

DRAFT REVISIONS – 4.13.2022



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

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.0 Statement of Basis and Purpose

The statutory basis for these rules is found in section 22-11-101, et seq. C.R.S., the Education Accountability Act of 2009. These rules establish requirements, criteria, and timelines related to the administration of a statewide accountability system to monitor and respond to the performance of Colorado's statewide education system, including the Charter School Institute, school districts and public schools.

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5.0 District and Institute Accountability Processes: Accreditation Ratings

~~5.0A Under H.B. 21-1161, the Department shall not assign new 2021-22 Accreditation ratings for Districts nor for the Institute. Those school districts or the Institute that implemented a Priority Improvement or Turnaround Plan during the 2020-21 school year may nevertheless request a 2021-22 Accreditation rating and plan type that reflects its level of attainment based on an alternative body of evidence. Such requests may be submitted and must be reviewed according to the following requirements:~~

Commented [CDE1]: This section applied in prior years only and is now obsolete.

- ~~(1) The District or Institute must submit such request electronically by no later than September 30, 2021;~~
- ~~(2) The Department must recommend whether to approve the request and the State Board must act on the request by no later than December 30, 2021;~~
- ~~(3) In making its recommendation, the Department must take into consideration the following information:
 - ~~(A) Quantitative data, which must include any state student performance data available to the department and any local student performance data provided by the District or Institute. To be considered, such quantitative data must meet standards of validity, reliability, and adequate representation of the District's or Institute's student population, as those standards are defined by the Department, in consultation with the Technical Advisory Panel established pursuant to section 22-11-202, C.R.S.; and~~
 - ~~(B) Qualitative data, which must include the quality of the District's or Institute's most recent Priority Improvement or Turnaround plan and information about the fidelity with which administration and staff have implemented the plan. If the Department~~~~

determines that the quality of the plan is sufficient, then the Department will assign the State Review Panel to conduct a document review and site visit, and the Department will consider input from the panel;

- (4) ~~If the 2021 state student performance data would have allowed the District or Institute to earn a higher Accreditation rating based on the Department's 2019 annual review of school performance, then the District or Institute need not submit any additional data;~~
- (5) ~~If the State Board approves a request for a new Accreditation rating based on an alternative body of evidence, the District's or Institute's Accreditation contract shall reflect that rating and plan type. However, any 2021-22 rating change shall not affect the time-based calculations in sections 22-11-207(4)(a) and 22-11-209(3.5), C.R.S.;~~
- (6) ~~If the State Board approves a request under this Rule 7.0A, the District or Institute must submit a new plan that meets the requirements of the new plan type, as outlined in section 6.2 of these rules; and~~
- (7) ~~To the extent possible, the Department must make available grant funding and additional supports to assist Districts and the Institute in preparing and submitting a request for a different Accreditation rating and plan type.~~

5.01 The Department shall assign Districts and Institute to the following Accreditation categories:

- (1) Accredited with Distinction, meaning the District or Institute meets or exceeds the statewide targets or targets annually set by the 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 section 22-11-303, C.R.S.;
- (2) Accredited, meaning the District or Institute meets statewide attainment on the Performance Indicators and is required to adopt and implement a Performance Plan as described in section 22-11-303, C.R.S.;
- (3) Accredited with Improvement Plan, meaning the District or Institute is required to adopt and implement an Improvement Plan as provided in section 22-11-304, C.R.S.;
- (4) Accredited with Priority Improvement Plan, meaning the District or Institute is required to adopt and implement a Priority Improvement Plan as provided in section 22-11-305, C.R.S.;
- (5) Accredited with Turnaround Plan, meaning the District or the Institute is required to adopt, with the Commissioner's approval, and implement a Turnaround Plan as provided in section 22-11-306, C.R.S.;
- (6) Insufficient State Data, meaning the District or Institute is required to adopt and implement the plan type it was previously assigned because it did not have sufficient data to either:
 - (A) publicly report results data, including data for each Performance Indicator, while protecting the privacy of students; or
 - (B) adequately represent the District's or Institute's total student population because it reflects scores from less than 25 percent of students in tested grades ~~and therefore the District or Institute is required to adopt and implement the type of plan to which it was previously assigned.~~ If the District or Institute was previously assigned to a Priority Improvement or Turnaround Plan and was on Performance Watch, the District or Institute

Commented [CDE2]: This amendment means that the Insufficient State Data label may be assigned if data is lacking for any of the Performance Indicators, including for Student Academic Growth.

will remain on Performance Watch but will exclude the current year from the calculation of the five (5) years of low performance described in section 22-11-207(4)(a), C.R.S.; or

(7) Unaccredited.

5.02 By no later than August 31st of each year, the Department shall provide an initial assignment to each District and the Institute into one of the Accreditation categories listed above.

5.03 In determining an initial accreditation category for each District and the Institute, the Department shall apply the following criteria:

(1) The District's or Institute's level of attainment of the statewide targets on the Performance Indicators, calculated in accordance with section 3.0 of these rules.

(A) The Department shall determine whether the District or Institute exceeds, meets, approaches or does not meet statewide targets for each Performance Indicator.

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

(C) In evaluating the level of attainment on student dropout and graduation rates, the Department, to the extent practicable, shall ensure that Districts and the Institute are not penalized for re-engaging students and ensuring that all students successfully graduate;

(2) The District's or the Institute's level of attainment of the Performance Indicators compared with statewide attainment of the Performance Indicators;

(3) The District's or Institute's compliance with the other requirements specified in its Accreditation Contract;

(4) The percentage of students enrolled in the District or Institute who are not tested on the Statewide Assessments; and

(5) The District's or Institute's failure to administer Statewide Assessments in a standardized and secure manner so that resulting assessment scores are reflective of independent student performance. The Commissioner shall determine whether a District or Institute has 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. 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.

5.04 When applying the criteria above to determine an initial Accreditation category for each District and the Institute, the Department shall place the greatest emphasis on attainment of the Performance Indicators. When evaluating attainment of the Performance Indicators, the Department shall place the greatest emphasis on student longitudinal academic growth and postsecondary and workforce readiness.

