

**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****1.0 Statement of Basis and Purpose**

The statutory basis for these rules is found in section 22-2-107(1)(c), C.R.S., concerning the Colorado State Board of Education's general rulemaking authority, section 22-11-104(1), concerning the board's authority to promulgate any rules it finds necessary for implementation of the Education Accountability Act of 2009, and in sections 22-11-103(4), 22-11-201 through 210, 22-11-303 through 306, 22-11-403 through 406, and 22-11-503, C.R.S. 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 State Charter School Institute, school districts and public schools.

**Commented [KL1]:** Section 22-11-104(1), C.R.S., states, "The state board shall promulgate rules pursuant to the State Administrative Procedure Act, article 4 of title 24, as required in this article 11 and may promulgate such additional rules as it finds necessary for the implementation of this article 11..."

**2.0 Definitions**

- 2.01 Accreditation: Certification by the Colorado State Board of Education that a school district and the public schools of the school district, or the State Charter School Institute and the Institute charter schools meet the requirements established by section 22-11-101, C.R.S., et seq., and the rules promulgated thereunder. Accreditation includes the process for accrediting School Districts and the Institute and reviewing the performance of public schools as provided in sections 22-11-201 through 22-11-210, C.R.S., and the rules promulgated pursuant thereto.
- 2.02 Accreditation Contract:
- (1) The contract between the Colorado State Board of Education and a school district, as described in section 22-11-206, C.R.S. that includes, but is not limited to, the school district's obligation to manage the accreditation of the public schools of the school district consistent with the provisions of Article 11 of Title 22; or
  - (2) The contract between the Colorado State Board of Education and the State Charter School Institute, as described in section 22-11-206, C.R.S., that includes, but is not limited to the Charter School Institute's obligation to manage the accreditation of the of the Institute charter schools consistent with the provisions of Article 11 of Title 22.
- 2.03 BOCES: A Board of Cooperative Education Services, as defined by section 22-5-101, C.R.S., et seq
- 2.04 Commissioner: The office of the commissioner of education created and existing pursuant to Section 1 of Article IX of the state constitution.
- 2.05 Department: The department of education created and existing pursuant to section 24-1-115, C.R.S.
- 2.06 Demonstration Options: The methods by which a high school student may demonstrate college and career readiness as recommended in the high school graduation guidelines adopted by the state board pursuant to section 22-2-106(1)(a.5), C.R.S., and as specifically selected by the local

school board of the school district in which a student is enrolled or by the district charter high school or Institute charter high school in which a student is enrolled.

- 2.07 Detention Center: A center that addresses the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment.
- 2.08 Facility: A day treatment center, residential child care facility, or other facility licensed by the Department of Human Services pursuant to section 26-6-104, C.R.S.
- 2.09 General Education Core Courses: The postsecondary general education core courses in reading, writing, and mathematics identified pursuant to section 23-1-125(3), C.R.S.
- 2.10 Improvement Plan:
  - (1) The plan described in and adopted by a local school board pursuant to section 22-11-304, C.R.S., in which case it may also be referred to more specifically as a “district improvement plan”;
  - (2) The plan described in and adopted by the Institute pursuant to section 22-11-304, C.R.S., in which case it may also be referred to more specifically as an “Institute improvement plan”; or
  - (3) The plan described in and adopted by a public school pursuant to section 22-11-404, C.R.S., in which case it may also be referred to more specifically as a “school improvement plan.”
- 2.11 Institute: The State Charter School Institute created pursuant to section 22-30.5-503, C.R.S.
- 2.12 Institute Charter School: A charter school that is authorized by the State Charter School Institute pursuant to the provisions of part 5 of Article 30.5 of Title 22.
- 2.13 Local School Board: The board of education of a school district. “Local School Board” also includes the governing board of a board of cooperative services created pursuant to Article 5 of Title 22 if the board of cooperative services is operating a public school.
- 2.14 Online School: A full-time education school authorized pursuant to Title 22 that delivers a sequential program of synchronous or asynchronous instruction directed by a teacher, primarily through online digital learning strategies that provide students choice over time, place, and path, and teacher-guided modality, of learning. An online school has an assigned school code and operates with its own administrator, a separate budget, and a complete instructional program. An online school is responsible for fulfilling all reporting requirements and is held to state and federally mandated accountability processes.
- 2.15 Performance Indicators: The indicators specified in section 22-11-204, C.R.S., for measuring the performance of the state public education system, including each public school, each school district, the Institute, and the state as a whole.
- 2.16 Performance Plan:
  - (1) The plan described in and adopted by a local school board pursuant to section 22-11-303, C.R.S., in which case it may also be referred to more specifically as a “district performance plan”;

- (2) The plan described in and adopted by the Institute pursuant to section 22-11-303, C.R.S., in which case it may also be referred to more specifically as an “Institute performance plan”; or
- (3) The plan described in and adopted by a public school pursuant to section 22-11-403, C.R.S., in which case it may also be referred to more specifically as a “school performance plan.”

2.17 Performance Watch:

- (1) For a school district or the Institute, the period during which the school district or Institute performs at a level that results being accredited with priority improvement plan or lower, as described in section 22-11-207(4)(a), C.R.S.; and
- (2) For a public school, the during which the public school performs at a level that results in being required to adopt a priority improvement or turnaround plan, or... as described in section 22-11-210(1)(d)(I), C.R.S.

2.18 Priority Improvement Plan:

- (1) The plan described in and adopted by a local school board pursuant to section 22-11-305, C.R.S., in which case it may also be referred to more specifically as a “district priority improvement plan”;
- (2) The plan described in and adopted by the Institute pursuant to section 22-11-305, C.R.S., in which case it may also be referred to more specifically as an “Institute priority improvement plan”; or
- (3) The plan described in and adopted by a local school board pursuant to section 22-11-405, C.R.S., in which case it may also be referred to more specifically as a “school priority improvement plan.”

2.19 Public School: Has the same meaning as provided in section 22-1-101, C.R.S., and includes but is not limited to a district charter school, an Institute charter school and an online school as defined in section 22-30.7-102(9.5), C.R.S.

2.20 Quality Early Childhood Program: An early childhood program that has been rated as a 3, 4, or 5 by the Colorado Shines Rating System, accredited by the National Association for the Education of Young Children, or other similar agency as designated by the Colorado Department of Education.

2.21 School District or District: A school district authorized by Section 15 of Article IX of the state constitution and organized pursuant to Article 30 of Title 22. “School District” also includes a board of cooperative education services created pursuant to Article 5 of Title 22 if it is operating a public school.

2.22 State Board: The State Board of Education established pursuant to Section 1 of Article IX of the state constitution.

2.23 State-Operated Program: An approved school program supervised by the Department and operated by the Colorado School for the Deaf and Blind, the Department of Corrections, or the

Department of Human Services, including but not limited to the Division of Youth Corrections and the Colorado Mental Health Institutes.

