

COLORADO STATE BOARD OF EDUCATION
Administrative Procedures for Considering Early Accountability Actions

INTRODUCTION

Under the Colorado Education Accountability Act of 2009, as amended in 2018, if a school district or the Charter School Institute (Institute) performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the State Board must require the school district or Institute to take action under § 22-11-209, C.R.S. However, a district or the Institute may also request a hearing before accumulating those five years of low performance and, at that hearing, ask the State Board to direct Early Action.

Early Action is a voluntary process through which schools and districts in Year 3 or Year 4 of performance watch can pursue an improvement pathway before the required state board-directed action in Year 5. Early Action permits a district or the Institute to propose an action under § 22-11-209, C.R.S., which the state board may approve or reject.

Likewise, if a public school performs at a Priority Improvement or Turnaround level for two consecutive years followed by three consecutive or nonconsecutive years, resulting in a total of five years of low performance, the board must require the school district or the Institute to take one of the actions described in §22-11-210(5)(a), C.R.S. The district or the Institute may request a hearing before accumulating those five years of low performance and, at that hearing, ask the State Board to direct Early Action.

The state board will use the following procedures when considering a request for Early Action.

A. EARLY ACTION FOR A SCHOOL DISTRICT OR THE INSTITUTE

I. School District or Institute Request

- a. A school district or the Institute seeking Early Action shall submit a letter of intent to the Commissioner, which shall include a brief description of the following:
 - ii. The school district's or Institute's rationale for pursuing Early Action;
 - ii. The school district's or Institute's timeline for developing a proposed course of action and preferred hearing date(s); and

- iii. An explanation of how the school district or Institute engaged its community in the decision to pursue Early Action. For a school district, this shall include a description of the way in which it consulted its district accountability committee.
- b. Upon receiving the request, the Commissioner shall consult with the district or Institute to determine whether to assign the State Review Panel to evaluate the school district or Institute. If the Commissioner does not assign the State Review Panel to conduct a review, he/she will provide to the state board a written rationale for this decision.
- c. The State Board Office shall notify the school district or Institute and the Commissioner in writing of the date on which the state board will hear the request. The notice shall set filing deadlines as specified below.

II. Submission of Materials

- a. At least 30 calendar days prior to the scheduled hearing, the Department of Education shall announce an opportunity for the public to submit comments on possible Board-directed actions. Comments must be submitted in writing to the State Board of Education Office. The deadline for all comments will be four business days prior to the state board meeting during which the hearing is scheduled.
 - i. The State Board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the state board.
 - ii. The State Board Office will forward comments received by the board meeting materials to the board on that date. The State Board Office will forward a completed compilation of comments received to the board two calendar days before the hearing.
- b. At least 30 days prior to the scheduled hearing, the school district or Institute will submit a report concerning its proposed course of action, using a report template provided by the Department of Education. A copy of the written report shall be provided to the Department. This report and any other materials for the board's consideration must be submitted no later than fourteen calendar days prior to the hearing. This deadline may be modified for good cause shown with approval of the State Board Office.

- e. An individual state board member may request additional information after reports are filed. Board members must send their requests to the Director of State Board Relations who will then forward the request to all parties and the full state board.

III. Conduct of Hearing

- a. At the hearing, the school district or Institute and the Department shall each have a maximum of thirty (30) minutes to present. The State Board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:
 - i. After the Department presents, the school district or Institute shall have an opportunity to present its proposal. The presentation shall include an overview of the school district's or Institute's current improvement strategies, review of trends in student performance data, and a description of actions the school district or Institute intends to take to improve student outcomes and attain improvement status or higher within the next two years.
 - ii. Following the presentation of the school district or Institute, the state board shall have the opportunity to ask questions of the school district or Institute, the department, and/or the state board's legal counsel for a time period not to exceed two (2) hours.
 - iii. The state board shall vote to: (a) approve or reject the school district's or Institute's proposal; and (b) direct the Department, with the support of the school district or Institute, to submit a proposed written final order for its consideration at a subsequent meeting. The state board's consideration of the matter shall be limited to materials maintained in the record of proceedings.
- c. Public record shall be kept of the hearing.

IV. Written Final Order

- a. The state board will consider and adopt a written final order at a subsequent state board meeting, as determined by the board chair. Public testimony will not be heard at that meeting; however, the state

board at its sole discretion may ask questions of the school district or Institute, department staff, or legal counsel at that time.

- b. Within 30 days of the date of the adoption of the written final order, the Board will provide a copy to the department and the school district or Institute.

B. EARLY ACTION FOR A PUBLIC SCHOOL

I. School District or Institute Request

- a. A school district or the Institute may request that the state board consider directing the school district or Institute to take Early Action on behalf of a public school or schools. Such request shall be submitted in a letter of intent through means provided by the Commissioner. The letter of intent shall include a brief description of the following:
 - i. The school district's or Institute's rationale for pursuing Early Action on behalf of the public school(s);
 - ii. The school district's or Institute's timeline for developing a proposed course of action and preferred hearing date(s); and
 - iii. An explanation of how the public school's community was engaged in the decision to pursue Early Action. For a public school of the school district, this explanation shall include a description of the way in which the affected school accountability committee was consulted. For a district charter school, this explanation shall include a description of the way in which the affected school accountability committee was consulted and the consent of the governing board of the district charter school was obtained. For an Institute charter school, this explanation shall include a description of the way in which the affected school accountability committee was consulted and the consent of the governing board of the Institute charter school was obtained.
- b. Upon receiving a copy of the district's or Institute's request, the Commissioner shall notify the State Board Office and the school district or Institute of whether or not the Commissioner will assign the State Review Panel to critically evaluate the public school(s). If the Commissioner does not assign the State Review Panel to conduct a review, he/she will provide to the state board a written rationale for this decision.

