
PART 1. GENERAL PROVISIONS

22-11-101. Short title

This article shall be known and may be cited as the "Education Accountability Act of 2009".

22-11-102. Legislative declaration

(1) The general assembly hereby finds that an effective system of statewide education accountability is one that:

(a) Focuses the attention of educators, parents, students, and other members of the community on maximizing every student's progress toward postsecondary and workforce readiness and post-graduation success;

(b) Reports information concerning performance at the state level, school district or institute level, and individual public school level that is perceived by educators, parents, and students as fair, balanced, cumulative, credible, and useful;

(c) Provides more academic performance information, and fewer labels, to move from a punitive accountability system to one that is positive and focused on learning and achieving high levels of academic performance; and

(d) Holds the state, school districts, the institute, and individual public schools accountable for performance on the same set of indicators and related measures statewide, ensures that those indicators and measures are aligned through a single accountability system, to the extent possible, that objectively evaluates the performance of the thorough and uniform statewide system of public education for all groups of students at the state, school district or institute, and individual public school levels, and, as appropriate, rewards success and provides support for improvement at each level.

(2) The general assembly further finds that an effective education accountability system will be built around implementation of the Colorado growth model that:

(a) Uses a common measure to describe in plain language how much academic growth each student needs to make and how much growth the student actually makes in one year toward proficiency on state content standards;

(b) Incorporates a complete history of each student's assessment scores in calculating the student's needed and achieved academic growth;

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(c) Focuses the attention of educators, parents, and students on maximizing students' academic growth and achievement over time and reveals where, and among which groups of students, the strongest academic growth is occurring and where it is not;

(d) Assists the state in closing the achievement gaps that plague the public education system by spotlighting the gaps in students' academic growth rates and ensuring that educators have the data necessary to assist the neediest students in making more than a year's academic growth in a year's time so that these students can catch up to the academic performance levels of their peers; and

(e) Provides data that are recognized by educators, parents, students, the higher education community, the business community, and other stakeholders as fair, balanced, objective, and transparent to support individual school, school district, institute, state, and federal education accountability purposes.

(3) The general assembly concludes, therefore, that it is in the best interests of the state to adopt an aligned education accountability system for public education in this state that:

(a) Holds the state, school districts, the institute, and public schools accountable on statewide performance indicators supported by consistent, objective measures;

(b) Incorporates input from parents, educators, administrators, and the community in establishing clearly defined statewide academic performance objectives;

(c) Reports performance in clear, readily understandable terms;

(d) Is adaptable to accommodate and include additional data that become available as the state implements the "Preschool to Postsecondary Education Alignment Act", part 10 of article 7 of this title, including but not limited to data concerning school readiness and postsecondary success;

(e) Recognizes and rewards areas of success, while also identifying and compelling effective change for areas in need of improvement; and

(f) Ensures the availability of technical assistance, services, and support for public schools, school districts, and the institute to improve students' academic performance.

22-11-103. Definitions

As used in this article, unless the context otherwise requires:

(1) "Accreditation" means certification by the state board that a school district and the public schools of the school district, or the institute and the institute charter schools, meet

the requirements established by this article and the rules promulgated pursuant to this article. "Accreditation" includes the process for accrediting school districts and the institute and reviewing the performance of public schools as provided in part 2 of this article and the rules promulgated pursuant to this article.

(2) "Accreditation contract" means:

(a) The contract between the state board and a school district, as described in [section 22-11-206](#), 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 this article; or

(b) The contract between the state board and the institute, as described in [section 22-11-206](#), that includes, but is not limited to, the institute's obligation to manage the accreditation of the institute charter schools consistent with the provisions of this article.

(3) "Achievement and growth gaps" means differences among student groups in the levels of academic achievement attained by the student groups on the statewide assessments and differences among student groups in the levels of academic growth attained by the student groups.

(4) "Achievement level" means the level of proficiency a student demonstrates on a statewide assessment.

(5) "Alternative education campus" means a public school that receives a designation pursuant to [section 22-7-604.5](#).

(6) "Basic skills courses" has the same meaning as provided in [section 23-1-113 \(11\) \(b\)](#), C.R.S.

(7) "Catch-up growth" means, for a student who scores at the achievement level of unsatisfactory or partially proficient on statewide assessments, the amount of academic growth the student must attain to score at the proficient achievement level on statewide assessments within three years or by tenth grade, whichever is sooner.

(8) "Colorado growth model" means a scientifically rigorous statistical model that the department uses to calculate students' annual academic growth in the subjects included in the statewide assessments based on students' scores on the annual statewide assessments, which model is adopted by the state board pursuant to [section 22-11-202](#).

(9) "Commissioner" means the office of the commissioner of education created and existing pursuant to [section 1 of article IX of the state constitution](#).

(10) "Data portal" means the internet-based electronic data delivery system developed and maintained by the department pursuant to [section 22-11-502](#).

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(11) "Department" means the department of education created and existing pursuant to [section 24-1-115](#), C.R.S.

(12) "District charter school" means a charter school that is authorized by a school district pursuant to the provisions of part 1 of article 30.5 of this title.

(13) "District public school" means a public school of a school district, including but not limited to a district charter school.

(14) "Improvement plan" means:

(a) The plan described in and adopted by a school district pursuant to [section 22-11-304](#), in which case it may also be referred to more specifically as a "district improvement plan";

(b) The plan described in and adopted by the institute pursuant to [section 22-11-304](#), in which case it may also be referred to more specifically as an "institute improvement plan";
or

(c) The plan described in and adopted by a public school pursuant to [section 22-11-404](#), in which case it may also be referred to more specifically as a "school improvement plan".

(15) "Institute" means the state charter school institute created pursuant to [section 22-30.5-503](#).

(16) "Institute board" means the governing board of the state charter school institute appointed pursuant to [section 22-30.5-505 \(2\)](#).

(17) "Institute charter school" means a charter school that is authorized by the institute pursuant to the provisions of part 5 of article 30.5 of this title.

(18) "Keep-up growth" means, for a student who scores at the achievement level of proficient or advanced on statewide assessments, the amount of academic growth the student must attain to score at the proficient achievement level or higher on statewide assessments for the succeeding three years or until tenth grade, whichever is sooner.

(19) "Local school board" means 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 this title if the board of cooperative services is operating a public school.

(20) "Measure" means a method of assessing or a means to assess the level of attainment on a performance indicator.

(21) "Median student growth" means, in a ranking of individual student growth scores from highest to lowest, the middle student growth score attained.

(22) "Move-up growth" means, for a student who scores at the achievement level of proficient on statewide assessments, the amount of academic growth the student must attain to score at the advanced performance level on statewide assessments within three years or by tenth grade, whichever is sooner.

(23) "Performance indicators" means the indicators specified in [section 22-11-204](#) 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.

(24) "Performance plan" means:

(a) The plan described in and adopted by a school district pursuant to [section 22-11-303](#), in which case it may also be referred to more specifically as a "district performance plan";

(b) The plan described in and adopted by the institute pursuant to [section 22-11-303](#), in which case it may also be referred to more specifically as an "institute performance plan"; or

(c) The plan described in and adopted by a public school pursuant to [section 22-11-403](#), in which case it may also be referred to more specifically as a "school performance plan".

(25) "Postsecondary and workforce readiness" shall have the same meaning as provided in [section 22-7-1003 \(15\)](#).

(26) "Postsecondary and workforce readiness assessment" shall have the same meaning as provided in [section 22-7-1003 \(16\)](#).

(27) "Priority improvement plan" means:

(a) The plan described in and adopted by a school district pursuant to [section 22-11-305](#), in which case it may also be referred to more specifically as a "district priority improvement plan";

(b) The plan described in and adopted by the institute pursuant to [section 22-11-305](#), in which case it may also be referred to more specifically as an "institute priority improvement plan"; or

(c) The plan described in and adopted by a public school pursuant to [section 22-11-405](#), in which case it may also be referred to more specifically as a "school priority improvement plan".

(28) "Public school" shall have the same meaning as provided in [section 22-1-101](#) and includes, but is not limited to, a district charter school, an institute charter school, an on-line program, as defined in [section 22-30.7-102 \(9\)](#), and an on-line school, as defined in [section 22-30.7-102 \(9.5\)](#).

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(29) "School district" means a school district authorized by [section 15 of article IX of the state constitution](#) and organized pursuant to article 30 of this title. "School district" also includes a board of cooperative services created pursuant to article 5 of this title if it is operating a public school.

(30) "School readiness" shall have the same meaning as provided in [section 22-7-1003 \(21\)](#).

(31) "State board" means the state board of education established pursuant to [section 1 of article IX of the state constitution](#).

(32) "State review panel" means the panel of education experts appointed by the commissioner pursuant to [section 22-11-205](#) to assist the department and the state board in implementing the provisions of this article.

(33) "Statewide assessments" means the assessments administered pursuant to the Colorado student assessment program created in [section 22-7-409](#) or as part of the system of assessments adopted by the state board pursuant to [section 22-7-1006](#).

(34) "Student groups" means 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 described by state board rule and federal requirements, and any additional student groups that the state board may describe by rule to align with changes to federal requirements or to provide additional data for analysis of student learning.

(34.3) "Student populations that are significantly represented within the school" means student populations that each constitute at least ten percent of the total population of students in the school, which student populations may include, but need not be limited to, the student populations described in [section 22-11-301 \(3\)](#).

(34.5) "Student populations that are significantly represented within the school district" means student populations that each constitute at least ten percent of the total population of students in the school district, which student populations may include, but need not be limited to, the student populations described in [section 22-11-301 \(3\)](#).

(35) "Target" means a specific, quantifiable outcome that establishes the desired level of attainment on a measure.

(36) "Technical advisory panel" means the panel of state and national experts on the longitudinal measurement of academic growth for accountability purposes appointed by the commissioner pursuant to [section 22-11-202 \(2\)](#).

(37) "Turnaround plan" means:

(a) The plan described in and adopted by a school district pursuant to [section 22-11-306](#), in which case it may also be referred to more specifically as a "district turnaround plan";

(b) The plan described in and adopted by the institute pursuant to [section 22-11-306](#), in which case it may also be referred to more specifically as an "institute turnaround plan"; or

(c) The plan described in and adopted by a public school pursuant to [section 22-11-406](#), in which case it may also be referred to more specifically as a "school turnaround plan".

22-11-104. Rules

The state board shall promulgate rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., as required in this article and may promulgate such additional rules as it finds necessary for the implementation of this article, including but not limited to rules establishing a numbering system to uniquely identify individual students, including students enrolled in the Colorado preschool program created pursuant to [section 22-28-104](#).

22-11-105. Funding

(1) The department is authorized to seek, accept, and expend public and private gifts, grants, and donations for the implementation of this article; except that the department shall not accept a gift, grant, or donation if it is subject to conditions that are inconsistent with this article or any other law of the state.

(2) The general assembly hereby declares that, for purposes of [section 17 of article IX of the state constitution](#), implementation of an aligned education accountability system for public education pursuant to this section is an important element in implementing accountable education reform and accountable programs to meet state academic standards and may therefore receive funding from the state education fund created in [section 17 \(4\) of article IX of the state constitution](#).

(3) The general assembly anticipates that the department may receive significant amounts of federal moneys that may appropriately be used to implement this article and strongly encourages the department to apply said federal moneys to the greatest extent possible in implementing this article.

PART 2. STATE ACCOUNTABILITY

22-11-201. State public education system - annual performance review - targets for improvement

(1) (a) The state board shall annually review the performance of the statewide public education system, including but not limited to reviewing the levels of attainment on the

performance indicators demonstrated by each public school, each school district, and the institute. Following said review, the state board shall set, reaffirm, or revise, as appropriate, ambitious but attainable statewide targets for the measures used to determine the levels of attainment of the performance indicators for the coming academic year with the goal of raising the level of academic performance in the public schools throughout the state. In setting the targets, the state board shall, to the extent possible, ensure that the targets meet federal law requirements.

(b) In adopting the targets required by paragraph (a) of this subsection (1), the state board shall adopt a set of targets for grades three through twelve.

(2) In adopting the targets required by subsection (1) of this section, the state board shall consider any information provided by public schools, local school boards, the institute, school administrators, teachers and teachers' associations, parents and parents' associations, and institutions of higher education related to the academic performance of the public education system in Colorado.

(3) The state board shall adopt and publish on the data portal the annual statement of targets in accordance with time frames set by state board rule.

22-11-202. Colorado growth model - technical advisory panel - rules

(1) (a) The state board, by rule, shall adopt, and revise as necessary, the Colorado growth model, which shall be a student longitudinal academic growth model that is available in the public domain. In adopting and revising the Colorado growth model, the state board shall consider recommendations from the technical advisory panel convened pursuant to subsection (2) of this section.

(b) In adopting and revising the Colorado growth model, the state board shall ensure that the model:

(I) Reflects best practices, as acknowledged in the scientific literature, in measuring student longitudinal academic growth with high precision;

(II) To the greatest extent possible, uses a method that will support the academic improvement of public schools, school districts, and the institute;

(III) Can measure a student's progress toward meeting the achievement level of "partially proficient", "proficient", or "advanced" on statewide assessments;

(IV) Can gauge each student's success in making one year's academic growth or more in one year's time;

(V) Provides results that are meaningful, reliable, and valid, given their intended purposes,

to enable parents, teachers, and administrators to identify individual students or groups of students who are or are not making adequate academic growth;

(VI) Recognizes the improvement of a student whose scores on the statewide assessments increase even if the increase is not sufficient for the student to attain a higher achievement level;

(VII) Uses individual student scores achieved on the statewide assessments;

(VIII) Is described in a publicly available document that sets forth the mathematical equations used in the model and that fully and accurately explains the methods used to complete the records for students with incomplete data; and

(IX) Can treat the analysis and reporting of data electronically and produces student, public school, school district, institute, and state reports that the department provides to school districts, the institute, public schools, and the public through the data portal.

