

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0597.01 Julie Pelegrin x2700

SENATE BILL 17-114

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

(None),

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCOUNTABILITY IN THE ELEMENTARY AND SECONDARY**

102 **PUBLIC EDUCATION SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, the department of education (department) considers the performance of each school district and the state charter school institute (institute) on specified indicators when assigning accreditation categories. The bill creates a new performance indicator that measures the improvement achieved over the preceding 4 school years by a public school, school district, the state charter school institute, and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

state as a whole in student scores on state assessments and in closing the achievement and growth gaps. The bill directs the state board of education (state board) and the department to place the greatest emphasis on the academic growth performance indicator when determining the appropriate accreditation category for each school district and the institute.

Under existing law, the department may recommend that the state board remove a school district's or the institute's accreditation if the school district or institute is accredited with turnaround plan and fails to make substantial progress under the turnaround plan or the school district or institute is accredited with priority improvement plan or lower for 5 consecutive school years. If the state board removes accreditation, it specifies the corrective actions the school district or institute must take to be accredited again.

The bill repeals the authority to remove a school district's or the institute's accreditation based on performance under a priority improvement or turnaround plan. If a school district or the institute fails to make substantial progress under a priority improvement or turnaround plan and is accredited with priority improvement plan or lower for 5 consecutive school years, the commissioner of education must assign the state review panel to critically evaluate the school district's or institute's performance and recommend one or more corrective actions. The state board must specify the corrective actions the school district or institute must take.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-11-204, **amend**
3 (1)(a); and **add** (5.5) as follows:

4 **22-11-204. Performance indicators - measures.** (1) (a) The
5 department shall annually determine the level of attainment of each public
6 school, each school district, the institute, and the state as a whole on each
7 of the following performance indicators:

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

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

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

3 (IV) IMPROVEMENT IN STUDENT ACHIEVEMENT LEVELS OVER THE
4 PRECEDING FOUR SCHOOL YEARS AND IMPROVEMENT IN CLOSING THE
5 ACHIEVEMENT AND GROWTH GAPS OVER THE PRECEDING FOUR SCHOOL
6 YEARS, BASED ON THE MEASURES SPECIFIED IN SUBSECTION (5.5) OF THIS
7 SECTION.

8 (5.5) THE DEPARTMENT SHALL ANNUALLY DETERMINE THE LEVEL
9 OF ATTAINMENT OF EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE
10 INSTITUTE, AND THE STATE AS A WHOLE ON THE PERFORMANCE INDICATOR
11 THAT CONCERNS IMPROVEMENT IN STUDENT ACHIEVEMENT LEVELS AND
12 IN CLOSING THE ACHIEVEMENT AND GROWTH GAPS BY USING THE
13 FOLLOWING MEASURES:

14 (a) FOR EACH PUBLIC SCHOOL, THE DEPARTMENT SHALL
15 CALCULATE:

16 (I) THE IMPROVEMENT IN THE SCORES ATTAINED BY STUDENTS
17 ENROLLED IN THE PUBLIC SCHOOL ON THE STATE ASSESSMENTS OVER THE
18 PRECEDING FOUR ACADEMIC YEARS, DISAGGREGATED BY GRADE LEVEL OR
19 BY COMPETENCY LEVEL FOR COMPETENCY-BASED SYSTEMS; AND

20 (II) THE IMPROVEMENT ACHIEVED BY EACH STUDENT GROUP
21 ENROLLED BY THE PUBLIC SCHOOL ON THE MEASURES SPECIFIED IN
22 SUBSECTION (5) OF THIS SECTION OVER THE PRECEDING FOUR ACADEMIC
23 YEARS.

24 (b) FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, THE
25 DEPARTMENT SHALL CALCULATE:

26 (I) THE IMPROVEMENT IN THE SCORES ATTAINED BY STUDENTS IN
27 THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS ON

1 THE STATE ASSESSMENTS OVER THE PRECEDING FOUR ACADEMIC YEARS,
2 DISAGGREGATED BY GRADE LEVEL OR BY COMPETENCY LEVEL FOR
3 COMPETENCY-BASED SYSTEMS; AND

4 (II) THE IMPROVEMENT ACHIEVED BY EACH STUDENT GROUP
5 ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE
6 CHARTER SCHOOLS ON THE MEASURES SPECIFIED IN SUBSECTION (5) OF
7 THIS SECTION OVER THE PRECEDING FOUR ACADEMIC YEARS.

