A BILL FOR AN ACT

CONCERNING IMPLEMENTATION OF SUPPLEMENTAL ACCOUNTABILITY SYSTEMS BY LOCAL EDUCATION PROVIDERS FOR MEASURING PUBLIC SCHOOL PERFORMANCE, AND, IN CONNECTION THEREWITH, CREATING THE LOCAL ACCOUNTABILITY SYSTEM GRANT PROGRAM.

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.)

The bill creates the local accountability system grant program in the department of education (department) to provide grant money to local
education providers that adopt local accountability systems to supplement the state accountability system. A local accountability system may include additional measures for determining achievement of the state performance indicators and additional indicators of student success, but the measures do not affect the accreditation rating assigned to a school district or the type of plan that a school must adopt. A local education provider may use grant money to work with one or more accountability system partners, which may be public or private institutions of higher education or private nonprofit entities. The department shall review applications and recommend to the state board of education (state board) the applicants that may receive a grant and the amount of the grant. The state board shall award the grants subject to available appropriations.

A local education provider that adopts a local accountability system may submit to the department a supplemental performance report that includes information collected through the local accountability system. The local education provider may also use an alternative format for the type of performance plan that the local education provider is required to implement. The department must post the supplemental performance reports and alternatively formatted plans on the department's data portal.

Starting no later than July 15, 2020, the department must convene an annual meeting of the local education providers that implement local accountability systems to share information. Beginning January 15, 2021, the department shall submit an annual report to the state board and the education committees of the general assembly concerning implementation of local accountability systems and implementation of the grant program. The department shall also post the report on its website and, upon request of a local education provider, provide information concerning the measures implemented through local accountability systems.

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

SECTION 1. In Colorado Revised Statutes, add part 7 to article 11 of title 22 as follows:

PART 7

LOCAL ACCOUNTABILITY SYSTEMS

22-11-701. Legislative declaration. (1) The general assembly finds that:

(a) The statewide accountability system relies
SUBSTANTIALLY ON LARGE-SCALE, STATE-ADMINISTERED ASSESSMENT
RESULTS TO MEASURE PUBLIC SCHOOL AND SCHOOL DISTRICT
PERFORMANCE. USING THESE RESULTS PROVIDES A LIMITED PICTURE OF
THE SUCCESSES OF AND CHALLENGES FACED BY PUBLIC SCHOOLS AND
SCHOOL DISTRICTS AND MAY NOT FULLY REFLECT THE PRIORITIES AND
VALUES OF LOCAL COMMUNITIES.

(b) SEVERAL PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN
COLORADO AND IN OTHER STATES HAVE BEGUN EXPERIMENTING WITH
ACCOUNTABILITY STRUCTURES THAT MEASURE A BROADER RANGE OF
STUDENT COMPETENCIES AND SYSTEM EFFECTIVENESS, WHICH PROVIDES
AN OPPORTUNITY FOR THE STATE TO LEARN FROM DIFFERENT APPROACHES
TO MEASURING PUBLIC SCHOOL AND SCHOOL DISTRICT PERFORMANCE; AND

(c) A BROADER-BASED ACCOUNTABILITY SYSTEM IS CONSISTENT
WITH THE VISION AND FRAMEWORK ADOPTED BY THE STATE EDUCATION
LEADERSHIP COUNCIL, CREATED BY EXECUTIVE ORDER B 2017 001, AND
MAY PROVIDE THE INFORMATION NECESSARY TO MOVE TOWARD THE
COUNCIL’S GOALS CONCERNING STUDENT COMPETENCIES AND LEARNING
ENVIRONMENT CHARACTERISTICS. SPECIFICALLY, THE COUNCIL’S REPORT
RECOMMENDS THE FOLLOWING WITH REGARD TO ACCOUNTABILITY:

(I) CONTINUOUS EVALUATION OF STATE-LEVEL ACCOUNTABILITY
AND ASSESSMENT POLICIES, TAKING INTO CONSIDERATION THE
VIEWPOINTS OF MULTIPLE STAKEHOLDERS;

