

CHAPTER 116

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 06-1240

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also SENATOR(S) Groff, Bacon, Boyd, Dyer, Fitz-Gerald, Grossman, Isgar, Jones, Kester, Lamborn, May R., Mitchell, Sandoval, Shaffer, Spence, Tapia, Taylor, Teck, Traylor, Tupa, Veiga, Wiens, Williams, and Windels.

AN ACT**CONCERNING MEASURES TO IMPROVE THE ACADEMIC PERFORMANCE OF UNSATISFACTORY PUBLIC SCHOOLS.**

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

SECTION 1. 22-7-609 (5), Colorado Revised Statutes, is amended to read:

22-7-609. School improvement plans. (5) (a) (I) If, upon completion of the second school year of operation under a school improvement plan pursuant to this section, a public school receives an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), the state board shall ~~recommend that the public school be converted to an independent charter school pursuant to part 3 of article 30.5 of this title; except that the state board shall not make such recommendation if the public school had an improvement of 0.5 of a point or greater from the standard deviation over the immediately preceding year's overall standardized, weighted total score pursuant to section 22-7-604 (5), and the school district shall be allowed to continue to operate that school under the school improvement plan for another year~~ REVIEW THE OPERATIONS OF THE PUBLIC SCHOOL AND DETERMINE WHETHER THE PUBLIC SCHOOL SHALL CONTINUE TO OPERATE PURSUANT TO THE SCHOOL IMPROVEMENT PLAN, WHETHER THE SCHOOL DISTRICT OR THE INSTITUTE SHALL MODIFY THE SCHOOL IMPROVEMENT PLAN FOR FUTURE OPERATIONS, OR WHETHER THE PUBLIC SCHOOL SHALL BE CONVERTED TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE. IN REVIEWING THE OPERATIONS OF THE PUBLIC SCHOOL, THE STATE BOARD, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE FOLLOWING CONSIDERATIONS:

(A) THE SCOPE OF CHANGE IMPLEMENTED UNDER THE SCHOOL IMPROVEMENT

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

PLAN AND THE TIME NEEDED TO FULLY IMPLEMENT THE CHANGE;

(B) WHETHER THE PUBLIC SCHOOL HAS IMPROVED ITS ACADEMIC PERFORMANCE, BASED ON THE PUBLIC SCHOOL'S OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SECTION 22-7-604 (5), AND THE DEGREE OF IMPROVEMENT OVER THE PUBLIC SCHOOL'S SCORE CALCULATED FOR THE PRECEDING YEAR;

(C) THE NUMBER OF SCHOOL YEARS THAT THE PUBLIC SCHOOL HAS RECEIVED AN OVERALL ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY" PRIOR TO AND AFTER IMPLEMENTING THE SCHOOL IMPROVEMENT PLAN AND THE TOTAL NUMBER OF YEARS IN THE PRECEDING SIX-YEAR PERIOD THAT THE PUBLIC SCHOOL HAS RECEIVED AN OVERALL ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY";

(D) WHETHER THE PUBLIC SCHOOL IS ACHIEVING ITS TARGETS FOR ADEQUATE YEARLY PROGRESS;

(E) ANY OTHER CONSIDERATIONS BY WHICH TO MEASURE WHETHER IMPLEMENTATION OF THE PUBLIC SCHOOL'S SCHOOL IMPROVEMENT PLAN WILL RAISE THE PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE ABOVE "UNSATISFACTORY" WITHIN A REASONABLE PERIOD OF TIME AND STABILIZE THE PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE AT A LEVEL ABOVE "UNSATISFACTORY".

(II) THE STATE BOARD SHALL ANNUALLY REVIEW, AS PROVIDED IN THIS PARAGRAPH (a), THE OPERATIONS OF A PUBLIC SCHOOL THAT CONTINUES TO OPERATE UNDER A SCHOOL IMPROVEMENT PLAN AFTER THE SECOND SCHOOL YEAR, SO LONG AS THE PUBLIC SCHOOL RECEIVES AN OVERALL ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY".

~~(b) If, upon completion of the third school year of operation under a school improvement plan pursuant to this section, a public school receives an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), the state board shall recommend that the public school be converted to an independent charter school pursuant to part 3 of article 30.5 of this title.~~ FOR THE PURPOSE OF DETERMINING THE NUMBER OF SCHOOL YEARS DURING WHICH A PUBLIC SCHOOL OPERATES UNDER A SCHOOL IMPROVEMENT PLAN, THE FIRST SCHOOL YEAR OF OPERATION UNDER A SCHOOL IMPROVEMENT PLAN SHALL BE THE SCHOOL YEAR THAT IMMEDIATELY FOLLOWS THE SCHOOL YEAR IN WHICH THE LOCAL BOARD OF EDUCATION INITIALLY ADOPTS THE SCHOOL IMPROVEMENT PLAN.

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

22-7-609.3. Voluntary restructuring - state board approval.