(c) Within ninety days after receiving the information from the 2009-10 administration of the postsecondary and workforce planning, preparation, and readiness assessments pursuant to [section 22-7-1007](#), the department shall recommend to the state board for adoption by rule any necessary adjustments to the Colorado growth model to ensure that it measures student academic growth over time toward attainment of the standards adopted pursuant to [section 22-7-1005](#) and attainment of postsecondary and workforce readiness as described pursuant to [section 22-7-1008](#). In recommending adjustments to the Colorado growth model, the department shall consult with the technical advisory panel appointed pursuant to subsection (2) of this section.

(2) (a) To assist the department in implementing the Colorado growth model, the commissioner shall appoint a technical advisory panel of state and national experts on the longitudinal measurement of academic growth for accountability purposes. The members of the technical advisory panel shall serve at the will of the commissioner and shall not receive compensation or reimbursement for expenses.

(b) The department shall convene meetings of the technical advisory panel as necessary and within existing appropriations to review the Colorado growth model and make recommendations to the state board. All meetings of the technical advisory panel shall be open.

(c) The department and the state board shall consult with the technical advisory panel concerning:

(I) The scores on the kindergarten and first, second, and third grade reading assessments approved pursuant to [section 22-7-1209 \(1\) \(b\)](#) that will identify, as required in [section 22-7-1209 \(1\) \(a\)](#), the minimum reading competency skill levels in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, including oral skills, and reading comprehension for kindergarten and first, second, and third grades;

(II) The amount of additional credit toward accreditation that each local education provider may receive pursuant to [section 22-11-204 \(3\) \(b\)](#); and

(III) Methods of including in the accreditation process consideration of student progress in attaining reading competency, as defined in [section 22-7-1203 \(10\)](#), in kindergarten and first and second grade.

22-11-203. Student longitudinal academic growth - calculation - data - research

(1) (a) Each school year by a date established in state board rules, 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. The department shall formulate the calculation in such a way that adequate longitudinal academic growth means:

(I) Catch-up growth for a student who scored at the unsatisfactory or partially proficient achievement level on the statewide assessments in the previous academic year, which is the amount of academic growth necessary to score at the proficient achievement level within three years or by the tenth grade, whichever comes sooner; and

(II) Keep-up growth for a student who scored at the proficient or advanced achievement level on the statewide assessments in the previous academic year, which is the amount of academic growth necessary to score at the proficient achievement level or higher for the succeeding three years or until the tenth grade, whichever is sooner.

(b) The department shall use data available for longitudinal analysis to review and revise the calculation of adequate longitudinal academic growth as necessary.

(c) By the same date established for purposes of paragraph (a) of this subsection (1), the department shall calculate, to the extent practicable, for each student who scored at the proficient achievement level on the statewide assessments in the previous academic year, what will constitute move-up growth for the coming school year in each subject that is included in statewide assessments.

(d) Notwithstanding the provisions of paragraph (a) of this subsection (1), the department may revise, as necessary, the definition of adequate longitudinal growth to incorporate the concept of move-up growth or to meet the requirements of federal law.

(2) (a) For each school year, the department shall provide to each school district in the state academic growth information for each student enrolled in the district public schools, based on the statewide assessment results for the preceding school years. Within ten days after the information is provided to each school district, the department shall also provide the academic growth information to each district public school for the students enrolled in

the district public school. Upon receipt of the academic growth information, the principal of each district public school shall ensure that appropriate educators in the school who work directly with a student have access to the necessary academic growth information concerning that student.

(b) For each school year, the department shall provide to the institute academic growth information for each student enrolled in the institute charter schools, based on the statewide assessment results for the preceding school years. Within ten days after the information is provided to the institute, the department shall also provide the academic growth information to each institute charter school for the students enrolled in the institute charter school. Upon receipt of the academic growth information, the principal of each institute charter school shall ensure that appropriate educators in the school who work directly with a student have access to the necessary academic growth information concerning that student.

(3) The academic growth information required by subsection (2) of this section shall include, but need not be limited to:

(a) Information on whether each student made at least one year's academic growth in one year's time in the preceding school year;

(b) Whether the student made adequate academic growth for the preceding school year as calculated for the student pursuant to subsection (1) of this section;

(c) The longitudinal academic growth calculated for each student to attain catch-up, keep-up, or move-up growth, as described in subsection (1) of this section;

(d) The amount of growth for each student that would result in the student scoring at the partially proficient, proficient, and advanced achievement levels within one, two, and three years; and

(e) School performance indicators as calculated pursuant to [section 22-11-204](#).

(4) The department, school districts, the institute, and public schools shall maintain the confidentiality of each student's statewide assessment scores consistent with the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted in accordance therewith.

(5) The school district or the district charter school or institute charter school in which a student is enrolled shall maintain the academic growth information received from the department pursuant to subsection (2) of this section in the student's individual student record maintained by the school district or by the district charter school or institute charter school.

(6) The department shall provide technical assistance and training to school districts, the institute, and public schools to assist school district, institute, and public school personnel in

interpreting, using, and communicating to parents the academic growth information provided pursuant to subsection (2) of this section. The department shall pay the costs of providing technical assistance and training pursuant to this subsection (6) within existing appropriations or from any gifts, grants, or donations received for implementing this section.

(7) The department, upon request, shall make available to qualified researchers the entire longitudinally linked dataset created pursuant to [section 22-11-202](#) and used for generating academic growth information pursuant to this section and for awarding the governor's distinguished improvement awards. For purposes of this subsection (7), qualified researchers shall include, but need not be limited to, institutions of higher education, school districts, and public policy research and advocacy organizations. The department shall provide the data in a format that allows the data to be linked with other publicly available data in the state and shall include all available data regarding student demographics, the state's school identification numbers, and student-level performance data, while protecting the privacy of individual students in a manner consistent with the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted in accordance therewith.

22-11-204. Performance indicators - measures

(1) (a) The department shall annually determine the level of attainment of each public school, each school district, the institute, and the state as a whole on each of the following performance indicators:

(I) Student longitudinal academic growth, based on the measures specified in subsection (2) of this section;

(II) Student achievement levels on the statewide assessments, based on the measures specified in subsection (3) of this section; and

(III) Progress made in closing the achievement and growth gaps, based on the measures specified in subsection (5) of this section.

(b) In addition, the department shall annually determine the level of attainment of each public high school, each school district, the institute, and the state as a whole on the postsecondary and workforce readiness performance indicator, based on the measures specified in subsection (4) of this section.

(2) The department shall determine the level of attainment of each public school, each school district, the institute, and the state as a whole on the student longitudinal academic growth indicator by using the following measures:

(a) For students, the department shall calculate the student academic growth percentiles using the Colorado growth model.

(b) For each public school, the department shall calculate:

(I) The percentage of students enrolled in the public school:

(A) Who attain adequate longitudinal growth as calculated pursuant to [section 22-11-203 \(1\)](#), including the percentages of students who attain catch-up growth and keep-up growth;

(B) Who attain move-up growth; and

(C) Who attain statewide median growth; and

(II) The median student growth among students enrolled in the public school.

(c) For each school district and the institute, the department shall calculate:

(I) The percentage of all students enrolled in the district public schools or in the institute charter schools:

(A) Who attain adequate longitudinal academic growth, as calculated pursuant to [section 22-11-203 \(1\)](#), including the percentages of students who attain catch-up growth and keep-up growth;

(B) Who attain move-up growth; and

(C) Who attain statewide median growth; and

(II) The median student growth among students enrolled in the district public schools or in the institute charter schools.

(d) For the state, the department shall calculate:

(I) The percentage of all students enrolled in the public schools in the state:

(A) Who attain adequate longitudinal academic growth, as calculated pursuant to [section 22-11-203 \(1\)](#), including the percentages of students who attain catch-up growth and keep-up growth;

(B) Who attain move-up growth; and

(C) Who attain statewide median growth; and

(II) The median student growth among students enrolled in the public schools in the state.

(3) (a) The department shall determine the level of attainment of each public school, each school district, the institute, and the state as a whole on the performance indicator that

concerns student achievement levels on the statewide assessments by using the following measures:

(I) For each student enrolled in a public school in the state, the department shall determine the student's achievement level in the subjects included in the statewide assessments, as demonstrated by the score achieved by the student on the statewide assessments. The state board shall specify the score ranges that constitute each of the achievement levels.

(II) For each public school, the department shall calculate the percentage of students enrolled in the public school at each grade level who score at each of the achievement levels on the statewide assessments in each of the subjects included in the statewide assessments.

(III) For each school district and the institute, the department shall calculate the percentage of all students enrolled in the district public schools or in the institute charter schools who score at each of the achievement levels in the subjects included in the statewide assessments.

(IV) For the state, the department shall calculate the percentage of all students enrolled in the public schools in the state who score at each of the achievement levels in the subjects included in the statewide assessments.

(b) Beginning in the 2013-14 school year, in determining the level of attainment of a public school that includes third and fourth grades, a school district, the institute, and the state as a whole on the performance indicator that concerns student achievement levels, the department shall calculate the percentages of students enrolled in third and fourth grades in the public school, the school district, all institute charter schools, and the state as a whole who were at one time identified as having a significant reading deficiency pursuant to [section 22-7-1205](#) and who score partially proficient, proficient, or advanced on the statewide reading assessment in third or fourth grade. The state board shall adopt rules by which a public school, a school district, and the institute receive additional credit toward their accreditation ratings using the percentages calculated pursuant to this paragraph (b), which additional credit is increased based on the level of performance.

(4) The department shall determine the level of attainment of each public high school, each school district, the institute, and the state as a whole on the postsecondary and workforce readiness indicator by using, at a minimum, the following measures:

(a) For each public high school, the department shall calculate:

(I) The percentages of students enrolled in the eleventh grade in the public high school who score at each achievement level on the standardized, curriculum-based, achievement, college entrance examination administered as a statewide assessment or the percentages of students enrolled in each of the grade levels included in the public high school who score at each achievement level on the postsecondary and workforce readiness assessments administered by the public high school;

(II) As soon as the data is available, the percentage of students graduating from the public high school who receive a diploma that includes a postsecondary and workforce readiness endorsement as described in [section 22-7-1009 \(1\)](#) 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 \(2\)](#); and

(III) The graduation and dropout rates, as defined by rule of the state board.

(b) For each school district and the institute, the department shall calculate:

(I) The overall percentages of students enrolled in the eleventh grade in all of the district public high schools or all institute charter high schools who score at each achievement level on the standardized, curriculum-based, achievement, college entrance examination administered as a statewide assessment or the percentages of students enrolled in each of the grade levels included in the public high schools who score at each achievement level on the postsecondary and workforce readiness assessments administered by the public high schools;

(II) Beginning with the first school year for which criteria are adopted pursuant to [section 22-7-1009 \(1\)](#) for awarding diplomas that are endorsed for postsecondary and workforce readiness and for each school year thereafter, the overall percentage of all students graduating from the district public high schools or from the institute charter high schools who receive diplomas that are endorsed for postsecondary and workforce readiness as described in [section 22-7-1009 \(1\)](#) and the percentage who receive diplomas that are endorsed for exemplary demonstration of postsecondary and workforce readiness as described in [section 22-7-1009 \(2\)](#); and

(III) The overall graduation and dropout rates, as defined by rule of the state board, for the district public high schools or the institute charter high schools.

(c) For the state, the department shall calculate:

(I) The percentages of students enrolled in the eleventh grade in public high schools statewide who score at each achievement level on the standardized, curriculum-based, achievement, college entrance examination administered as a statewide assessment or the percentages of students enrolled in each of the grade levels included in the public high schools statewide who score at each achievement level on the postsecondary and workforce readiness assessments administered by the public high schools;

(II) Beginning with the 2011-12 school year and for each school year thereafter, the overall percentage of all students graduating from the public high schools in the state who receive diplomas that are endorsed for postsecondary and workforce readiness as described in [section 22-7-1009 \(1\)](#) and the percentage who receive diplomas that are endorsed for exemplary demonstration of postsecondary and workforce readiness as described in [section 22-7-1009 \(2\)](#); and

(III) The statewide graduation and dropout rates, as defined by rule of the state board, for the public high schools in the state.

(5) The department shall determine the level of attainment of each public school, each school district, the institute, and the state as a whole on the performance indicator that concerns the progress made in closing the achievement and growth gaps by using the following measures:

(a) (I) For each public school, the department shall disaggregate by student group:

(A) The percentages of students enrolled in the public school who attain adequate longitudinal growth as calculated pursuant to [section 22-11-203 \(1\)](#), including the percentages of students who attain catch-up growth and keep-up growth;

(B) The percentage of students enrolled in the public school who attain move-up growth;

(C) The percentage of students enrolled in the public school who attain statewide median growth;

(D) The median student growth attained by students enrolled in the public school;

(E) The percentage of students enrolled in the public school at each grade level who score at each of the achievement levels in each of the subjects included in the statewide assessments; and

(F) For each public high school, the percentage of students enrolled in the eleventh grade in the public high school who score at each achievement level of the standardized, curriculum-based, achievement, college entrance examination or the percentages of students enrolled in each of the grade levels included in the public high school who score at each achievement level on the postsecondary and workforce readiness assessments administered by the public high school; the percentages of students graduating from the public high school who receive a diploma that includes a postsecondary and workforce readiness endorsement or an endorsement for exemplary demonstration of postsecondary and workforce readiness; and the graduation and dropout rates.