(II) SUPPORT FOR ONGOING RESEARCH AND EVALUATION OF STATE
ASSESSMENT SYSTEMS;

(III) ALLOWANCE FOR THE EXPERIMENTATION NECESSARY TO
EFFECTIVELY REDUCE PERFORMANCE GAPS, GIVE LOCAL VALUE TO
ACCOUNTABILITY, AND DRIVE MEANINGFUL, CONTINUOUS IMPROVEMENT
EFFORTS; AND

(IV) DEFINITION AND INCLUSION OF LOCALLY IMPORTANT
MEASURES, SUCH AS ENGAGEMENT, EMPLOYMENT, AND HIGHER
EDUCATION ATTAINMENT OUTCOMES, AND INCORPORATION OF THESE
MEASURES INTO ACCOUNTABILITY POLICIES.

(2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE
BEST INTERESTS OF THE STATE TO STRENGTHEN THE VALIDITY AND
CREDIBILITY OF THE ACCOUNTABILITY SYSTEM FOR PUBLIC SCHOOLS AND
SCHOOL DISTRICTS BY ENCOURAGING AND SUPPORTING THE CREATION OF
LOCAL ACCOUNTABILITY SYSTEMS.

22-11-702. Definitions. As used in this Part 7, unless the
context otherwise requires:

(1) "ACCOUNTABILITY SYSTEM PARTNER" MEANS A PUBLIC OR
PRIVATE INSTITUTION OF HIGHER EDUCATION IN COLORADO, OR A PRIVATE
NONPROFIT ENTITY IN COLORADO, THAT WORKS WITH LOCAL EDUCATION
PROVIDERS THROUGHOUT THE STATE TO IMPLEMENT EDUCATION POLICY
INITIATIVES AND THAT HAS DEMONSTRATED EFFECTIVENESS IN
SUPPORTING LOCAL EDUCATION PROVIDERS, WHICH MAY INCLUDE
EXPERIENCE IN DESIGNING OR EVALUATING MEASURES OF STUDENT
SUCCESS OR SYSTEM EFFECTIVENESS.

(2) "GRANT PROGRAM" MEANS THE LOCAL ACCOUNTABILITY
SYSTEM GRANT PROGRAM ESTABLISHED IN SECTION 22-11-703.

(3) "LOCAL ACCOUNTABILITY SYSTEM" MEANS A LOCAL
ACCOUNTABILITY SYSTEM ESTABLISHED BY A LOCAL EDUCATION
PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS TO MEASURE THE
PERFORMANCE OF PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN ACHIEVING
STUDENT SUCCESS AND SYSTEM EFFECTIVENESS.
(4) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES THAT OPERATES A SCHOOL, A DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL. IF A GROUP OF LOCAL EDUCATION PROVIDERS WORKS TOGETHER TO ESTABLISH A LOCAL ACCOUNTABILITY SYSTEM, THE GROUP IS REFERRED TO AS A "LOCAL EDUCATION PROVIDER", BUT THE REQUIREMENTS SPECIFIED IN THIS PART APPLY TO EACH LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN THE GROUP.

22-11-703. Local accountability system - grant program established. (1) THERE IS ESTABLISHED IN THE DEPARTMENT THE LOCAL ACCOUNTABILITY SYSTEM GRANT PROGRAM. A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS MAY ESTABLISH AND SEEK FUNDING THROUGH THE GRANT PROGRAM TO SUPPORT A LOCAL ACCOUNTABILITY SYSTEM THAT SUPPLEMENTS THE STATE ACCOUNTABILITY SYSTEM. IN DETERMINING STUDENT SUCCESS, A LOCAL ACCOUNTABILITY SYSTEM MAY SUPPLEMENT THE STATEWIDE PERFORMANCE INDICATORS BY USING ADDITIONAL MEASURES OF ACHIEVEMENT OF THE STATEWIDE PERFORMANCE INDICATORS AND BY USING ADDITIONAL INDICATORS OF STUDENT SUCCESS. ADDITIONAL INDICATORS MAY INCLUDE NONACADEMIC STUDENT OUTCOMES, WHICH MAY REFLECT STUDENT ENGAGEMENT, ATTITUDES, AND DISPOSITIONS TOWARD LEARNING. A LOCAL ACCOUNTABILITY SYSTEM IS SUPPLEMENTAL TO THE STATE ACCOUNTABILITY SYSTEM AND MAY BE DESIGNED TO:

