

CHAPTER 384

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 03-254

BY SENATOR(S) Evans;
also REPRESENTATIVE(S) Spence, Carroll, Frangas, Lee, and Paccione.**AN ACT**

CONCERNING CLOSING THE ACHIEVEMENT GAP, AND, IN CONNECTION THEREWITH, CREATING A PROGRAM TO ASSIST SCHOOLS THAT HAVE RECEIVED AN "UNSATISFACTORY" RATING OR HAVE A SIGNIFICANT ACHIEVEMENT GAP, ESTABLISHING A COMMISSION TO PROPOSE ACTIONS TO CLOSE THE ACHIEVEMENT GAP, AND CREATING A CASH FUND.

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

SECTION 1. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

22-7-611. Closing the achievement gap program - strategies - assistance - criteria - rule-making. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ELIGIBLE SCHOOL" MEANS A PUBLIC SCHOOL THAT:

(a) HAS RECEIVED AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604 (5); OR

(b) HAS BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A SIGNIFICANT ACHIEVEMENT GAP.

(2) THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE CLOSING THE ACHIEVEMENT GAP PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO PROVIDE EXTENSIVE ASSISTANCE TO AN ELIGIBLE SCHOOL THAT IS AT RISK OF BEING CONVERTED INTO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 30.5 OF THIS TITLE.

(3) THE DEPARTMENT SHALL PREPARE AND DISTRIBUTE TO EACH ELIGIBLE SCHOOL AN OUTLINE OF DIFFERENT STRATEGIES THE SCHOOL MAY IMPLEMENT TO IMPROVE ACADEMIC ACHIEVEMENT. THE DEPARTMENT SHALL PROVIDE THE OUTLINE BY APRIL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE ELIGIBLE SCHOOL INTENDS TO PARTICIPATE IN THE PROGRAM. THE OUTLINE MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING STRATEGIES:

(a) USING DISAGGREGATED SCHOOL DATA TO SET ACADEMIC IMPROVEMENT TARGETS IN READING, WRITING, MATHEMATICS, AND SCIENCE;

(b) USING IMPROVEMENT TARGETS TO DEFINE PROFESSIONAL DEVELOPMENT NEEDS RELATED TO CONTENT, INSTRUCTION, DIFFERENTIATION, AND BEST PRACTICES IN EDUCATING SPECIAL EDUCATION STUDENTS, GIFTED AND TALENTED STUDENTS, ENGLISH LANGUAGE LEARNERS, AND OTHER STUDENT SUBGROUPS, AS NEEDED;

(c) DEVELOPING INTERIM BUILDING-LEVEL ASSESSMENTS TO MONITOR STUDENT PROGRESS TOWARD PROFICIENCY ON THE STATE MODEL CONTENT STANDARDS, AND DEVELOPING A PLAN TO IMMEDIATELY ADDRESS GAPS IN LEARNING;

(d) EXAMINING AND REALIGNING, AS NEEDED, SCHOOL SCHEDULING, ACADEMIC SUPPORT SYSTEMS, AND ASSIGNMENTS OF PERSONNEL;

(e) DESIGNING A PLAN FOR INCREASING PARENTAL KNOWLEDGE AND SKILL TO SUPPORT ACADEMIC OBJECTIVES; AND

(f) IDENTIFYING LEADERS WHO SPECIALIZE IN REHABILITATING FAILING SCHOOLS AND WHO MAY SERVE AS SCHOOL PRINCIPALS.

(4) AN ELIGIBLE SCHOOL THAT CHOOSES TO APPLY FOR PARTICIPATION IN THE PROGRAM SHALL PROVIDE TO ITS DISTRICT SCHOOL BOARD A LIST OF THE STRATEGIES SELECTED FROM THE OUTLINE PROVIDED BY THE DEPARTMENT THAT THE ELIGIBLE SCHOOL INTENDS TO IMPLEMENT TO IMPROVE ACADEMIC ACHIEVEMENT. THE ELIGIBLE SCHOOL SHALL PROVIDE THE LIST BY MAY 1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE ELIGIBLE SCHOOL INTENDS TO PARTICIPATE IN THE PROGRAM. IF THE DISTRICT SCHOOL BOARD CHOOSES TO ALLOW THE ELIGIBLE SCHOOL TO APPLY FOR PARTICIPATION IN THE PROGRAM, THE DISTRICT SCHOOL BOARD SHALL PROVIDE TO THE DEPARTMENT A LIST OF THE STRATEGIES THAT THE DISTRICT SCHOOL BOARD AND THE ELIGIBLE SCHOOL HAVE CHOSEN TO IMPLEMENT TO IMPROVE ACADEMIC ACHIEVEMENT.