8 (c) FOR THE STATE, THE DEPARTMENT SHALL CALCULATE:

9 (I) THE IMPROVEMENT IN THE SCORES ATTAINED BY STUDENTS
10 ENROLLED IN THE PUBLIC SCHOOLS OF THE STATE OVER THE PRECEDING
11 FOUR ACADEMIC YEARS, DISAGGREGATED BY GRADE LEVEL OR BY
12 COMPETENCY LEVEL FOR COMPETENCY-BASED SYSTEMS; AND

13 (II) THE IMPROVEMENT ACHIEVED BY EACH STUDENT GROUP
14 ENROLLED IN THE PUBLIC SCHOOLS OF THE STATE ON THE MEASURES
15 SPECIFIED IN SUBSECTION (5) OF THIS SECTION OVER THE PRECEDING FOUR
16 ACADEMIC YEARS.

17 **SECTION 2.** In Colorado Revised Statutes, 22-11-207, **amend**
18 (2) introductory portion and (4)(a) as follows:

19 **22-11-207. Accreditation categories - criteria - rules.** (2) The
20 state board shall promulgate rules establishing objective, measurable
21 criteria that the department shall apply in determining the appropriate
22 accreditation category for each school district and the institute, placing
23 the greatest emphasis on attainment of the GROWTH performance
24 ~~indicators~~ INDICATOR. At a minimum, the rules shall take into
25 consideration:

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

1 below accredited; except that the state board shall ~~not allow a~~ REQUIRE A
2 SCHOOL DISTRICT OR THE INSTITUTE TO TAKE CORRECTIVE ACTIONS AS
3 DESCRIBED IN SECTION 22-11-208.5 IF THE school district or the institute
4 ~~to remain~~ FAILS TO MAKE SUBSTANTIAL PROGRESS UNDER ITS PRIORITY
5 IMPROVEMENT OR TURNAROUND PLAN AND REMAINS at accredited with
6 priority improvement plan or below for longer than a total of five
7 consecutive school years. ~~before removing the school district's or the~~
8 ~~institute's accreditation as provided in section 22-11-209.~~

9 **SECTION 3.** In Colorado Revised Statutes, **add** 22-11-208.5 as
10 follows:

11 **22-11-208.5. Corrective actions - recommendation - review -**
12 **rules.** (1) IF A SCHOOL DISTRICT OR THE INSTITUTE FAILS TO MAKE
13 SUBSTANTIAL PROGRESS UNDER ITS PRIORITY IMPROVEMENT OR
14 TURNAROUND PLAN AND REMAINS AT ACCREDITED WITH PRIORITY
15 IMPROVEMENT PLAN OR BELOW FOR LONGER THAN A TOTAL OF FIVE
16 CONSECUTIVE SCHOOL YEARS, THE COMMISSIONER SHALL ASSIGN THE
17 STATE REVIEW PANEL TO CRITICALLY EVALUATE THE SCHOOL DISTRICT'S
18 OR THE INSTITUTE'S PERFORMANCE AND TO RECOMMEND ONE OR MORE OF
19 THE FOLLOWING ACTIONS:

20 (a) IF THE RECOMMENDATION APPLIES TO A SCHOOL DISTRICT:

21 (I) THAT A PRIVATE OR PUBLIC ENTITY, WITH THE AGREEMENT OF
22 THE SCHOOL DISTRICT, TAKE OVER MANAGEMENT OF THE SCHOOL
23 DISTRICT OR MANAGEMENT OF ONE OR MORE OF THE DISTRICT PUBLIC
24 SCHOOLS;

25 (II) THAT ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS BE
26 CONVERTED TO A CHARTER SCHOOL;

27 (III) THAT ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS BE

1 GRANTED STATUS AS AN INNOVATION SCHOOL PURSUANT TO SECTION
2 22-32.5-104 OR THAT THE LOCAL SCHOOL BOARD RECOGNIZE A GROUP OF
3 DISTRICT PUBLIC SCHOOLS AS AN INNOVATION SCHOOL ZONE PURSUANT TO
4 SECTION 22-32.5-104; OR

5 (IV) THAT ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS BE
6 CLOSED; OR

7 (b) IF THE RECOMMENDATION APPLIES TO THE INSTITUTE:

8 (I) THAT A PUBLIC OR PRIVATE ENTITY TAKE OVER MANAGEMENT
9 OF THE INSTITUTE OR MANAGEMENT OF ONE OR MORE OF THE INSTITUTE
10 CHARTER SCHOOLS; OR

11 (II) THAT ONE OR MORE OF THE INSTITUTE CHARTER SCHOOLS BE
12 CLOSED.