(II) The department shall compare the percentages and assessment achievement levels across student groups to determine the progress made by the public school in increasing over time each student group's longitudinal academic growth, academic achievement, postsecondary and workforce readiness, and graduation rate, and in decreasing each student group's dropout rate, especially for those student groups who are underperforming in comparison to other groups.

(b) (I) For each school district and the institute, the department shall disaggregate by student group:

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(A) The percentages of students enrolled in the district public schools or in the institute charter schools who attain adequate longitudinal growth as calculated pursuant to [section 22-11-203 \(1\)](#), including the percentages of students who attain catch-up growth and keep-up growth;

(B) The percentage of students enrolled in the district public schools or in the institute charter schools who attain move-up growth;

(C) The percentage of students enrolled in the district public schools or in the institute charter schools who attain statewide median growth;

(D) The median student growth attained by students enrolled in the district public schools or in the institute charter schools;

(E) The percentage of students enrolled in the district public schools or in the institute charter schools at each grade level who score at each of the achievement levels in each of the subjects included in the statewide assessments; and

(F) The overall percentage of students enrolled in the eleventh grade in the district public high schools or the institute charter high schools who score at each achievement level of the standardized, curriculum-based, achievement, college entrance examination or the percentages of students enrolled in each of the grade levels included in the public high schools who score at each achievement level on the postsecondary and workforce readiness assessments administered by the public high schools; the overall percentages of students graduating from the district public high schools, or the institute charter high schools, who receive a diploma that includes a postsecondary and workforce readiness endorsement or an endorsement for exemplary demonstration of postsecondary and workforce readiness; and the overall graduation and dropout rates for the district public high schools or the institute charter high schools.

(II) The department shall compare the percentages and assessment achievement levels across student groups to determine the progress made by the district public schools or the institute charter schools in increasing over time each student group's longitudinal academic growth, academic achievement, postsecondary and workforce readiness, and graduation rate, and in decreasing each student group's dropout rate, especially for those student groups who are underperforming in comparison to other groups.

(c) (I) For the state, the department shall disaggregate by student group:

(A) The percentages of students enrolled in the public schools in the state who attain adequate longitudinal growth as calculated pursuant to [section 22-11-203 \(1\)](#), including the percentages of students who attain catch-up growth and keep-up growth;

(B) The percentage of students enrolled in the public schools in the state who attain move-up growth;

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(C) The percentage of students enrolled in the public schools in the state who attain statewide median growth;

(D) The median student growth attained by students enrolled in the public schools in the state;

(E) The percentage of students enrolled in the public schools in the state at each grade level who score at each of the achievement levels in each of the subjects included in the statewide assessments; and

(F) The percentage of students enrolled in the eleventh grade in the public high schools in the state who score at each achievement level of the standardized, curriculum-based, achievement, college entrance examination or the percentages of students enrolled in each of the grade levels included in the public high schools in the state who score at each achievement level on the postsecondary and workforce readiness assessments administered by the public high schools; the overall percentages of students graduating from the public high schools in the state who receive diplomas that include postsecondary and workforce readiness endorsements or endorsements for exemplary demonstration of postsecondary and workforce readiness; and the overall graduation and dropout rates for the public high schools in the state.

(II) The department shall compare the percentages and assessment achievement levels across student groups to determine the progress made by the public schools in the state in increasing over time each student group's longitudinal academic growth, academic achievement, postsecondary and workforce readiness, and graduation rate, and in decreasing each student group's dropout rate, especially those student groups who are underperforming in comparison to other groups.

(6) Notwithstanding any provision of this section to the contrary:

(a) 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;

(b) To comply with the privacy requirements of the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g and any other federal requirements, the department may forego the calculations required in this section for a public school or a grade level in which the number of enrolled students is less than a minimum number determined by department policy. If the department does not calculate the levels of attainment of the performance indicators as provided in this section for a public school, the department shall determine an alternate method of measuring the public school's performance that is comparable to the provisions of this section and complies with the requirements of federal statutes and regulations.

(c) The department may adjust the calculations specified in this section as necessary to take into account students for whom no score is recorded on the statewide assessments; the

standardized, curriculum-based, achievement, college entrance examination; or the postsecondary and workforce readiness assessments.

(7) The department shall report on the data portal the levels of attainment on the performance indicators, as measured pursuant to this section, for each public school in the state, each school district, the institute, and the state as a whole; except that, in reporting data disaggregated by student groups, the department shall not report data for any student group that is smaller than the minimum number of students necessary to protect student privacy, as determined by the department.

22-11-205. State review panel - creation

(1) (a) The commissioner shall recruit an appropriate number of highly qualified persons to serve when needed as a state review panel. The commissioner, with the approval of the state board, shall appoint the members of the state review panel to assist the department and the state board as provided in this article.

(b) In appointing the members of the state review panel, the commissioner shall select persons on the basis of demonstrated expertise in one or more of the following fields:

(I) School district or school leadership or governance;

(II) Standards-based elementary or secondary curriculum instruction and assessment;

(III) Instructional data management and analysis;

(IV) School district, school, or program evaluation;

(V) Educational program management;

(VI) Teacher leadership;

(VII) Organizational management or school district and public school governance;

(VIII) School district or school budgeting and finance;

(IX) Any other field that the commissioner deems to be relevant to the review and evaluation of school district, institute, or public school performance or improvement planning.

(2) The commissioner shall convene all or a portion of the state review panel as necessary to carry out the duties specified in this article.

(3) The department may accept and expend moneys received from gifts, grants, or donations to compensate members of the state review panel or reimburse them for

expenses incurred in performing their duties pursuant to this article. The department shall not pay compensation or reimbursements if sufficient moneys are not available.

22-11-206. Accreditation of school districts and institute - contracts - rules

(1) Pursuant to the authority vested in the state board by [section 1 of article IX of the state constitution](#) to exercise general supervision over the public schools in the state, the state board shall annually accredit the school districts and the institute as provided in this article and pursuant to rules adopted by the state board in accordance with this article.

(2) The state board shall enter into an accreditation contract with each local school board and with the institute. Each accreditation contract shall have a term of one year and shall be automatically renewed each year so long as the school district or the institute remains in the accreditation category of accredited or higher. The parties to each accreditation contract may renegotiate the contract at any time during the term of the contract, based on appropriate and reasonable changes in the circumstances upon which the original contract terms were based. The state board shall promulgate rules specifying the contents and terms of the accreditation contract in accordance with the provisions of this article.

(3) Each accreditation contract shall, at a minimum, address the following elements:

(a) The school district's or institute's level of attainment on the performance indicators, as determined pursuant to [section 22-11-204](#);

(b) The school district's or the institute's adoption and implementation of its performance, improvement, priority improvement, or turnaround plan, whichever is appropriate based on the school district's or institute's accreditation category;

(c) The school 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; and

(d) The school district's or institute's substantial, good-faith compliance with the provisions of this title and other statutory and regulatory requirements applicable to school districts and the institute.

(4) (a) For purposes of monitoring a school district's or the institute's substantial and good-faith compliance with the provisions of this title and other statutory and regulatory requirements, the department shall obtain assurances from the school district or the institute that it is in compliance with:

(I) The provisions of article 44 of this title concerning budget and financial policies and procedures;

(II) The provisions of article 45 of this title concerning accounting and financial reporting;

and

(III) If the accreditation contract involves a school district, the provisions of [section 22-32-109.1](#) concerning school safety.

(b) With regard to statutory and regulatory requirements, other than those specified in paragraph (a) of this subsection (4), that are applicable to school districts, the superintendent of the school district and the local school board members shall affirm that the school district and the district public schools are in substantial, good-faith compliance with the statutory and regulatory requirements. If the department has reason to believe that the school district is not in substantial compliance with one or more of the statutory or regulatory requirements, the department shall notify the local school board that it has ninety days after the date of notice to come into compliance. If, at the end of the ninety-day period, the department finds that the school district is not substantially in compliance with the statutory or regulatory requirements, the school district may be subject to the interventions specified in this article.

(c) With regard to statutory and regulatory requirements, other than those specified in paragraph (a) of this subsection (4), that are applicable to the institute, the members of the institute board and the executive director of the institute shall affirm that the institute and the institute charter schools are in substantial, good-faith compliance with the statutory and regulatory requirements. If the department has reason to believe that the institute is not in substantial compliance with one or more of the statutory or regulatory requirements, the department shall notify the institute that it has ninety days after the date of notice to come into compliance. If, at the end of the ninety-day period, the department finds that the institute is not in substantial compliance with the statutory or regulatory requirements, the institute may be subject to the interventions specified in this article.

22-11-207. Accreditation categories - criteria - rules

(1) The state board shall promulgate rules to establish accreditation categories that shall include, but need not be limited to:

(a) "Accredited with distinction", meaning a school district or the institute meets or exceeds the statewide targets or targets annually set by the school district or the institute or exceeds statewide attainment on the performance indicators and is required to adopt and implement a performance plan as described in [section 22-11-303](#);

(b) "Accredited", meaning a school district or the 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) "Accredited with improvement plan", meaning the school district or the institute is required to adopt and implement an improvement plan as provided in [section 22-11-304](#);

(d) "Accredited with priority improvement plan", meaning the school district or the institute is required to adopt and implement a priority improvement plan as provided in [section 22-11-305](#); or

(e) "Accredited with turnaround plan", meaning the school 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](#).

(2) The state board shall promulgate rules establishing objective, measurable criteria that the department shall apply in determining the appropriate accreditation category for each school district and the institute, placing the greatest emphasis on attainment of the performance indicators. At a minimum, the rules shall take into consideration:

(a) A school district's or the institute's level of attainment of the statewide targets on the performance indicators and the targets annually established by the school district or the institute, including the levels of attainment of the individual district public schools or the institute charter schools in meeting their annual targets;

(b) A school district's or the institute's level of attainment of the performance indicators compared with statewide attainment of the performance indicators;

(c) The length of time during which a school district or the institute has been unable to meet the statewide targets or its own targets;

(d) The improvements, changes, and interventions a school district or the institute implements to improve its performance if it is not meeting the statewide targets or its own targets;

(e) The improvements, changes, and interventions a school district or the institute implements in any public school of the district or institute charter school that is required to adopt an improvement, priority improvement, or turnaround plan pursuant to [section 22-11-210](#);

(f) The progress a school district or the institute makes in improving its performance and in moving closer to meeting the statewide targets and its own targets; and

(g) The school district's or the institute's compliance with the other requirements specified in the accreditation contract.

(3) In promulgating rules pursuant to this section, the state board shall use clear, understandable language to describe the accreditation categories and the levels of attainment of the performance indicators, with the goal of providing a high degree of transparency in the accreditation process.

(4) The state board by rule shall specify how long a school district or the institute may remain in an accreditation category that is below accredited; except that the state board

shall not allow a school district or the institute to remain at accredited with priority improvement plan or below for longer than a total of five consecutive school years before removing the school district's or the institute's accreditation as provided in [section 22-11-209](#).

22-11-208. Accreditation - annual review - supports and interventions - rules

(1) (a) The department shall annually review each school district's and the institute's performance and, based on the rules of the state board, determine the appropriate accreditation category for the school district or institute. The department shall notify each school district and the institute of its accreditation category and shall publish each school district's and the institute's accreditation category, with supporting data, on the data portal. The department shall also publish each school district's and the institute's performance, improvement, priority improvement, or turnaround plan, whichever is applicable, on the data portal following adoption of the plan.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), the department may change a school district's or the institute's accreditation category prior to conclusion of the annual performance review if the department determines that the school district or the institute has substantially failed to meet a requirement specified in the accreditation contract and that immediate action is required to protect the interests of the students and parents of students enrolled in the district public schools or the institute charter schools.

(c) In reviewing school districts' and the institute's performance, the department, to the extent possible, shall evaluate the cost effectiveness of intervention strategies implemented by the state, school districts, and the institute in attempting to improve performance in school districts that are in an accreditation category that is lower than accredited or in the institute if it is in an accreditation category that is lower than accredited.

(d) The state board by rule shall establish the time frames in which the department shall review school district and institute performance and determine and report each school district's and the institute's appropriate accreditation category, and the time frames in which the school districts and the institute shall adopt their respective plans and submit them for review and publication on the data portal. A school district with one thousand students or fewer shall only be required to submit a single plan to satisfy the school district and school plan requirements.

(e) The state board shall promulgate rules to ensure a school district's or the institute's right to a hearing before the state board to appeal placement in the accredited with turnaround plan category or removal of accreditation pursuant to [section 22-11-209](#).

(2) The department shall provide technical assistance and support to school districts that are accredited with improvement plan, accredited with priority improvement plan, or accredited with turnaround plan and to the institute if it is accredited at any of those categories. The department shall base the amount of technical assistance and support

provided to a school district or the institute on the school district's or institute's degree of need for assistance and the department's available resources. Technical assistance and support may include, but need not be limited to:

(a) Access to data and research to support interpretation of student data, decision-making, and learning;

(b) Consultative services on best practices for improvement and implementation of intervention strategies, including, where appropriate, strategies that address early childhood education and student engagement and re-engagement; and

(c) Evaluation and feedback on the school district's or the institute's improvement, priority improvement, or turnaround plan, whichever is applicable.

