

COLORADO STATE BOARD OF EDUCATION 2018 Procedures for State Board Accountability Actions

INTRODUCTION

Under the Colorado Education Accountability Act of 2009, the Commissioner must assign the State Review Panel to critically evaluate the school district's or the institute's performance and recommend an action for statutorily-specified reasons, including:

- The District or the Institute is in the “Accredited with Turnaround” category but failed to make substantial progress under its Turnaround Plan, as evidenced by its failure to improve attainment on the Performance Indicators or failure to meet the implementation benchmarks and interim targets and measures included in its Turnaround Plan; or
- The District or Institute has been on performance watch for five (5) years.

See Colo. Rev. Stat. § 22-11-209.

Similarly, the Act provides that if a public school either fails to make adequate progress under its Turnaround Plan, or continues on performance watch for five (5) school years, the Commissioner must assign the State Review Panel to critically evaluate the school's performance and recommend an action. See Colo. Rev. Stat. § 22-11-210.

If student academic performance continues to put the district, institute, or school in Priority Improvement or Turnaround after the State Board of Education initially directs the district, institute, or school to take action, then the state board may in any year—and must every two years—require the district to continue the previously directed action or undertake additional or different actions.

The State Board of Education will use the following procedures to govern matters arising under §§ 22-11-209 and 210, C.R.S. In the event that the State Review Panel has made a recommendation for action for a school pursuant to § 22-11-210, the state board will use the procedures set forth in Part A, below. In the event that the Commissioner and State Review Panel have made recommendations for a district or the Institute pursuant to § 22-11-209, the state board will use the procedures set forth in Part B, below. If a school, a district or the Institute remains on performance watch after the board directs an action, the board will use the procedures set forth in Part C, below.

District and/or Institute Review

The Commissioner may assign the State Review Panel to critically evaluate the District or Institute's performance. The State Review Panel may also recommend one or more actions under Colorado law. In its evaluations and recommendations, the State Review Panel shall consider the elements contained in Colo. Rev. Stat., §§ 22-11-209, which include:

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

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

- that the District's accreditation be removed;
- that the District be reorganized pursuant to Article 30 of Title 22;
- that a private or public entity, with the agreement of the District, serve as a lead partner in the management of the District or partially or wholly manage one or more of the District public schools;
- that one or more of the District's schools be converted to a charter school;
- that one or more of the District's schools be granted status as an "innovation school"; or

- that one or more of the District's schools be closed.

See Colo. Rev. Stat. § 22-11-209(2)(a)(I).

If the review involves the Institute, recommendations may include:

- that the Institute's accreditation be removed;
- that the Institute board be abolished and that the governor appoint a new board;
- that a public or private entity take over management of the Institute or management of one or more of the Institute charter schools; or
- that one or more of the Institute charter schools be closed.

See Colo. Rev. Stat. § 22-11-209(2)(a)(II).

Individual Schools

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

- with regard to a district school that is not a charter school, that the school be partially or wholly managed by a private or public entity other than the district;
- with regard to a District or Institute charter school, that the public or private entity operating the school or the governing board of the charter school should be replaced by a different public or private entity or governing board;
- with regard to a district public school, that it be converted to a charter school if it is not already authorized as such;
- with regard to a district public school, that the school be granted status as an innovation school; or
- that the school be closed or, with regard to a charter school, that the school's charter be revoked.

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

A. HEARING PROCEDURES FOLLOWING ACCOUNTABILITY RECOMMENDATIONS UNDER CRS §§ 22-11-210(4) FOR INDIVIDUAL SCHOOLS

I. Notice

- a. Upon receipt of the written recommendations from the State Review Panel, the Department shall provide a copy of the recommendations to the State Board of Education and to the District or the Institute.
- b. If, after school ratings are made final, a school is entering the sixth consecutive year of Priority Improvement or Turnaround, the Department shall provide written notice to the District or Institute that the State Board will be considering a course of action for the school. Effective with the 2019 performance frameworks, this step will occur if a school has been on performance watch for five (5) school years.
- c. The State Board Office shall notify the District or Institute in writing of the date on which the State Board of Education will hear the recommendations of the State Review Panel and consider any proposals that the District may submit on behalf of its school(s). The notice shall include the filing deadlines noted below.