- 2.24 SchoolView: The Internet-based electronic data delivery system developed and maintained by the Department pursuant to section 22-11-502, C.R.S.
- 2.25 State Review Panel: The panel of education experts appointed by the commissioner pursuant to section 22-11-205, C.R.S., to assist the Department and the State Board in implementing provisions of Article 11 of Title 22.
- 2.26 Statewide Assessments: The assessments administered pursuant to section 22-7-1006.3, C.R.S.
- 2.27 Student Group: The grouping of students based on sex, socioeconomic status, race and ethnicity, disability, English language proficiency and gifted and talented status, as said groups are defined by state board rule or federal requirements, and any additional student groups that the state board may describe by rule to align with changes to federal requirement or to provide additional data for analysis of student learning.
- 2.28 Turnaround Plan:
  - (1) The plan described in and adopted by a local school board pursuant to section 22-11-306, C.R.S., in which case it may also be referred to more specifically as a “district turnaround plan”;
  - (2) The plan described in and adopted by the Institute pursuant to section 22-11-306, C.R.S., in which case it may also be referred to more specifically as an “Institute turnaround plan”; or
  - (3) The plan described in and adopted by a local school board pursuant to § 22-11-406, C.R.S., in which case it may also be referred to more specifically as a “school turnaround plan.”

### 3.0 Statewide Performance Indicators and Annual Targets

- 3.01 The State Board shall annually review the performance of the statewide public education system, including but not limited to reviewing the success of each Public School, each District, and the Institute on the four Performance Indicators of student academic achievement, student longitudinal academic growth, student academic growth to standards, and postsecondary and workforce readiness.
- 3.02 The State Board shall annually set, reaffirm or revise, as appropriate, ambitious but attainable targets for the measures used to determine success on the Performance Indicators. These targets shall be adopted in accordance with the requirements of section 22-11-201, C.R.S., by no later than November 15<sup>th</sup> of each year, or as soon as possible thereafter when new metrics are established or existing metrics are revised. Within 15 days of adopting such targets, the State Board shall publish the targets on SchoolView.
- 3.03 Student academic achievement shall be calculated as follows:
  - (1) The calculation shall be based on students’ academic performance relative to the grade-level state standards adopted pursuant to section 22-7-1005, C.R.S., as measured by performance on the Statewide Assessments, ensuring that the privacy of individual students is protected;

**Commented [KL2]:** The state board is required to adopt and publish an annual statement of targets in accordance with time frames set by state board rule. C.R.S. 22-11-201(3).

**Commented [KL3]:** The state board must specify by rule how the performance of each school, each district, the Institute and the state as a whole is calculated for each of the performance indicators. C.R.S. 22-11-204(1)(a)(III)(c).

- (2) The calculation shall include consideration of the academic achievement of students enrolled in third and fourth grade who are identified as having significant reading deficiencies pursuant to section 22-7-1205, C.R.S., and provide additional credit for a Public School, District, or the Institute if it demonstrates higher levels of performance on the state reading assessment or the statewide English language arts assessment by said students; and
- (3) The calculation shall account separately for the performance of each Student Group. Disaggregated data shall be publicly reported where the data enables meaningful differentiation among the performance of Public Schools, Districts, and the Institute.

3.04 Student longitudinal academic growth shall be calculated as follows:

- (1) The calculation shall be based on students' academic progress on Statewide Assessments across school years and relative to students with similar assessment score histories, aggregated at the Public School-, District-, or Institute-level; and
- (2) The calculation shall account separately for the performance of each Student Group. Disaggregated data shall be publicly reported where the data enables meaningful differentiation among the performance of Public Schools, Districts, and the Institute.

3.05 Student academic growth to standards shall be calculated as follows:

- (1) By no later than November 1<sup>st</sup> of each year, the Department shall calculate, to the extent practicable, what will constitute adequate longitudinal academic growth for each student for that school year in each subject that is included in the Statewide Assessments;
- (2) The calculation shall be based on students' academic growth to standards, compared to incremental targets towards meeting for students who are not yet meeting expectations, and maintaining or increasing performance for students who are already meeting expectations or exceeding grade-level expectations; and
- (3) The calculation shall account separately for the performance of each Student Group. Disaggregated data shall be publicly reported where the data enables meaningful differentiation among the performance of Public Schools, Districts, and the Institute.

**Commented [KL4]:** The state board, by rule, must establish a date each year by which CDE will calculate, to the extent practicable, what will constitute adequate longitudinal academic growth for each student for that school year in each subject included in the statewide assessments. C.R.S. 22-11-203(1)(a).

3.06 Postsecondary and workforce readiness shall be calculated as follows:

- (1) The calculation shall include the percentage of students enrolled in the eleventh grade in each public high school, each District, and the Institute who score at each achievement level on the standardized, curriculum-based, achievement, college entrance examination administered as a Statewide Assessment or, following the adoption of a postsecondary and workforce readiness assessment, as described in section 22-7-1003(16), C.R.S., the percentage of students enrolled in each of the grade levels included in each public high school, each District, and the Institute who scores at each achievement level on said assessment.
- (2) As soon as the data is available, the calculation shall include the percentage of students graduating from each public high school, each District, and the Institute who receive a diploma that includes a postsecondary and workforce readiness endorsement, as described in section 22-7-1009(1), C.R.S., and the percentage who receive a diploma

that includes an endorsement for exemplary demonstration of postsecondary and workforce readiness, as described in section 22-7-1009(2), C.R.S.;

- (3) The calculation shall include the student dropout rate and the student graduation rate, as defined by section 12.00 of these rules;
- (4) The calculation shall include the percentage of students graduating from each public high school, each District, and the Institute who, in the year immediately following graduation from high school, enroll in a career and technical education program, community college, or four-year institute of higher education. As soon as the data is available, the calculation shall also include the percentage of students graduating from each public high school, each District, and the Institute who, in the year immediately following high school ~~enlist in the military~~. Each of the postsecondary enrollment options listed in this subparagraph (4) shall be weighted equally;
- (5) Beginning in the 2020-21 school year, the calculation shall include the percentage of students enrolled in each public high school ~~who demonstrate college and career readiness~~, based on the Demonstration Options in English language arts and math available to the students enrolled in the public high school, District, or Institute, at the higher achievement level adopted by the State Board that indicates a student is prepared, without needing remediation, to enroll in General Education Core Courses;
- (6) Beginning in the 2020-21 school year, the calculation shall include the percentage of students enrolled in each public high school, each District, and the Institute who successfully complete an advanced placement course in a subject other than English language arts or math and earn a score of three or higher on the end-of-course advanced placement exam, the percentage of students who successfully complete a concurrent enrollment course in a subject other than English language arts or math and earn a grade of "B" or higher in the course, and the percentage of students who successfully complete an international baccalaureate course in a subject other than English language arts or math and earn a score of four or higher;
- (7) The calculation shall account separately for the performance of each Student Group. Disaggregated data shall be publicly reported where the data enables meaningful differentiation among the performance of Public Schools, Districts, and the Institute; and
- (8) The Department may modify these calculations ~~in order to protect the privacy of individual students~~.

**Commented [KL5]:** The state board is required to define the graduation and dropout rates in rule. C.R.S. 22-11-204(4)(a)(III)

**Commented [KL6]:** This measure is required by SB 18-012.

**Commented [KL7]:** This measure is required by SB 17-272.

**Commented [KL8]:** This measure is required by HB 18-1019.

**Commented [KL9]:** C.R.S. 22-11-204(6)(a) provides that, "In calculating the levels of attainment of the performance indicators, the department shall ensure compliance with the federal statutes and regulations and may adjust the calculation methods as necessary to ensure said compliance." In order to protect the privacy of student information, CDE may use students' scale scores, rather than the percentage of students who score at particular achievement levels.

#### 4.0 District and Institute Accountability Processes: Accreditation Contracts

- 4.01 Within 60 days of the Commissioner determining a final Accreditation Category for a District, the Commissioner and State Board shall enter into an Accreditation Contract with that District's Local School Board. Within 60 days of the Commissioner determining a final Accreditation Category for the Institute, the Commissioner and State Board shall enter into an Accreditation Contract with the Institute board.