13 (2) IN ITS EVALUATIONS AND RECOMMENDATIONS, THE STATE
14 REVIEW PANEL SHALL CONSIDER:

15 (a) WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE'S LEADERSHIP
16 IS ADEQUATE TO IMPLEMENT CHANGE TO IMPROVE RESULTS;

17 (b) WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE'S
18 INFRASTRUCTURE IS ADEQUATE TO SUPPORT SCHOOL IMPROVEMENT;

19 (c) THE READINESS AND APPARENT CAPACITY OF PUBLIC SCHOOL
20 AND SCHOOL DISTRICT OR INSTITUTE PERSONNEL TO PLAN EFFECTIVELY
21 AND LEAD THE IMPLEMENTATION OF APPROPRIATE ACTIONS TO IMPROVE
22 STUDENT ACADEMIC PERFORMANCE WITHIN THE DISTRICT PUBLIC SCHOOLS
23 OR THE INSTITUTE CHARTER SCHOOLS;

24 (d) THE READINESS AND APPARENT CAPACITY OF PUBLIC SCHOOL
25 AND SCHOOL DISTRICT OR INSTITUTE PERSONNEL TO ENGAGE
26 PRODUCTIVELY WITH AND BENEFIT FROM THE ASSISTANCE PROVIDED BY
27 AN EXTERNAL PARTNER; AND

1 (e) THE LIKELIHOOD OF POSITIVE RETURNS ON STATE INVESTMENTS
2 OF ASSISTANCE AND SUPPORT TO IMPROVE THE SCHOOL DISTRICT'S OR
3 INSTITUTE'S PERFORMANCE WITHIN THE CURRENT MANAGEMENT
4 STRUCTURE AND STAFFING.

5 (3) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE
6 COMMISSIONER, AND THE STATE REVIEW PANEL, THE STATE BOARD SHALL
7 DETERMINE WHICH CORRECTIVE ACTIONS THE SCHOOL DISTRICT OR THE
8 INSTITUTE IS REQUIRED TO TAKE. THE DEPARTMENT SHALL NOTIFY THE
9 SCHOOL DISTRICT OR THE INSTITUTE OF THE REQUIRED ACTIONS.

10 (4) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
11 THIS SECTION, INCLUDING PROCEDURES TO ENSURE A SCHOOL DISTRICT'S
12 OR THE INSTITUTE'S RIGHT TO APPEAL TO THE STATE BOARD BEFORE THE
13 STATE BOARD MAKES THE FINAL DETERMINATION OF WHICH CORRECTIVE
14 ACTIONS THE SCHOOL DISTRICT OR THE INSTITUTE IS REQUIRED TO TAKE.

15 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
16 **with amendments,** 22-11-209 as follows:

17 **22-11-209. Removal of accreditation - recommendation -**
18 **review - appeal - rules.** (1) THE DEPARTMENT MAY RECOMMEND TO THE
19 COMMISSIONER AND THE STATE BOARD THAT THE STATE BOARD REMOVE
20 A SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION IF:

21 (a) THE SCHOOL DISTRICT OR THE INSTITUTE HAS SUBSTANTIALLY
22 FAILED TO COMPLY WITH THE PROVISIONS OF ARTICLE 44 OF THIS TITLE 22,
23 CONCERNING BUDGET AND FINANCIAL POLICIES AND PROCEDURES, OR
24 ARTICLE 45 OF THIS TITLE 22, CONCERNING ACCOUNTING AND FINANCIAL
25 REPORTING;

26 (b) THE SCHOOL DISTRICT OR INSTITUTE HAS NOT REMEDIED THE
27 NONCOMPLIANCE WITHIN NINETY DAYS AFTER RECEIPT OF NOTICE FROM

1 THE DEPARTMENT; AND

2 (c) LOSS OF ACCREDITATION IS REQUIRED TO PROTECT THE
3 INTERESTS OF THE STUDENTS AND PARENTS OF STUDENTS ENROLLED IN
4 THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS.