- c. The State Board Office shall notify the school district or Institute and the Commissioner in writing of the date on which the state board will hear the school district's or Institute's request. The notice shall set filing deadlines as specified below.

II. Submission of Materials

- a. At least 30 calendar days prior to the scheduled hearing, the Department of Education shall announce an opportunity for the public to submit comments on possible Board-directed actions. Comments must be submitted in writing to the State Board Office. The deadline for all comments will be four business days prior to the state board meeting during which the hearing is scheduled.
 - i. The State Board Office will compile the comments and make them part of the hearing record. Comments received after the deadline will not be included in the record or forwarded to the state board.
 - ii. The State Board Office will forward comments received by the board meeting materials to the board on that date. The State Board Office will forward a completed compilation of comments received to the board two calendar days before the hearing.
- b. The school district or Institute will submit a report concerning its proposed course of action for the public school(s), using a report template provided by the department. A copy of the written report shall be provided to the Department. This report and any other materials for the board's consideration must be submitted no later than fourteen calendar days prior to the hearing. This deadline may be modified for good cause shown with approval of the State Board Office.
- c. If the State Review Panel has been assigned to evaluate the school district or institute, it shall provide a written evaluation to the State Board Office, with a copy to the school district or Institute, no later than 30 days before the hearing. This deadline may be modified for good cause shown. In its evaluation, the State Review Panel shall consider the elements contained in § 22-11-209, C.R.S., which include:
 - i. whether the public school's leadership is adequate to implement change to improve results;

- ii. whether the public school’s infrastructure is adequate to support school improvement;
 - iii. the readiness and apparent capacity of the public school’s personnel to plan effectively and lead the implementation of appropriate actions to improve student academic performance within the school;
 - iv. the readiness and apparent capacity of the public school’s personnel to engage productively with and benefit from the assistance provided by an external partner;
 - v. the likelihood of positive returns on state investments of assistance and support to improve the public school’s performance within the current management structure and staffing; and
 - vi. the necessity that the public school remain in operation to serve students.
- d. The Department shall provide input or guidance to the state board regarding the request, the State Review Panel evaluation, or both. The Department shall present a report to the state board, which may include: (i) historical performance data; (ii) summaries of improvement strategies; (iii) information on federal or state grants for school improvement that the public school has received; (iv) information concerning the extent to which the school’s community supports and/or has concerns with the proposal; and (v) other factual information. The State Board Office shall provide a copy of any information gathered for the state board to the school district or Institute. An individual state board member may request additional information after reports are filed. Board members must send their requests to the Director of State Board Relations, who will then forward the request to all parties and the full state board.

III. Conduct of Hearing

- a. At the hearing, the school district or Institute and the Department shall each have a maximum of thirty (30) minutes to present. Board members shall not interrupt with questions.
- b. The hearing shall proceed as follows:

- i. After the Department presents, the school district or Institute shall have an opportunity to present its proposal. The presentation shall include an overview of the school district's or Institute's current improvement strategies, review of trends in student performance data, and a description of actions the school district or Institute intends to take to improve student outcomes and attain improvement status or higher within the next two years.
 - ii. Following the presentation of the school district or Institute, the state board shall have the opportunity to ask questions of the school district or Institute, the department, and/or the state board's legal counsel for a total hearing time period not to exceed two hours.
 - iii. The State Board shall vote to: (a) approve or reject the school district's or Institute's proposal; and (b) direct the Department, to submit a proposed written final order for its consideration at a subsequent meeting. The State Board's consideration of the matter shall be limited to materials maintained in the record of proceedings.
- c. Public record shall be kept of the hearing.

IV. Written Final Order

- a. The state board will consider and adopt a written final order at a subsequent meeting, as determined by the board chair. Public testimony will not be heard at that meeting; however, the state board at its sole discretion may ask questions of the school district or Institute, department staff, or legal counsel at that time.
- b. Within 30 days of the date of the adoption of the written final order, the Board will provide a copy to the department and the school district or Institute.

C. SUBSEQUENT PROCEEDINGS

I. Continued Evaluation

- a. If a school district or the Institute remains accredited with a Priority Improvement plan or Turnaround plan (i.e., "on Performance Watch") after the board approves the school district's or Institute's proposed course of action pursuant to § 22-11-207(5), C.R.S., the Commissioner may in any year, but shall every two years, assign the State Review Panel to critically evaluate the school district's or Institute's performance and recommend one or more of the actions described in § 22-11-209(2)(a), C.R.S. The state board will adhere to the procedures outlined in section C of the *Colorado State Board of Education 2020 Procedures for State Board Accountability Actions*.
- b. If a public school remains at a level that results in being required to implement a Priority Improvement plan or Turnaround plan (i.e., "on Performance Watch") after the board has approved the school district's or Institute's proposed course of action for the public school pursuant to § 22-11-210(1)(d.5), C.R.S., the Commissioner may in any year, but shall every two years, assign the State Review Panel to critically evaluate the public school's performance and recommend one or more of the actions described in § 22-22-210(5)(a), C.R.S. The state board will adhere to the procedures outlined in section C of the *Colorado State Board of Education 2020 Procedures for State Board Accountability Actions*.