- 5.05 To accommodate the special circumstances of those Districts that include only a single Public School, the Commissioner may elect to apply the criteria for evaluating the performance of Public Schools, as described in section 8.02 of these rules, when evaluating such a District.
- 5.06 On or before the date that the Department notifies each District or the Institute of its initial Accreditation category, the Department shall also provide the data used by the Department to conduct its analysis of the District's or Institute's performance.
- 5.07 If a District or the Institute disagrees with the Department's initial Accreditation assignment, the District or Institute may submit to the Department a request for reconsideration. Such request must be submitted within eight weeks of receiving notice of the Department's initial Accreditation assignment. Such request must include an assurance that the District or Institute has complied with requirements for assessment participation policies under section 22-7-1013(8)(c), C.R.S. For the 2022-23 school year, a District or the Institute may only submit a request to reconsider if the District's or Institute's student participation rate on 2021-22 Statewide Assessments was at least 90 percent.
- 5.08 Upon receiving a request to reconsider, the Department shall take the following information into account in determining the District's or Institute's final accreditation rating:
- (1) When available, achievement data from a nationally-normed assessment other than a Statewide Assessment and from a grade or subject that is not tested on a Statewide Assessment, if the Department has determined that the supplemental data is valid and reliable and derived from assessments that are aligned with the state standards adopted pursuant to section 22-7-1005, C.R.S. Such data must be representative of the applicable population, meaning that ninety-five (95) percent or more of the applicable population was tested. The Department shall separately account for the performance of each Student Group when evaluating both assessment results and participation rates;
 - (2) When available, growth analysis of the type of achievement data described in subparagraph (1) above;
 - (3) Analysis of the length of time for which the District or Institute has been unable to meet the statewide targets on the Performance Indicators;
 - (4) The progress the District or Institute is making in improving its performance and in approaching achievement of the statewide targets and the degree to which the District or Institute is not achieving the statewide targets (e.g., quality of the district's most recent Unified Improvement Plan);
 - (5) When available, measures of postsecondary and workforce readiness other than the measures described in section 3.06 of these rules when the data used for such measures is representative of at least ninety-five (95) percent of the applicable student population, as determined by the Department. This may include the percentages of students enrolled in a high school who, based on attainment of course credits or demonstrated competencies, are on schedule to graduate within four, five, six, or seven years;
 - (6) Where applicable, the performance of students enrolled in the District's or Institute's alternative education campuses that have received a designation pursuant to section 22-7-604.5, C.R.S. The performance of these students shall be evaluated based on the following:
 - (A) Whether removing the data for students enrolled in the campus(es) from the calculations of the District's or Institute's attainment of the Performance

Commented [CDE3]: This references a requirement from statute that prohibits local education providers from imposing an unreasonable burden or requirement that would discourage a student from taking a state assessment or encourage a student's parent to excuse the student from taking the state assessment.

Commented [KL4]: This 90% threshold requirement reflects the state board's resolution, adopted in December 2020, and the board's discussion at its April board meeting.

Indicators would otherwise cause the District or Institute to receive a higher Accreditation rating; and

(B) Whether the campus(es) either:

(I) ~~Has/have been assigned by the State Board to implement a School Improvement Plan on the alternative education campus school performance frameworks and the campus(es) has/have demonstrated improved performance over time, as demonstrated through the criteria for evaluating alternative education campuses, described in section 22-11-210(1)(b), C.R.S.;~~

~~(II) Has/have been assigned by the State Board to implement a School Performance Plan on the alternative education campus school performance frameworks; or~~

(III) ~~The campus(es) n~~o longer serve(s) students.

~~(C) Whether, if the District or Institute serves only Alternative Education Campus(es), the calculations of the District's or Institute's attainment of the Performance Indicators on the Alternative Education Campus School Performance Framework would allow the District or Institute to receive a higher Accreditation rating;~~

- (7) If the District or Institute has participation rates below eighty-five (85) percent on the Statewide Assessments, data showing how the students who participated in the Statewide Assessments are not representative of the District's or Institute's total population;
- (8) If the District or Institute was lowered one Accreditation-level rating due to low student participation in Statewide Assessments, information concerning whether the District or Institute historically has attained ninety-five (95) percent participation rates, inadvertent test misadministration occurred, or the District or Institute has a particularly small student population; Whether the District or Institute authorized a Public School with a Priority Improvement or Turnaround Plan type assignment and that Public School was closed or not reauthorized by the District or Institute; and
- (9) The extent to which the District or Institute has been subject to an event that has caused significant disruption during the school year, including but not limited to acts of violence, the death of students or staff, or natural disasters such as fire, flood, earthquake, avalanche or tornado.

5.09 When evaluating the information described above, the Department may accommodate systems with small student populations by allowing exceptions to the participation rate requirements described in section 5.08 of these rules and may allow the District or Institute to submit data for multiple years. [For the 2022-23 school year, the request to reconsider process will include a simplified approval process if a District or the Institute has shown sufficiently improved performance on 2021-22 Statewide Assessments.](#)

5.10 By no later than December 30th 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.

5.11 If a District or the Institute receives a final Accreditation category assignment of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan, it has the right to appeal the Department's determination before the State Board.

- (1) Within ten (10) days of receiving notification of the Department's final Accreditation category assignment, the District or Institute shall provide written notice to the State Board Office that the District or Institute wishes to appeal the Accreditation category assignment.
- (2) Within ten (10) days of receiving the notice of appeal, the State Board Office shall provide a scheduling notification to the District or Institute in writing. 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 5.11 of these rules may be modified by agreement between the Department and the District or Institute with approval of the State Board Office.
- (3) 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.
- (4) 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.
- (5) 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:
 - (A) Written documents issued by the Department placing the District or Institute in the category of Accredited with Priority Improvement Plan or Accredited with Turnaround Plan;
 - (B) Written correspondence between the District or Institute and the Department concerning Accreditation; and
 - (C) Any other documents, reports, correspondence and other written or electronic materials related to the matters at issue.
- (6) The State Board shall hold a hearing on the matter at the earliest possible regularly scheduled board meeting.
- (7) The State Board shall issue a written order regarding the District's or Institute's final Accreditation category within thirty (30) days of the date of the hearing and provide a copy to the Local Board or Institute board and the Department.