II. Pre-hearing Briefing and Submission of Record

- a. Thirty (30) days prior to the scheduled State Board of Education hearing, the District or Institute may submit to the State Board a written report detailing the District or Institute's preferred course of action. A copy of the district report shall be provided to the Department. The deadline may be modified by agreement between the Department and the District or Institute or for good cause shown, with approval of the State Board Office.
- b. The Department shall provide technical guidance to the state board regarding the State Review Panel recommendation, district proposal, or both. At the request of the board, the Department may submit historical performance data, summaries of improvement strategies, information on federal or state grants for school improvement that the school has received, and other factual information.
- c. Seven (7) days prior to the scheduled State Board of Education hearing, the Department may also submit comments on the school's proposed course of action, if such a proposal was submitted.

- d. An individual State Board member may request additional information after reports are filed. A board member's request must be sent to the Director of State Board Relations who will then forward the request to all parties, including the full State Board.

III. Conduct of Hearing

- a. At the hearing, the District or Institute shall have a maximum of thirty (30) minutes to present. The State Board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:
 - i. The District or Institute shall have an opportunity to present its report to the State Board. The report shall include an overview of the district's improvement strategies, review of trends in student performance data, and an explanation of what actions the district, Institute and/or school is taking or plans to take to improve student outcomes and attain improvement status or higher within the next two years.
 - ii. Following the presentation of the District or Institute, the State Board shall have the opportunity to ask questions of the District, the Department or legal counsel for a time period not to exceed two (2) hours.
 - iii. The State Board may ask the District to submit a proposed written final determination for the State Board's consideration with support from the Department. The State Board's consideration of the matter shall be limited to materials maintained in the record of proceedings.
- c. Public record shall be kept of the hearing.

IV. Written Final Determination

- a. The State Board will consider and adopt a written final determination at a subsequent State Board meeting, as determined by the Chair. Public testimony will not be heard at that meeting; however, the State Board at its sole discretion may ask questions of the District, Department staff, or legal counsel at that time. Within thirty (30) days of the date of the adoption of the written final determination, the Board will provide a copy to the District or Institute and the Department.

- b. By June 30, the District or Institute shall sign a revised version of the accreditation contract, which will incorporate by reference the written final determination. Signed copies of the revised contract will be made available to both the District or Institute and the Department.

B. HEARING PROCEDURES FOLLOWING ACCOUNTABILITY RECOMMENDATIONS UNDER CRS §§ 22-11-209 FOR DISTRICTS AND THE INSTITUTE

I. Notice

- a. Upon receipt of the written recommendations from the State Review Panel, the Department shall provide a copy of the recommendations to the State Board of Education and to the District or the Institute.
- b. If, after district ratings are made final, a district will be entering the sixth consecutive year of Priority Improvement or Turnaround, the Department will provide written notice to the District or Institute that the State Board will be considering a course of action for the District or Institute. Effective with the 2019 performance frameworks, this step will occur if a District or the Institute has been on performance watch for five (5) school years.
- c. The State Board Office shall notify the District or Institute in writing of the date on which the State Board of Education will hear the recommendations, and shall include in the scheduling notification the filing deadline noted below.

II. Pre-hearing Briefing and Submission of Record

- a. Following the release of final district and school ratings, the Department shall provide a copy of the written recommendations from the Commissioner to the State Board of Education, with a copy sent to the District or the Institute, as the recommendations become available.
- b. Thirty (30) days prior to the scheduled State Board of Education hearing, the District or Institute may submit to the State Board a written report detailing the District or Institute's preferred course of action. A copy of the district report shall be provided to the Department. The deadline may be modified by agreement between the Department and the District or Institute or for good cause shown, with approval of the State Board Office.

- c. An individual State Board member may request additional information after reports are filed. A board member's request must be sent to the Director of State Board Relations who will then forward the request to all parties, including the full State Board.

