

COLORADO STATE BOARD OF EDUCATION
Administrative Procedures for State Board Accountability Actions

INTRODUCTION

Under the Colorado Education Accountability Act of 2009, §§ 22-11-101 *et seq.*, C.R.S. (the Act) if a School District or the Charter School Institute (Institute) performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the State Board of Education (State Board) must direct the District or the Institute to take significant action for improvement. § 22-11-207(4)(a), C.R.S. Similarly, the State Board must also direct significant action if a Public School remains on performance watch for five years. § 22-11-210(1)(d)(I), C.R.S. The Commissioner of the Colorado Department of Education (Commissioner) must assign the State Review Panel to critically evaluate a District, the Institute, or a School that remains on performance watch for five years or that fails to make substantial progress under its Turnaround Plan, as evidenced by its failure to improve attainment on the Performance Indicators or failure to meet the implementation benchmarks and interim target measures included in its Turnaround Plan. §§ 22-11-209(2)(a) & -210(5)(a), C.R.S.

If student academic performance continues to put the District, Institute, or School in Priority Improvement or Turnaround after the State Board initially directs action, then the State Board may in any year—and must every two years—revisit the matter and require a continuation of the previously-directed action or direct additional or different actions. §§ 22-11-209(3.5)(a) & -210(5.5)(a), C.R.S.

The State Board will use the following procedures to govern matters arising under §§ 22-11-209 and 210, C.R.S. If the State Review Panel has made a recommendation for action for a School, the Board will use the procedures set forth in Part A, below. If the recommendation relates to a District or the Institute, the Board will use the procedures set forth in Part B, below. If a School, a District or the Institute remains on performance watch after the Board directs an action, the Board will use the procedures set forth in Part C, below.

District and/or Institute Review

The Commissioner may assign the State Review Panel to critically evaluate the District or Institute’s performance. The State Review Panel may also recommend one or more actions under Colorado law. The State Review Panel shall consider the factors contained in § 22-11-209(2)(b), C.R.S. which include:

- whether the District’s or Institute’s leadership is adequate to implement change

to improve results;

- whether the District's or the Institute's infrastructure is adequate to support school improvement;
- the readiness and apparent capacity of personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance;
- the readiness and apparent capacity of personnel to engage productively with and benefit from the assistance provided by an external partner;
- the likelihood of positive returns on state investments of assistance and support to improve the District's or Institute's performance within the current management structure and staffing; and
- the necessity that the District or Institute remain in operation to serve students.

If the review involves a District, recommended actions may include:

- that the District's accreditation be removed;
- that the District be reorganized pursuant to Article 30 of Title 22;
- 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;
- that one or more of the District's schools be converted to a charter school;
- that one or more of the District's schools be granted status as an "innovation school" or that the local school board recognize a group of district public schools as an "innovation school zone" pursuant to § 22-32.5-104, C.R.S.;
- that one or more of the District's schools be closed;
- that one or more of the District public schools be converted to a community school, as defined in § 22-32.5-103(1.3), C.R.S.; or
- that the District take other actions, as proposed by the District, that are comparable to or that have a more significant effect than the other actions described in § 22-11-209(2)(a)(I), C.R.S., and that are aligned to the pathway plan and designed to support the implementation of the pathway plan. Actions include, but are not limited to, contracting with external partners, using

contractors or resources provided by the department, engaging in cross-district progress monitoring, or comprehensive school redesign.

§ 22-11-209(2)(a)(I), C.R.S.

If the review involves the Institute, recommendations may include:

- that the Institute’s accreditation be removed;
- that the Institute board be abolished and that the governor appoint a new board;
- that a public or private entity take over management of the Institute or management of one or more of the Institute charter schools;
- that one or more of the Institute charter schools be closed; or
- that the Institute take other actions, as proposed by the Institute, that are comparable to or that have a more significant effect than the actions described in § 22-11-209(2)(a)(II), C.R.S. and that are aligned to the pathway plan and designed to support the implementation of the pathway plan. Actions include, but are not limited to, contracting with external partners, using contractors or resources provided by the department, engaging in cross-district progress monitoring, or comprehensive school redesign.