(a) Fairly and accurately evaluate student success using multiple measures to develop a more comprehensive understanding of each student's success including additional performance indicators or measures, which may include
NONACADEMIC STUDENT OUTCOMES SUCH AS STUDENT ENGAGEMENT, ATTITUDES, AND DISPOSITIONS TOWARD LEARNING;

(b) EVALUATE THE CAPACITY OF THE PUBLIC SCHOOL SYSTEMS OPERATED BY THE LOCAL EDUCATION PROVIDER TO SUPPORT STUDENT SUCCESS; AND

(c) USE THE RESULTS OBTAINED FROM MEASURING STUDENT SUCCESS AND SYSTEM SUPPORT FOR STUDENT SUCCESS AS PART OF A CYCLE OF CONTINUOUS IMPROVEMENT.

(2) A LOCAL EDUCATION PROVIDER THAT CHOOSES TO ESTABLISH A LOCAL ACCOUNTABILITY SYSTEM MAY APPLY TO THE DEPARTMENT TO RECEIVE GRANT MONEY THROUGH THE PROGRAM TO USE IN DEVELOPING AND IMPLEMENTING THE LOCAL ACCOUNTABILITY SYSTEM. THE LOCAL EDUCATION PROVIDER MAY WORK WITH ONE OR MORE ACCOUNTABILITY SYSTEM PARTNERS TO:

(a) ESTABLISH AND IMPLEMENT THE LOCAL ACCOUNTABILITY SYSTEM;

(b) IDENTIFY AND DEVELOP APPROPRIATE MEASURES FOR THE LOCAL ACCOUNTABILITY SYSTEM;

(c) EVALUATE AND PROVIDE EVIDENCE OF THE QUALITY OF THE LOCAL ACCOUNTABILITY SYSTEM MEASURES;

(d) DESIGN ALTERNATIVE TEMPLATES AND TOOLS FOR REPORTING DATA CONCERNING PERFORMANCE;

(e) ANALYZE DATA; AND

(f) ASSIST WITH STAKEHOLDER COMMUNICATIONS.

(3) TO PARTICIPATE IN THE GRANT PROGRAM, A LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION THAT INCLUDES:
(a) The goals of the local accountability system that the local education provider plans to implement or is implementing;

(b) The name of any accountability system partner that the local education provider intends to work with or is working with in designing and implementing the local accountability system;

(c) A description of the individuals and entities within the local education provider and within the local education provider's community that the local education provider is working with in designing and implementing the local accountability system;

(d) The local education provider's expected timeline for designing and implementing the local accountability system;

(e) A statement concerning whether the local accountability system will include a supplemental report of public school and school district performance, as described in section 22-11-704 (1), as a supplement to the school and school district performance reports described in section 22-11-503; and

(f) A statement concerning whether the local accountability system will include using an alternative format, as described in section 22-11-704 (2), for the types of plans that the local education provider, and the public schools operated by the local education provider, are required to implement and how the local education provider expects to share key planning elements, including priority performance challenges, root causes, and major improvement strategies, with the department for statewide public reporting on improvement planning efforts.
(4) (a) The department shall review each application received to ensure that it includes the items specified in subsection (3) of this section. The department shall review the services proposed to be provided by each accountability system partner and determine:

(I) whether the accountability system partner has a demonstrated history of providing effective support to local education providers within the state; and

(II) if the accountability system partner is developing or evaluating local accountability system measures, whether it has expertise in measurement.

(b) If the department determines that an application is not complete or that a named accountability system partner does not meet the minimum requirements specified in subsection (4)(a) of this section, the department shall notify the applying local education provider and allow the local education provider to resubmit the application.

