation frameworks for schools and districts. The meetings of the TAP are open to the public. CDE is open to suggestions on how to further improve its transparency on this important topic.</p>
<p>Definition of what is included in measuring adequate longitudinal growth is difficult to locate.</p>	<p>This term has been added to the definitions section of the rules.</p>
<p>Where is what is currently known as the “Accreditation Summary Report” going to be reported?</p>	<p>Information about a district’s performance on the 4 key performance indicators, which will be reported in a format similar to that the current “Accreditation Summary Report,” is what is described in section 11.04 (A) of the rules. This portion of the district performance report will be called the “Performance Indicator Report”—it will include all of the information currently included in an Accreditation Summary Report except for the district’s accreditation category.</p>

Comment	Response/Suggested Revision
Rules should explicitly state the Department’s approach to differentiated support and interventions.	The following statement has been added to the Statement of Basis and Purpose section of the rules: “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.”
The rules should clarify that the State Board will gather public input PRIOR to adopting statewide targets.	Please see changes that have been made to section 2.03.
2.03 states that the State Board will consider information from the public prior to adopting statewide targets. Not clear on how input will be gathered or what type of input will be valued.	All input is valued and encouraged by the Department. Input can be sent to the Office of Performance and Policy (Richard Wenning at wenning_r@cde.state.co.us) for consideration by the Department and the TAP.
What is the process for setting targets? Will school and district size be factored into target setting process where aggregate statistics are utilized? Will student population risk factors be incorporated into target setting?	The TAP continues to play a key role in advising the Department in the setting of targets. Yes, the concept of school/district “n” size will continue to be a consideration and evaluated in the appropriate application of calculations for accountability. Student population risk factors do play a key role in the accountability process which is but one of the many reasons longitudinal growth and progress toward closing achievement gaps will remain a state priority in the new accountability model.
Is the state in a position to review district performance based on its perception of the cost effectiveness of intervention strategies implemented locally? What would the reporting burden be for this requirement? How would the fidelity of implementation be monitored when determining cost effectiveness statewide? How will the state determined causal relationships between specific interventions and improvement in student achievement?	Language about evaluating cost effectiveness has been removed from the rules. Please see changes to section 4.01.
All four growth metrics are related to academic risk factors that vary dramatically by school setting. These measures are biased against certain schools in predictable ways. Three-year growth summaries show the relationships between various growth metrics proposed in 4.03 and student outcomes in traditional risk factor subgroups. Schools with larger percentages of students in these risk factor subgroups will be disadvantaged by single statewide targets. How will the state set fair targets that reflect fair, unbiased measures of school student academic growth outcomes?	The following language has been added at section 2.03 (E): “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.”

Comment	Response/Suggested Revision
4.03 (A) (3) percentage of students attaining statewide median growth and the median student growth for a school are highly related and potentially redundant.	Although all of the measures listed will be reported and analyzed by the Department, the district and school performance evaluations frameworks will use information from just a subset of these measures, in part, to minimize redundancy.
The state is determining, purely on data collected, the type of plan required for individual schools. The district's accreditation of individual schools must correlate with the type of plan designated by the state. This level of state control is unprecedented and outside the scope of what we have practiced as an important governance principal. This removes local control and lessens the opportunity for local values to be a meaningful part of the process of accrediting schools. As a district we expect that the department in rule making will respect the boundaries of what districts control with respect to the processes for which districts are accountable to local boards. Extending state authority in this area is based on failures in some schools and is not needed statewide. We feel this encroachment on district responsibility and authority is significant and should be carefully considered by district leadership across the state.	Please see changes that have been made to section 9.00, emphasizing that districts accredit their schools and that districts may provide input in determining the type of plans that schools must implement.
District need longer than 30 days after receiving school performance information from the state to accredit their schools and provide this information to the state. Extend to 60 days?	Deadline for districts to submit school accreditation information to the Department has been extended to 60 days.
Rules currently state that Department shall base the amount of TA and support provided to schools, district and the Institute based on the degree of need for assistance and the Department's available resources. Suggestion is to add clarifying statement that TA and assistance will be provided based on a mutually developed plan between the Department and the school, local school board or Institute.	Suggested language has been added.