§ 22-11-209(2)(a)(II), C.R.S.

Individual Schools Review

The Commissioner may assign the State Review Panel to critically evaluate the School’s performance and determine whether to recommend one of the following:

- with regard to a district public school that is not a charter school, that the School be partially or wholly managed by a private or public entity other than the District;
- with regard to a charter school, that the entity operating the School or the governing board of the charter school should be replaced;
- with regard to a district public school, that it be converted to a charter school if it is not already authorized as such;
- with regard to a district public school, that it be granted status as an “innovation school” pursuant to § 22-32.5-104, C.R.S.;
- that the School be closed or, with regard to a charter school, that the School’s charter be revoked;

- with regard to a district public school, that it be converted to a community school, as defined in § 22-32.5-103(1.5), C.R.S.; or
- other actions that are comparable to or that have a more significant effect than the actions described in § 22-11-210(5)(a), C.R.S., proposed for the School and that are aligned with the pathway plan and designed to support the implementation of the pathway plan. Actions may include, but are not limited to, comprehensive school redesign, contracting with external partners, or using contractors or resources provided by the department.

§ 22-11-210(5)(a), C.R.S.

The State Review Panel shall present its recommendations to the Commissioner and the State Board of Education. A copy of the written recommendation will also be provided to the affected District or Institute.

A. HEARING PROCEDURES FOLLOWING ACCOUNTABILITY RECOMMENDATIONS FOR INDIVIDUAL SCHOOLS

I. Notice

- a. If a Public School performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the Department shall provide written notice to the District or Institute that the State Board will be considering a course of action for the School.
- b. Upon receipt of the written recommendations from the State Review Panel, the Department shall provide a copy of the recommendations to the State Board of Education and to the District or the Institute.
- c. The State Board Office shall notify the District or Institute in writing of the date on which the State Board will hear the recommendations of the State Review Panel and consider any proposals that the District or the Institute may submit on behalf of its School(s). The notice shall include the filing deadlines noted below.

II. Submission of Record

- a. At least 30 calendar days prior to the scheduled State Board hearing, the Department shall announce an opportunity for the public to submit comments on the proposed course of action and input regarding Board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the State Board meeting

during which the hearing is scheduled.

- i. The State Board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the State Board.
 - ii. The State Board Office will forward a completed compilation of comments received to the Board two calendar days before the hearing.
- b. No later than 14 calendar days prior to the hearing, the District or Institute shall submit its pathway plan as outlined in § 22-11-213 C.R.S., as well as any materials it wishes the Board to consider, to the State Board Office. A copy of the materials shall be provided by the State Board Office to the Department. The deadline may be modified by agreement between the Department and the District or Institute for good cause shown, with approval of the State Board Office.
 - i. The Department may provide technical guidance to the Board regarding the State Review Panel recommendation and District or Institute materials.
- c. Seven days prior to the scheduled hearing, the Department may also submit a report on the School's pathway plan.
- d. An individual State Board member may request additional information after materials are filed. A Board member's request must be sent to the Director of State Board Relations who will then forward the request to all parties, including the full State Board.

III. Conduct of Hearing

- a. At the hearing, the District or Institute and the Department shall each have a maximum of 30 minutes to present. The State Board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:
 - i. The Department shall present its report to the State Board. The report shall provide a qualitative review of school systems, a review of recent data, the history of grants and supports provided to the School, and an evaluation of the School's pathway plan.
 - ii. The District or Institute shall have an opportunity to present its pathway plan to the State Board. The presentation shall include an overview of the District's or Institute's improvement

strategies, review of trends in student performance data, and an explanation of what actions the District, Institute, and/or School is taking or plans to take to improve student outcomes and attain Improvement status or higher within the next two years.

