

CHAPTER 152

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 02-094

BY SENATOR(S) Anderson, Entz, Hagedorn, Hernandez, and Taylor;
also REPRESENTATIVE(S) Spence, Coleman, Jahn, Lee, Mace, Sanchez, Stengel, and Weddig.

AN ACT

CONCERNING ACCOUNTABILITY FOR ALTERNATIVE SCHOOLS.

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

SECTION 1. 22-7-602 (1), Colorado Revised Statutes, is amended, and the said 22-7-602 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-7-602. Definitions. As used in this part 6, unless the context otherwise requires:

(1) ~~"Baseline assessment year" means the 2000-01 school year for all CSAP assessments required to be administered during that school year and means the 2001-02 school year for all assessments required to be administered for the first time during the 2001-02 school year and for the curriculum-based, achievement college entrance examinations required by section 22-7-409 (1.5).~~ "ALTERNATIVE EDUCATION CAMPUS" MEANS A PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL, THAT RECEIVES A DESIGNATION PURSUANT TO SECTION 22-7-604.5.

(1.5) "BASELINE ASSESSMENT YEAR" MEANS THE 2000-01 SCHOOL YEAR FOR ALL CSAP ASSESSMENTS REQUIRED TO BE ADMINISTERED DURING THAT SCHOOL YEAR AND MEANS THE 2001-02 SCHOOL YEAR FOR ALL ASSESSMENTS REQUIRED TO BE ADMINISTERED FOR THE FIRST TIME DURING THE 2001-02 SCHOOL YEAR AND FOR THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMINATIONS REQUIRED BY SECTION 22-7-409 (1.5).

SECTION 2. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

22-7-604.5. Alternative education campuses - criteria - application - repeal.

(1) ON OR BEFORE SEPTEMBER 1, 2002, THE STATE BOARD SHALL ADOPT RULES SPECIFYING THE CRITERIA AND APPLICATION PROCESS FOR A SCHOOL TO BE DESIGNATED AN ALTERNATIVE EDUCATION CAMPUS. SUCH RULES SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(a) CRITERIA THAT A SCHOOL MUST MEET TO BE DESIGNATED AN ALTERNATIVE EDUCATION CAMPUS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(I) HAVING A SPECIALIZED MISSION AND SERVING A SPECIAL NEEDS OR AT-RISK POPULATION;

(II) BEING AN AUTONOMOUS SCHOOL;

(III) HAVING AN ADMINISTRATOR WHO IS NOT UNDER THE SUPERVISION OF AN ADMINISTRATOR AT ANOTHER PUBLIC SCHOOL;

(IV) HAVING A BUDGET SEPARATE FROM ANY OTHER PUBLIC SCHOOL;

(V) HAVING NONTRADITIONAL METHODS OF INSTRUCTION DELIVERY; AND

(VI) (A) SERVING STUDENTS WHO HAVE SEVERE LIMITATIONS THAT PRECLUDE APPROPRIATE ADMINISTRATION OF THE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409;

(B) SERVING A STUDENT POPULATION, MORE THAN NINETY-FIVE PERCENT OF WHOM HAVE AN INDIVIDUAL EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108, EXCEPT THAT SUCH SCHOOL SHALL ESTABLISH A PUBLIC PROCESS THAT WILL PROVIDE FOR ACCOUNTABILITY; OR

(C) SERVING STUDENTS WHO ATTEND ON A PART-TIME BASIS AND WHO COME FROM OTHER SCHOOLS WHERE SUCH PART-TIME STUDENTS ARE COUNTED IN THE ENROLLMENT OF THE OTHER SCHOOL; EXCEPT THAT THE RESULTS OF THE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409 OF ALL PART-TIME STUDENTS SHALL BE USED IN CALCULATING THE ACADEMIC PERFORMANCE AND ACADEMIC IMPROVEMENT RATINGS OF THE SCHOOL FOR WHICH THE STUDENT IS COUNTED FOR ENROLLMENT PURPOSES;