(5) Based on the review of the applications, the department shall recommend to the state board the applicants that may receive grants through the program and the amount of each grant. Taking into consideration the department’s recommendations, and subject to available appropriations, the state board shall select the local education providers that receive grants through the program and the amount of each grant awarded.

(6) The general assembly may annually appropriate money to the department to implement the grant program,
Including money for grants and for the direct administrative costs incurred by the department.

**22-11-704. Local accountability systems - supplemental performance reports - alternatively formatted plans.** (1) (a) A local education provider that chooses to implement a local accountability system may submit to the department a supplemental performance report for the local education provider and for each public school operated by the local education provider. The supplemental performance report supplements the information that is submitted by the local education provider and included on the performance reports described in section 22-11-503. The supplemental performance report may include information concerning achievement of:

(I) The additional measures adopted by the local education provider through the local accountability system to determine achievement of the statewide performance indicators; and

(II) The additional local performance indicators of student success, including system support for student success measured by the local education provider through the local accountability system.

(b) The information provided in a supplemental performance report does not affect the accreditation rating assigned to a school district pursuant to section 22-11-208 or the type of plan that a school is required to adopt pursuant to section 22-11-210.

(c) The department shall publish the supplemental
PERFORMANCE REPORTS SUBMITTED BY A LOCAL EDUCATION PROVIDER
PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION ON THE DATA PORTAL
AND PROVIDE PUBLIC ACCESS TO THE SUPPLEMENTAL PERFORMANCE
REPORTS THAT IS ADJACENT TO THE PUBLIC SCHOOL AND SCHOOL DISTRICT
PERFORMANCE REPORTS DESCRIBED IN SECTION 22-11-503.

(2) (a) A LOCAL EDUCATION PROVIDER THAT CHOOSES TO
IMPLEMENT A LOCAL ACCOUNTABILITY SYSTEM MAY PROVIDE TO THE
DEPARTMENT, AS AN ALTERNATIVE TO THE PLAN FORMAT PROVIDED BY
THE DEPARTMENT, A DIFFERENT FORMAT FOR THE TYPE OF PLAN THAT IS
ASSOCIATED WITH THE LOCAL EDUCATION PROVIDER’S ACCREDITATION
RATING PURSUANT TO SECTION 22-11-208, IF THE LOCAL EDUCATION
PROVIDER IS A SCHOOL DISTRICT, OR THE TYPE OF PLAN THAT THE LOCAL
EDUCATION PROVIDER IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION
22-11-210, IF THE LOCAL EDUCATION PROVIDER IS A CHARTER SCHOOL. A
PLAN PROVIDED IN AN ALTERNATIVE FORMAT MUST TAKE INTO ACCOUNT
THE DATA COLLECTED THROUGH THE LOCAL ACCOUNTABILITY SYSTEM
AND ANY ASSOCIATED IMPROVEMENT EFFORTS THAT THE LOCAL
EDUCATION PROVIDER IMPLEMENTS. A PLAN PROVIDED IN AN
ALTERNATIVE FORMAT MUST MEET THE STATE AND FEDERAL REPORTING
REQUIREMENTS, AS IDENTIFIED BY THE DEPARTMENT, THAT APPLY TO THE
PLAN TYPES IMPLEMENTED PURSUANT TO THIS ARTICLE 11. IF A LOCAL
EDUCATION PROVIDER USES AN ALTERNATIVE FORMAT, A PUBLIC SCHOOL
OPERATED BY THE LOCAL EDUCATION PROVIDER MAY ALSO USE AN
ALTERNATIVE FORMAT FOR THE TYPE OF PLAN THAT THE PUBLIC SCHOOL
IS REQUIRED TO IMPLEMENT, WHICH FORMAT IS COMPATIBLE WITH THAT
USED BY THE LOCAL EDUCATION PROVIDER.