(3) The commissioner may assign the state review panel to critically evaluate a school district's priority improvement plan or the institute's priority improvement plan. The commissioner shall assign the state review panel to critically evaluate a school district's turnaround plan or the institute's turnaround plan. Based on its evaluation, the state review panel shall report to the commissioner and the state board recommendations concerning:

(a) Whether the school district's or institute's leadership is adequate to implement change to improve results;

(b) Whether the school district's or institute's infrastructure is adequate to support school improvement;

(c) The readiness and apparent capacity of public school and school district or institute personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the district public schools or the institute charter schools;

(d) The readiness and apparent capacity of public school and school district or institute personnel to engage productively with and benefit from the assistance provided by an external partner;

(e) The likelihood of positive returns on state investments of assistance and support to improve the school district's or institute's performance within the current management structure and staffing; and

(f) The necessity that the school district or institute remain in operation to serve students.

22-11-209. Removal of accreditation - recommendation - review - appeal - rules

(1) The department may recommend to the commissioner and the state board that the state board remove a school district's or the institute's accreditation if:

(a) The school district or the institute is accredited with turnaround plan and the department determines that the school district or the institute has failed to make substantial progress under its turnaround plan; or

(b) The school district or the institute has been in the accredited with priority improvement plan category or lower for five consecutive school years; or

(c) (I) The school district or the institute has substantially failed to comply with the provisions of article 44 of this title, concerning budget and financial policies and procedures, or article 45 of this title, concerning accounting and financial reporting; and

(II) The school district or institute has not remedied the noncompliance within ninety days after receipt of notice from the department; and

(III) Loss of accreditation is required to protect the interests of the students and parents of students enrolled in the district public schools or the institute charter schools.

(2) (a) If the department recommends removing accreditation pursuant to this section, the commissioner shall assign the state review panel to critically evaluate the school district's or the institute's performance and to recommend one or more of the following actions:

(I) If the recommendation applies to a school district:

(A) That the school district be reorganized pursuant to article 30 of this title, which reorganization may include consolidation;

(B) That a private or public entity, with the agreement of the school district, take over management of the school district or management of one or more of the district public schools;

(C) That one or more of the district public schools be converted to a charter school;

(D) That one or more of the district public schools be granted status as an innovation school pursuant to [section 22-32.5-104](#) or that the local school board recognize a group of district public schools as an innovation school zone pursuant to [section 22-32.5-104](#); or

(E) That one or more of the district public schools be closed; or

(II) If the recommendation applies to the institute:

(A) That the institute board be abolished and that the governor appoint a new institute

board pursuant to [section 22-30.5-505](#);

(B) That a public or private entity take over management of the institute or management of one or more of the institute charter schools; or

(C) That one or more of the institute charter schools be closed.

(b) In its evaluations and recommendations, the state review panel shall consider:

(I) Whether the school district's or institute's leadership is adequate to implement change to improve results;

(II) Whether the school district's or institute's infrastructure is adequate to support school improvement;

(III) The readiness and apparent capacity of public school and school district or institute personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the district public schools or the institute charter schools;

(IV) The readiness and apparent capacity of public school and school district or institute personnel to engage productively with and benefit from the assistance provided by an external partner;

(V) The likelihood of positive returns on state investments of assistance and support to improve the school district's or institute's performance within the current management structure and staffing; and

(VI) The necessity that the school district or institute remain in operation to serve students.

(3) Based on the recommendations of the department, the commissioner, and the state review panel, the state board shall determine whether to remove a school district's or the institute's accreditation. If the state board removes a school district's or the institute's accreditation, the state board shall notify the school district or the institute of the actions the school district or the institute is required to take. After the school district or the institute takes the required actions, the state board shall reinstate the school district's or the institute's accreditation at the accreditation category deemed appropriate by the state board.

(4) The state board shall promulgate rules for the implementation of this section, including but not limited to procedures to ensure a school district's or the institute's right to appeal to the state board before the state board takes final action to remove the school district's or the institute's accreditation pursuant to this section.

22-11-210. Public schools - annual review - plans - supports and interventions - rules

(1) (a) The state board shall promulgate rules establishing objective, measurable criteria that the department shall apply in recommending to the state board that a public school shall implement a performance, improvement, priority improvement, or turnaround plan or that a public school shall be subject to restructuring. In promulgating the rules, the state board shall place the greatest emphasis on attainment of the performance indicators. In addition, the rules shall, at a minimum, take into consideration:

(I) A public school's level of attainment of the statewide and school district or institute targets on the performance indicators and the public school's level of attainment of its own annual targets;

(II) A public school's level of attainment of the performance indicators compared with statewide attainment of the performance indicators;

(III) The length of time during which a public school has been unable to meet the statewide targets, the school district or institute targets, or its own targets;

(IV) The improvements, changes, and interventions a public school implements to improve its performance if it is not meeting the statewide targets, the school district or institute targets, or its own targets; and

(V) The progress a public school makes in improving its performance and in moving closer to meeting the statewide targets, the school district or institute targets, and its own targets.

(b) Notwithstanding any provision of paragraph (a) of this subsection (1) to the contrary, the state board shall promulgate rules establishing objective, measurable criteria that the department shall apply in recommending to the state board that an alternative education campus implement a performance, improvement, priority improvement, or turnaround plan or that an alternative education campus shall be subject to restructuring. The state board, in adopting the criteria for evaluating the performance of an alternative education campus, and the department, in applying the criteria, shall take into account the unique purposes of the campuses and the unique circumstances of and challenges posed by the students enrolled in the campuses.

(c) In promulgating rules pursuant to this subsection (1), the state board shall use clear, understandable language to describe the criteria for determining the type of plan that a public school shall implement and the levels of attainment of the performance indicators, with the goal of providing a high degree of transparency in the public school performance review process.

(d) The state board by rule shall specify how long a public school may implement an improvement, priority improvement, or turnaround plan; except that the state board shall

not allow a public school to continue implementing a priority improvement or turnaround plan for longer than a combined total of five consecutive school years before requiring the school district or the institute to restructure or close the public school.

(e) The state board by rule shall establish the time frames within which the department shall review each public school's performance, 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. The state board shall also establish by rule the time frames within which the public schools, or the public schools' local school boards or the institute board as appropriate, shall adopt the school plans and submit them to the department. The department shall publish each public school's plan on the data portal with the public school's accreditation category, identified by the local school board or the institute, and supporting data.

(f) In reviewing public schools' performance, the department, to the extent possible, shall evaluate the cost effectiveness of intervention strategies implemented by the state, school districts, the institute, and the public schools in attempting to improve performance in public schools that are implementing school improvement, priority improvement, or turnaround plans.

(2) (a) The department shall annually review each public school's performance and, based on the rules of the state board, recommend to the state board that the public school shall implement a performance, improvement, priority improvement, or turnaround plan for the coming school year. Based on the department's recommendation, the state board shall notify the local school board for the public school, or the institute if the public school is an institute charter school, regarding the type of plan the public school shall implement. The local school board or the institute shall place the public school in the district or institute accreditation category that correlates to the public school's plan, based on the school district's or institute's school accreditation process.

(b) Notwithstanding any provision of this article to the contrary, a school district with one thousand students or fewer may submit a single plan to satisfy the school district and school plan requirements, so long as the plan meets all state and federal requirements for school and district plans. A school district with more than one thousand but fewer than one thousand two hundred students may, upon request and at the department's discretion, submit a single plan to satisfy the school district and school plan requirements, so long as the plan meets all state and federal requirements for school and district plans.

(3) At the request of a district public school's local school board, or at the institute's request for an institute charter school, the department shall provide technical assistance and support to the public school, local school board, or institute in preparing and implementing the public school's improvement, priority improvement, or turnaround plan. The department shall base the amount of technical assistance and support provided to a public school, the local school board, or the institute on the school's degree of need for assistance and the department's available resources. Technical assistance and support may include, but need not be limited to:

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(a) Access to data and research to support interpretation of student data, decision-making, and learning;

(b) Consultative services on best practices for improvement and implementation of intervention strategies, including, where appropriate, strategies that address early childhood education and student engagement and re-engagement; and

(c) Evaluation and feedback on the public school's plan.

(4) The commissioner may assign the state review panel to critically evaluate a public school's priority improvement plan and shall assign the state review panel to critically evaluate a public school's turnaround plan. Based on its evaluation, the state review panel shall report to the commissioner and the state board recommendations concerning:

(a) Whether the public school's leadership is adequate to implement change to improve results;

(b) Whether the public school's infrastructure is adequate to support school improvement;

(c) The readiness and apparent capacity of the public school's personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the school;

(d) The readiness and apparent capacity of the public school's personnel to engage productively with and benefit from the assistance provided by an external partner;

(e) The likelihood of positive returns on state investments of assistance and support to improve the public school's performance within the current management structure and staffing; and

(f) The necessity that the public school remain in operation to serve students.

(5) (a) If a public school fails to make adequate progress under its turnaround plan or continues to operate under a priority improvement or turnaround plan for a combined total of five consecutive school years, the commissioner shall assign the state review panel to critically evaluate the public school's performance and determine whether to recommend:

(I) With regard to a district public school that is not a charter school, that the district public school should be managed by a private or public entity other than the school district;

(II) With regard to a district or institute charter school, that the public or private entity operating the charter school or the governing board of the charter school should be replaced by a different public or private entity or governing board;

(III) With regard to a district public school, that the district public school be converted to a

charter school if it is not already authorized as a charter school;

(IV) With regard to a district public school, that the district public school be granted status as an innovation school pursuant to [section 22-32.5-104](#); or

(V) That the public school be closed or, with regard to a district charter school or an institute charter school, that the public school's charter be revoked.

(b) The state review panel shall present its recommendations to the commissioner and to the state board. Taking the recommendations into account, the state board shall determine which of the actions described in paragraph (a) of this subsection (5) the local school board for a district public school or the institute for an institute charter school shall take regarding the public school and direct the local school board or institute accordingly.

(6) If a public school is restructured, the department, to the extent possible, shall track the students enrolled in the public school in the school year preceding the restructuring to determine whether the students reenroll in the public school the following school year or transfer to another public school of the school district, an institute charter school, or a public school of another school district in the state. The department shall provide the student tracking information, without personally identifying the students, to the local school board or the institute upon request.

PART 3. SCHOOL DISTRICT AND INSTITUTE ACCOUNTABILITY

22-11-301. School district accountability committees - creation - membership

(1) Each local school board shall appoint or create a process for the election of a school district accountability committee that shall consist of:

(a) At least three parents of students enrolled in the district public schools;

(b) At least one teacher who is employed by the school district;

(c) At least one school administrator who is employed by the school district; and

(d) At least one person who is involved in business in the community within the school district boundaries.

(2) (a) A person may not be appointed or elected to fill more than one of the member positions required in subsection (1) of this section in a single term.

(b) If a local school board chooses to increase the number of persons on the school district accountability committee, it shall ensure that the number of parents appointed or elected to the committee pursuant to paragraph (a) of subsection (1) of this section exceeds the

number of representatives from the group with the next highest representation.

(c) (I) Except as otherwise provided in subparagraph (II) of this paragraph (c), a parent shall not be eligible to serve on a school district accountability committee if he or she is employed by, or is a relative of a person who is employed by, the school district, including being employed at a public school of the school district.

(II) If a school district makes a good faith effort but is unable to identify a sufficient number of parents who are willing to serve on a school district accountability committee and who are not excluded from serving as provided in subparagraph (I) of this paragraph (c), one or more parents who are employed by, or are related to a person who is employed by, the school district, including being employed at a public school of the school district, may serve on the school district accountability committee.

(III) As used in this paragraph (c), unless the context otherwise requires, "related" or "relative" means a person's spouse, son, daughter, sister, brother, mother, or father.

(3) If a local school board appoints the members of the school district accountability committee, the local school board, to the extent practicable, shall ensure that the parents who are appointed reflect the student populations that are significantly represented within the school district. Said student populations may include, but need not be limited to:

(a) Students who are members of non-Caucasian races;

(b) Students who are eligible for free or reduced-cost lunch through the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.;

(c) Students with limited English proficiency, as defined in [section 22-24-103 \(4\)](#);

(d) Students who are migrant children, as defined in [section 22-23-103 \(2\)](#);

(e) Students who are identified as children with disabilities pursuant to [section 22-20-108](#);
and

(f) Students who are identified as gifted children as defined in [section 22-20-202 \(6\)](#).

(4) If a local school board appoints the members of the school district accountability committee, the local school board, to the extent practicable, shall ensure that:

(a) At least one of the parents appointed to the committee is the parent of a student enrolled in a charter school authorized by the local school board, if the local school board has authorized any charter schools; and

(b) At least one of the persons appointed to the committee has a demonstrated knowledge of charter schools.

(5) The members of each school district accountability committee shall select from among the parent representatives serving on the committee a member to serve as chair or co-chair of the committee. The local school board shall establish the length of term for which the committee chair or co-chair shall serve.

22-11-302. School district accountability committee - powers and duties

(1) Each school district accountability committee has the following powers and duties:

(a) To recommend to its local school board priorities for spending school district moneys. Whenever the school district accountability committee recommends spending priorities, it shall make reasonable efforts to consult in a substantive manner with the school accountability committees of the school district. The local school board shall consider the school district accountability committee's recommendations in adopting the school district budget for each fiscal year pursuant to article 44 of this title.