- iii. Following the presentation of the Department and the District or Institute, the State Board shall have the opportunity to deliberate and ask questions of the parties or the State Board's legal counsel for a total hearing time not to exceed three hours.
- iv. The State Board's consideration of the matter shall be limited to materials maintained in the record of proceedings.

c. Public record shall be kept of the hearing.

IV. Written Final Order

- a. The State Board will consider and adopt a final written order at a subsequent State Board meeting, as determined by the Chair. Public testimony will not be heard at that meeting; however, the State Board at its sole discretion may ask questions of Department staff or the State Board's legal counsel at that time. The Board shall serve a copy of the Order on the District or Institute and the Department.
- b. By June 30, the District or Institute shall sign a revised version of the accreditation contract, which will incorporate by reference the Board order. Signed copies of the revised contract will be made available to both the District or Institute and the Department.

B. HEARING PROCEDURES FOLLOWING ACCOUNTABILITY RECOMMENDATIONS FOR DISTRICTS AND THE INSTITUTE

I. Notice

- a. If a District or the Institute performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the Department shall provide written notice to the District or Institute that the State Board will be considering a course of action for the District or Institute.
- b. Upon receipt of the written recommendations from the State Review Panel, the Department shall provide a copy of the recommendations to the State Board of Education and to the District or the Institute.
- c. The State Board Office shall notify the District or Institute in writing of

the date on which the State Board will hear the recommendations and shall include in the scheduling notification the filing deadline noted below.

II. Submission of Record

- a. At least 30 calendar days prior to the scheduled State Board hearing, the Department shall announce an opportunity for the public to submit comments on the proposed course of action and input regarding Board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the State Board meeting during which the hearing is scheduled.
 - i. The State Board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the State Board.
 - ii. The State Board Office will forward a completed compilation of comments received to the Board two calendar days before the hearing.
- b. No later than 14 calendar days prior to the hearing, the District or Institute shall submit its pathway plan as outlined in § 22-11-213 C.R.S., as well as any materials it wishes the Board to consider, to the State Board Office. A copy of the materials shall be provided by the State Board Office to the Department. The deadline may be modified by agreement between the Department and the District or Institute for good cause shown, with approval of the State Board Office.
 - i. The Department may provide technical guidance to the Board regarding the State Review Panel recommendation and District or Institute materials.
- c. Seven days prior to the scheduled hearing, the Department may also submit a report evaluating the District's or the Institute's pathway plan.
- d. An individual State Board member may request additional information after materials are filed. A Board member's request must be sent to the Director of State Board Relations who will then forward the request to all parties, including the full State Board.

III. Conduct of Hearing

- a. At the hearing, the District or Institute and the Department shall each have a maximum of 30 minutes to present. The state board members

shall not interrupt with questions.

- b. The hearing shall proceed as follows:
 - i. The Department shall present its report to the State Board. The report shall provide a qualitative review of District or Institute and school systems, a review of recent data, the history of grants and supports provided to the District or Institute, and an evaluation of the District's or the Institute's pathway plan.
 - ii. The District or Institute shall have an opportunity to present its pathway plan to the State Board. The presentation shall include an overview of the District's improvement strategies, review of trends in student performance data, and an explanation of what actions the District, Institute and/or school is taking, or plans to take to improve student outcomes and attain Improvement status or higher within the next two years.
 - iii. Following the presentations of both the Department and the District or Institute, the State Board shall have the opportunity to deliberate and ask questions of the parties or the State Board's legal counsel for a total hearing time not to exceed three hours.
 - iv. The State Board's consideration of the matter shall be limited to materials submitted by the parties and maintained in the record of proceedings.
- c. Public record shall be kept of the hearing.

IV. Written Final Order

- a. The State Board will consider and adopt a written final determination at a subsequent State Board meeting, as determined by the Chair. Public testimony will not be heard at that meeting; however, the State Board, at its sole discretion, may ask questions of Department staff or the State Board's legal counsel at that time. The Board shall serve a copy of the Order on the District or Institute and the Department.
- b. By June 30, the District or Institute shall sign a revised version of the accreditation contract, which will incorporate by reference the final written order. Signed copies of the revised contract will be made available to both parties.