6.0 District and Institute Accountability Processes: Contents of District and Institute Plans and Timelines for Adoption, Review, and Publication of Plans

~~6.00A In the spring of 2020, the Governor issued Executive Orders D2020-003 (Declaring a Disaster Emergency) and D2020-007 and D2020-021 (suspending in-person K-12 instruction). For the 2019-20 school year only, the April 15th plan submission deadline is hereby extended to October 15th. Each Local Board and the Institute board shall ensure that the appropriate plan, based on the plan type assigned in December 2019, is submitted and in effect no later October 15th, 2020.~~

~~6.00B In early 2021, the Governor issued Executive Order D2021-009 to amend and extend his previous declaration of a disaster emergency due to COVID-19 (D2020-003). COVID-19~~

Commented [CDE5]: These sections applied in prior years only and are now obsolete.

~~continues to disrupt the 2020-21 school year. For the 2020-21 school year only, each Local Board and the Institute may incorporate by reference the plan that is currently posted on SchoolView into its plan submission. Each Local Board and the Institute must supplement its submission with the information described in section 6.2(10) of these rules, concerning implementation of the READ Act.~~

6.01 Each Local Board and the Institute board shall adopt a plan for improving student performance, which plan shall align with the District's or Institute's final Accreditation rating. If assigned to Accredited with Distinction or Accredited, the Local Board or Institute board shall adopt a Performance Plan. If assigned to Accredited with Improvement Plan, the Local Board or Institute board shall adopt an Improvement Plan. If assigned to Accredited with Priority Improvement Plan, the Local Board or Institute board shall adopt a Priority Improvement Plan. If assigned to Accredited with Turnaround Plan, the Local Board or Institute board shall adopt a Turnaround Plan. If assigned to "Insufficient State Data," the Local Board or Institute shall adopt the plan type to which the Local Board or Institute was previously assigned.

6.02 Each District and Institute plan shall:

- (1) Reflect on the targets that were set by the District or Institute in its prior plan;
- (2) 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 targets shall be aligned with the statewide targets set by the State Board, as described in section 3.02 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, C.R.S., as having significant reading deficiencies and in ensuring that each student achieves grade-level expectations in reading;
- (3) 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;
- (4) Assess and prioritize the District's or Institute's most significant student performance challenges;
- (5) 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. For a District's Priority Improvement Plan or Turnaround Plan, if the District or Institute authorizes a public school that is operating under a Priority Improvement or Turnaround Plan and enrolls students in preschool, kindergarten, or any of grades one through three, the needs assessment shall include, but shall not be limited to, the early childhood learning needs assessment described in section 22-11-305(4), C.R.S.;
- (6) Identify specific, research-based strategies to address the District's or Institute's root causes of any low-performance, including strategies to address the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205, C.R.S., as having significant reading deficiencies.

For a District Turnaround Plan, such strategies shall, at a minimum, include one or more of the following:

- (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;
 - (B) Reorganizing the oversight and management structure within the District or the Institute to provide greater, more effective support for public schools;
 - (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;
 - (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 Board or the Institute;
 - (E) For a District, converting one or more District public schools to charter schools;
 - (F) For the Institute, renegotiating and significantly restructuring an Institute charter school's charter contract;
 - (G) Closing District public schools or Institute charter schools; and
 - (H) Other actions of comparable or greater significance or effect;
- (7) Identify the local, state and federal resources that the District or the Institute will use to implement the identified strategies with fidelity;
- (8) Identify implementation benchmarks and interim measures that the District or the Institute will use to evaluate whether the identified strategies are carried out with fidelity and whether to adjust practice;
- (9) For any Priority Improvement or Turnaround Plan that a District or the Institute adopts for the fourth year in which the District or Institute is on Performance Watch, include a general explanation for how the District or Institute may put into effect each of the actions described in section 22-11-209(2)(a)(I), C.R.S., for a District or section 22-11-209(2)(a)(II), C.R.S., for the Institute;
- (10) For a District, beginning with plans adopted for the 2020-21 school year:
- (A) Identify the core and supplemental reading curriculum used at each grade level including kindergarten (for each of the District public schools that includes a kindergarten educational program), which core and supplemental reading curriculum must be designed around teaching the foundational reading skills of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension;
 - (B) Identify the targeted, evidence-based or scientifically based core and supplemental reading instructional programs and intervention reading instruction, services, and other supports, including those available through the multi-tiered

systems of supports or a comparable intervention system that each District public school provides to students who are identified as having a significant reading deficiency or as reading below grade level;

- (C) Identify the assessments that each District public school uses at each grade level to meet the requirements specified in section 22-7-1205(1), C.R.S.; and
- (D) If the District public school receives and uses per-pupil intervention money, or money received through the early literacy grant program for professional development, the plan for providing the professional development, which development must be targeted, evidence based or scientifically based, and aligned with the instruction, services, and other supports provided to students who are identified as having a significant reading deficiency or as reading below grade level.

- (11) Address any other issues raised by the Department through the Accreditation process described in sections 4.00 and 5.00 of these rules.

6.03 ~~For the 2020-21 school year, if a District or the Institute is required to implement a Priority Improvement Plan or a Turnaround Plan, the Local Board or the Institute board shall adopt such plan and submit it to the Department by no later than January 15th.~~ Beginning with the 2021-22 school year, if a District or the Institute receives an initial accreditation rating of Accredited with a Priority Improvement Plan or Accredited with a Turnaround Plan, the Local Board or the Institute board shall adopt the Priority Improvement Plan or Turnaround Plan and submit it to the Department by no later than October 15th, unless one of the following exceptions applies; if the District or the Institute submits a request for the Department to reconsider an initial accreditation rating, appeals the Department's accreditation rating before the State Board, or has not previously adopted a Priority Improvement Plan or Turnaround Plan, then the Local Board or the Institute Board shall adopt and submit its plan to the Department by no later than January 15th.

Commented [CDE6]: This provision applied in 2021-22 only and will be obsolete.