(b) To advise its local school board concerning preparation of, and annually submit to the local school board recommendations regarding the contents of, a district performance, improvement, priority improvement, or turnaround plan, whichever is required based on the school district's accreditation category. In advising and preparing the recommendations, the school district accountability committee shall make reasonable efforts to consult in a substantive manner with the school accountability committees of the school district and shall compile and submit to the local school board the school performance, improvement, priority improvement, and turnaround plans submitted by the school accountability committees pursuant to [sections 22-11-403 to 22-11-406](#).

(c) If the local school board receives a charter school application, to review the charter application prior to consideration by the local school board as provided in [section 22-30.5-107 \(1\)](#);

(d) To provide input and recommendations on an advisory basis to principals concerning the development and use of assessment tools used for the purpose of measuring and evaluating student academic growth as it relates to teacher evaluations;

(e) To consider input and recommendations from the school accountability committee of each school of the school district to facilitate the evaluation of the performance of the school's principal for the purposes of article 9 of this title;

(f) To provide input to the local school board concerning the creation and enforcement of its school conduct and discipline code; and

(g) To increase the level of parent engagement in the school district and in the public schools of the school district, especially the engagement of parents of students in the populations described in [section 22-11-301 \(3\)](#). The committee's activities to increase parent engagement must include, but need not be limited to:

(I) Publicizing opportunities to serve and soliciting parents to serve on the school district accountability committee and school accountability committees. In soliciting parents to serve on the school district and school accountability committees, the school district accountability committee shall direct the outreach efforts to help ensure that the parents who serve on the district and school accountability committees reflect the student populations that are significantly represented within the school district and the school, as provided in [section 22-11-301 \(3\)](#).

(II) Assisting the school district in implementing the parent engagement policy adopted by the local school board pursuant to [section 22-32-142](#); and

(III) Assisting school personnel to increase parents' engagement with educators, including but not limited to parents' engagement in creating students' READ plans pursuant to part 12 of article 7 of this title, in creating individual career and academic plans pursuant to [section 22-32-109 \(1\) \(oo\)](#), and in creating plans to address habitual truancy pursuant to [section 22-33-107 \(3\)](#).

(2) The local school district and the district accountability committee shall, at least annually, cooperatively determine the areas and issues, in addition to budget issues, that the school district accountability committee shall study and concerning which the committee may make recommendations to the local school board.

22-11-303. Accredited or accredited with distinction - performance plan - school district or institute - contents - adoption

(1) (a) In accordance with time frames specified in state board rules, each local school board that is accredited or accredited with distinction shall annually adopt a performance plan for the school district as described in subsection (3) of this section.

(b) The school district accountability committee for the school district shall advise the local school board concerning preparation of the district performance plan and make recommendations to the local school board concerning the contents of the district performance plan. In advising and making its recommendations, the school district accountability committee shall take into account and incorporate any district public school performance, improvement, priority improvement, or turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#). The local school board shall create and adopt the district performance plan, taking into account the advice and recommendations of the school district accountability committee.

(c) The local school board shall submit the adopted district performance plan to the department for publication on the data portal and shall ensure that the district performance plan is in effect for the school district and the district public schools within the time frames specified in state board rule. The local school board shall also make copies of the district

performance plan available to members of the public upon request.

(2) (a) In accordance with time frames specified in state board rules, the institute board, if it is accredited or accredited with distinction, shall annually adopt an institute performance plan as described in subsection (3) of this section.

(b) Prior to creating the institute performance plan, the institute shall compile the institute charter school performance, improvement, priority improvement, and turnaround plans prepared for each institute charter school pursuant to [sections 22-11-403 to 22-11-406](#). The institute shall take the compilation of plans into account in creating and adopting the institute performance plan.

(c) The institute shall submit the adopted institute performance plan to the department for publication on the data portal and shall ensure that the institute performance plan is in effect for the institute and the institute charter schools within the time frames specified in state board rule. The institute shall also make copies of the institute performance plan available to members of the public upon request.

(3) A district or institute performance plan shall be designed to raise the academic performance of students enrolled in the school district or in the institute charter schools and to ensure that the school district or the institute, following the next annual accreditation review, attains a higher accreditation category or remains in the same accreditation category if the school district or institute is accredited with distinction. At a minimum, each district and institute performance plan shall:

(a) Set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain on the performance indicators. The local school board or the institute shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) Identify 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](#) as having significant reading deficiencies and set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) 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;

(c) Assess and prioritize the issues and needs for the school 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;

(d) Identify specific, research-based strategies to address the needs and issues identified pursuant to paragraph (c) of this subsection (3);

(e) Identify the local, state, and federal resources that the school district or the institute will use to implement the identified strategies with fidelity; and

(f) Address any other issues required by rule of the state board or raised by the department through the accreditation process pursuant to part 2 of this article.

22-11-304. Accredited with improvement plan - school district or institute - plan contents - adoption

(1) (a) In accordance with the time frames specified in state board rule, each school district that is accredited with improvement plan shall annually adopt and implement a district improvement plan as described in subsection (3) of this section.

(b) The school district accountability committee for the school district shall advise the local school board concerning preparation of the district improvement plan and make recommendations to the local school board concerning the contents of the district improvement plan. In advising and making its recommendations, the school district accountability committee shall take into account and incorporate any district public school performance, improvement, priority improvement, or turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#). The local school board shall create and adopt the district improvement plan, taking into account the advice and recommendations of the school district accountability committee.

(c) The local school board shall submit the adopted district improvement plan to the department for publication on the data portal and shall ensure that the district improvement plan is in effect for the school district and the district public schools within the time frames specified in state board rule. The local school board shall also make copies of the district improvement plan available to members of the public upon request.

(2) (a) If the institute is accredited with improvement plan, the institute board shall, in accordance with the time frames specified in state board rule, adopt and implement an institute improvement plan as described in subsection (3) of this section. In preparing the institute improvement plan, the institute board shall take into account and incorporate any institute charter school performance, improvement, priority improvement, and turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#).

(b) The institute shall submit the adopted institute improvement plan to the department for publication on the data portal and shall ensure that the institute improvement plan is in

effect for the institute and the institute charter schools within the time frames specified by state board rule. The institute shall also make copies of the institute improvement plan available to members of the public upon request.

(3) A district improvement plan or an institute improvement plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district improvement plan or an institute improvement plan shall:

(a) Set or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain on the performance indicators. The local school board or the institute shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) Identify 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](#) as having significant reading deficiencies and set or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) 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;

(c) Assess and prioritize the issues and needs of the district or institute and of the district public schools or institute charter schools that must be addressed to raise the levels of attainment on the performance indicators by the district public schools or institute charter schools and to improve school readiness in district public schools or institute charter schools that serve students in preschool and kindergarten;

(d) Identify specific, research-based strategies that are appropriate in scope, intensity, and type to address the needs and issues identified pursuant to paragraph (c) of this subsection (3);

(e) Identify the local, state, and federal resources that the school district or the institute will use to implement the identified strategies with fidelity; and

(f) Address any other issues required by rule of the state board or raised by the department through the accreditation process pursuant to part 2 of this article.

22-11-305. Accredited with priority improvement plan - school district or institute - plan contents - adoption

(1) (a) In accordance with the time frames specified in state board rule, each school district that is accredited with priority improvement plan shall annually adopt and implement a district priority improvement plan as described in subsection (3) of this section.

(b) The school district accountability committee for the school district shall advise the local school board concerning preparation of the district priority improvement plan and make recommendations to the local school board concerning the contents of the district priority improvement plan. In advising and making its recommendations, the school district accountability committee shall take into account and incorporate any district public school performance, improvement, priority improvement, or turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#). The local school board shall create and adopt the district priority improvement plan, taking into account the advice and recommendations of the school district accountability committee.

(c) The commissioner, subject to available appropriations, may assign the state review panel to critically evaluate the district priority improvement plan and recommend to the commissioner modifications to the plan. The commissioner may recommend to the local school board modifications to the district priority improvement plan, taking into consideration any recommendations of the state review panel.

(d) The local school board shall submit the adopted district priority improvement plan to the department for publication on the data portal and shall ensure that the district priority improvement plan is in effect for the school district and the district public schools within the time frames specified in state board rule. The local school board shall also make copies of the district priority improvement plan available to members of the public upon request.

(2) (a) If the institute is accredited with priority improvement plan, the institute board shall, in accordance with the time frames specified in state board rule, adopt and implement an institute priority improvement plan as described in subsection (3) of this section. In preparing the institute priority improvement plan, the institute board shall take into account and incorporate any institute charter school performance, improvement, priority improvement, and turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#).

(b) The commissioner, subject to available appropriations, may assign the state review panel to critically evaluate the institute priority improvement plan and recommend to the commissioner modifications to the plan. The commissioner may recommend to the institute modifications to the institute priority improvement plan, taking into consideration any recommendations of the state review panel.

(c) The institute shall submit the adopted institute priority improvement plan to the department for publication on the data portal and shall ensure that the institute priority improvement plan is in effect for the institute and the institute charter schools within the time frames specified by state board rule. The institute shall also make copies of the

institute priority improvement plan available to members of the public upon request.

(3) A district priority improvement plan or an institute priority improvement plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district priority improvement plan or an institute priority improvement plan shall:

(a) Set or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain on the performance indicators. The local school board or the institute shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) Identify 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](#) as having significant reading deficiencies and set or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) 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;

(c) Assess and prioritize the issues and needs of the district or institute and of the district public schools or institute charter schools that must be addressed to raise the levels of attainment on the performance indicators by the district public schools or institute charter schools and to improve school readiness in district public schools or institute charter schools that serve students in preschool and kindergarten;

(d) Identify specific, research-based strategies that are appropriate in scope, intensity, and type to address the needs and issues identified pursuant to paragraph (c) of this subsection (3);

(e) Identify the local, state, and federal resources that the school district or the institute will use to implement the identified strategies with fidelity; and

(f) Address any other issues required by rule of the state board or raised by the department through the accreditation process pursuant to part 2 of this article.

22-11-306. Accredited with turnaround plan - school district or institute - plan content - adoption

Colorado Education Accountability Act of 2009

(1) (a) In accordance with the time frames specified in state board rule, each school district that is accredited with turnaround plan shall annually adopt and implement a district turnaround plan as described in subsection (3) of this section.

(b) The school district accountability committee for the school district shall advise the local school board concerning preparation of the district turnaround plan and make recommendations to the local school board concerning the contents of the district turnaround plan. In advising and making its recommendations, the school district accountability committee shall take into account and incorporate any district public school performance, improvement, priority improvement, or turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#). The local school board shall create and adopt the district turnaround plan, taking into account the advice and recommendations of the school district accountability committee.

(c) Within the time frames specified in state board rule, the local school board shall submit the adopted district turnaround plan to the commissioner for review by the state review panel. The state review panel shall critically evaluate the adopted district turnaround plan and make recommendations to the commissioner and the state board concerning the issues specified in [section 22-11-208 \(3\)](#). The commissioner may approve the adopted district turnaround plan or suggest modifications to the plan, taking into consideration any recommendations of the state review panel. The local school board shall revise the adopted district turnaround plan, if necessary, and resubmit the plan for approval within the time frames specified by state board rule.

(d) The local school board shall submit the final, approved district turnaround plan to the department for publication on the data portal and shall ensure that the final, approved district turnaround plan is in effect for the school district and the district public schools within the time frames specified in state board rule. The local school board shall also make copies of the final, approved district turnaround plan available to members of the public upon request.

(2) (a) If the institute is accredited with turnaround plan, the institute board shall, in accordance with the time frames specified in state board rule, adopt and implement an institute turnaround plan as described in subsection (3) of this section. In preparing the institute turnaround plan, the institute board shall take into account and incorporate any institute charter school performance, improvement, priority improvement, and turnaround plans received pursuant to [sections 22-11-403 to 22-11-406](#).

(b) Within the time frames specified in state board rule, the institute shall submit the adopted institute turnaround plan to the commissioner for review by the state review panel. The state review panel shall critically evaluate the adopted institute turnaround plan and make recommendations to the commissioner and the state board concerning the issues specified in [section 22-11-208 \(3\)](#). The commissioner shall approve the adopted institute turnaround plan or suggest modifications to the plan, taking into consideration any recommendations of the state review panel. The institute shall revise the adopted institute turnaround plan, if necessary, and resubmit the plan for approval within the time frames

specified by state board rule.

(c) The institute shall submit the final, approved institute turnaround plan to the department for publication on the data portal and shall ensure that the final, approved institute turnaround plan is in effect for the institute and the institute charter schools within the time frames specified by state board rule. The institute shall also make copies of the final, approved institute turnaround plan available to members of the public upon request.

(3) A district turnaround plan or an institute turnaround plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district turnaround plan or an institute turnaround plan shall:

(a) Set or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain on the performance indicators. The local school board or the institute shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) Identify 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](#) as having significant reading deficiencies and set or revise, as appropriate, ambitious but attainable targets that the school district, including the district public schools, or the institute, including the institute charter schools, shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) 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;

(c) Assess and prioritize the issues and needs of the district or institute and of the district public schools or institute charter schools that must be addressed to raise the levels of attainment on the performance indicators by the district public schools or institute charter schools and to improve school readiness in district public schools or institute charter schools that serve students in preschool and kindergarten;

(d) Identify specific, research-based strategies that are appropriate in scope, intensity, and type to address the needs and issues identified pursuant to paragraph (c) of this subsection (3), which strategies shall, at a minimum, include one or more of the following:

(I) 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;

- (II) Reorganizing the oversight and management structure within the school district or the institute to provide greater, more effective support for public schools;
 - (III) For a school 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 this title;
 - (IV) 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;
 - (V) For a school district, converting one or more district public schools to charter schools;
 - (VI) For the institute, renegotiating and significantly restructuring an institute charter school's charter contract;
 - (VII) Closing district public schools or institute charter schools; and
 - (VIII) Other actions of comparable or greater significance or effect;
- (e) Identify the local, state, and federal resources that the school district or the institute will use to implement the identified strategies with fidelity; and
 - (f) Address any other issues required by rule of the state board or raised by the department through the accreditation process pursuant to part 2 of this article.