- 4.02 Each Contract shall have a term of one year and shall be automatically renewed each year so long as the District or the Institute remains in the Accreditation category of Accredited with Distinction or Accredited.
- 4.03 The parties to the Contract may renegotiate the Contract at any time during the term of the Contract, based upon appropriate and reasonable changes in circumstances upon which the original terms and conditions of the Contract were based.
- 4.04 Each Contract, at a minimum, shall address the following elements:
- (1) The District's or Institute's level of attainment on the Performance Indicators, as determined pursuant to section 22-11-204, C.R.S.;
  - (2) The District's or the Institute's adoption and implementation of its Performance Plan, Improvement Plan, Priority Improvement Plan or Turnaround Plan, whichever is appropriate based on the District's or Institute's Accreditation category;
  - (3) The District's implementation of its system for accrediting the District Public Schools or the Institute's implementation of its system for accrediting the Institute Charter Schools, which system shall emphasize school attainment of the four statewide Performance Indicators, and may, in the Local School Board's or Institute board's discretion, include additional Accreditation indicators and measures adopted by the District or Institute;
  - (4) The District's or Institute's system for accrediting Public Schools that meet the definition of an Online School, which system shall emphasize school attainment of the four statewide Performance Indicators, as well as the extent to which the Public School has met the quality standards outlined in section 22-30.7-105, C.R.S. and made progress in implementing any corrective actions required pursuant to sections 22-30.7-109(2)(B) and 22-30.7-110(2)(A), C.R.S., and may, in the Local School Board's or Institute Board's discretion, include additional Accreditation indicators and measures adopted by the District or Institute; and
  - (5) The District's or the Institute's substantial and good-faith compliance with the provisions of Title 22 and other statutory and regulatory requirements applicable to Districts or the Institute.
- 4.05 For purposes of monitoring a District's or the Institute's substantial and good-faith compliance with the provisions of Title 22 and other statutory and regulatory requirements applicable to Districts and the Institute, each Contract shall include the following:
- (1) An assurance that the District or Institute is in compliance with budgeting, accounting, and reporting requirements set forth in section 22-44-101, C.R.S., et seq. and section 22-45-101, C.R.S., et seq.;
  - (2) For Districts, an assurance that the District is in compliance with the provisions of § 22-32-109.1, C.R.S., concerning school safety, and the Gun Free Schools Act, 20 U.S.C. 7151;

**Commented [KL10]:** The state board rules must specify the contents and terms of the accreditation contract. C.R.S. 22-11-206(2).

- (3) For Districts, an assurance that the District and the District's Public Schools are in substantial, good-faith compliance with all statutory and regulatory requirements that apply to Districts;
- (4) For the Institute, an assurance that the Institute and the Institute's charter schools are in substantial, good-faith compliance with statutory and regulatory requirements that apply to the Institute; and
- (5) An assurance that the District and the District Public Schools or the Institute and the Institute Charter Schools shall comply with the assessment provisions set forth in section 22-7-1013(8), C.R.S., including:
  - (A) An assurance that the District and District Public Schools or the Institute and Institute Charter Schools will not impose negative consequences— including prohibiting school attendance, imposing an unexcused absence, or prohibiting participation in extracurricular activities—on a student or parent if the parent excuses his or her student from participating in a State Assessment. If a parent excuses his or her student from participating in a State Assessment, the District and the District Public Schools or the Institute and the Institute Charter Schools will not prohibit the student from participating in an activity, or receiving any other form of reward the District or District Public Schools or the Institute or Institute Charter Schools provide to students for participating in the State Assessment; and
  - (B) An assurance the District and District Public Schools or the Institute and Institute Charter Schools will not impose an unreasonable burden or requirement on a student that would discourage the student from taking a State Assessment or encourage the student's parent to excuse the student from taking the State Assessment.

**Commented [KL11]:** This language aligns with SB 18-011.

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

## 5.0 District and Institute Accountability Processes: Accreditation Ratings

- 5.01 The State Board 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

**Commented [KL12]:** The state board must promulgate rules to establish accreditation categories that include, but need not be limited to the first 5 categories described below. The definition for each of the first 5 categories is a restatement of statute. C.R.S. 22-11-207(1)



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 did not have sufficient data to publicly report results while protecting the privacy of students 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 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 31<sup>st</sup> 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 School Board or the Institute 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 an Accreditation category assignment.
  - (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

**Commented [KL13]:** The state board rules must include "objective, measurable criteria that the department shall apply in determining the appropriate accreditation category for each district, placing the greatest emphasis on attainment of the performance indicators." At a minimum the rules must take into consideration the measures included in sections (1) through (4). C.R.S. 22-11-207(2).

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.

**Commented [KL14]:** C.R.S. 22-11-207(2) requires that the criteria place the greatest weight on the performance indicators.

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.

**Commented [KL15]:** This is not required by statute, but the State Board has the authority to specify how the indicators will be weighted. This language is consistent with the State Board's previous rules, which have placed the greatest emphasis on growth and PWR.

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 shall be submitted by no later than October 15<sup>th</sup>.

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:

**Commented [KL16]:** The state board rules must specify the information the Department must take into account in determining a district or the Institute's final accreditation rating. C.R.S. 22-11-207(2.5)(a).

- (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 assessment 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 State Board's targets on the Performance Indicators and progress toward meeting the targets;
- (4) 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;
- (5) 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 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) no longer serve(s) students;
- (6) 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;

**Commented [KL17]:** The State Board rules must take into consideration the performance of students enrolled in a District's or the Institute's alternative education campuses. C.R.S. 22-11-207(2)(g).

- (7) 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 misadministrations occurred, or the District or Institute has a particularly small student population; and
- (8) 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.

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.

5.10 By no later than December 30<sup>th</sup> 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.

**Commented [KL18]:** State board rules must include a timeline for notification of final accreditation ratings. C.R.S. 22-11-207(2.5)(b).

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.

**Commented [KL19]:** The State Board is required to promulgate rules to ensure a district's or the Institute's right to a hearing before the State Board to appeal placement in the accredited with turnaround plan category. C.R.S. 22-11-208(1)(e). The 2009 state board rules extended this option to a district placed in the category of accredited with priority improvement plan.

- (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 document 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 Department shall have ten (10) days from the date of receipt of the documents filed with the State Board to file any objections or proposed additions to the record. The State Board shall rule forthwith on any such objections or proposed additions, and such ruling shall be final.
- (7) The State Board shall hold a hearing on the matter at the earliest possible regularly scheduled board meeting.
- (8) Following the hearing, 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 School Board or Institute 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**

6.01 Each Local School 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 School Board or Institute board shall adopt a Performance Plan. If assigned to Accredited with Improvement Plan, the Local School Board or Institute board shall adopt an Improvement Plan. If assigned to Accredited with Priority Improvement Plan, the Local School Board or Institute board shall adopt a Priority Improvement Plan. If assigned to Accredited with Turnaround Plan, the Local School Board or Institute board shall adopt a Turnaround Plan. If assigned to "Insufficient State Data," the Local School Board or Institute shall adopt a plan that meets the requirements of the plan type to which the Local School 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, affirm, or revise, as appropriate, ambitious but attainable targets that the District, including District Public Schools, or the Institute, including Institute Charter Schools, shall attain on the Performance Indicators. The Local School Board or the Institute board shall ensure that the targets are aligned with the statewide targets set by the State Board, as described in section 3.02 of these rules. These targets must include targets

**Commented [KL20]:** Statute outlines minimum requirements for district plans, but gives the state board authority to add additional requirements. C.R.S. 22-11-303(3)(f), 22-11-304(3)(f), 22-11-305(3)(f), and 22-11-306(3)(f).