(5) THE STATE BOARD SHALL DETERMINE THE CRITERIA BY WHICH ELIGIBLE SCHOOLS SHALL BE SELECTED TO PARTICIPATE IN THE PROGRAM AND SHALL PROMULGATE RULES THAT SET FORTH THE CRITERIA.

(6) SUBJECT TO AVAILABLE APPROPRIATIONS AND UPON THE REQUEST OF A PARTICIPATING ELIGIBLE SCHOOL, THE DEPARTMENT SHALL PROVIDE ASSISTANCE THROUGH THE PROGRAM TO THE PARTICIPATING ELIGIBLE SCHOOL. THE ASSISTANCE MAY CONSIST OF, BUT IS NOT LIMITED TO, INFORMATION, PERSONNEL, AND PROGRAM AND TECHNICAL SUPPORT.

(7) THE STATE BOARD MAY PROMULGATE ALL REASONABLE AND NECESSARY RULES TO IMPLEMENT THIS SECTION.

22-7-612. Closing the achievement gap commission - creation - members -

report - repeal. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE COMMISSION ON CLOSING THE ACHIEVEMENT GAP, REFERRED TO IN THIS SECTION AS THE "COMMISSION", WHICH SHALL MEET FOR THE PURPOSE OF ADDRESSING EFFECTIVE APPROACHES TO CLOSING THE ACHIEVEMENT GAP IN ELEMENTARY AND SECONDARY EDUCATION.

(2) (a) THE COMMISSION SHALL CONSIST OF THE GOVERNOR, OR HIS OR HER DESIGNEE, AND EIGHT MEMBERS, APPOINTED AS FOLLOWS:

(I) FIVE MEMBERS APPOINTED BY THE GOVERNOR; AND

(II) THREE MEMBERS APPOINTED BY THE COMMISSIONER.

(b) THE GOVERNOR, OR HIS OR HER DESIGNEE, SHALL SERVE AS CHAIR OF THE COMMISSION.

(c) NO FEWER THAN SIX MEMBERS OF THE COMMISSION SHALL BE MEMBERS OF A BODY APPOINTED BY THE STATE BOARD TO MAKE RECOMMENDATIONS TO CLOSE THE ACHIEVEMENT GAP. THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS REFLECTING THE GEOGRAPHIC AND CULTURAL DIVERSITY OF THE STATE AND SELECTING PERSONS WITH EXPERIENCE IN BUSINESS, EDUCATION, AND PHILANTHROPIC ORGANIZATIONS. THE APPOINTING AUTHORITIES SHALL MAKE ALL APPOINTMENTS TO THE COMMISSION BY AUGUST 1, 2003.

(d) THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES OR FOR EXPENSES INCURRED.

(3) (a) THE COMMISSION SHALL CONSIDER, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING ISSUES:

(I) SYSTEMIC EDUCATIONAL PLANNING;

(II) BEST PRACTICES IN PUBLIC EDUCATION;

(III) PROFESSIONAL DEVELOPMENT FOR TEACHERS;

(IV) PARENTAL INVOLVEMENT IN PUBLIC EDUCATION; AND

(V) THE STRATEGIES OFFERED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-611.

(b) MEETINGS OF THE COMMISSION MAY INCLUDE AN OPPORTUNITY FOR PUBLIC COMMENT ON ITEMS RELATED TO THE COMMISSION'S AGENDA. WITHIN AVAILABLE RESOURCES, THE DEPARTMENT SHALL BE AVAILABLE TO ASSIST THE COMMISSION AND SHALL COVER ANY NECESSARY AND INCIDENTAL COSTS INCURRED BY THE COMMISSION IN CARRYING OUT ITS DUTIES PURSUANT TO THIS SECTION.

(4) (a) ON OR BEFORE NOVEMBER 1, 2004, THE COMMISSION SHALL PROVIDE A WRITTEN INTERIM REPORT TO THE STATE BOARD WITH RECOMMENDATIONS FOR ACTION ON PROGRAMMATIC AND POLICY CHANGES TO CLOSE THE ACHIEVEMENT GAP.

(b) ON OR BEFORE DECEMBER 1, 2004, THE COMMISSION SHALL PROVIDE ITS REPORT, WITH COMMENT FROM THE STATE BOARD, TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES. ON OR BEFORE DECEMBER 1, 2005, THE COMMISSION SHALL PROVIDE A WRITTEN FINAL REPORT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2005.

22-7-613. Closing the achievement gap cash fund - creation. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF IMPLEMENTING SECTIONS 22-7-611 AND 22-7-612. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT.

(2) ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

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

Approved: June 5, 2003