- (1) For a Priority Improvement Plan, the Commissioner shall review the plan and may assign the State Review Panel to critically evaluate the plan, which may include one or more site visits, as described in section 22-11-208(3), C.R.S. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Local Board or Institute board revises the plan, the Local Board or Institute board shall submit such updated plan by a date negotiated between the District or Institute and the Department and no later than three months after receiving recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.
- (2) For a Turnaround Plan, the Commissioner shall review the plan and may assign the State Review Panel to critically evaluate the plan, which may include one or more site visits, as described in section 22-11-208(3), C.R.S. The Commissioner may suggest modifications to the plan. If the Commissioner suggests modifications to the plan, the Local Board or Institute board shall revise the plan and resubmit an updated plan for approval by a date negotiated between the District or Institute and the Department and no later than three months after receiving suggestions from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.

6.04 ~~For the 2020-21 school year, if a District or the Institute is required to adopt a Performance Plan or an Improvement Plan while on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than January 15th.~~ Beginning with the 2021-22 school year, if a District or the Institute receives an initial accreditation rating of Accredited with Distinction, Accredited, or Accredited with Improvement Plan and is on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than October 15th, unless the District or the Institute submits a request

Commented [CDE7]: This provision applied in 2021-22 only and will be obsolete.

for the Department to reconsider an initial Accreditation rating, whereby the Local Board or the Institute Board shall adopt and submit its plan to the Department by no later than January 15th. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Local Board or Institute board revises the plan, the Local Board or Institute board shall submit such updated plan by a date negotiated between the District or Institute and the Department and no later than three months after receiving recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.

6.05 ~~For the 2020-21 school year, if a District or the Institute is required to adopt a Performance Plan or an Improvement Plan and is not on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department no later than April 15th.~~ Beginning with the 2021-22 school year, if a District or the Institute receives an initial accreditation rating of Accredited with Distinction, Accredited, or Accredited with Improvement Plan and is not on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than October 15th unless the District or the Institute submits a request for the Department to reconsider an initial accreditation rating, whereby the Local Board or the Institute Board shall adopt and submit its plan to the Department by no later than January 15th. The Department shall post each plan on SchoolView within two weeks of receiving it.

Commented [CDE8]: This provision applied in 2021-22 only and will be obsolete.

6.06 Immediately after submitting a final plan to the Department, the Local Board or the Institute board shall begin to implement the plan.

6.07 So long as a District or the Institute maintains the status of Accredited or Accredited with Distinction, the Local Board or Institute board may adopt and submit a District Performance Plan every two years. This flexibility shall not apply to any district on Performance Watch. Regardless of whether a Performance Plan is submitted only every two years, each District must submit to the Department, annually, the information described in subsection 6.02(10) of these rules.

6.08 A District with 1,000 students or fewer may submit a single plan to satisfy both the District plan requirements and any public school plan requirements, so long as the plan meets all state and federal requirements for the District and public schools included in the plan. A District with more than 1,000 but fewer than 1,200 students may, upon request and at the Department's discretion, submit a single plan to satisfy the District plan requirements and any public school plan requirements, so long as the plan meets all state and federal requirements. A District that is authorized to submit a single plan and that, as described in section 6.07 of these rules, is also authorized to submit a two-year plan may submit a single plan to satisfy both District and public school requirements only if each of the public schools that is included in the plan also are authorized, as described in section 9.07 of these rules, to submit a two-year Performance Plan.

7.0 District and Institute Accountability Processes: Directed Action and Removal of Accreditation

7.01 If a District or the Institute is Accredited with a Turnaround Plan and the Department determines that the District or Institute has failed to make substantial progress under its Turnaround Plan or if the District or Institute has been on Performance Watch for the full five (5) years, the Commissioner shall assign the State Review Panel to critically evaluate the District's or the Institute's performance. The Department shall exclude a District's or the Institute's Accreditation rating for the 2020-21, 2021-22, and 2022-23 school years from the calculation of five (5) years. However, if a District or the Institute submits a request for reconsideration in the fall of 2022 and it is approved by the Department, the District's or Institute's 2022-23 Accreditation rating may be factored into the calculation of five (5) years, and toThe State Review Panel will recommend one or more of the following actions:

Commented [KL9]: S.B. 22-137 states that accreditation ratings for the 2020-21 through 2022-23 school years will be excluded from clock calculations, except that a change in a district's rating through the request to reconsider process in 2022-23 may be factored into the clock calculations.

- (1) If the recommendation applies to a District:

- (A) That the District's accreditation be removed;
- (B) That the District be reorganized pursuant to Article 30 of this Title 22, which reorganization may include consolidation;
- (C) That a private or public entity, with the agreement of the District serve as a lead partner in the management of the District or partially or wholly manage one or more of the District Public Schools. The Local Board and the Department shall ensure that the private or public entity uses research-based strategies and has a proven record of success working with school districts and schools under similar circumstances;
- (D) That one or more of the District Public Schools be converted to a charter school;
- (E) That one or more of the District Public Schools be granted status as an innovation school pursuant to section 22-32.5-104, C.R.S., or that the Local Board recognize a group of District Public Schools as an innovation school zone pursuant to section 22-32.5-104, C.R.S.; or
- (F) That one or more of the District Public Schools be closed.

(2) If the recommendation applies to the Institute:

- (A) That the Institute's Accreditation be removed;
- (B) That the Institute board be abolished and that the governor appoint a new Institute board pursuant to section 22-30.5-505, C.R.S.;
- (C) That a public or private entity take over management of the Institute or management of one or more of the Institute Charter Schools; or
- (D) That one or more of the Institute Charter Schools be closed.

- 7.02 After critically evaluating the District's or Institute's performance, the State Review Panel shall submit a written recommendation to the Commissioner. The Department shall forward the written recommendation to the State Board Office, the applicable Local Board or Institute board, and District or Institute staff.
- 7.03 Following the release of the Department's initial Accreditation ratings that place a District or the Institute in the fifth year of Performance Watch, the Department shall provide a copy of a written recommendation from the Commissioner to the State Board Office concerning one or more of the actions described in section 7.01 of these rules. The Department shall send a copy of the written recommendation to the applicable Local Board or Institute board and District or Institute staff.
- 7.04 When a District or the Institute has been on Performance Watch for five (5) years, the State Board shall hold a public hearing to consider the recommendations of the State Review Panel and the Commissioner for a District or the Institute. The public hearing shall be held between October 1st and February 28th of the academic school year in which the District or Institute is Accredited with a Priority Improvement Plan or Turnaround Plan for the fifth year while on Performance Watch.