(b) A PROCEDURE FOR A DISTRICT SCHOOL BOARD TO REQUEST FOR A SCHOOL WITHIN ITS DISTRICT DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS;

(c) A PROCEDURE FOR A DISTRICT SCHOOL BOARD TO REQUEST THAT A SCHOOL DESIGNATED AN ALTERNATIVE EDUCATION CAMPUS STILL RECEIVE ACADEMIC PERFORMANCE AND ACADEMIC IMPROVEMENT RATINGS;

(d) A PROCEDURE FOR A DISTRICT SCHOOL BOARD TO APPEAL A DENIAL OF A REQUEST FOR DESIGNATION OR AN APPLICATION FOR RATINGS TO THE STATE BOARD.

(2) (a) ON OR BEFORE OCTOBER 1, 2002, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, THE DISTRICT SCHOOL BOARD FOR ANY PUBLIC SCHOOL THAT DESIRES TO BE CONSIDERED AN ALTERNATIVE EDUCATION CAMPUS PURSUANT TO THIS

SECTION SHALL FILE WITH THE STATE BOARD A REQUEST FOR DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS. SUCH REQUEST SHALL BE IN A FORM APPROVED BY THE STATE BOARD AND SHALL CONTAIN SUFFICIENT INFORMATION TO ESTABLISH THAT THE PUBLIC SCHOOL MEETS THE REQUIREMENTS OF THE RULES ADOPTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. ON OR BEFORE NOVEMBER 15, 2002, AND ON OR BEFORE NOVEMBER 15 EACH YEAR THEREAFTER, THE STATE BOARD SHALL APPROVE THE DESIGNATION OF ALTERNATIVE EDUCATION CAMPUS FOR ANY PUBLIC SCHOOL FOR WHICH A REQUEST IS FILED PURSUANT TO THIS SUBSECTION (2) THAT IS FOUND BY THE STATE BOARD TO MEET THE REQUIREMENTS OF THE RULES ADOPTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

(b) (I) FOR THE 2001-02 SCHOOL YEAR ONLY, THE REQUEST REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL CONTAIN DOCUMENTATION EVIDENCING THE CRITERIA SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND BE FILED ON OR BEFORE THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE STATE BOARD SHALL APPROVE OR DENY THE DESIGNATION, AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2), ON OR BEFORE FORTY-FIVE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2003.

(3) EXCEPT AS EXCLUDED PURSUANT TO SECTION 22-7-409, THE RESULTS OF THE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409 FOR ALL PART-TIME STUDENTS ATTENDING A SCHOOL OR A PROGRAM THAT IS DESIGNATED AN ALTERNATIVE EDUCATION CAMPUS PURSUANT TO THIS SECTION SHALL BE INCLUDED IN THE ACADEMIC PERFORMANCE AND ACADEMIC IMPROVEMENT RATINGS ASSIGNED PURSUANT TO SECTION 22-7-604 FOR THE SCHOOL TO WHICH THE STUDENT IS ASSIGNED FOR ENROLLMENT PURPOSES.

SECTION 3. 22-7-604 (1.5) (a), Colorado Revised Statutes, is amended to read:

22-7-604. Academic performance - academic improvement - rating - designation and methodology. (1.5) (a) (I) By rule, the state board may exempt from the requirement that an academic performance rating be assigned to each public school any school in which more than ninety-five percent of students enrolled in the school have an individual educational program pursuant to section 22-20-108. Before an exemption is granted, such schools ~~must~~ SHALL establish a public process that will provide for accountability.

(II) ANY SCHOOL DESIGNATED AN ALTERNATIVE EDUCATION CAMPUS PURSUANT TO SECTION 22-7-604.5 SHALL BE EXEMPT FROM RECEIVING AN ACADEMIC PERFORMANCE OR IMPROVEMENT RATING PURSUANT TO THIS SECTION, UNLESS THE STATE BOARD HAS APPROVED THE ALTERNATIVE EDUCATION CAMPUS' RECEIPT OF SUCH RATINGS PURSUANT TO SECTION 22-7-604.5.

SECTION 4. 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: May 24, 2002