Comment	Response/Suggested Revision
<p>Districts are concerned that the language in rules does not appear to follow the statutory language that accountability “moves from a punitive accountability system to one that is positive and focused on learning and achieving at high levels of school performance.”</p>	<p><i>Revisions:</i></p> <p>The following statement has been added to the Statement of Basis and Purpose section of the rules: “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.”</p> <p>The following language has been added to section 5.08:</p> <p>“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:</p> <p>5.08 (A) access to data and research to support interpretation of student data, decision-making, and learning;</p> <p>5.08 (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</p> <p>5.08 (C) evaluation and feedback on the District’s or the Institute’s Improvement, Priority Improvement, or Turnaround Plan, whichever is applicable.”</p>
<p>How far has local control moved?</p>	<p>The Department believes the new accountability system provides a continued impetus for local school districts and the Department to work closely together in a partnership model. By creating a transparent and defensible model that is focused on mutual accountability and support we can make demonstrative progress toward improving academic achievement and closing achievement gaps.</p>

Comment	Response/Suggested Revision
Rules do not designate which areas of the plan are or are not within the purview of the School Accountability Committee.	Rules state the School Accountability Committees have the authority only to <i>advise and make recommendations</i> concerning the plans created and adopted.
Timelines throughout the rules are inconsistent. They indicate that priority improvement plans and turnaround plans need to be submitted by Dec. 15 but performance and improvement plans need to be submitted by April 15.	All types of plans must be submitted for publication on SchoolView by April 15 th . Priority improvement and turnaround plans, which will be reviewed by the Department, must be submitted earlier so that the Department has time to review and suggest revisions to the plans before the final versions are submitted on April 15 th for publication.
How will the role of the State Review Panel impact local control?	The State Review Panel will not act beyond its statutory authority.
What is the Department's formula for school ratings?	Sections 9.00 and 10.00 of the rules describe the measures that the Department will use to evaluate the performance of schools and the process that will be used to determine the type of plan each school will be required to implement.
The rules overstep local school boards' responsibility for accrediting their own schools.	Please see changes that have been made to section 9.00, emphasizing that districts accredit their schools and that districts may provide input in determining the type of plans that schools must implement.
Does a district have the authority to disagree with having a private or public entity taking over management of a district or one or more of its schools?	The options in the rule from which the State Board may choose are defined in statute. Senate Bill 163 does not provide for an appeals process.
RE section 2.02 (c) (3), will all grad rates (on-time through 7-year) be reported individually? If not, what has greatest weight? Will students unlikely to graduate on time be pushed out? Will this harm the future of alternative programs?	All grad rates will be reported. School and district performance frameworks have not yet been finalized, but schools and districts likely will be evaluated on their best rate. Alternative education campuses will be evaluated based on a separate framework for AECs, which will take into account the unique circumstances of those schools.
Why not accredit, automatically, all districts pending successful acceptance of those districts submitting priority improvement plans or turnaround plans (and failure to do so would result in pending accreditation)?	Accreditation contracts are based on more than just the submission of plans— please see section 3.04 of rules for description of district responsibilities under accreditation contracts.
RE section 6.00, what data or information should a district include in filing a position statement? What happens if the local schools board loses the appeal? Immediate or timed response? Unaccredited status and take-over by state or external partner?	The information and accompanying data contained within the position statement will vary depending on the specific grounds upon which the district or Institute is appealing its placement in the category of Accredited with Priority Improvement or Accredited with Turnaround Plan. This has been left open-ended to incorporate sources the district wishes to present rather than to define the realm of all possibilities. Evidence submitted would certainly need to be compelling. If the district/institute loses its appeal, the accreditation category originally designated will remain.
What if a district lacks sufficient financial resources to ensure that its plan is implemented with fidelity? State assistance?	Plans must include budget and should not include strategies for which the district lacks sufficient funding.