Prior to the public hearing, the District or Institute shall have the opportunity to submit to the State Board a written report detailing the District's or Institute's preferred course of action, based on the

available options described in section 7.01 of these rules and which best addresses the root cause(s) for persistent low student performance. At the public hearing, the District or Institute and the Department shall have an opportunity to present information to the State Board. At the conclusion of the public hearing, the State Board may ask the District or Institute and the Department to submit proposed written final determinations for the State Board's consideration at a subsequent meeting.

7.05 Per section 22-11-209(3.5), C.R.S., if a District or the Institute continues to be Accredited with Priority Improvement or Turnaround Plan after the State Board initially directs action as described in sections 7.01 – 7.04 of these rules, then the Commissioner may in any year, but shall every two years, assign the State Review Panel to critically evaluate the District's or Institute's performance and recommend one or more of the actions described in section 7.01 of these rules. The State Board shall consider the State Review Panel's recommendations, the previously-directed actions, the fidelity with which the District or Institute has implemented the directed actions, and whether the amount of time to implement the previously directed actions is reasonably sufficient to achieve results. At its discretion, the State Board also may consider the District's or Institute's 2022-23 Accreditation rating. The State Board shall require the District or the Institute either to continue the previously directed actions or to undertake additional or different actions outlined in section 7.01 of these rules.

Commented [CDE10]: S.B. 22-137 explicitly authorizes the state board to consider a district's 2022-23 rating, in addition to the other factors outlined in the law, when determining whether to require the district to continue previously directed actions or undertake additional or different actions.

7.06 If the Department recommends to the Commissioner and State Board that the State Board remove a District's or the Institute's Accreditation for the reasons outlined in section 22-11-209(1)(c), C.R.S., concerning budget and financial policies and procedures or accounting and financial reporting, the District or Institute shall have the right to appeal to the State Board before the State Board takes action to remove the District's or the Institute's accreditation. Any such appeal shall proceed as follows:

- (1) Within ten (10) days of receiving the Department's written recommendation, the District or Institute shall file with the State Board notice that the District or Institute wishes to appeal the recommendation.
- (2) Within ten (10) days of receiving the notice of appeal, the State Board Office shall provide a scheduling notification to the District or Institute in writing. 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 7.03 of these rules may be modified by agreement between the Department and the District or Institute with approval of the State Board Office.
- (3) 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.
- (4) 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.
- (5) The District or Institute shall file all relevant documents pertaining to the removal of the District's or Institute's Accreditation, which may include:
 - (A) Written documents issued by the Department recommending removal of Accreditation;

- (B) Written correspondence between the District or Institute concerning Accreditation; and
 - (C) Any other documents, reports, correspondence and other written or electronic materials related to the matters at issue.
- (6) The State Board shall hold a hearing on the matter at the earliest possible regularly scheduled board meeting.
- (7) 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.

7.07 If a District's or the Institute's Accreditation is removed and the District or the Institute is reorganized and takes any other actions directed by the State Board, the State Board shall reinstate the District's or the Institute's Accreditation at the Accreditation category deemed appropriate by the State Board.

8.0 Public School Accountability Processes: Plan Type Assignments

~~8.0A Under H.B. 21-1161 the Department shall not assign new plan types for Public Schools for the 2021-22 school year. If a Public School had been required to implement a Priority Improvement or Turnaround Plan during the 2020-21 school year, a District or the Institute may submit a request for a 2021-22 plan type that reflects the Public School's level of attainment based on an alternative body of evidence. Such requests may be submitted and must be reviewed according to the following requirements:~~

- ~~(1) The District or Institute must submit such request electronically no later than September 30, 2021;~~
- ~~(2) The Department must recommend whether to approve the request and the State Board must act on the request as soon as practicable;~~
- ~~(3) In making its recommendation, the Department must take into consideration the following information:
 - ~~(A) Quantitative data, which must include any state student performance data available to the department and any local student performance data provided by the District or Institute. To be considered, such quantitative data must meet standards of validity, reliability, and adequate representation of the Public School's student population, as those standards are defined by the Department, in consultation with the Technical Advisory Panel established pursuant to section 22-11-202, C.R.S.; and~~
 - ~~(B) Qualitative data, which must include the quality of the Public School's most recent Priority Improvement or Turnaround plan and information about the fidelity with which administration and staff have implemented the plan. If the Department determines that the quality of the plan is sufficient, then the Department will assign the State Review Panel to conduct a document review and site visit, and the Department will consider input from the panel;~~~~
- ~~(4) If the 2021 state student performance data would have allowed the Public School to earn a higher plan type assignment based on the Department's 2019 annual review of school performance, then the District or Institute need not submit any additional data;~~

Commented [CDE11]: This section applied in 2021-22 only and will be obsolete.

- ~~(5) — Any change in the Public School's plan type for the 2021-22 school year shall not affect the time-based calculations in sections 22-11-210(1)(d)(I) and (5.5), C.R.S.;~~
- ~~(6) — If the State Board approves a request for a plan type based on an alternative body of evidence, the Public School must submit a new plan that meets the requirements of the assigned plan type, as outlined in section 9.3 of these rules; and~~
- ~~(7) — To the extent possible, the Department must make available grant funding and additional supports to assist Districts and the Institute in preparing and submitting a request for a different plan type on behalf of a Public School.~~