C. REHEARING PROCEDURES FOLLOWING ACCOUNTABILITY RECOMMENDATIONS UNDER C.R.S. §§ 22-11-209(3.5) AND 22-11-210(5.5) AFTER INITIAL ACTION

I. Notice

- a. If a District, the Institute or a School remains in Priority Improvement or Turnaround after the State Board directs an action, the Commissioner may in any year, but shall every two years, assign the State Review Panel to critically evaluate performance.
- b. Upon receipt of the written recommendations from the State Review Panel, the Commissioner or Department shall provide a copy of the recommendations to the State Board of Education and to the District or the Institute.
- c. The State Board Office shall notify the District or Institute in writing of the date on which the State Board of Education will consider the recommendations of the State Review Panel and hear an update from the District or the Institute. The notice shall include the filing deadlines noted below.

II. Submission of Record

- a. At least 30 calendar days prior to the scheduled State Board hearing, the Department shall announce an opportunity for the public to submit comments regarding further Board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the State Board meeting during which the hearing is scheduled.
 - i. The State Board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the State Board.
 - ii. The State Board Office will forward a completed compilation of comments received to the Board two calendar days before the hearing.
- b. No later than 14 calendar days prior to the hearing, the District or Institute shall submit its pathway plan as outlined in § 22-11-213 C.R.S., as well as any materials it wishes the Board to consider, to the State Board Office. A copy of the materials shall be provided by the State Board Office to the Department. The deadline may be modified by agreement between the Department and the District or Institute for good cause shown, with

approval of the State Board Office.

- i. The Department may provide technical guidance to the Board regarding the State Review Panel recommendation and District or Institute materials.
- c. Seven days prior to the scheduled hearing, the Department may also submit a report on the District's, Institute's, or School's pathway plan. The Department may also submit historical performance data, progress monitoring reports or other information considered beneficial.
- d. An individual State Board member may request additional information after materials are filed. A Board member's request must be sent to the Director of State Board Relations who will then forward the request to all parties, including the full State Board.

III. Conduct of Hearing

- a. At the hearing, the Department and the District or Institute shall each have a maximum of 30 minutes to present. The State Board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:
 - i. The Department shall present a progress monitoring report to the State Board on the implementation of the previously directed action, a qualitative review of District, Institute, or School systems, a review of recent data, the history of grants and supports provided to the District, Institute, or School, and an evaluation of the District's, Institute's, or School's pathway plan.
 - ii. The District or Institute shall have an opportunity to present its pathway plan to the State Board. The presentation shall include an explanation of how the District, Institute, and/or school has implemented the previously directed action and to what degree the action has resulted in improvements. The District or Institute shall explain why implementation of the action has not yet resulted in a higher rating.
 - iii. Following the presentations of both the Department and the District or Institute, the State Board shall have the opportunity to deliberate and ask questions of the parties or the State Board's legal counsel for a total hearing time not to exceed three hours.

- iv. The State Board's consideration of the matter shall be limited to materials maintained in the record of proceedings.
 - c. In considering whether to require the District, Institute or School to continue the previously directed action or undertake additional or different actions, the State Board shall consider:
 - i. The recommendations of the State Review Panel;
 - ii. The actions that the District, Institute or School was previously directed to take;
 - iii. The fidelity with which the District, Institute or School has implemented the directed action; and
 - iv. Whether the amount of time that the District, Institute or School has had to implement the actions was reasonably sufficient to achieve results.
 - d. Public record shall be kept of the hearing.

IV. Written Final Order

- a. The State Board will consider and adopt a written final determination at a subsequent State Board meeting, as determined by the Chair. Public testimony will not be heard at that meeting; however, the State Board, at its sole discretion, may ask questions of Department staff or the State Board's legal counsel at that time. The Board shall serve a copy of the Order on the District or Institute and the Department.
- b. By June 30, the District or Institute shall sign a revised version of the accreditation contract, which will incorporate by reference the final written order. Signed copies of the revised contract will be made available to both parties.