

December 2025

COLORADO STATE BOARD OF EDUCATION
Administrative Procedures for Considering Early 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 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. However, a District or the Institute may also request a hearing *before* accumulating those five years of low performance and, at that hearing, ask the State Board to direct Early Action. §§ 22-11-207(5) & -210(1)(d.5), C.R.S.

Early Action is a voluntary process through which a School, District, or the Institute in Year 3 or Year 4 of performance watch can pursue an improvement pathway before the statutorily required State Board-directed action in Year 5. Early Action permits a District or the Institute to propose an action under §§ 22-11-209 or -210, C.R.S., which the State Board may approve or reject.

The State Board will use the following procedures when considering a request for Early Action.

District and/or Institute Review

The Commissioner of the Colorado Department of Education (Commissioner) may assign the State Review Panel to critically evaluate the District's 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 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. A copy of the written recommendation will also be provided to the affected District or Institute.

A. EARLY ACTION FOR A DISTRICT OR THE INSTITUTE

I. District or Institute Request

- a. A School District or the Institute seeking Early Action shall submit a letter of intent to the Commissioner, which shall include a brief description of the following:
 - i. The District's or Institute's rationale for pursuing Early Action;
 - ii. The District's or Institute's timeline for developing a proposed course of action and preferred hearing date(s); and
 - iii. An explanation of how the District or Institute engaged its community in the decision to pursue Early Action. For a District, this shall include a description of the way in which it consulted its district accountability committee.
- b. Upon receiving the request, the Commissioner shall consult with the District or Institute to determine whether to assign the State Review Panel to evaluate the District or Institute. If the Commissioner does not assign the State Review Panel to conduct a review, they will provide to the State Board a written rationale for this decision.
- c. The State Board Office shall notify the District or Institute and the Commissioner in writing of the date on which the State Board will hear the request. The notice shall set filing deadlines as specified 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 possible 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 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 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 or Institute's current improvement strategies, review of trends in student performance data, and a

description of actions the District or Institute intends 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 time not to exceed three hours.
 - iv. The State Board shall vote to approve or reject the District's or Institute's proposal. 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 written final 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. EARLY ACTION FOR A PUBLIC SCHOOL

I. District or Institute Request

- a. A District or the Institute may request that the State Board consider directing the District or Institute to take Early Action on behalf of a public school or schools. Such request shall be submitted in a letter of intent to the Commissioner., which shall include a brief description of the following:
 - i. The District's or Institute's rationale for pursuing Early Action on behalf of the public school(s);
 - ii. The District's or Institute's timeline for developing a proposed course of action and preferred hearing date(s); and

- iii. An explanation of how the public school's community was engaged in the decision to pursue Early Action. For a district public school, this explanation shall include a description of the way in which the affected school accountability committee was consulted. For a district charter school, this explanation shall include a description of the way in which the affected school accountability committee was consulted and the consent of the governing board of the district charter school was obtained. For an Institute charter school, this explanation shall include a description of the way in which the affected school accountability committee was consulted and the consent of the governing board of the Institute charter school was obtained.
- b. Upon receiving a copy of the District's or Institute's request, the Commissioner shall notify the State Board Office and the District or Institute of whether or not the Commissioner will assign the State Review Panel to critically evaluate the public school(s). If the Commissioner does not assign the State Review Panel to conduct a review, they will provide to the State Board a written rationale for this decision.
- c. The State Board Office shall notify the District or Institute and the Commissioner in writing of the date on which the State Board will hear the District's or Institute's request. The notice shall set filing deadlines as specified below.

II. Submission of Materials

- 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 possible Board-directed actions. Comments must be submitted in writing to the State Board 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 reports are filed. Board members must send their requests 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 District or Institute, the State Board shall have the opportunity to 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 shall vote to approve or reject the District's or Institute's proposal. 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 written final order at a subsequent 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.

C. SUBSEQUENT PROCEEDINGS

I. Continued Evaluation

- a. If a District or the Institute remains accredited with a Priority Improvement plan or Turnaround plan (i.e., "on Performance Watch") after the State Board approves the District's or Institute's proposed course of action pursuant to § 22-11-207(5), C.R.S., 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 § 22-11-209(2)(a), C.R.S. The State Board will adhere to the procedures outlined in section C of the *Colorado State Board of Education Administrative Procedures for State Board Accountability Actions*.
- b. If a Public School remains at a level that results in being required to implement a Priority Improvement plan or Turnaround plan (i.e., "on Performance Watch") after the State Board has approved the District's or Institute's proposed course of action for the School pursuant to § 22-11-210(1)(d.5), C.R.S., the Commissioner may in any year, but shall every two years, assign the State Review Panel to critically evaluate the School's performance and recommend one or more of the actions described in § 22-22-210(5)(a), C.R.S. The State Board will adhere to the procedures outlined in section C of the *Colorado State Board of Education Administrative Procedures for State Board Accountability Actions*.