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 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. 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 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 School Board or the Institute;
  - (E) For a District, converting one or more District Public School 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 for evaluating 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; and
  - (10) 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 If a District or the Institute is required to implement a Priority Improvement Plan or a Turnaround Plan, the Local School Board or the Institute board shall adopt such plan and submit it to the Department by no later than January 15<sup>th</sup> of the academic school year in which it is directed to adopt the plan.

- (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 School Board or Institute board revise the plan, the Local School 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 August 15<sup>th</sup>. The Department shall post on SchoolView the first plan that it receives by April 15<sup>th</sup> and shall post any updated plan within two weeks of receiving it. The Local School Board or the Institute shall ensure that the District or Institute and the District's or Institute's Public Schools implement the plan by the start of the academic school year following the year in which the school was assigned to a Priority Improvement Plan.
- (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

**Commented [KL21]:** This plan requirement was added by HB 18-1355, and is now in C.R.S. 22-11-207(6).

**Commented [KL22]:** The state board rules must establish the time frames in which districts and the Institute must adopt their respective plans and submit them for review and publication on the data portal. C.R.S. 22-11-208(1)(d).

**Commented [KL23]:** The state board rules must specify a timeline for when plans must be in effect. C.R.S. 22-11-305(1)(d).

described in section 22-11-208(3), C.R.S. If the Commissioner suggests modifications to the plan, the Local School 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 August 15<sup>th</sup>. The Department shall post on SchoolView the first plan that it receives by April 15<sup>th</sup> and shall post any updated plan within two weeks of receiving it. The Local School Board or the Institute shall ensure that the District or Institute and the District's or Institute's Public Schools implement the plan by the start of the academic school year following the year in which the school was assigned to a Turnaround Plan.

- 6.04 If a District or the Institute is required to adopt a Performance Plan or an Improvement Plan while on Performance Watch, the Local School Board or the Institute board shall adopt and submit such plan to the Department by no later than January 15<sup>th</sup>. If the Commissioner recommends modifications to the plan and the Local School Board or Institute board revise the plan, the Local School 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 August 15<sup>th</sup>. The Department shall post on SchoolView the first plan that it receives by April 15<sup>th</sup> and shall post any updated plan within two weeks of receiving it. The Local School Board or the Institute shall ensure that the District or Institute and the District's or Institute's Public Schools implement the plan by the start of the academic school year following the year in which the school was assigned to a Performance Plan or Improvement Plan .
- 6.05 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 School Board or the Institute board shall adopt and submit such plan to the Department no later than April 15<sup>th</sup>. The Department shall post the plan on SchoolView within two weeks of receiving it. The Local School Board or the Institute shall ensure that the District or Institute and the District's or Institute's Public Schools implement the plan by the start of the academic school year following the year in which the school was assigned to a Performance Plan or Improvement Plan.
- 6.06 So long as a District or the Institute maintains the status of Accredited or Accredited with Distinction, the Local School 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.
- 6.07 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 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 6.06 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 have been authorized, as described in section 9.07 of these rules, to submit a two-year Performance Plan.

**Commented [KL24]:** This flexibility is authorized by C.R.S. 22-11-303(4).

**Commented [KL25]:** This flexibility is authorized by C.R.S. 22-11-210(2).

## 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 and to recommend one or more of the following actions:

**Commented [KL26]:** This following list of possible directed actions for Districts and the Institute is prescribed by statute, in C.R.S. 22-11-209(2).

- (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 schools. The Local School 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 schools be converted to a charter school;
  - (E) That one or more of the District school's be granted status as an innovation school pursuant to section 22-32.5-104, C.R.S., or that the Local School Board recognize a group of District schools as an innovation school zone pursuant to section 22-32.5-104, C.R.S.;
  - (F) Or that one or more of the District 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;
  - (D) Or 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 Office of the State Board, the applicable Local School 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 Office of the State Board of Education

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 School Board or Institute board and District or Institute staff.

- 7.04 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, if it has been on Performance Watch for five (5) years. The public hearing shall be held between October 1<sup>st</sup> and January 30<sup>th</sup> of the academic school year in which the District or Institute is Accredited with a Priority Improvement 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.

**Commented [KL27]:** State board rules must include "a timeline by which the state board directs a school district to put into effect one or more of the statutorily required actions, ensuring that timeline is designed to allow the district to reasonably put into effect any of the actions by the beginning of the school year immediately following the school year in which the state board directs the action." C.R.S. 22-11-209(4)(b)

- 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 of 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. 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.
- 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) The District or Institute shall file with the State Board within ten (10) days of receipt of the Department's written recommendation notice that the District or Institute wishes to appeal the recommendation.
  - (2) The State Board Office shall notify the District or Institute in writing within ten (10) days of receipt of the notice of appeal. The scheduling notification shall provide the date of the next regularly scheduled State Board meeting. After conferring with the District or the Institute, the State Board Office shall include in the scheduling notification the filing deadlines for the appeal. The deadlines set forth in below in this section 7.03 of the

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 document 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 Department shall have ten (10) days from the date of receipt of the documents filed with the State Board to file any objections or proposed additions to the record. The State Board shall rule forthwith on any such objections or proposed additions, and such ruling shall be final.
- (7) The State Board shall hold a hearing on the matter at the earliest possible regularly scheduled board meeting.
- (8) Following the hearing, the State Board shall issue a written final determination on the removal of the District's or Institute's Accreditation within thirty (30) days of the date of the hearing, and provide a copy to the District or Institute and the Department. The written determination shall be final.

- 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

- 8.01 By no later than August 31<sup>st</sup> 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.

**Commented [KL28]:** State board rule must establish the time frames within which the Department shall review each public school's performance. C.R.S. 22-11-210(1)(e).

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 If the Public School does not have sufficient data to publicly report results while protecting the privacy of students, 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.

**Commented [KL29]:** The state board rules must include objective, measurable criteria that the department shall apply in recommending to the state board that the school implement a performance, improvement, priority improvement or turnaround plan. C.R.S. 22-11-210(1)(a).

**Commented [KL30]:** Statute requires that the greatest emphasis be placed on attainment of the Performance Indicators. C.R.S. 22-11-210(1)(a).

**Commented [KL31]:** This is not required by statute, but the State Board has the authority to specify how the indicators will be weighted. This language is consistent with the State Board's previous rules, which have placed the greatest emphasis on growth and PWR.

- 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 by no later than October 15<sup>th</sup>.
- 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 reviewed the assessment to determine the extent to which it aligns with the Colorado Academic Standards. Such data must be representative of the applicable population, meaning that ninety-five (95) percent or more of applicable population was tested. The Department CDE 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 assessment data described in subparagraph (1) above;
  - (3) Review of this information shall include analysis of the length of time for which the Public School has been unable to meet the State Board's targets on the Performance Indicators and progress toward meeting the targets;
  - (4) 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;
  - (5) 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.
  - (6) 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 misadministrations occurred, or the Public School has a particularly small student population.

**Commented [KL32]:** The state board rules must specify the information the Department must take into account in determining a the final plan recommendation. C.R.S. 22-11-210(1)(a.5)

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.