- 8.01 By no later than August 31st of each year, the Department shall provide to Public School authorizers an initial recommendation for each of the authorizer's Public Schools as to whether the Public School must implement a Performance Plan, Improvement Plan, Priority Improvement Plan or Turnaround Plan.
- 8.02 In determining an initial recommendation for each Public School, the Department shall apply the following criteria:
- (1) The Public School's level of attainment of the statewide targets on the Performance Indicators, calculated in accordance with section 3.0 of these rules.
 - (A) The Department shall determine whether the Public School exceeds, meets, approaches or does not meet statewide targets for each Performance Indicator.
 - (B) If the Public School's authorizer chooses not to endorse a high school diploma as described in section 22-7-1009(2), C.R.S., the Public School will not be penalized for such choice when it is assigned to a plan type.
 - (C) In evaluating the level of attainment on student dropout and graduation rates, the Department, to the extent practicable, shall ensure that the Public School is not penalized for re-engaging students and ensuring that all students successfully graduate;
 - (2) The percentage of students enrolled in the Public School who are not tested on the Statewide Assessments; and
 - (3) The Public School's failure to administer Statewide Assessments in a standardized and secure manner so that resulting assessment scores are reflective of independent student performance. The Commissioner shall determine whether a Public School has 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 Public School's Accreditation rating. If the Public School otherwise would have been directed to implement a Performance Plan or Improvement Plan, it instead may be directed to implement a Priority Improvement Plan. If the Public School otherwise would have been directed to implement a Priority Improvement Plan, it instead may be directed to implement a Turnaround Plan.
- 8.03 When applying the criteria above to determine an initial recommendation for the type of plan each Public School shall implement, the Department shall place the greatest emphasis on attainment of the Performance Indicators. When evaluating attainment of the Performance Indicators, the Department shall place the greatest emphasis on student longitudinal academic growth and postsecondary and workforce readiness.

- 8.04 The Department shall assign a Public School the "Insufficient State Data" label and direct the Public School to adopt a plan that meets the requirements of the plan type to which the Public School was previously assigned. If the Public School does not have sufficient data to either:
- (1) publicly report results data, including data for each Performance Indicator, while protecting the privacy of students; or
 - (2) adequately represent the Public School's total student population because it reflects scores from less than 25 percent of students in tested grades ~~the Public School shall be directed to adopt a plan that meets the requirements of the plan type to which the Public School was previously assigned.~~ If the Public School was previously assigned to a Priority Improvement or Turnaround Plan and was on Performance Watch, the Public School will remain on Performance Watch but will exclude the current year from the calculation of the five (5) years of low performance described in section 22-11-210(1)(d)(I), C.R.S.
- 8.05 If a single Public School divides into two or more schools, the student performance data and accountability history and status from the original school's relevant grade span will carry over to the new schools.
- 8.06 On or before the date that the Department notifies each Public School authorizer of the initial recommendation for the type of plan the authorizer's Public Schools shall implement, the Department shall also provide the data used by the Department to conduct its analysis of each Public School's performance.
- 8.07 If a District or the Institute disagrees with one or more of the Department's initial recommendations for the type of plan a Public School shall implement, the District or Institute may submit to the Department a request for reconsideration. Such request shall be submitted within eight weeks of receiving notice of the Department's initial recommendation for the type of plan the Public School shall implement. Such request must include an assurance that the District or Institute has complied with requirements for assessment participation policies under section 22-7-1013(8)(c), C.R.S. For the 2022-23 school year, a District or the Institute may only submit a request to reconsider if the Public School's student participation rate on 2021-22 Statewide Assessments was at least 90 percent.
- 8.08 Upon receiving a request for reconsideration, the Department shall take the following information into account in determining a final plan type recommendation:
- (1) When available, achievement data from a nationally-normed assessment other than a Statewide Assessment from a grade or subject that is not tested on a Statewide Assessment, if the Department has determined that the supplemental data is valid and reliable and derived from assessments that are aligned with the state standards adopted pursuant to section 22-7-1005, C.R.S. Such data must be representative of the applicable population, meaning that ninety-five (95) percent or more of applicable population was tested. The Department shall separately account for the performance of each Student Group when evaluating both assessment results and participation rates;
 - (2) When available, growth analysis of the type of achievement data described in subparagraph (1) above;
 - (3) Analysis of the length of time for which the Public School has been unable to meet the statewide targets on the Performance Indicators;
 - (4) The progress the Public School is making in improving its performance and in approaching achievement of the statewide targets and the degree to which the Public

Commented [CDE12]: This amendment means that the Insufficient State Data label may be assigned if data is lacking for any of the Performance Indicators, including for Student Academic Growth.

Commented [CDE13]: This references a requirement from statute that prohibits local education providers from imposing an unreasonable burden or requirement that would discourage a student from taking a state assessment or encourage a student's parent to excuse the student from taking the state assessment.

Commented [KL14]: This 90% threshold requirement reflects the state board's resolution, adopted in December 2020, and the board's discussion at its April board meeting.

School is not achieving the statewide targets (e.g., quality of the district's most recent Unified Improvement Plan);

- (5) When available, measures of postsecondary and workforce readiness other than the measures described in section 3.06 of these rules when the data used for such measures is representative of at least ninety-five (95) percent of the applicable student population, as determined by the Department. This may include the percentages of students enrolled in a high school who, based on attainment of course credits or demonstrated competencies, are on schedule to graduate within four, five, six, or seven years;
- (6) If the Public School has participation rates below eighty-five (85) percent on the Statewide Assessments, data showing how the students who participated in the Statewide Assessments are not representative of the Public School's total population;
- (7) If the Public School's plan type assignment was lowered one level due to low student participation in Statewide Assessments, information concerning whether the Public School historically has attained ninety-five (95) percent participation rates, inadvertent test misadministration occurred, or the Public School has a particularly small student population; and
- (8) The extent to which the Public School has been subject to an event that has caused significant disruption during the school year, including but not limited to acts of violence, the death of students or staff, or natural disasters such as fire, flood, earthquake, avalanche or tornado.

8.09 When evaluating the information described above, the Department may accommodate Public Schools with small student populations by allowing exceptions to the participation rate requirements described in section 8.08 of these rules and may allow the Public School to submit data for multiple years. For the 2022-23 school year, the request to reconsider process will include a simplified approval process if a Public School has shown sufficiently improved performance on 2021-22 Statewide Assessments.

8.10 By no later than December 15th of each school year, the Department shall submit final school plan type recommendations to the State Board for the State Board's approval. By no later than December 30th of each school year, the Department shall notify Public Schools, School Districts and the Institute of the type of plan the Public Schools shall implement.