(1) (a) NOTWITHSTANDING ANY PROVISION OF SECTION 22-7-609 TO THE CONTRARY, A DISTRICT SCHOOL BOARD OR THE INSTITUTE MAY VOLUNTARILY RESTRUCTURE, AS PROVIDED IN THIS SECTION, A PUBLIC SCHOOL THAT RECEIVES AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604. A DISTRICT SCHOOL BOARD OR THE INSTITUTE THAT VOLUNTARILY RESTRUCTURES A PUBLIC SCHOOL MAY SEEK A DETERMINATION FROM THE STATE

BOARD THAT THE RESTRUCTURING PLAN FOR THE PUBLIC SCHOOL CONSTITUTES A MAJOR RESTRUCTURING OF THE GOVERNANCE OF THE PUBLIC SCHOOL. IF THE STATE BOARD DETERMINES PURSUANT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION THAT THE RESTRUCTURING PLAN CONSTITUTES A MAJOR RESTRUCTURING OF THE GOVERNANCE OF THE PUBLIC SCHOOL, THE PUBLIC SCHOOL SHALL CONTINUE TO OPERATE UNDER THE RESTRUCTURING PLAN; EXCEPT THAT, IF THE PUBLIC SCHOOL RECEIVES AN OVERALL ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY" FOR TWO SCHOOL YEARS IN ANY THREE-YEAR PERIOD COMMENCING AFTER THE SCHOOL YEAR IN WHICH THE DISTRICT SCHOOL BOARD OR THE INSTITUTE INITIALLY ADOPTS THE SCHOOL RESTRUCTURING PLAN, THE STATE BOARD SHALL REVIEW THE OPERATIONS OF THE PUBLIC SCHOOL TO DETERMINE WHETHER THE PUBLIC SCHOOL SHALL CONTINUE TO OPERATE UNDER THE RESTRUCTURING PLAN, WHETHER THE SCHOOL DISTRICT BOARD OR THE INSTITUTE SHALL MODIFY THE RESTRUCTURING PLAN, OR WHETHER THE PUBLIC SCHOOL SHALL BE CONVERTED TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE. THE STATE BOARD SHALL APPLY THE CONSIDERATIONS SPECIFIED IN SECTION 22-7-609 (5) (a) IN MAKING ITS DETERMINATION.

(b) IF A DISTRICT SCHOOL BOARD OR THE INSTITUTE VOLUNTARILY RESTRUCTURES A PUBLIC SCHOOL, THE DISTRICT SCHOOL BOARD OR THE INSTITUTE SHALL ALLOW MEMBERS OF THE COMMUNITY THE OPPORTUNITY TO REVIEW AND COMMENT ON THE RESTRUCTURING PLAN FOR THE PUBLIC SCHOOL.

(2) (a) IN SEEKING A DETERMINATION BY THE STATE BOARD PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE DISTRICT SCHOOL BOARD OR THE INSTITUTE SHALL SUBMIT TO THE STATE BOARD A REQUEST FOR REVIEW. THE DISTRICT SCHOOL BOARD OR THE INSTITUTE SHALL SUBMIT THE REQUEST NO LATER THAN JUNE 1 OF THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE RESTRUCTURING PLAN IS INITIALLY IMPLEMENTED. WITHIN SIXTY DAYS AFTER RECEIVING THE REQUEST FOR REVIEW, THE STATE BOARD SHALL DETERMINE WHETHER THE RESTRUCTURING PLAN CONSTITUTES A MAJOR RESTRUCTURING OF THE GOVERNANCE OF THE PUBLIC SCHOOL.

(b) THE STATE BOARD SHALL DETERMINE WHETHER A RESTRUCTURING PLAN CONSTITUTES A MAJOR RESTRUCTURING OF THE GOVERNANCE OF A PUBLIC SCHOOL ON A CASE-BY-CASE BASIS. THE STATE BOARD SHALL NOT UNREASONABLY REFUSE TO FIND THAT A RESTRUCTURING PLAN CONSTITUTES A MAJOR RESTRUCTURING.

(3) THE STATE BOARD MAY DETERMINE THAT A RESTRUCTURING PLAN CONSTITUTES A MAJOR RESTRUCTURING OF THE GOVERNANCE OF A PUBLIC SCHOOL ONLY IF THE DISTRICT SCHOOL BOARD OR THE INSTITUTE, AT A MINIMUM, ALTERS THE GOVERNANCE STRUCTURE OF THE PUBLIC SCHOOL BY:

(a) ENTERING INTO A CONTRACT WITH AN ENTITY, SUCH AS A PRIVATE MANAGEMENT COMPANY, TO MANAGE THE PUBLIC SCHOOL. THE DISTRICT SCHOOL BOARD OR THE INSTITUTE MAY CONTRACT ONLY WITH AN ENTITY THAT HAS A DEMONSTRATED RECORD USING A RESEARCH-BASED EDUCATIONAL PROGRAM THAT IS PROVEN TO BE EFFECTIVE WITH STUDENT POPULATIONS SIMILAR TO THOSE AT THE PUBLIC SCHOOL.