8.10 By no later than December 15<sup>th</sup> 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 30<sup>th</sup> 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**

9.01 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 School Board is encouraged to review and approve such plan and to consider in its local policies whether it would like to require the school principal and District superintendent or designee to submit the plan to the Local School Board for approval. If a District Public School is directed to implement a Priority Improvement Plan or Turnaround Plan, the Local School 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 Charter School's board and the Institute board are encouraged to review and approve such plan. The Institute is encouraged to consider whether it would like to require the Institute Charter School's board and the school principal to submit the plan to the Institute 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, affirm, 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;

**Commented [KL33]:** State board rule must establish the time frames within which the department shall submit recommendations to the state board, and report to the public school and to the school's local school board or the Institute the state board's determination regarding the type of plan the public school shall implement. C.R.S. 22-11-210(1)(e).

**Commented [KL34]:** Statute allows performance plans and improvement plans to be adopted by a principal and superintendent, instead of needing approval from the local board. The rules recommend that the local board also review and approve such plan.

**Commented [KL35]:** Statute outlines minimum requirements for district plans, but gives the state board authority to add additional plan requirements. C.R.S. 22-11-303(3)(f), 22-11-304(3)(f), 22-11-305(3)(f) and 22-11-306(3)(f).

- (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 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 or Kindergarten 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 22-11-305(4), 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 schools or clustering with other District Public Schools that have similar governance or management structures to form an innovation school zones and seeking designation as a District of innovation 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 School 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 for evaluating 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) Address any other issues raised by the Department through the performance review described in section 8.00 of these rules.

9.04 If a Public School is directed to implement a Priority Improvement Plan or a Turnaround Plan, the Local School Board or the Institute board shall adopt and submit such plan to the Department by no later than January 15<sup>th</sup> of the academic school year in which the Public School is assigned to that plan type.

- (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 School Board or Institute board revises the plan, the Local School 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 August 15<sup>th</sup>. The Department shall post on SchoolView the first plan that it receives by April 15<sup>th</sup> and shall post any updated plan 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. If the Commissioner suggests modifications to the plan, the Commissioner may require that those plan modifications be made by a date negotiated between the District or Institute and the Department and no later than August 15<sup>th</sup>. The Local School 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 August 15<sup>th</sup>. The Department shall post on SchoolView the first plan that it receives by April 15<sup>th</sup> and shall post any updated plan within two weeks of receiving it.

**Commented [KL36]:** Required by HB 18-1355, C.R.S. 22-11-210(5)(d).

**Commented [KL37]:** The state board rules must establish the time frames in which public schools or the local school boards or the Institute board must adopt school plans and submit them to the department C.R.S. 22-11-210(1)(e).

**Commented [KL38]:** Authorized by C.R.S. 22-11-405(3).

**Commented [KL39]:** Within the time frames specified in state board rule, the local school board shall submit the adopted school turnaround plan to the commissioner for evaluation by the state review panel. The commissioner may require C.R.S. 22-11-406(1)(c).

**Commented [KL40]:** This is authorized by C.R.S. 22-11-406(1)(c).



- 9.05 If a Public School is directed to implement a Performance Plan or Improvement Plan while on Performance Watch, the Local School Board or Institute board shall adopt and submit such plan to the Department by no later than January 15<sup>th</sup> of the academic school year in which the Public School is assigned to that plan type. If the Commissioner recommends modifications to the plan and the Local School Board or Institute board revises the plan, the Local School 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 August 15<sup>th</sup>. The Department shall post on SchoolView the first plan that it receives by April 15<sup>th</sup> and shall post any updated plan within two weeks of receiving it. For a District Public School, the principal and the superintendent or his or her designee shall ensure that the plan is in effect for the Public School by the start of the academic school year following the year in which the school was assigned to a Performance Plan or Improvement Plan. For an Institute Charter School, the principal shall ensure the plan is in effect for the Institute Charter School by the start of the academic school year following the year in which the school was assigned to a Performance Plan or Improvement Plan.
- 9.06 If a Public School is directed to adopt a Performance Plan or an Improvement Plan and is not on Performance Watch, the Local School Board or Institute board shall submit such plan to the Department by no later than April 15<sup>th</sup>. The Department shall post on SchoolView the updated plan within two weeks of receiving it. For a District Public School, the principal and the superintendent or his or her designee shall ensure that the plan is in effect for the Public School by the start of the academic school year following the year in which the school was assigned to a Performance Plan or Improvement Plan. For an Institute Charter School, the principal shall ensure the plan is in effect for the Institute Charter School by the start of the academic school year following the year in which the school was assigned to a Performance Plan or Improvement Plan.
- 9.07 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.

**Commented [KL41]:** This flexibility is authorized by C.R.S. 22-11-403(5).

#### 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. Upon completing the evaluation, the State Review Panel shall determine which of the following actions to recommend:
- (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 School Board and the Department shall

**Commented [KL42]:** This following list of possible directed actions for schools is prescribed by statute, in C.R.S. 22-11-210.

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; that the Public School be converted to a Charter School;

(B) That the Public School be granted status as an innovation school pursuant to section 22-32.5-104, C.R.S.; or

(C) 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 School 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 Office of the State Board, the applicable Local School 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 1<sup>st</sup> and January 30<sup>th</sup> of the academic school year in which the Public School is in its 5<sup>th</sup> 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 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. The State Board shall require the Local School 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 [KL43]:** State board rules must include "a timeline by which the state board directs a school district to put into effect one or more of the statutorily required actions for its school, ensuring that timeline is designed to allow the district or Institute to reasonably put into effect any of the actions by the beginning of the school year immediately following the school year in which the state board directs the action." C.R.S. 22-11-210(5)(e)

**11.0 Performance Reporting**

- 11.01 The Department shall publish on SchoolView a school performance report for each Public School in the state, a School District performance report for each School District in the state, a performance report for the Institute, and a performance report for the state as a whole.
- 11.02 The Department shall continuously update the data included in the performance reports as soon as practicable, but not later than sixty (60) days, after the data become available. Data shall be considered “available” following processing and verification.
- 11.03 The Department shall ensure that the information reported on SchoolView is transparent and serves as a tool for parents, educators, and the community at large to understand and communicate about state, district, school, classroom and programmatic performance.
- 11.04 The information in each type of performance report shall be consistent and, at a minimum, shall include the following:
- (1) The report subject’s level of attainment on each of the Performance Indicators as determined pursuant to section 3.0 of these rules, including whether the report subject met the targets set for the applicable school year. This portion of the performance report may be referred to as the “School Performance Framework Report” or “District Performance Framework Report”;
  - (2) The percentage of students enrolled by the report subject who score at each of the performance levels identified by the State Board for the statewide assessments, reported by grade level and assessment;
  - (3) For Public School performance reports, a comparison of the report subject’s levels of attainment on the Performance Indicators with the levels of attainment of the other Public Schools of the District and in the state;
  - (3) For District performance reports and the Institute performance report, a comparison of the report subject’s levels of attainment on the Performance Indicators with other Districts in the state and the Institute;
  - (4) Information concerning comparisons of student performance over time and among Student Groups;
  - (5) The report subject’s rates of completion, mobility, and truancy, calculated according to the requirements in section 12.00 of these rules; and
  - (6) Any additional information that may be required by federal law.
- 11.05 Each school performance report shall include the following information concerning the operations and environment of the Public School that is the subject of the report:
- (1) The name of the Public School, the type of school program provided at the Public School, and the school year for which the information in the performance report is provided. The performance report shall also include the Public School’s street address,