9.0 Public School Accountability Processes: Contents of School Plans and Timelines for Adoption, Review, and Publication of School Plans

~~9.00A In the spring of 2020, the Governor issued Executive Orders D2020-003 (Declaring a Disaster Emergency) and D2020-007 and D2020-021 (suspending in-person K-12 instruction). For the 2019-20 school year only, the April 15th plan submission deadline is hereby extended to October 15th. Each Local Board and the Institute board shall ensure that the appropriate plan, based on the plan type assigned in December 2019, is submitted and in effect no later October 15th, 2020.~~

~~9.00B In early 2021, the Governor issued Executive Order D2021-000 to amend and extend his previous declaration of a disaster emergency due to COVID-19 (D2020-003). COVID-19 continues to disrupt the 2020-21 school year. For the 2020-21 school year only, each Local Board and the Institute may incorporate by reference a school's plan that is currently posted on SchoolView into its plan submission. For a District charter school plan or an Institute charter school plan, each Local Board and the Institute must supplement its submission with the information described in section 9.3(10) of these rules, concerning implementation of the READ Act.~~

Commented [CDE15]: These sections applied in prior years only and are now obsolete.

- 9.01 If a District public school is directed to implement a Performance Plan or Improvement Plan, the school principal and District superintendent, or his or her designee, shall adopt the plan. The Local 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 Board for approval. If a District public school is directed to implement a Priority Improvement Plan or Turnaround Plan, the Local Board shall adopt the plan.
- 9.02 If an Institute charter school is directed to implement a Performance Plan or Improvement Plan, the school principal shall adopt the plan. The Institute board is encouraged to review and approve such plan. The Institute board is encouraged to consider whether it would like to require the school principal to submit the plan to the Institute board for approval. If an Institute charter school is directed to implement a Priority Improvement Plan or Turnaround Plan, the Institute board shall adopt the plan.
- 9.03 Each public school plan shall:
- (1) Reflect on the targets that were set by the public school in its prior plan;
 - (2) Set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the public school shall attain on the Performance Indicators. The targets shall be aligned with the statewide targets set by the State Board, as described in section 3.02 of these rules. If the public school serves students in kindergarten and first, second, and third grades, 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, C.R.S., as having significant reading deficiencies and in ensuring that each student achieves grade-level expectations in reading;
 - (3) Identify positive and negative trends in the levels of attainment by the public school on the Performance Indicators;
 - (4) Assess and prioritize the public school's most significant student performance challenges;
 - (5) Assess and prioritize the root causes of any low-performance for 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 or kindergarten. If the public school serves students in preschool, kindergarten, or any of grades one through three and is directed to implement a Priority Improvement Plan or Turnaround Plan, the needs assessment shall include, but shall not be limited to, the early childhood learning needs assessment described in section 22-11-405(4.5), C.R.S.;
 - (6) 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. 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, C.R.S., as having significant reading deficiencies. For a Priority Improvement Plan or Turnaround Plan, these strategies must incorporate strategies to increase parent engagement in the public school. For a Turnaround Plan, such strategies shall, at a minimum, include one or more of the following:
 - (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;
- (B) Reorganizing the oversight and management structure within the public school to provide greater, more effective support;
 - (C) For a District public school, seeking recognition as an innovation school or clustering with other District public schools that have similar governance or management structures to form an innovation school zone pursuant to Article 32.5 of Title 22;
 - (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 Board or the Institute;
 - (E) For a District public school that is not a charter school, converting to a charter school;
 - (F) For a District charter school or an Institute charter school, renegotiating and significantly restructuring the charter school's charter contract;
 - (G) For a public school that serves students enrolled in kindergarten or any of grades one through three, that the public school invest in research-based strategies focused on early learning and development to address any deficiencies identified in the early childhood learning needs assessment described in section 22-11-305(4), C.R.S., if the cause of the public school's low performance is directly related to lack of school readiness and access to quality early learning opportunities, as demonstrated by student achievement data for the early elementary grades, and the public school has not successfully implemented these strategies in the preceding school years. A public school shall implement such strategies focused on early learning and development in combination with at least one other research-based strategy described in this subsection 9.03(6) of these rules; and
 - (H) Other actions of comparable or greater significance or effect;
- (7) Identify the local, state, and federal resources that the public school will use to implement the identified strategies with fidelity;
 - (8) Identify implementation benchmarks and interim measures that the public school will use to evaluate whether the identified strategies are carried out with fidelity and whether to adjust practice;
 - (9) For any Priority Improvement or Turnaround Plan that a public school adopts for the fourth year in which the public school is on Performance Watch, include a general explanation for how the public school may put into effect the applicable actions described in section 22-11-210(5)(a), C.R.S.; and
 - (10) For a District charter school plan or an Institute charter school plan, beginning with plans adopted for the 2020-21 school year:
 - (A) Identify the core and supplemental reading curriculum used at each grade level including kindergarten (for each school that includes a kindergarten educational program), which core and supplemental reading curriculum must be designed

around teaching the foundational reading skills of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension;

- (B) Identify the targeted, evidence-based or scientifically based core and supplemental reading instructional programs and intervention reading instruction, services, and other supports, including those available through the multi-tiered systems of supports or a comparable intervention system that the school provides to students who are identified as having a significant reading deficiency or as reading below grade level;
- (C) Identify the assessments that the school uses at each grade level to meet the requirements specified in section 22-7-1205(1), C.R.S.; and
- (D) If the school receives and uses per-pupil intervention money, or money received through the early literacy grant program for professional development, the school's plan for providing the professional development, which development must be targeted, evidence based or scientifically based, and aligned with the instruction, services, and other supports provided to students who are identified as having a significant reading deficiency or as reading below grade level.

- (11) Address any other issues raised by the Department through the performance review described in section 8.00 of these rules.

9.04 ~~For the 2020-21 school year, if a public school is required to implement a Priority Improvement Plan or a Turnaround Plan, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than January 15th.~~ Beginning with the 2021-22 school year, if a public school receives an initial school plan type assignment of Priority Improvement Plan or Turnaround Plan, the Local Board or the Institute board shall adopt such plan and submit it to the Department by no later than October 15th unless one of the following exceptions applies; if the District or the Institute submits a request for the Department to reconsider an initial school plan type or has not previously adopted a Priority Improvement Plan or Turnaround Plan for the school, then the Local Board or the Institute Board shall adopt and submit such plan to the Department by no later than January 15th.

Commented [CDE16]: This provision applied in 2020-21 and is now obsolete.