22-11-307. Accreditation of public schools

- (1) The local school board for each school district shall adopt policies for accreditation of the district public schools. The institute board shall adopt policies for accreditation of the institute charter schools. Each school district's and the institute's school accreditation policies, at a minimum, shall include:
- (a) The use of accreditation contracts that are comparable to the accreditation contract between a school district or the institute and the state board, as described in [section 22-11-206](#);
 - (b) Accreditation categories that are comparable to the accreditation categories for school districts and the institute specified in [section 22-11-207](#);
 - (c) Determination of a public school's accreditation category based on the public school's level of attainment of the performance indicators; and

(d) Adoption and implementation of school performance, improvement, priority improvement, and turnaround plans as required by the state board pursuant to [section 22-11-210 \(1\)](#) and as described in [sections 22-11-403](#) to [22-11-406](#).

(2) In adopting its school accreditation policies, a local school board or the institute board may choose to be more rigorous in expectations and in the imposition of remedial actions than the system for accreditation of school districts and the institute specified in the provisions of part 2 of this article and the rules adopted pursuant to said part 2.

(2.5) In adopting its school accreditation policies for its on-line programs and on-line schools, as defined in [sections 22-30.7-102 \(9\)](#) and [22-30.7-102 \(9.5\)](#), a local school board or the institute board shall include a review of the on-line program's or school's alignment to the quality standards outlined in [section 22-30.7-105 \(3\) \(b\)](#).

(3) Each local school board shall annually assign each of its district public schools to an accreditation category that correlates with the type of plan that the department determines, pursuant to [section 22-11-210](#), the district public school is required to adopt. The institute shall annually assign each institute charter school to an accreditation category that correlates with the type of plan that the department determines, pursuant to [section 22-11-210](#), the institute charter school is required to adopt.

(4) If, pursuant to [section 22-11-210 \(5\)](#), the state board directs a local school board or the institute to restructure or close a public school, the local school board or the institute shall work with the department to implement the state board's directions.

PART 4. SCHOOL ACCOUNTABILITY

22-11-401. School accountability committee - creation - qualifications - elections

(1) (a) Each district public school and each institute charter school shall establish a school accountability committee. Each school accountability committee shall consist of at least seven members as follows:

(I) The principal of the school or the principal's designee;

(II) At least one teacher who provides instruction at the school;

(III) At least three parents or legal guardians of students enrolled in the school;

(IV) At least one adult member of an organization of parents, teachers, and students recognized by the school; and

(V) At least one person from the community.

(b) The local school board or the institute shall determine the actual number of persons on the school accountability committee and the method for selecting the members of the school accountability committee. If the local school board or the institute chooses to increase the number of persons on the school accountability committee, it shall ensure that the number of parents, as described in subparagraph (III) of paragraph (a) of this subsection (1), on the committee exceeds the number of representatives from the group with the next highest representation.

(c) A person may not be selected to fill more than one of the member positions required in paragraph (a) of this subsection (1) in a single term.

(d) If the local school board or the institute determines that the members of a school accountability committee should be appointed, the appointing authority shall, to the extent practicable, appoint persons to serve on the school accountability committee who reflect the student populations that are significantly represented within the school. If the local school board or the institute determines that persons shall be elected to serve on the school accountability committee, the school principal shall encourage persons who reflect the student populations that are significantly represented within the school to seek election to the committee. Said student populations may include, but need not be limited to:

(I) Students who are members of non-Caucasian races;

(II) Students who are eligible for free or reduced-cost lunch through the federal "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.;

(III) Students with limited English proficiency, as defined in [section 22-24-103 \(4\)](#);

(IV) Students who are migrant children, as defined in [section 22-23-103 \(2\)](#);

(V) Students who are identified as children with disabilities pursuant to [section 22-20-108](#);
and

(VI) Students who are identified as gifted children, as defined in [section 22-20-202 \(6\)](#).

(2) The members of each school accountability committee shall annually select from among the parent representatives elected to the committee a member to serve as chair or co-chair of the committee.

(3) If a vacancy arises on a school accountability committee because of a member's resignation or disqualification or for any other reason, the remaining members of the school accountability committee shall fill the vacancy by majority action.

(4) Notwithstanding any provision of this section to the contrary:

(a) If, after making good-faith efforts, a principal or an organization of parents, teachers,

and students is unable to find a sufficient number of persons who are willing to serve on the school accountability committee, the principal, with advice from the organization of parents, teachers, and students, may establish an alternative membership plan for the school accountability committee, which plan shall reflect the membership specified in paragraph (a) of subsection (1) of this section as much as practicable;

(b) The members of the governing board of a district charter school or an institute charter school may serve as members of the school accountability committee;

(c) In a school district with five hundred or fewer enrolled students, a member of the local school board may serve on a school accountability committee, and the district accountability committee may serve as a school accountability committee.

22-11-402. School accountability committee - powers and duties - meetings

(1) Each school accountability committee has the following powers and duties:

(a) To recommend to the principal of its school priorities for spending school moneys. The principal shall consider the school accountability committee's recommendations regarding spending state, federal, local, or private grants and any other discretionary moneys and take them into account in formulating budget requests for presentation to the local school board, if the school is a district public school, other than a charter school, or in creating the school budget if the school is a district or institute charter school. The school accountability committee for a district public school shall send a copy of its recommended spending priorities to the school district accountability committee and to the local school board.

(b) To advise the principal of the public school and, in the case of a district public school, the superintendent of the school district concerning the preparation of a school performance or improvement plan, if either is required pursuant to [section 22-11-210](#), and to submit recommendations to the principal, and superintendent if applicable, concerning the contents of the performance or improvement plan;

(c) To advise the local school board or the institute concerning the preparation of a school priority improvement or turnaround plan, if either is required pursuant to [section 22-11-210](#), and to submit recommendations to the local school board or the institute concerning the contents of the priority improvement or turnaround plan;

(d) To meet at least quarterly to discuss whether school leadership, personnel, and infrastructure are advancing or impeding implementation of the public school's performance, improvement, priority improvement, or turnaround plan, whichever is applicable, or other progress pertinent to the public school's accreditation contract with the local school board or the institute;

(e) To provide input and recommendations on an advisory basis to district accountability committees and district administration concerning:

(I) Principal development plans for their principal pursuant to [section 22-9-106](#); and

(II) Principal evaluations conducted pursuant to [section 22-9-106](#).

(f) To publicize and hold a public school accountability committee meeting pursuant to [section 22-32-142 \(2\)](#) or [22-30.5-520 \(2\)](#) to discuss strategies to include in a public school priority improvement or turnaround plan;

(g) To publicize a public hearing held pursuant to [section 22-32-142 \(2\)](#) or [22-30.5-520 \(2\)](#) to review a written public school priority improvement or turnaround plan. A member of the school accountability committee is encouraged to attend the public hearing.

(h) To increase the level of parent engagement in the school, especially the engagement of parents of students in the populations described in [section 22-11-401 \(1\) \(d\)](#). The committee's activities to increase parent engagement must include, but need not be limited to:

(I) Publicizing opportunities to serve and soliciting parents to serve on the school accountability committee. In soliciting parents to serve on the school accountability committee, the school accountability committee shall direct the outreach efforts to help ensure that the parents who serve on the school accountability committee reflect the student populations that are significantly represented within the school, as provided in [section 22-11-401 \(1\) \(d\)](#).

(II) Assisting the school district in implementing at the school the parent engagement policy adopted by the local school board pursuant to [section 22-32-142](#); and

(III) Assisting school personnel to increase parents' engagement with teachers, including but not limited to parents' engagement in creating students' READ plans pursuant to part 12 of article 7 of this title, in creating individual career and academic plans pursuant to [section 22-32-109 \(1\) \(oo\)](#) or [22-30.5-525](#), and in creating plans to address habitual truancy pursuant to [section 22-33-107 \(3\)](#).

22-11-403. School performance plan - contents

(1) (a) If the state board, pursuant to [section 22-11-210](#), directs a district public school to adopt a performance plan, the school principal and the school district superintendent, or his or her designee, in accordance with time frames specified in state board rules, shall adopt a school performance plan, as described in subsection (3) of this section, for the district public school.

(b) The school accountability committee for the district public school shall advise the principal concerning preparation of the performance plan and make recommendations to the

principal concerning the contents of the school performance plan. The principal, with the approval of the superintendent or his or her designee, shall create and adopt the school performance plan, taking into account the advice and recommendations of the school accountability committee.

(c) The school district accountability committee shall include the adopted school performance plan in the compilation prepared pursuant to [section 22-11-302 \(1\)](#), and the local school board shall consider the adopted school performance plan in developing the budget required by [section 22-44-108](#). The principal and the superintendent or his or her designee shall ensure that the school performance plan is in effect for the district public school within the time frames established in state board rules.

(2) (a) If the state board, pursuant to [section 22-11-210](#), directs an institute charter school to adopt a performance plan, the school principal, in accordance with time frames specified in state board rules, shall adopt a school performance plan, as described in subsection (3) of this section, for the institute charter school.

(b) The school accountability committee for the institute charter school shall advise the principal concerning preparation of the performance plan and make recommendations to the principal concerning the contents of the school performance plan. The principal shall create and adopt the school performance plan, taking into account the advice and recommendations of the school accountability committee.

(c) The institute shall include the adopted school performance plan in the compilation prepared pursuant to [section 22-11-303 \(2\) \(b\)](#). The principal shall ensure that the school performance plan is in effect for the institute charter school within the time frames established in state board rules.

(3) A school performance plan shall be designed to raise the academic performance of students enrolled in the public school and to ensure that the public school, following the next annual performance review, attains a higher accreditation category or remains in the same accreditation category if the public school is already accredited by the school district or the institute at the highest level. At a minimum, each school performance plan shall:

(a) Set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the public school shall attain on the performance indicators. The principal and school district superintendent, or his or her designee, shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) If the public school serves students in kindergarten and first, second, and third grades, identify 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](#) as having significant reading deficiencies and set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) Identify positive and negative trends in the levels of attainment by the public school on the performance indicators;

(c) Assess and prioritize the issues and needs at the public school that must be addressed to raise the levels of attainment on the performance indicators by the public school and to improve school readiness, if the public school serves students in preschool or kindergarten;

(d) Identify specific, research-based strategies to address the needs and issues identified pursuant to paragraph (c) of this subsection (3);

(e) Identify the local, state, and federal resources that the public school will use to implement the identified strategies with fidelity; and

(f) Address any other issues required by rule of the state board or raised by the department through the performance review pursuant to [section 22-11-210](#).

(4) The local school board, on behalf of a district public school, or the institute, on behalf of an institute charter school, shall submit the school performance plan to the department for publication on the data portal. The public school shall make copies of the school performance plan available to members of the public upon request.

22-11-404. School improvement plan - contents

(1) (a) If the state board, pursuant to [section 22-11-210](#), directs a district public school to adopt an improvement plan, the school principal and the school district superintendent, or his or her designee, in accordance with time frames specified in state board rules, shall adopt a school improvement plan, as described in subsection (3) of this section, for the district public school.

(b) The school accountability committee for the district public school shall advise the principal concerning preparation of the school improvement plan and shall make recommendations to the principal concerning the contents of the school improvement plan. The principal, with the approval of the superintendent or his or her designee, shall create and adopt the school improvement plan, taking into account the advice and recommendations of the school accountability committee.

(c) The school district accountability committee shall include the adopted school improvement plan in the compilation prepared pursuant to [section 22-11-302 \(1\)](#), and the local school board shall consider the adopted school improvement plan in developing the budget required by [section 22-44-108](#). The principal and the superintendent, or his or her designee, shall ensure that the school improvement plan is in effect for the district public school within the time frames established in state board rules.

(2) (a) If the state board, pursuant to [section 22-11-210](#), directs an institute charter school to adopt an improvement plan, the school principal, in accordance with time frames specified in state board rules, shall adopt a school improvement plan, as described in subsection (3) of this section, for the institute charter school.

(b) The school accountability committee for the institute charter school shall advise the principal concerning preparation of the school improvement plan and shall make recommendations to the principal concerning the contents of the school improvement plan. The principal shall create and adopt the school improvement plan, taking into account the advice and recommendations of the school accountability committee.

(c) The institute shall include the adopted school improvement plan in the compilation prepared pursuant to [section 22-11-303 \(2\) \(b\)](#). The principal shall ensure that the school improvement plan is in effect for the institute charter school within the time frames established in state board rules.