**Commented [KL44]:** The state board shall adopt rules specifying the information to be included in the school performance reports, the school district and institute performance reports, and the state performance report. C.R.S. 22-11-503(2).

telephone number, and email address, and, if one exists, the Web site address of the District or Public School;

- (2) Information concerning the percentages of students who are not tested or whose scores are not included in determining attainment of the Performance Indicators;
- (3) The occurrence of student conduct and discipline code violations reported pursuant to section 22-32-109.1(2)(b), C.R.S., expressed as a number and as a percentage of the total occurrences of violations reported;
- (4) The following student enrollment and attendance information:
  - (A) The number of students enrolled at the Public School;
  - (B) Students, reported as the number and percentage of the total student enrollment at the Public School, who are eligible for free or reduced-cost lunch pursuant to the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.;
  - (C) Average daily attendance at the Public School; and
  - (D) For elementary schools, the availability of a preschool program, full-day Kindergarten program, and before- and after-school programs at the Public School;
- (5) The following information concerning the staff employed at the Public School:
  - (A) The number of persons employed at the Public School in each of the following categories and explanations of the job descriptions for each category: classroom teachers; paraprofessionals; administrators; other professionals; school support staff; school counselors; and school librarians;
  - (B) The students-per-classroom-teacher ratios for each grade level included in the Public School;
  - (C) The average number of years of teaching experience among the teachers employed at the Public School;
  - (D) The number of teachers employed at the Public School who hold master's or doctoral degrees;
  - (E) For junior high, middle, and high schools, the percentage of teachers employed at the Public School who are teaching in the subject areas in which they received their bachelor's or graduate degrees;
  - (F) The number of teachers employed at the Public School who have three or more years of teaching experience in the District; and
  - (G) The number of professional development days included in the school year.

- (6) Information concerning whether the following courses and programs are available to students enrolled in the Public School and, to the extent they are available on the Public School's, District's or Institute's Web site, Internet links to descriptions of the following courses and programs. For purposes of this section, a "course" shall be defined as including, but not limited to, a traditional class, an on-line program, an internship, an externship, a mentor experience, or an independent study course that culminates in an integrative or specialized performance, showcase, or exhibition:
- (A) Visual art;
  - (B) Drama or theater;
  - (C) Music;
  - (D) Dance;
  - (E) Comprehensive health education;
  - (F) Physical education;
  - (G) Economics;
  - (H) World languages;
  - (I) History;
  - (J) Geography;
  - (K) Civics;
  - (L) For middle and high schools, career and technical education;
  - (M) For high schools, concurrent enrollment courses made available by the Public School on-line or on the Public School's campus. A concurrent enrollment course shall be defined as any course that allows a student to simultaneously earn credit both by a local education provider and an institution of higher education;
  - (N) Opportunities for civic or community engagement;
  - (O) Internet safety programs;
  - (P) School library programs, as defined by the Commissioner;
  - (Q) For high schools, advanced placement, International Baccalaureate or honors courses;
  - (R) For elementary schools, International Baccalaureate or Montessori curricula;
  - (S) Extracurricular activities;

- (T) Athletics;
  - (U) For middle and high schools, credit recovery programs. A credit recovery program shall be defined as a program implemented at the school and/or District level that enables high school students who have fallen behind on graduation requirements to make up credits or middle school students who have fallen behind in grade promotion and/or transition into high school. This includes programs or activities that facilitate accrual of credits or course remediation especially in core courses (math, science, reading and social studies) and/or allow struggling students to continue earning course credits and make progress toward graduation or grade promotion. Credit recovery may occur as a student is completing other courses or as an extension activity, such as summer school. Examples include: self-paced digital content programs, online courses, work/study that awards credits, course remediation programs and alternative education programming that result in accrual of credits; and
  - (V) For middle and high schools, assistance for out-of-school youth to re-enroll. Assistance for out-of-school youth to re-enroll shall be defined as school and/or District approaches and systems to re-engage youth who are not enrolled in school and have not earned a high school credential (either a diploma or equivalency credential, such as a general education development certificate). This includes retrieval of students who have dropped out within the current school year or those who have dropped out in previous years. Examples include: designating staff to identify and outreach to students who have dropped out and re-enrollment processes that involve individualized transition planning and assessment of a re-enrolled student's educational needs/strengths and provision of support and link to resources; and
- (7) To the extent that the Public School, District or Institute has adopted a wellness policy and to the extent it is available on the Public School's, District's or Institute's Web site, Internet links to the Public School's wellness policy, as well as information concerning whether the following programs and services are available to students enrolled at the Public School to support student health and wellness:
- (A) All students in grades K through 6 have access to recess (yes/no);
  - (B) A school health team or school wellness committee exists (yes/no);
  - (C) Students have access to a school-based or school-linked health center, as defined by the Commissioner (yes/no);
  - (D) Comprehensive health education is required for all students (yes/no);
  - (E) Physical education is required for all students (yes/no);
  - (F) The Public School participates in the federal school breakfast program (yes/no); and

- (G) A registered school nurse who is licensed with the Department and the Colorado Department of Regulatory Agencies is available on the school premises or for consultation (yes/no).

- 11.06 Each District and Institute performance report shall include financial information outlining the District's or Institute's various revenue sources, including: local tax contributions; state tax contributions; federal grants; state grants; private and public private partnerships grants; and other discretionary income. It also shall include the District's or Institute's total audited expenditures for items including: instruction; student and staff support; administration; operations and maintenance; food services; transportation; capital expenditures; debt service; and other expenditures.
- 11.07 Prior to the publication of the performance reports on SchoolView, the Department shall allow each District and the Institute a reasonable period of time to review the District's or Institute's information as it shall appear on the performance reports and correct any errors or misinformation identified by the District or Institute.
- 11.08 The school performance report produced for each Public School may contain Internet links through which a person may access additional information not provided in detail in the report.

#### **12.00 Data Collection Calculations and End-of-Year Data Collection Process**

##### **12.01 Student Dropout Rate**

- (1) The annual student dropout rate is the percentage of students in grades 7 through 12 who drop out of school in a given year between July 1 and June 30 and have not returned to an educational environment on or before the end of the school year or June 30. An educational environment is a public school within a District or the Institute, nonpublic or private school, home-based education program (home school) pursuant to section 22-33-104.5, C.R.S., HSED program, vocational education program, licensed eligible Facility, State-Operated Program, Detention Center, or other education program operated by the Department of Youth Corrections or Department of Corrections. This includes students in grades 7 through 12 who:
  - (A) Were enrolled in school at some time during the current reporting school year; and
  - (B) Were not enrolled at the end of the school year or June 30; and
  - (C) Have not graduated from high school or received a HSED certificate, or completed a district-approved educational program; and
  - (D) Do not meet any of the following exclusionary conditions: temporary absence due to serious illness or injury, suspension or expulsion; death; or transfer to another educational environment.
- (2) The numerator for the student dropout rate is the number of grade 7-12 students who dropped out and the denominator is the cumulative unduplicated enrollment for grades 7-12.