- (1) For a Priority Improvement Plan, the Commissioner may assign the State Review Panel to critically evaluate the plan, which may include one or more site visits, subject to available appropriations and as described in section 22-11-210(4), C.R.S. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Local Board or Institute board revises the plan, the Local Board or Institute board shall resubmit such updated plan to the Commissioner by a date negotiated between the District or Institute and the Department and no later than three months after receiving recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.
- (2) For a Turnaround Plan, the State Review Panel shall critically evaluate the plan, which may include one or more site visits, as described in section 22-11-210(4), C.R.S. The Commissioner may suggest modifications to the plan. If the Commissioner suggests modifications to the plan, the Local Board or Institute board shall revise the plan, if necessary, and resubmit the plan for approval by a date negotiated with the Department and no later than three months after receiving the suggestions from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.

9.05 ~~For the 2020-21 school year, if a public school is directed to implement a Performance Plan or Improvement Plan while on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than January 15th public school.~~ Beginning with the 2021-

Commented [CDE17]: This provision applied in 2020-21 only and is now obsolete.

22 school year, if a public school receives an initial school plan type assignment of Performance Plan or Improvement Plan while on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than October 15th unless the District or the Institute has submitted a request for the Department to reconsider an initial school plan type. If the District or the Institute has sought reconsideration of the initial school plan type assignment, the Local Board or the Institute Board shall submit the plan to the Department by no later than January 15th. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the public school revises the plan, the Local Board or Institute board shall resubmit such updated plan to the Commissioner by a date negotiated between the District or Institute and the Department and no later than three months after receiving the recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.

9.06 ~~For the 2020-21 school year, if a public school is directed to adopt a Performance Plan or an Improvement Plan and is not on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than April 15th.~~ Beginning with the 2021-22 school year, if a public school receives an initial school plan type assignment of Performance Plan or Improvement Plan and is not on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than October 15th unless the District or the Institute has submitted a request for the Department to reconsider the initial school plan type, whereby the Local Board or the Institute Board shall submit such plan to the Department by no later than January 15th. The Department shall post the plan on SchoolView within two weeks of receiving it.

Commented [CDE18]: This provision applied in 2020-21 only and is now obsolete.

9.07 For a District public school, immediately after submitting a final plan to the Department, the Local Board or the Institute board shall begin to implement the plan. For an Institute school, immediately after submitting a final plan to the Department, the principal shall begin to implement the plan.

9.08 So long as a public school continues to be directed to implement a Performance Plan, the school principal and District superintendent or designee, for a District public school, or the school principal for an Institute charter school, may adopt and submit a Performance Plan every two years. This flexibility shall not apply to any public school on Performance Watch [or to any public school assigned the "Insufficient State Data" label](#).

10.0 Public School Accountability Processes: Directed Action

10.01 If a public school fails to make adequate progress under its Turnaround Plan or continues on Performance Watch for the full five (5) years, the Commissioner shall assign the State Review Panel to critically evaluate the Public School's performance through an on-site visit to the Public School and a review of documents. [The Department shall exclude the 2020-21, 2021-22, and 2022-23 school years from the calculation of five \(5\) years. However, if a District or the Institute submits a request for reconsideration in the fall of 2022 and it is approved by the Department, the Public School's 2022-23 plan type may be factored into the calculation of five \(5\) years.](#) Upon completing the evaluation, the State Review Panel shall determine which of the following actions to recommend:

Commented [KL19]: S.B. 22-137 states that school plan types for the 2020-21 through 2022-23 school years will be excluded from clock calculations, except that a change in a school's plan type through the request to reconsider process in 2022-23 *may* be factored into the clock calculations.

- (1) If the recommendation applies to a District Public School that is not a Charter School:
 - (A) That the Public School be partially or wholly managed by a private or public entity other than the District. The Local Board and the Department shall ensure that the private or public entity uses research-based strategies and has a proven record of success working with school districts and schools under similar circumstances;
 - (B) That the Public School be converted to a Charter School;

- (C) That the Public School be granted status as an innovation school pursuant to section 22-32.5-104, C.R.S.; or
 - (D) That the Public School be closed.
- (2) If the recommendation applies to a District or Institute Charter School:
- (A) That the public or private entity operating the Charter School or the governing board of the Charter Sch_ool be replaced by a different public or private entity or governing board; or
 - (B) That the Public School's charter be revoked.
- 10.02 The State Review Panel shall submit a written recommendation to the Commissioner. The Department shall send a copy of the written recommendation to the State Board Office, the applicable Local Board or Institute board, and District or Institute staff.
- 10.03 The State Board must hold a public hearing to consider the recommendation of the State Review Panel for a Public School that has been on Performance Watch for five (5) years. The public hearing shall be held between October 1st and February 28th of the academic school year in which the Public School is in its 5th year of a Priority Improvement or Turnaround Plan type while on Performance Watch.
- 10.04 Prior to the public hearing, the District or Institute shall have the opportunity to submit to the State Board a written report detailing the District's or Institute's preferred course of action for the Public School under consideration, based on the available options described in section 10.01 of these rules and which best addresses the root cause(s) for persistent low student performance. At the public hearing, the District or Institute and the Department shall have an opportunity to present information to the State Board. At the conclusion of the public hearing, the State Board may ask the District or Institute to submit, with support from the Department, a proposed written final determination for the State Board's consideration.
- 10.05 Per section 22-11-210(5.5), C.R.S., if a Public School continues to be required to implement a Priority Improvement or Turnaround Plan after the State Board initially directs action as described in sections 10.01 – 10.04 of these rules, then the Commissioner may in any year, but shall every two years, assign the State Review Panel to critically evaluate the Public School's performance and recommend one of the actions described in section 10.01 of these rules. The State Board shall consider the State Review Panel's recommendations, the previously-directed actions, the fidelity with which the authorizing District or Institute and the Public School have implemented the directed actions, and whether the amount of time to implement the previously directed actions is reasonably sufficient to achieve results. [At its discretion, the State Board also may consider the Public School's 2022-23 plan type.](#) The State Board shall require the Local Board or the Institute board either to continue the previously directed actions or to undertake additional or different actions as provided in section 10.01 of these rules.

Commented [CDE20]: S.B. 22-137 explicitly authorizes the state board to consider a school's 2022-23 plan type, in addition to the other factors outlined in the law, when determining whether to require the school to continue previously directed actions or undertake additional or different actions.