III. Conduct of Hearing

- a. At the hearing, the District or Institute and the Department shall each have a maximum of thirty (30) minutes to present. The State Board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:
 - i. The Department shall present its report to the State Board. The report shall outline the Commissioner's recommendation based on an analysis of trends in student performance data, a qualitative review of district and school systems, a review of Unified Improvement Plans, and the history of grants and supports provided to the school.
 - ii. The District or Institute shall have an opportunity to present its report to the State Board. The report shall include an overview of the district's improvement strategies, review of trends in student performance data, and an explanation of what actions the district, Institute and/or school, is taking, or plans to take to improve student outcomes and attain improvement status or higher within the next two years.
 - iii. Following the presentations of both the Department and the District or Institute, the State Board shall have the opportunity to ask questions of both parties for a time period not to exceed two (2) hours.
 - iv. The State Board may ask one or both parties to submit proposed written final determinations for the State Board's consideration. The State Board's consideration of the matter shall be limited to materials submitted by the parties and maintained in the record of proceedings.
- c. Public record shall be kept of the hearing.

IV. Written Final Determination

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

C. HEARING PROCEDURES FOLLOWING ACCOUNTABILITY RECOMMENDATIONS UNDER CRS §§ 22-11-209(3.5) AND 22-11-210(5.5) FOR DISTRICTS, THE INSTITUTE AND INDIVIDUAL SCHOOLS AFTER INITIAL ACTION

I. Notice

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

II. Pre-hearing Briefing and Submission of Record

- a. Thirty (30) calendar days prior to the scheduled State Board of Education hearing, the Department shall announce an opportunity for the public to submit comments on the implementation of the previously-ordered actions and input regarding further Board-directed

actions. Comments must be submitted in writing to the State Board of Education Office through email or mail. The deadline for all comments will be two (2) calendar days prior to the hearing. Comments will be compiled by the State Board of Education office and will become part of the official record. Comments received past the deadline will not be included in the record or forwarded to the state board.

- b. Any materials that the district or institute wishes the State Board of Education to consider may be submitted ten (10) calendar days prior to the scheduled State Board of Education hearing. A copy of the materials shall be provided to the Department. The deadline may be modified for good cause shown, with approval of the State Board Office.
- c. The Department may provide technical guidance to the board regarding the State Review Panel recommendation and district materials.
- d. Seven (7) days prior to the scheduled State Board of Education hearing, the Department may submit comments on the district's materials, if any were submitted. The Department may also submit historical performance data, progress monitoring reports or other information considered beneficial.
- e. An individual State Board member may request additional information after materials are filed. A board member's request must be sent to the Director of State Board Relations who will then forward the request to the full State Board, the Department and the District or the Institute.

III. Conduct of Hearing

- a. At the hearing, the Department and the District or Institute shall each have a maximum of thirty (30) minutes to present.
- b. The hearing shall proceed as follows:
 - i. The Department shall present a progress monitoring report to the State Board on the implementation of the previously directed action, including an overview of student performance, and any other information requested by the State Board of Education.
 - ii. The District or Institute presentation shall include, at a minimum, an explanation of how the District, Institute and/or

school has implemented the previously-directed action and to what degree the action has resulted in improvements. The District or Institute shall explain why implementation of the action has not yet resulted in a higher rating.

- iii. Following the presentations, the State Board shall have the opportunity to ask questions of the District, the Department or legal counsel for a time period not to exceed one (1) hour.
- c. In considering whether to require the District, Institute or school to continue the previously directed action or undertake additional or different actions, the State Board shall consider:
 - i. The recommendations of the State Review Panel;
 - ii. The actions that the District, Institute or school was previously directed to take;
 - iii. The fidelity with which the District, Institute or school has implemented the directed action; and
 - iv. Whether the amount of time that the District, Institute or school has had to implement the actions is reasonably sufficient to achieve results.
- d. The State Board's consideration of the matter shall be limited to materials maintained in the record of proceedings.
- e. The State Board shall deliberate and make a determination by majority vote, assigning appropriate staff or counsel as needed to reduce the board order to written form.
- f. Public record shall be kept of the hearing.