- (3) The following student dropout rate formula shall be applied:

$$\frac{\text{Number of dropouts in year X}}{\text{Number of students part of same membership base at any point within year X}}$$

- (4) Dropout rate clarifications:

- (A) Any student whose transfer to another educational environment cannot be verified is a dropout for reporting purposes. Districts and the Institute must apply a default status of dropout to any student who does not have adequate documentation on file, meaning a records request or confirmation of enrollment and attendance at another District or the Institute, by the end of the school year. Please see further clarifications below.
- (B) Mandatory school age legislation, in section 22-33-104(1) C.R.S., requires that every child who has attained the age of six years and is under the age of seventeen years attend public school. This mandatory school age legislation does not exempt a District or the Institute from reporting a student as a dropout. Students at any stage in court proceedings to compel compliance with the compulsory attendance statute who have not yet returned to school shall be counted as dropouts.
- (C) Students transferring to another District or the Institute who are identified through the Department's post-collection process as not returning to another District or the Institute by the end of the current school year or June 30 shall be counted as dropouts. The Department shall verify student attendance through the data submitted by other Districts and the Institute through the end-of-year data collection.
- (D) Various forms of documentation may or may not serve as adequate documentation for an educational transfer based on the following:
  - (I) In-state transfers to a Public School may not be documented through records requests or the Record Integration Tracking System (RITS) because a student may never have attended the school in which the student enrolled. An in-state confirmation of attendance is adequate documentation and may be requested as part of the end-of-year verification processes.
  - (II) In-state transfers to other Colorado entities such as private schools, Detention Centers, licensed eligible Facilities, or State-Operated Programs may be documented through records requests or confirmations of attendance. Adequate documentation of a transfer to home-based education programs (home school) pursuant to section 22-33-104.5, C.R.S., is a parent/guardian signature on a written confirmation of the intent to home school.
  - (III) Out-of-state transfers may be documented through records requests or confirmations of attendance.



- (IV) Transfers to an out-of-country educational entity can be documented by a records request, a confirmation of attendance, a written confirmation by a school administrator or designee based on a conversation with a parent/guardian, or a parent/guardian signature on a written confirmation of the intent to emigrate to and attend school in another country.
- (E) Adequate documentation for other student statuses is as follows:
  - (I) Seriously ill students can be documented by a written confirmation by physician or health care provider.
  - (II) Deceased students may be documented by a copy of the obituary, a letter from the parent/guardian or a written confirmation by a school administrator or designee.
- (F) Determination of whether a student has completed the school year or is considered a dropout is based upon two factors, length of time absent prior to the end of the school year and coursework completion.
- (G) Students shall be counted as completing the school year if they leave school within three weeks of the last day of school or have completed all coursework early, meaning that they have completed the locally defined requirements for the current grade level and will be promoted into the next higher grade the following school year.
- (H) Students who leave within three weeks of the last day of school or June 30th, whichever comes first, whether with excused or unexcused absences, are not dropouts, but non-exiting students. However, these early exiting students who are recorded as completing the current school year who are not documented to return to an educational program the following school year must be recorded as summer dropouts in the next reporting period.
- (I) Students who do not meet the exclusionary conditions listed under section 12.01(1)(D) of these rules and are absent more than three weeks from the last day of school and have not completed all coursework, whether with excused or unexcused absences, are dropouts. Students shall be considered to have completed all coursework if they have completed the locally defined requirements for the current grade level and will be promoted into the next higher grade the following school year.
- (J) For students who are withdrawing from a Public School, Districts and the Institute are authorized to request information from the parent or guardian about the specific type of educational environment to which the student will be transferring, in order to monitor compliance with the School Attendance Law, section 22-33-104 (1), C.R.S. If a student in seventh through twelfth grade has indicated on a written notification of withdrawal that he or she is transferring to another Colorado School District or the Institute but the Department's post-collection process indicates that the student has not attended class in another

Colorado District or the Institute, that student will be classified as a dropout, unless further investigation proves otherwise. Colorado Public Schools and local education agencies are required to send transcripts or to confirm attendance when requested from another Colorado Public School or local education agency within two weeks of receiving the request with the exception of students in out-of-home placements whose records must be transferred within five (5) days pursuant to sections 22-32-138(2)(a)(II) and (3)(a), C.R.S.

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

#### 12.02 Four-year Graduation Rate:

- (1) The high school graduation rate is the percentage of students from a beginning of the year ninth grade cohort, adjusted for verified transfers in and out, who leave school as graduates, as defined by the District or the Institute Charter School, in four years or less. Verified transfers refer to transfers for which a records request or confirmation of enrollment and attendance has been provided.

- (2) The numerator for the four-year graduation rate is the number of cohort members (students) who graduated in year x and the denominator is the number of beginning of the year ninth grade cohort members adjusted for verified transfers in and out.

- (3) The formula for the four-year graduation rate is as follows:

$$\frac{\text{Number of four-year or prior graduates in year X}}{((\text{Number of beginning-of-year 9th graders in year X} - 3) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

- (4) Four-year Graduation Rate Clarifications:

- (A) Graduation rates for a high school not containing a ninth grade will be adjusted according to the grades contained within the Public School. Notations will be made when the standard four-year graduation rates are not applied.
- (B) District and Institute graduation rates will be held to a four-year standard regardless of the grade ranges of the Public Schools in the School District or Institute.
- (C) Expanded graduation rates, when used, should always be clearly labeled with the time span to differentiate from the four-year graduation rate.
- (D) Students shown as aging out, dropping out, expelled, or transferring to non-district HSED programs are included in graduation calculations.
- (E) Students are not considered graduates until educational services have ended, unless specified by law or rule. Beginning in 2017-18, ASCENT and PTECH students who have met graduation requirements may be counted as graduates

within the four-year graduation rate. However, the high school diploma cannot be dated and conferred until the student has completed or left the program.

#### 12.03 Expanded Graduation Rates:

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

$$\frac{\text{Number of three-year graduates in year X}}{((\text{Number of beginning-of-year 9th graders in year X} - 2) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

- (2) The five-year graduation rate formula is as follows:

$$\frac{\text{Number of five-year graduates in year X}}{((\text{Number of beginning-of-year 9th graders in year X} - 4) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

- (3) The six-year graduation rate formula is as follows:

$$\frac{\text{Number of six-year graduates in year X}}{((\text{Number of beginning-of-year 9th graders in year X} - 5) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

- (4) The seven-year graduation rate formula is as follows:

$$\frac{\text{Number of seven-year graduates in year X}}{((\text{Number of beginning-of-year 9th graders in year X} - 6) + (\text{Number of transfers in}) - (\text{Number of transfers out}))}$$

#### 12.04 Completion Rate:

- (1) The high school completion rate is the percentage of students from a beginning of the year ninth grade cohort adjusted for verified transfers in and out, who leave school as graduates or completers, as defined by the District or Institute Charter School. Students who do not meet specified graduation requirements are not graduates, but completers. Verified transfers refer to transfers for which a records request or confirmation of enrollment and attendance has been provided. Completers include students who: receive a HSED certificate through the completion of a HSED program; receive a certificate of completion; complete a vocational program; or are accepted into an institution of higher education to pursue either a bachelor's or associate's degree.
- (2) The numerator for the completion rate is the number of cohort members (students) who graduated or completed in year X and the denominator is the number of beginning of the year ninth grade cohort members enrollment adjusted for verified transfers in and out.
- (3) The formula for the completion rate is as follows:

$$\frac{\text{Number of four-year or prior graduates and completers in year X}}{\text{Number of beginning-of-year 9th graders in year X} - 2 + (\text{Number of transfers in}) - (\text{Number of transfers out})}$$

$$\frac{\text{((Number of beginning-of-year 9th graders in year X - 3) + (Number of transfers in) - (Number of transfers out))}}{\text{Number of beginning-of-year 9th graders in year X - 3}}$$

(4) Completion rate clarifications:

- (A) For purposes of the completion rates, completers are those students who have received a certificate or other designation of high school completion, such as a HSED. Completers have met the locally defined requirements for high school completion and are not continuing to receive educational services from a local education agency. Students are not considered completers until educational services have ended, unless specified by law or rule.
- (B) Completion rates for a high school not containing a ninth grade will be adjusted according to the grades contained within the school. Notations will be made when the standard four-year completion rates are not applied.
- (C) District and Institute completion rates will be held to a four-year standard regardless of the grade ranges of the Public Schools in the District or Institute.
- (D) Students shown as aging out, dropping out, expelled, or transferring to non-district HSED programs are included in completion calculations.