5 (2) IF THE DEPARTMENT RECOMMENDS REMOVING ACCREDITATION
6 PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL ASSIGN THE STATE
7 REVIEW PANEL TO CRITICALLY EVALUATE THE SCHOOL DISTRICT'S OR THE
8 INSTITUTE'S PERFORMANCE AND TO RECOMMEND ONE OR MORE OF THE
9 FOLLOWING ACTIONS:

10 (a) IF THE RECOMMENDATION APPLIES TO A SCHOOL DISTRICT:

11 (I) THAT THE SCHOOL DISTRICT BE REORGANIZED PURSUANT TO
12 ARTICLE 30 OF THIS TITLE 22, WHICH REORGANIZATION MAY INCLUDE
13 CONSOLIDATION; OR

14 (II) THAT A PRIVATE OR PUBLIC ENTITY, WITH THE AGREEMENT OF
15 THE SCHOOL DISTRICT, TAKE OVER MANAGEMENT OF THE SCHOOL
16 DISTRICT.

17 (b) IF THE RECOMMENDATION APPLIES TO THE INSTITUTE:

18 (I) THAT THE INSTITUTE BOARD BE ABOLISHED AND THAT THE
19 GOVERNOR APPOINT A NEW INSTITUTE BOARD PURSUANT TO SECTION
20 22-30.5-505; OR

21 (II) THAT A PUBLIC OR PRIVATE ENTITY TAKE OVER MANAGEMENT
22 OF THE INSTITUTE.

23 (3) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE
24 COMMISSIONER, AND THE STATE REVIEW PANEL, THE STATE BOARD SHALL
25 DETERMINE WHETHER TO REMOVE A SCHOOL DISTRICT'S OR THE
26 INSTITUTE'S ACCREDITATION. IF THE STATE BOARD REMOVES A SCHOOL
27 DISTRICT'S OR THE INSTITUTE'S ACCREDITATION, THE STATE BOARD SHALL

1 NOTIFY THE SCHOOL DISTRICT OR THE INSTITUTE OF THE ACTIONS THE
2 SCHOOL DISTRICT OR THE INSTITUTE IS REQUIRED TO TAKE. AFTER THE
3 SCHOOL DISTRICT OR THE INSTITUTE TAKES THE REQUIRED ACTIONS, THE
4 STATE BOARD SHALL REINSTATE THE SCHOOL DISTRICT'S OR THE
5 INSTITUTE'S ACCREDITATION AT THE ACCREDITATION CATEGORY DEEMED
6 APPROPRIATE BY THE STATE BOARD.

7 (4) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
8 THIS SECTION, INCLUDING PROCEDURES TO ENSURE A SCHOOL DISTRICT'S
9 OR THE INSTITUTE'S RIGHT TO APPEAL TO THE STATE BOARD BEFORE THE
10 STATE BOARD TAKES FINAL ACTION TO REMOVE THE SCHOOL DISTRICT'S OR
11 THE INSTITUTE'S ACCREDITATION PURSUANT TO THIS SECTION.

12 **SECTION 5.** In Colorado Revised Statutes, 22-11-208, **amend**
13 (1)(e) as follows:

14 **22-11-208. Accreditation - annual review - supports and**
15 **interventions - rules.** (1) (e) The state board shall promulgate rules to
16 ensure a school district's or the institute's right to a hearing before the
17 state board to appeal placement in the accredited with turnaround plan
18 category, IMPOSITION OF CORRECTIVE ACTIONS PURSUANT TO SECTION
19 22-11-208.5, or removal of accreditation pursuant to section 22-11-209.

20 **SECTION 6.** In Colorado Revised Statutes, 22-30-114, **repeal**
21 (1)(d.5) as follows:

22 **22-30-114. Requirements for plan of organization.** (1) The
23 plan of organization shall include, but shall not be limited to,
24 consideration of the following:

25 ~~(d.5) The reasons for which the school district was unable to~~
26 ~~improve its performance sufficiently to avoid removal of accreditation~~
27 ~~pursuant to section 22-11-209;~~

1 **SECTION 7. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.