

COLORADO STATE BOARD OF EDUCATION 2020 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 years.

§ 22-11-209, C.R.S.

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 years, the Commissioner must assign the State Review Panel to critically evaluate the school's performance and recommend an action. § 22-11-210, C.R.S.

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

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

District and/or Institute Review.

The Commissioner may assign the State Review Panel to critically evaluate the District or Institute's performance. The State Review Panel may also recommend

one or more actions under Colorado law. The State Review Panel shall consider the factors contained in § 22-11-209, C.R.S. which include:

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

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

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

§ 22-11-209(2)(a)(I), C.R.S. .

If the review involves the Institute, recommendations may include:

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

§ 22-11-209(2)(a)(II), C.R.S.

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 charter school, that the entity operating the school or the governing board of the charter school should be replaced;
- with regard to a district public school, that it be converted to a charter school if it is not already authorized as such;
- with regard to a district public school, that 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 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 a public school performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the Department shall provide written notice to the District or Institute that the State Board will be considering a course of action for the school. The State Board Office shall notify the District or Institute in writing of the date on which the State Board will hear the recommendations of the State Review Panel and consider any proposals that the District 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. At least 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 proposed course of action and input regarding board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the state board meeting during which the hearing is scheduled.
 - i. The state board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the state board.
 - ii. The State Board Office will forward comments received by the board meeting materials to the board on that date. The State Board Office will forward a completed compilation of comments received to the board two calendar days before the hearing.
- b. The District or Institute shall submit any materials it wishes the Board to consider no later than fourteen calendar days prior to the hearing.. A copy of the materials 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.

- i. The District or Institute must submit a brief written summary of its preferred course of action to the state board no later than 45 calendar prior to the scheduled hearing date. To the extent practicable, the State Board Office will use this summary to inform the public for purposes of public comment.
- c. The Department shall provide technical guidance to the state board regarding matter. The Department shall report relevant information to the Board, which may include 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.
- d. Seven days prior to the scheduled hearing, the Department may also submit comments on the school's proposed course of action, if such a proposal was submitted.
- e. 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 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 total hearing time period not to exceed two 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 Order

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

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

I. Notice

- a. 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 a public school performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the Department shall provide written notice to the District or Institute that the State Board will be considering a course of action for the District or Institute.
- c. The State Board Office shall notify the District or Institute in writing of the date on which the State Board will hear the recommendations, and shall include in the scheduling notification the filing deadline noted below.

II. Pre-hearing Briefing and Submission of Record

- a. At least 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 proposed course of action and input regarding board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the state board meeting during which the hearing is scheduled.
 - i. The state board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the state board.
 - ii. The State Board Office will forward comments received by the board meeting materials to the board on that date. The State Board Office will forward a completed compilation of comments received to the board two calendar days before the hearing.
- b. The District or Institute shall submit any materials it wishes the board to consider no later than fourteen calendar days prior to the hearing. A copy of the materials 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. The District or Institute must submit a brief written summary of its preferred course of action to the state board within 45 calendar days of the scheduled hearing date. To the extent practicable, the State Board Office will use this summary to inform the public for purposes of public comment. 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 provide 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 to the State Board. The presentation shall include an overview of the district's improvement strategies, review of trends in student performance data, and an explanation of what actions the district, Institute and/or school, is taking, or plans to take to improve student outcomes and attain improvement status or higher within the next two years.
 - iii. Following the presentations of both the Department and the District or Institute, the State Board shall have the opportunity to ask questions of both parties for a total hearing time period not to exceed two hours.
 - iv. The State Board may ask the District or Institute, the Department, and/or its counsel to submit a proposed order for its 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 Order

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

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

I. Notice

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

II. Pre-hearing Briefing and Submission of Record

- a. At least thirty calendar days prior to the scheduled hearing, the Department shall announce an opportunity for the public to submit comments regarding further Board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the state board meeting during which the hearing is scheduled.
 - i. The state board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the state board.
 - ii. The State Board Office will forward comments received by the board meeting materials to the board on that date. The State Board Office will forward a completed compilation of comments received to the board two calendar days before the hearing.

- b. Any materials that the district or institute wishes the State Board of Education to consider may be submitted fourteen calendar days prior to the scheduled hearing, with a copy provided to the Department. The deadline may be modified for good cause shown.
- c. The Department may provide technical guidance to the board regarding the State Review Panel recommendation and district materials.
- d. Seven days prior to the scheduled 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. The state board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:
 - i. The Department shall present a progress monitoring report to the state board on the implementation of the previously directed action, including an overview of student performance, and any other information requested by the State Board.
 - 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 one hour. The total hearing time, including presentations and questions, may not exceed two hours.

- 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.