12.05 Expanded Completion Rates:

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

$$\frac{\text{Number of three-year graduates and completers in year X}}{\text{((Number of beginning-of-year 9th graders in year X - 2) + (Number of transfers in) - (Number of transfers out))}}$$

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

$$\frac{\text{Number of five-year graduates and completers in year X}}{\text{((Number of beginning-of-year 9th graders in year X - 4) + (Number of transfers in) - (Number of transfers out))}}$$

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

$$\frac{\text{Number of six-year graduates and completers in year X}}{\text{((Number of beginning-of-year 9th graders in year X - 5) + (Number of transfers in) - (Number of transfers out))}}$$

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

$$\frac{\text{Number of seven-year graduates and completers in year X}}{\text{((Number of beginning-of-year 9th graders in year X - 6) + (Number of transfers in) - (Number of transfers out))}}$$

12.06 Mobility Rates:

- (1) Mobility rates are indicators of turnover in the student population within a given school year. Any student in grades K-12 who enters or leaves a school between the start of the school year (pupil enrollment count date) and the last day of school is counted in the mobility rate. This includes students who:
  - (A) Transfer into a District or Institute Charter School;
  - (B) Transfer within a District or Institute Charter School;
  - (C) Transfer to another District or Institute Charter School, nonpublic or private school, home-based education program (home school) pursuant to section 22-33-104.5, C.R.S., HSED program, vocational education program, licensed eligible Facility, State-Operated Program, Detention Center, or other educational program operated by the Department of Youth Corrections or Department of Corrections;
  - (D) Have been expelled;
  - (E) Have dropped out or exited to an unknown educational setting;
  - (F) Are absent for extended periods; or
  - (G) Are seriously ill or deceased.
- (2) Mobility Rate Clarifications:
  - (A) Districts and the Institute shall indicate an instance of mobility for a student after ten consecutive days of excused or unexcused absences.
  - (B) Students who register for school but never attend are not to be included in reported mobility data. Students who never attend may also include non-attending students who are eligible for special education and related services.
  - (C) Grade level mobility rates will contain duplications because students may be mobile across different grade levels throughout the school year. If a student changes grades, the student will be included in the numerator and denominator of each grade level of which they were a member.

#### 12.07 Student Mobility Rate:

- (1) The student (unduplicated) mobility rate is the proportion of students having moved during the school year. The student mobility rate measures the number of students who have moved (a count of one regardless of the number of times a student moves). The rate includes an unduplicated count of students who transfer into or out of the Public School, District or Institute Charter School during the regular school year.
- (2) The numerator for the student mobility rate is the unduplicated count of grade K-12 students who moved into or out of a Public School, District, or Institute Charter School

during the school year and the denominator is the cumulative unduplicated student enrollment for kindergarten through twelfth grades.

- (3) The formula for the student mobility rate is as follows:

$$\frac{\text{Unduplicated count of grade K-12 students who moved into or out of the school or district in Year X}}{\text{Number of students part of same membership base at any point within year X}}$$

#### 12.08 Occurrence Mobility Rate:

- (1) The occurrence (duplicated) mobility rate is the frequency with which student moves occur during the school year. The occurrence mobility rate measures the number of moves made by students (a count equal to the number of times a student has moved). The rate includes a duplicated count of students who transfer into, out of, or both into and out of the Public School, District, or Institute Charter School during the regular school year.
- (2) The numerator for the occurrence mobility rate is the duplicated count of grade K-12 students who moved into, out of, or both into and out of the Public School, District, or Institute Charter School during the school year. The denominator is the cumulative unduplicated student enrollment for kindergarten through twelfth grades.

- (3) The formula for the occurrence mobility rate is as follows:

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

#### 12.09 Truancy Rate:

- (1) Truancy rates are indicators of unexcused absences from public school within a given school year.
- (2) Truancy Rate Clarifications:
- (A) Districts shall address truancy in accordance with the Local School Board policies and procedures established pursuant to the compulsory school attendance law, section 22-33-107(3)(b) C.R.S.
- (B) School Districts and the Institute shall report unexcused absence days. An unexcused absence occurs when a student is absent without a reason or for an unacceptable reason as identified within the attendance rules set by a Local School Board's policy adopted pursuant to section 22-33-104(4)(a). If authorized school officials determine that a parent's excuse is not valid or verified, the absence shall be considered unexcused.

- (C) Students who register for school, but never attend are not to be included in reported truancy data. Students who never attend may also include non-attending students who are eligible for special education and related services.
- (D) Truancy rates will be reported for Alternative Education Campuses and online Public Schools. These schools must have a method to track the attendance for enrolled students.

#### 12.10 Truancy Rate – Unexcused Absence Days:

- (1) The unexcused absence days truancy rate is the proportion of days in which students were absent without an excuse.
- (2) The numerator for the unexcused absence days truancy rate is the aggregate number of days of unexcused student absences. The denominator is the aggregate number of student days possible, which is calculated by adding the total student days attended, the total student days of excused absences and the total student days of unexcused absences.
- (3) The formula for the unexcused absence days truancy rate is as follows:

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

#### 12.11 Truancy Rate – Habitually Truant Students:

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

$$\frac{\text{Number of students who have 4 total days of unexcused absences in any one calendar month or 10 total days of unexcused absences during the school year}}{\text{Number of students part of same membership base at any point within year X}}$$

#### 12.12 End-of-Year Collection Process:

- (1) District and Institute Responsibilities:
  - (A) Districts and the Institute shall ensure that the student data submitted is as clean and accurate as possible.

- (B) In order to know the whereabouts of 7-12th grade transfer students, Districts and the Institute are encouraged to conduct timely inquiries when students withdraw from school, keep documentation on file regarding each, and follow-up on 7-12th grade students for whom appropriate documentation has not been secured.
  - (C) The reporting period for the end-of-year collection is from July 1st to June 30th, annually. Districts and the Institute shall mark the appropriate information as of the last day of school or June 30th, whichever occurs first.
  - (D) Districts and the Institute may include summer graduates or completers up until August 31st of each year. Districts and the Institute shall include graduates and completers after that date in the next end-of-year reporting period.
  - (E) On or before September 15th of each year, every District and the Institute shall initially approve submitted end-of-year files.
  - (F) Each year, every District and the Institute shall approve submitted end-of-year files on or before the Department's announced interim and final deadlines.
  - (G) If a District provides educational programs to Detention Centers as well as Facilities, they must continue to report accurate and complete data in terms of the 7th through 12th grade students served within the end-of-year reporting period until such time as cross-agency data sharing has eliminated the need to do so.
- (2) Department Responsibilities:
- (A) The Department shall ensure that student data is as clean and accurate as possible.
  - (B) The Department shall announce the annual schedule of each collection no later than one month prior to collection opening.
  - (C) The Department shall annually notify Districts and the Institute where lists of Detention Centers and Facilities with educational programs administered by Districts are located on the Department's website.