(b) CLOSING THE PUBLIC SCHOOL;

(c) CONVERTING THE PUBLIC SCHOOL TO A DISTRICT CHARTER SCHOOL OR CONVERTING THE PUBLIC SCHOOL TO AN INSTITUTE CHARTER SCHOOL IF THE DISTRICT SCHOOL BOARD HAS NOT RECEIVED A GRANT OF EXCLUSIVE CHARTERING AUTHORITY PURSUANT TO SECTION 22-30.5-504 OR IF THE DISTRICT SCHOOL BOARD AND THE INSTITUTE MUTUALLY AGREE;

(d) PARTICIPATING IN A SCHOOL IMPROVEMENT PLANNING PROCESS ESTABLISHED BY THE DEPARTMENT, INCLUDING IMPLEMENTATION OF A PLAN CONSISTENT WITH RECOMMENDATIONS RECEIVED THROUGH THE SCHOOL IMPROVEMENT PLANNING PROCESS; OR

(e) ADOPTING ANOTHER METHOD TO IMPLEMENT A MAJOR RESTRUCTURING OF THE GOVERNANCE OF THE PUBLIC SCHOOL, WHICH METHOD SHALL, AT A MINIMUM, INCLUDE THREE OF THE FOLLOWING:

(I) A CHANGE IN THE CURRICULUM USED AT THE PUBLIC SCHOOL OR IN THE PROGRAMMATIC DESIGN OF THE PUBLIC SCHOOL THAT, BASED ON RESEARCH, IS LIKELY TO BE EFFECTIVE WITH THE PUBLIC SCHOOL'S POPULATION;

(II) REPLACEMENT OF A MAJORITY OF THE LICENSED PROFESSIONAL STAFF AT THE PUBLIC SCHOOL;

(III) A SUBSTANTIAL CHANGE IN THE GRADE LEVELS SERVED AT THE PUBLIC SCHOOL;

(IV) PROVISION OF INTENSIVE STAFF DEVELOPMENT FOR THE FACULTY OF THE PUBLIC SCHOOL, WHICH STAFF DEVELOPMENT SHALL BE IN ACCORDANCE WITH STATE AND NATIONAL STANDARDS;

(V) AN INCREASE IN THE LENGTH OF THE SCHOOL DAY OR THE SCHOOL CALENDAR AT THE PUBLIC SCHOOL;

(VI) APPLICATION OF ENHANCED MEASURES OF ASSESSMENT OR TRAINING FOR STUDENTS THAT INCLUDES FREQUENT MONITORING WITH THE LIKELIHOOD OF INCREASING ACADEMIC SUCCESS.

(4) IF A DISTRICT SCHOOL BOARD CHOOSES TO RESTRUCTURE A PUBLIC SCHOOL BY CLOSING THE SCHOOL, CLOSURE OF THE PUBLIC SCHOOL SHALL NOT PROHIBIT THE SCHOOL DISTRICT FROM USING THE PUBLIC SCHOOL BUILDING FOR OTHER PROGRAMS.

22-7-609.4. Public school restructuring - tracking students. IF A PUBLIC SCHOOL IS CONVERTED TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO SECTION 22-7-609 OR IS VOLUNTARILY RESTRUCTURED PURSUANT TO SECTION 22-7-609.3, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL TRACK THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL IN THE SCHOOL YEAR PRECEDING THE CONVERSION OR RESTRUCTURING TO DETERMINE WHETHER THE STUDENTS REENROLL IN THE PUBLIC SCHOOL THE FOLLOWING SCHOOL YEAR OR TRANSFER TO ANOTHER PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT, ANOTHER INSTITUTE CHARTER SCHOOL, OR ANOTHER PUBLIC SCHOOL IN ANOTHER SCHOOL DISTRICT IN THE STATE. THE DEPARTMENT SHALL PROVIDE THE STUDENT TRACKING INFORMATION, WITHOUT PERSONALLY IDENTIFYING THE STUDENTS, TO THE DISTRICT

SCHOOL BOARD FOR THE PUBLIC SCHOOL OR THE INSTITUTE UPON REQUEST.

SECTION 3. 22-30.5-511 (3) (c), Colorado Revised Statutes, is amended to read:

22-30.5-511. Institute charter schools - term - renewal of contract - grounds for nonrenewal or revocation - appeal. (3) The institute board may revoke or deny renewal of a charter contract if the institute board determines that the institute charter school did any of the following:

(c) Received an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), upon the completion of the ~~third~~ SECOND school year of operation under a school improvement plan pursuant to section 22-7-609, and the state board recommended that the institute charter school be converted to an independent charter school pursuant to section 22-7-609 (5); ~~(b)~~;

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: April 6, 2006