Comment	Response/Suggested Revision
Give examples of “root causes” of low performance	The Department believes this is a matter better left to guidance and training/TA.
How will State Review Panel assess whether “leadership is adequate”, “infrastructure is adequate”, “readiness and apparent capacity”, etc.? What uniform set of indicators will be used to define these subjective indicators?	You are correct that these are subjective in nature. The Department believes that specific details for these subjective elements are best left to CDE/partner administrative development rather than be explicitly spelled out in rule.
Define the amount of additional time the commissioner may grant for the submission of plans.	The rules state that the commissioner may grant a “reasonable amount of time”—reasonableness will depend on the underlying circumstances warranting an extension.
How does clustering and converting a school to a charter work in relationship to a DISTRICT’s accreditation? Who pays for this—the state or LEA? What if the LEA lacks financial ability to hire an entity that uses research-based strategies?	A district’s overall performance will improve if it is able to improve the performance of its schools. The strategies outlined in a district’s plan may be implemented, in part, with some state resources (state provided grants, for instance).
RE 8.02 (a) (1) Wouldn’t the removal of accreditation affect the “receiving” district in the consolidation process or would it be held harmless? Does the clock start over for newly consolidated district? Would both parties need to be in agreement? Are only state monies involved or local tax revenues? Remove this sanction.	<p>The option to consolidate districts in SB 163 refers to the district reorganization process described in article 30 of title 22.</p> <p>8.02 (A) reads: “If the recommendation applies to a District:</p> <p>8.02 (A) (1) that the District be reorganized pursuant to Article 30 of Title 22, which reorganization may include consolidation;”</p>
What is meant, in the statement of purpose, by saying that the State Board has the role of “supervising” the public schools of the state? Shouldn’t this be changed to “overseeing”?	Colorado’s Constitution, Article IX, section 1 states that the State Board has general supervision of the public schools of the state.
The statement of purpose section indicates that the system is meant to reward success and provide support for improvement. What do they look like and where are they defined?	Separate rules are being amended to address the administration of the Colorado School Awards Program. Please see sections 5.07 and 10.07 for descriptions of the support that may be provided..
Should the definition of “all students” include nationality?	The definition already provides that all students include all students regardless of “racial, ethnic or cultural background.”
What does “not substantially compliance” mean in section 3.07?	<p><i>Revision:</i></p> <p>“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 statutory or regulatory requirements, meaning that the District or Institute has not yet taken the necessary measures to ensure that it shall meet all legal requirements as soon as practicable,...”</p>

Comment	Response/Suggested Revision
Who decides what an “endorsed” and an “endorsed as exemplary” diploma means? What will be the level of inter-rater agreement among districts when implementing in the 2011-12 school year?	Pursuant to section 22-7-1009, C.R.S., the State Board shall adopt criteria that a local school board may apply if the local school board chooses to endorse high school diplomas.
Why is the State Board not considering statewide targets for pK-2 even though there are state required assessments?	The PK - 2 assessments are designed to be diagnostic in nature.
Why is the State Board not considering statewide targets for CELA?	CELA results will continue to be evaluated using procedures and targets established in the process for Annual Measurable Achievement Objectives.
When will the district performance evaluation framework be available to districts?	The expected timeline is late spring 2010. The framework for the district performance framework will be very similar to what is currently being used for the district accreditation rubric.
Will districts receive a written report in addition to the Accreditation— Annual Results Review Summary when it determines district performance in August?	No.
What is the difference between the accreditation category of Accredited with Priority Improvement Plan and Accredited with Turnaround Plan if both receive the same cessation after 5 years?	The strategies required to be implemented under each category differ, as will the Department’s level of support and intervention.
Will the state be providing training and resources to new and returning DAC members so they understand their role?	Yes. The timeline for training is yet to be determined.
Due to the timelines for when a plan gets submitted, plans cannot be “implemented with fidelity” as the next round of results will adjust the targets the district has set and other adjustments may also be necessary.	The next round of results will affect the type of plan required for the year following the year that results are released. The new system will be a forward-planning system, but should provide enough flexibility so that schools and districts may adjust their actions as they receive and respond to new information.
If a district acts in good faith with regard to its plan and follows Department’s recommendations it could still lose accreditation. What new actions would CDE require under section 8.15 in order for the district to regain its accreditation?	If a district acts in good faith with regard to its plan and implements plans appropriately, the Department anticipates that results will improve. The specific actions will be appropriate to the nature of the improvement needed.
Will the additional contents of the school performance reports provide a comparison with the state?	The Department will take this matter into consideration as the school performance frameworks are developed.