(3) A school improvement plan shall be designed to raise the academic performance of students enrolled in the public school and to ensure that the public school, following the next annual performance review, attains a higher accreditation category. At a minimum, each school improvement plan shall:

(a) Set or revise, as appropriate, ambitious but attainable targets that the public school shall attain on the performance indicators. The principal and school district superintendent, or his or her designee, shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) If the public school serves students in kindergarten and first, second, and third grades, identify 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](#) as having significant reading deficiencies and set or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) Identify positive and negative trends in the levels of attainment by the public school on the performance indicators;

(c) Assess and prioritize the issues and needs at the public school that must be addressed to raise the levels of attainment on the performance indicators by the public school and to improve school readiness, if the public school serves students in preschool or kindergarten;

(d) Identify specific, research-based strategies that are appropriate in scope, intensity, and type to address the needs and issues identified pursuant to paragraph (c) of this subsection (3);

(e) Identify the local, state, and federal resources that the public school will use to implement the identified strategies with fidelity; and

(f) Address any other issues required by rule of the state board or raised by the department through the performance review pursuant to [section 22-11-210](#).

(4) The local school board, on behalf of a district public school, or the institute, on behalf of an institute charter school, shall submit the school improvement plan to the department for publication on the data portal. The public school shall make copies of the school improvement plan available to members of the public upon request.

22-11-405. School priority improvement plan - contents

(1) (a) If the state board, pursuant to [section 22-11-210](#), directs a district public school to adopt a priority improvement plan, the local school board, in accordance with time frames specified in state board rules, shall adopt a school priority improvement plan, as described in subsection (4) of this section, for the district public school.

(b) The school accountability committee for the district public school shall hold a public meeting as required in [section 22-32-142 \(2\)](#) to receive input concerning possible strategies to be included in the school priority improvement plan, advise the local school board concerning preparation of the school priority improvement plan, and make recommendations to the local school board concerning the contents of the school priority improvement plan, taking into account recommendations received at the public meeting. The local school board shall create and adopt the school priority improvement plan, taking into account the advice and recommendations of the school accountability committee. Before adopting the school priority improvement plan, the local school board shall hold a public hearing to review the written plan as required in [section 22-32-142 \(2\)](#).

(c) The school district accountability committee shall include the adopted school priority improvement plan in the compilation prepared pursuant to [section 22-11-302 \(1\)](#), and the local school board shall consider the adopted school priority improvement plan in developing the budget required by [section 22-44-108](#). The local school board shall ensure that the school priority improvement plan is in effect for the district public school within the time frames established in state board rules.

(2) (a) If the state board, pursuant to [section 22-11-210](#), directs an institute charter school to adopt a priority improvement plan, the institute, in accordance with time frames specified in state board rules, shall adopt a school priority improvement plan, as described in subsection (4) of this section, for the institute charter school.

(b) The school accountability committee for the institute charter school shall hold a public meeting as required in [section 22-30.5-520 \(2\)](#) to receive input concerning possible strategies to be included in the school priority improvement plan, advise the institute

concerning preparation of the school priority improvement plan, and make recommendations to the institute concerning the contents of the school priority improvement plan, taking into account recommendations received at the public meeting. The institute shall create and adopt the school priority improvement plan, taking into account the advice and recommendations of the school accountability committee. Before adopting the school priority improvement plan, the institute shall hold a public hearing to review the written plan as required in [section 22-30.5-520 \(2\)](#).

(c) The institute shall include the adopted school priority improvement plan in the compilation prepared pursuant to [section 22-11-303 \(2\) \(b\)](#). The institute shall ensure that the school priority improvement plan is in effect for the institute charter school within the time frames established in state board rules.

(3) The commissioner, subject to available appropriations, may assign the state review panel to critically evaluate a public school's priority improvement plan and report to the commissioner any recommended modifications to the plan. The commissioner may recommend to the local school board or the institute modifications to the school priority improvement plan, taking into consideration any recommendations of the state review panel.

(4) A school priority improvement plan must be designed to ensure that the public school improves its performance to the extent that, following completion of the public school's next annual performance review, the public school attains a higher accreditation category. At a minimum, a school priority improvement plan must:

(a) Set or revise, as appropriate, ambitious but attainable targets that the public school shall attain on the performance indicators. The local school board or the institute shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) If the public school serves students in kindergarten and first, second, and third grades, identify 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](#) as having significant reading deficiencies and set or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) Identify positive and negative trends in the levels of attainment by the public school on the performance indicators;

(c) Assess and prioritize the issues and needs at the public school that must be addressed to raise the levels of attainment on the performance indicators by the public school and to improve school readiness, if the public school serves students in preschool or kindergarten;

(d) Identify specific, research-based strategies that are appropriate in scope, intensity, and

type to address the needs and issues identified pursuant to paragraph (c) of this subsection (4);

(e) Identify the local, state, and federal resources that the public school will use to implement the identified strategies with fidelity;

(e.5) Incorporate strategies to increase parent engagement in the public school; and

(f) Address any other issues required by rule of the state board or raised by the department through the performance review pursuant to [section 22-11-210](#).

(5) The local school board, on behalf of a district public school, or the institute, on behalf of an institute charter school, shall submit the school priority improvement plan to the department for publication on the data portal. The public school shall make copies of the school priority improvement plan available to members of the public upon request.

22-11-406. School turnaround plan - contents

(1) (a) If the state board, pursuant to [section 22-11-210](#), directs a district public school to adopt a turnaround plan, the local school board, in accordance with time frames specified in state board rules, shall adopt a school turnaround plan, as described in subsection (3) of this section, for the district public school. Each district public school turnaround plan shall also be subject to evaluation by the state review panel and may be subject to revisions requested by the commissioner as provided in this subsection (1).

(b) The school accountability committee for the district public school shall hold a public meeting as required in [section 22-32-142 \(2\)](#) to receive input concerning possible strategies to be included in the school turnaround plan, advise the local school board concerning preparation of the school turnaround plan, and make recommendations to the local school board concerning the contents of the school turnaround plan, taking into account recommendations received at the public meeting. The local school board shall create and adopt the school turnaround plan, taking into account the advice and recommendations of the school accountability committee. Before adopting the school turnaround plan, the local school board shall hold a public hearing to review the written plan as required in [section 22-32-142 \(2\)](#).

(c) 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 state review panel shall critically evaluate the adopted school turnaround plan and make recommendations to the commissioner and the state board concerning the issues specified in [section 22-11-210 \(4\)](#). The commissioner may suggest modifications to the plan, taking into consideration any recommendations of the state review panel and may require that those plan modifications be made prior to the date when the state board enters

into an accreditation contract with the district pursuant to [section 22-11-206](#). The local school board shall revise the school turnaround plan, if necessary, and resubmit the plan for approval within the time frames specified in state board rule. The local school board shall ensure that the final, approved school turnaround plan is in effect for the district public school within the time frames specified in state board rule.

(d) The school district accountability committee shall include the final, approved school turnaround plan in the compilation prepared pursuant to [section 22-11-302 \(1\)](#), and the local school board shall consider the final, approved school turnaround plan in developing the budget required by [section 22-44-108](#).

(e) The local school board shall submit the final, approved school turnaround plan to the department for publication on the data portal. The district public school shall make copies of the final, approved school turnaround plan available to members of the public upon request.

(2) (a) If the state board, pursuant to [section 22-11-210](#), directs an institute charter school to adopt a turnaround plan, the institute, in accordance with time frames specified in state board rules, shall adopt a school turnaround plan, as described in subsection (3) of this section, for the institute charter school. Each institute charter school turnaround plan shall also be subject to evaluation by the state review panel and may be subject to revisions requested by the commissioner as provided in this subsection (2).

(b) The school accountability committee for the institute charter school shall hold a public meeting as required in [section 22-30.5-520 \(2\)](#) to receive input concerning possible strategies to be included in the school turnaround plan, advise the institute concerning preparation of the school turnaround plan, and make recommendations to the institute concerning the contents of the school turnaround plan, taking into account recommendations received at the public meeting. The institute shall create and adopt the school turnaround plan, taking into account the advice and recommendations of the school accountability committee. Before adopting the school turnaround plan, the institute shall hold a public hearing to review the written plan as required in [section 22-30.5-520 \(2\)](#).

(c) Within the time frames specified in state board rule, the institute shall submit the adopted school turnaround plan to the commissioner for evaluation by the state review panel. The state review panel shall critically evaluate the adopted school turnaround plan and make recommendations to the commissioner and the state board concerning the issues specified in [section 22-11-210 \(4\)](#). The commissioner may suggest modifications to the plan, taking into consideration any recommendations of the state review panel and may require that those plan modifications be made prior to the date when the state board enters into an accreditation contract with the institute pursuant to [section 22-11-206](#). The institute shall revise the school turnaround plan, if necessary, and resubmit the plan for approval within the time frames specified in state board rule. The institute shall ensure that the final, approved school turnaround plan is in effect for the institute charter school within the time frames specified in state board rule.

(d) The institute shall include the final, approved school turnaround plan in the compilation

prepared pursuant to [section 22-11-303 \(2\) \(b\)](#). The institute shall submit the final, approved school turnaround plan to the department for publication on the data portal. The institute charter school shall make copies of the final, approved school turnaround plan available to members of the public upon request.

(3) A school turnaround plan must be designed to ensure that the public school improves its performance to the extent that, following completion of the public school's next annual performance review, the public school attains a higher accreditation category. At a minimum, a school turnaround plan must:

(a) Set or revise, as appropriate, ambitious but attainable targets that the public school shall attain on the performance indicators. The local school board or the institute shall ensure that the targets are aligned with the statewide targets set by the state board pursuant to [section 22-11-201](#).

(a.5) If the public school serves students in kindergarten and first, second, and third grades, identify 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](#) as having significant reading deficiencies and set or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who have significant reading deficiencies and in ensuring that each student achieves grade level expectations in reading;

(b) Identify positive and negative trends in the levels of attainment by the public school on the performance indicators;

(c) Assess and prioritize the issues and needs at the public school that must be addressed to raise the levels of attainment on the performance indicators by the public school and to improve school readiness, if the public school serves students in preschool or kindergarten;

(d) Identify specific, research-based strategies that are appropriate in scope, intensity, and type to address the needs and issues identified pursuant to paragraph (c) of this subsection (3), which strategies shall, at a minimum, include one or more of the following:

(I) 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;

(II) Reorganizing the oversight and management structure within the public school to provide greater, more effective support;

(III) For a district public school, seeking recognition as an innovation school or clustering with other district public schools that have similar governance or management structures to form an innovation school zone pursuant to article 32.5 of this title;

(IV) 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;

(V) For a district public school that is not a charter school, converting to a charter school;

(VI) For a district charter school or an institute charter school, renegotiating and significantly restructuring the charter school's charter contract; and

(VII) Other actions of comparable or greater significance or effect;

(e) Identify the local, state, and federal resources that the public school will use to implement the identified strategies with fidelity;

(e.5) Incorporate strategies to increase parent engagement in the public school; and

(f) Address any other issues required by rule of the state board or raised by the department through the performance review pursuant to [section 22-11-210](#).

(4) The general assembly may appropriate such moneys as are available to assist school districts and the institute in improving the academic growth of students in public schools that are required to adopt school turnaround plans. In addition, the department may allocate any moneys received pursuant to the federal "No Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et seq., for such purpose.

PART 5. PERFORMANCE REPORTING

22-11-501. State data reporting system

(1) The department shall administer, manage, and maintain a comprehensive data collection and reporting system for collecting and reporting the data specified in and required to implement this article. The department shall ensure that the state data reporting system is capable of:

(a) Collecting, through electronic transfer where possible, all student, public school, school district, and institute performance data required to ascertain the degree to which public schools, school districts, and the institute are meeting the statewide targets for attainment on the performance indicators;

(b) Producing data to support decision-making and learning and to prepare the reports on public school, school district, institute, and state performance described in [section 22-11-503](#);

(c) Protecting the privacy of students;

(d) Including all the information and data elements needed to measure student, public school, school district, institute, and state performance; and

(e) Supporting analysis of the relationship between school district and public school expenditures and program characteristics and effectiveness.

(2) The data elements collected and provided by the department, school districts, the institute, and individual public schools shall be compatible and interoperable. Each school district that has a unique information management system shall ensure that its unique system is compatible with the data elements of the state data reporting system so that all data required to be input into the state data reporting system is made available through electronic transfer and in the appropriate input format.

(3) The department shall have the following duties and responsibilities with regard to the state data reporting system:

(a) To consult with school district representatives in the design and maintenance of the data model and implementation plans for the electronic transfer of data between school districts, the institute, individual public schools, and the state data reporting system;

(b) To provide operational definitions for the state data reporting system through the data dictionary created pursuant to [section 22-2-305](#);

(c) To determine the information and specific data elements required for the performance decisions made at each public school, recognizing that the time and effort of instructional personnel expended in collection and compilation of data should be minimized;

(d) To develop standardized terms and procedures to be followed at all public schools;

(e) To develop an electronic standardized transmittal format to be used for collection of data from school districts, the institute, and public schools;

(f) To develop appropriate computer applications to ensure the integrity and integration of the specific data elements;

(g) To develop the necessary applications to provide statistical analysis of the comprehensive information and supporting data elements provided in paragraph (f) of this subsection (3) in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making performance decisions at all public schools;

(h) To develop output and reporting formats that will provide school districts, the institute, and public schools with diagnostic information for making academic and safety environment decisions at all public schools;

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(i) To assist school districts and the institute in establishing their standardized electronic transmittal capabilities, including but not limited to awarding grants pursuant to rule of the state board to public schools, school districts, and the institute to assist them in upgrading their transmittal capabilities;

(j) To establish procedures for the annual evaluation of the effectiveness and ease of use of the state data reporting system;

(k) To perform such other actions as are necessary to carry out the intent of the general assembly that the needs of the state data reporting system for performance decision-making and reporting are met; and

(l) To apply for gifts, grants, and donations, including grants awarded under the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, for the implementation of internet-based tools to deliver instructional advice and content supported by formative assessment data and to directly connect teachers across the state to enhance educators' collaboration, use of data, instruction, and professional accountability.