(b) A LOCAL EDUCATION PROVIDER THAT USES AN ALTERNATIVE
PLAN FORMAT SHALL SUBMIT THE PLAN IN ACCORDANCE WITH THE DEADLINES ESTABLISHED BY THE STATE BOARD FOR PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS, INCLUDING SUBMITTING THE PLAN ON A BIENNIAL BASIS FOR A LOCAL EDUCATION PROVIDER THAT IS A SCHOOL DISTRICT AND ACCREDITED OR ACCREDITED WITH DISTINCTION OR A LOCAL EDUCATION PROVIDER THAT IS A CHARTER SCHOOL AND REQUIRED TO IMPLEMENT A PERFORMANCE PLAN.

(c) The department shall publish a local education provider's alternatively formatted plan on the data portal and provide public access to the plan.

22-11-705. Local accountability systems - report. (1) To support communication and the ability of the state and of local education providers to learn from the efforts of the local education providers that choose to implement local accountability systems, before July 15, 2020, and on or before July 15 each year thereafter, the department shall convene a meeting with local education providers that implement local accountability systems and their accountability system partners, if any, to review the implementation of local accountability systems. Individuals may participate in the meeting in-person or electronically.

(2) On or before January 15, 2021, and on or before January 15 each year thereafter, the department shall prepare and submit to the state board and the education committees of the house of representatives and the senate, or any successor committees, a report concerning the implementation of local
ACCOUNTABILITY SYSTEMS, INCLUDING A REPORT OF THE IMPLEMENTATION OF THE GRANT PROGRAM. THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) IDENTIFICATION OF THE LOCAL EDUCATION PROVIDERS THAT ARE IMPLEMENTING LOCAL ACCOUNTABILITY SYSTEMS, INCLUDING IDENTIFICATION OF THOSE THAT RECEIVE GRANTS THROUGH THE GRANT PROGRAM AND THE AMOUNT OF EACH GRANT AWARDED;

(b) IDENTIFICATION OF THE ACCOUNTABILITY SYSTEM PARTNERS, IF ANY, THAT THE LOCAL EDUCATION PROVIDERS WORK WITH;

(c) A DESCRIPTION OF THE MEASURES AND LOCAL PERFORMANCE INDICATORS INCLUDED IN EACH LOCAL ACCOUNTABILITY SYSTEM;

(d) EVIDENCE PROVIDED BY LOCAL EDUCATION PROVIDERS CONCERNING THE EFFECTIVENESS OF EACH LOCAL ACCOUNTABILITY SYSTEM IN MEASURING THE ACADEMIC SUCCESS OF THE STUDENTS ENROLLED IN, AND THE QUALITY OF THE EDUCATION PROVIDED BY, THE LOCAL EDUCATION PROVIDER THAT IMPLEMENTS THE LOCAL ACCOUNTABILITY SYSTEM;

(e) IDENTIFICATION OF ELEMENTS THAT ARE USED IN ONE OR MORE LOCAL ACCOUNTABILITY SYSTEMS THAT MAY BE RECOMMENDED FOR ADOPTION BY OTHER LOCAL EDUCATION PROVIDERS; AND

(f) ANY RECOMMENDATIONS FOR LEGISLATION BASED ON THE IMPLEMENTATION OF THE LOCAL ACCOUNTABILITY SYSTEMS.

(3) IN PREPARING THE REPORT, THE DEPARTMENT SHALL SOLICIT INPUT FROM AND COLLABORATE WITH THE LOCAL EDUCATION PROVIDERS THAT IMPLEMENT LOCAL ACCOUNTABILITY SYSTEMS AND THE ACCOUNTABILITY SYSTEM PARTNERS, IF ANY, THAT THEY WORK WITH.

(4) THE DEPARTMENT SHALL POST THE REPORT ON ITS WEBSITE
FOR PUBLIC REVIEW. UPON REQUEST BY A LOCAL EDUCATION PROVIDER, THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE MEASURES AND LOCAL PERFORMANCE INDICATORS IMPLEMENTED THROUGH LOCAL ACCOUNTABILITY SYSTEMS, INCLUDING A DESCRIPTION OF THE MEASURES, EVIDENCE OF THEIR EFFECTIVENESS, AND THE MANNER IN WHICH THEY ARE USED.

(5) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS SECTION CONTINUES INDEFINITELY.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.