(4) The specific responsibilities of each school district and the institute shall include:

(a) Developing, with assistance from the department, system compatibility between the state data reporting system and unique school district and individual public school data systems;

(b) Providing, with the assistance of the department, in-service training on the state data reporting system's purposes and scope, a method of electronically transmitting input data, and the use of performance reporting information;

(c) Advising the department of all district data management needs as they relate to the state data reporting system;

(d) Electronically transmitting required data elements and an accounting as required by [section 22-55-108](#) to the appropriate processing locations in accordance with guidelines established by the department;

(e) Determining required data output and reports, comparisons, and relationships to be provided to the school district or the institute by the state data reporting system, continuously reviewing these reports for usefulness and meaning, and submitting recommended additions, deletions, and changes in accordance with the guidelines established by the department; and

(f) Being responsible for maintaining the integrity and accuracy of data elements transmitted to the department.

22-11-502. Data portal - creation - contents

(1) The department shall develop and maintain an internet-based electronic data delivery system to provide education accountability data to public schools, school districts, the institute, parents, and other members of the public.

(2) At a minimum, the department shall publish on the data portal the following items:

(a) The performance reports, as described in [section 22-11-503](#), for public schools, school districts, the institute, and the state;

(b) The accreditation category, with supporting data, determined pursuant to part 2 of this article, for each school district in the state and for the institute;

(c) The accreditation category, with supporting data, for each public school in the state, as determined by the local school board or the institute, whichever is applicable;

(d) For each public school in the state, the school performance, improvement, priority improvement, or turnaround plan, whichever is appropriate based on the state board's direction pursuant to [section 22-11-210](#);

(e) For each school district in the state, the district performance, improvement, priority improvement, or turnaround plan, whichever is appropriate based on the school district's accreditation category; and

(f) For the institute, the institute performance, improvement, priority improvement, or turnaround plan, whichever is appropriate based on the institute's accreditation category.

(3) In publishing supporting data for the school district, institute, and public school accreditation categories, the department shall include data pertaining to the graduation rates that describe the progress made by student groups disaggregated for gender by race and income.

22-11-503. Performance reports - contents - rules

(1) The department shall publish on the data portal 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. The department shall continuously update the data included in the performance reports as soon as practicable, but not later than sixty days, after the data become available.

(2) 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. The information shall be consistent for each type of report and, at a minimum, shall include the following:

(a) The report subject's level of attainment on each of the performance indicators as determined pursuant to [section 22-11-204](#), including whether the report subject met the targets set for the applicable school year;

(b) For 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 school district and in the state and the information specified in subsection (3) of this section;

(c) For school district performance reports and the institute performance report, a comparison of the report subject's levels of attainment on the performance indicators with other school districts in the state and the institute;

(d) Information concerning comparisons of student performance over time and among student groups;

(e) The report subject's rates of completion, mobility, and truancy as calculated pursuant to rules adopted by the state board; and

(f) Any additional information that may be required by federal law.

(3) In addition to any information specified by rule of the state board, 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:

(a) 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, telephone number, and email address, and, if one exists, the web site address of the school district or the public school.

(b) Information concerning the percentages of students who are not tested or whose scores are not included in determining attainment of the performance indicators;

(c) As described in state board rule, the occurrence of each of the types of incidents described in [section 22-32-109.1 \(2\) \(b\) \(IV\)](#), expressed as a number and as a percentage of the total occurrences of all of the incidents;

(d) As calculated pursuant to state board rule, information concerning:

(I) Student enrollment at the public school;

(II) Students, reported as a number and a 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.;

(III) Repealed.

(IV) Average daily attendance at the public school; and

(V) For elementary schools, the availability of a preschool program, full-day kindergarten program, and before- and after-school programs at the public school;

(e) Information concerning the staff employed at the public school, including:

(I) The number of persons employed at the public school in each of the following categories and explanations of the job descriptions for each category:

(A) Classroom teachers;

(B) Paraprofessionals;

(C) Administrators;

(D) Other professionals;

(E) School support staff;

(F) School counselors; and

(G) School librarians;

(II) The students-per-classroom-teacher ratios for each grade level included in the public school;

(III) The average number of years of teaching experience among the teachers employed at the public school;

(IV) The number of teachers employed at the public school who hold master's or doctoral degrees;

(V) 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;

(VI) The number of teachers employed at the public school who have three or more years of teaching experience. For purposes of this subparagraph (VI), the data used shall describe teachers who have obtained nonprobationary status pursuant to the provisions of part 2 of article 63 of this title.

(VII) The number of professional development days included in the school year;

(f) Information concerning whether the following courses and programs, which are not included in the statewide assessments, are available to students enrolled in the public school and, to the extent they are available on the public school's or school district's web site, internet links to descriptions of these courses and programs:

(I) Art;

(II) Drama or theater;

(III) Music;

(IV) Dance;

(V) Physical education;

(VI) Economics;

(VII) World languages;

(VIII) History;

(IX) Geography;

(X) Civics;

(XI) Career and technical education;

(XII) Opportunities for civic or community engagement;

(XIII) Internet safety programs;

(XIV) For high schools, advanced placement, international baccalaureate, or honors courses;

(XV) For elementary schools, international baccalaureate or Montessori curricula;

(XVI) Extracurricular activities; and

(XVII) Athletics; and

(g) Information, as described in state board rule, concerning programs and services that are available at the public school to support student health and wellness. The state board is encouraged to include in the school performance report information concerning each school

district's and each public school's incorporation of physical activity into the school day.

(4) Each public school, each school district, and the institute shall report accurately the data required to produce a performance report. The state board shall seek to minimize and eliminate the duplication of data reporting required under this section and data reporting required by other state or federal statutes or rules so that school districts, institute charter schools, and the institute may satisfy the multiple reporting requirements within a single reporting framework.

(5) Prior to the publication of the performance reports, the department shall:

(a) Allow each school district and the institute a reasonable period of time to review the school district's or the institute's information as it will appear on the school performance reports; and

(b) Correct any errors or misinformation identified by the school district or institute.

(6) The school performance report produced for each public school pursuant to this section may contain internet links through which a person may access additional information not provided in detail in the report. The state board may make changes in the format or the contents of the performance reports prepared pursuant to this section.

(7) Each public school shall notify the parent or legal guardian of each student enrolled in the public school of the availability on the data portal of its performance report and the performance report for the school district or the institute and for the state. Each public school shall ask the parent or legal guardian of each student enrolled in the school whether the parent or legal guardian wants a printed copy of the school, school district, institute, or state performance report, and shall provide a copy if requested.

22-11-504. School district and institute reporting requirements

(1) Each school district shall annually report to the department for each of the district public schools:

(a) Any information necessary to prepare the performance reports described in [section 22-11-503](#);

(b) For each district public school, the school performance, improvement, priority improvement, or turnaround plan, whichever is appropriate based on the direction from the

state board pursuant to [section 22-11-210](#);

(c) The accreditation category, with supporting data, for each district public school; and

(d) Any additional information required for the department to implement the accreditation process described in part 2 of this article.

(2) The institute shall annually report to the department for each institute charter school:

(a) Any information necessary to prepare the performance reports described in [section 22-11-503](#);

(b) For each institute charter school, the school performance, improvement, priority improvement, or turnaround plan, whichever is appropriate based on the direction from the state board pursuant to [section 22-11-210](#);

(c) The accreditation category, with supporting data, for each institute charter school; and

(d) Any additional information required by the accreditation process described in part 2 of this article.

(3) Each local school board and the institute shall adopt policies to ensure that appropriate personnel within the school district and each institute charter school share with and explain to the parent or legal guardian of each student enrolled in the school district or the institute charter school the student's statewide assessment results and the student's longitudinal academic growth information provided by the department pursuant to [section 22-11-203](#).

PART 6. SCHOOL AWARDS PROGRAM

22-11-601. Colorado school awards program - created - rules

(1) There is hereby established the Colorado school awards program, referred to in this part 6 as the "program", to be administered by the department. The state board shall promulgate rules for the administration of this part 6 and the program. The rules shall include but need not be limited to procedures for transmitting the financial awards to public schools of school districts and institute charter schools that demonstrate outstanding performance.

(2) In addition to the monetary awards made and distributed pursuant to [sections 22-11-602, 22-11-603, 22-11-603.5, and 22-11-605](#), the state board may annually apply moneys from the school awards program fund created in [section 22-11-605](#) to provide tangible items of recognition, such as banners or trophies, to schools that are identified as eligible to receive the John Irwin schools of excellence awards, the governor's distinguished improvement awards, and the centers of excellence awards.

22-11-602. Colorado school awards program - John Irwin schools of excellence awards - rules

(1) The state board shall annually present financial awards to the highest performing public schools in the state based on the schools' levels of attainment on the performance indicator concerning student achievement levels on the statewide assessments.

(2) Of the moneys available for the program pursuant to this part 6, one third shall be awarded to the public schools with the highest level of attainment on the performance indicator concerning student achievement levels, as calculated pursuant to [section 22-11-204 \(3\)](#). An award granted pursuant to this section shall be known as a "John Irwin Schools of Excellence Award".

(3) Subject to available appropriations, the amount of each award issued pursuant to this section shall be five thousand, ten thousand, or fifteen thousand dollars, depending on the number of pupils attending the public school receiving the award. If the available appropriations are insufficient to award each school the amount specified in this subsection (3), the department shall reduce all awards for that year proportionately. The state board shall establish by rule the pupil size of the public school for each award amount.

22-11-603. Governor's distinguished improvement awards - rules

(1) The state board shall annually present financial awards to the public schools in the state demonstrating the highest rates of student longitudinal growth, including longitudinal growth across multiple years, as measured by the Colorado growth model. The technical advisory panel convened pursuant to [section 22-11-202](#) shall recommend to the state board, and the state board shall establish by rule, the method by which to identify schools that demonstrate the highest rate of student longitudinal growth in one or more school years, as measured by the Colorado growth model. The technical advisory panel shall take school size into account in preparing its recommendations.

(2) Of the moneys available for awards pursuant to this part 6, two thirds shall be awarded pursuant to this section.

(3) An award issued pursuant to this section shall be known as a "Governor's Distinguished Improvement Award".

22-11-603.5. Centers of excellence awards

(1) (a) The state board shall annually present financial awards to public schools in the state that enroll a student population of which at least seventy-five percent are at-risk pupils, as

defined in [section 22-54-103 \(1.5\)](#), and that demonstrate the highest rates of student longitudinal growth, as measured by the Colorado growth model. The technical advisory panel convened pursuant to [section 22-11-202](#) shall recommend to the state board, and the state board shall establish by rule, the method by which to identify schools that qualify for an award pursuant to this section.

(b) Awards issued pursuant to this section shall be known as "Centers of Excellence Awards".

(2) A school that receives an award pursuant to this section shall not qualify for an award pursuant to [section 22-11-603](#).

(3) Notwithstanding the provisions of [sections 22-11-602 \(2\)](#) and [22-11-603 \(2\)](#), of the moneys available for awards pursuant to this part 3, in the 2009-10 budget year and budget years thereafter, two hundred fifty thousand dollars shall be awarded to schools annually pursuant to this section. The department shall apportion the remainder between the "John Irwin schools of excellence awards" and the "Governor's Distinguished Improvement Awards" as provided in [sections 22-11-602 \(2\)](#) and [22-11-603 \(2\)](#), respectively.

22-11-604. Colorado school awards program - distribution of award

(1) Any award presented by the state board pursuant to this part 6 shall be spent or distributed for use within the public school as the principal of the public school, after consultation with the school accountability committee for the public school, deems appropriate.

(2) Any moneys made available to a district public school in the form of an award pursuant to the provisions of this part 6 shall not supplant moneys made available to the public school from funding received by the school district pursuant to article 54 of this title or pursuant to the taxing authority of the school district. Any moneys made available to an institute charter school in the form of an award pursuant to the provisions of this part 6 shall not supplant moneys payable to the institute charter school pursuant to part 5 of article 30.5 of this title.

22-11-605. School awards program fund - creation - contributions

(1) The department is hereby authorized to receive gifts, grants, and donations from any source, public or private, to fund financial awards to public schools pursuant to the program established in this part 6. The department is further authorized to receive gifts, grants, and donations from any source, public or private, to fund tangible items of recognition, such as banners or trophies, to be awarded to public schools that are identified as eligible to receive such financial awards. The department shall transmit all public and private gifts, grants, and donations received pursuant to this section to the state treasurer who shall credit the same,

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in addition to any appropriations made by the general assembly and the amount transferred pursuant to subsection (3) of this section, to the school awards program fund, which is hereby created in the state treasury and referred to in this section as the "fund".

(2) Moneys in the fund shall be subject to annual appropriation by the general assembly to the department for purposes of making financial awards and funding tangible items of recognition, such as banners or trophies, pursuant to the provisions of this part 6. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain in the fund and shall not be credited or transferred to the general fund or any other fund. However, in accordance with [section 24-36-114, C.R.S.](#), all interest derived from the deposit and investment of moneys in the fund shall be credited to the general fund. Any moneys credited to the fund shall be used exclusively for awards and items of recognition and shall not be used to pay for the expenses of the department in administering the program established in this part 6.

(3) Repealed.