NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

SENATE BILL 09-163

BY SENATOR(S) Hudak and King K., Bacon, Boyd, Gibbs, Groff, Heath, Hodge, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Spence, Tochtrop, Williams, Carroll M., Penry, White;
also REPRESENTATIVE(S) Middleton and Massey, Ferrandino, Fischer, Frangas, Gardner B., Labuda, Merrifield, Pace, Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens, Summers, Todd, Vigil.

CONCERNING THE EDUCATION ACCOUNTABILITY SYSTEM, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 11 of title 22, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 11
Education Accountability

PART 1
GENERAL PROVISIONS

22-11-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EDUCATION ACCOUNTABILITY ACT OF 2009".

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

22-11-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT AN EFFECTIVE SYSTEM OF STATEWIDE EDUCATION ACCOUNTABILITY IS ONE THAT:

(a) FOCUSES THE ATTENTION OF EDUCATORS, PARENTS, STUDENTS, AND OTHER MEMBERS OF THE COMMUNITY ON MAXIMIZING EVERY STUDENT'S PROGRESS TOWARD POSTSECONDARY AND WORKFORCE READINESS AND POSTGRADUATION SUCCESS;

(b) REPORTS INFORMATION CONCERNING PERFORMANCE AT THE STATE LEVEL, SCHOOL DISTRICT OR INSTITUTE LEVEL, AND INDIVIDUAL PUBLIC SCHOOL LEVEL, THAT IS PERCEIVED BY EDUCATORS, PARENTS, AND STUDENTS AS FAIR, BALANCED, CUMULATIVE, CREDIBLE, AND USEFUL;

(c) PROVIDES MORE ACADEMIC PERFORMANCE INFORMATION, AND FEWER LABELS, TO MOVE FROM A PUNITIVE ACCOUNTABILITY SYSTEM TO ONE THAT IS POSITIVE AND FOCUSED ON LEARNING AND ACHIEVING HIGH LEVELS OF ACADEMIC PERFORMANCE; AND

(d) HOLDS THE STATE, SCHOOL DISTRICTS, THE INSTITUTE, AND INDIVIDUAL PUBLIC SCHOOLS ACCOUNTABLE FOR PERFORMANCE ON THE SAME SET OF INDICATORS AND RELATED MEASURES STATEWIDE, ENSURES THAT THOSE INDICATORS AND MEASURES ARE ALIGNED THROUGH A SINGLE ACCOUNTABILITY SYSTEM, TO THE EXTENT POSSIBLE, THAT OBJECTIVELY EVALUATES THE PERFORMANCE OF THE THOROUGH AND UNIFORM STATEWIDE SYSTEM OF PUBLIC EDUCATION FOR ALL GROUPS OF STUDENTS AT THE STATE, SCHOOL DISTRICT OR INSTITUTE, AND INDIVIDUAL PUBLIC SCHOOL LEVELS, AND, AS APPROPRIATE, REWARDS SUCCESS AND PROVIDES SUPPORT FOR IMPROVEMENT AT EACH LEVEL.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT AN EFFECTIVE EDUCATION ACCOUNTABILITY SYSTEM WILL BE BUILT AROUND IMPLEMENTATION OF THE COLORADO GROWTH MODEL THAT:

(a) USES A COMMON MEASURE TO DESCRIBE IN PLAIN LANGUAGE HOW MUCH ACADEMIC GROWTH EACH STUDENT NEEDS TO MAKE AND HOW MUCH GROWTH THE STUDENT ACTUALLY MAKES IN ONE YEAR TOWARD PROFICIENCY ON STATE CONTENT STANDARDS;

(b) INCORPORATES A COMPLETE HISTORY OF EACH STUDENT'S ASSESSMENT SCORES IN CALCULATING THE STUDENT'S NEEDED AND ACHIEVED ACADEMIC GROWTH;

(c) FOCUSES THE ATTENTION OF EDUCATORS, PARENTS, AND STUDENTS ON MAXIMIZING STUDENTS' ACADEMIC GROWTH AND ACHIEVEMENT OVER TIME AND REVEALS WHERE, AND AMONG WHICH GROUPS OF STUDENTS, THE STRONGEST ACADEMIC GROWTH IS OCCURRING AND WHERE IT IS NOT;

(d) ASSISTS THE STATE IN CLOSING THE ACHIEVEMENT GAPS THAT PLAGUE THE PUBLIC EDUCATION SYSTEM BY SPOTLIGHTING THE GAPS IN STUDENTS' ACADEMIC GROWTH RATES AND ENSURING THAT EDUCATORS HAVE THE DATA NECESSARY TO ASSIST THE NEEDIEST STUDENTS IN MAKING MORE THAN A YEAR'S ACADEMIC GROWTH IN A YEAR'S TIME SO THAT THESE STUDENTS CAN CATCH UP TO THE ACADEMIC PERFORMANCE LEVELS OF THEIR PEERS; AND

(e) PROVIDES DATA THAT ARE RECOGNIZED BY EDUCATORS, PARENTS, STUDENTS, THE HIGHER EDUCATION COMMUNITY, THE BUSINESS COMMUNITY, AND OTHER STAKEHOLDERS AS FAIR, BALANCED, OBJECTIVE, AND TRANSPARENT TO SUPPORT INDIVIDUAL SCHOOL, SCHOOL DISTRICT, INSTITUTE, STATE, AND FEDERAL EDUCATION ACCOUNTABILITY PURPOSES.

(3) THE GENERAL ASSEMBLY CONCLUDES, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ADOPT AN ALIGNED EDUCATION ACCOUNTABILITY SYSTEM FOR PUBLIC EDUCATION IN THIS STATE THAT:

(a) HOLDS THE STATE, SCHOOL DISTRICTS, THE INSTITUTE, AND PUBLIC SCHOOLS ACCOUNTABLE ON STATEWIDE PERFORMANCE INDICATORS SUPPORTED BY CONSISTENT, OBJECTIVE MEASURES;

(b) INCORPORATES INPUT FROM PARENTS, EDUCATORS, ADMINISTRATORS, AND THE COMMUNITY IN ESTABLISHING CLEARLY DEFINED STATEWIDE ACADEMIC PERFORMANCE OBJECTIVES;

(c) REPORTS PERFORMANCE IN CLEAR, READILY UNDERSTANDABLE TERMS;

(d) IS ADAPTABLE TO ACCOMMODATE AND INCLUDE ADDITIONAL

DATA THAT BECOME AVAILABLE AS THE STATE IMPLEMENTS THE "PRESCHOOL TO POSTSECONDARY EDUCATION ALIGNMENT ACT", PART 10 OF ARTICLE 7 OF THIS TITLE, INCLUDING BUT NOT LIMITED TO DATA CONCERNING SCHOOL READINESS AND POSTSECONDARY SUCCESS;

(e) RECOGNIZES AND REWARDS AREAS OF SUCCESS, WHILE ALSO IDENTIFYING AND COMPELLING EFFECTIVE CHANGE FOR AREAS IN NEED OF IMPROVEMENT; AND

(f) ENSURES THE AVAILABILITY OF TECHNICAL ASSISTANCE, SERVICES, AND SUPPORT FOR PUBLIC SCHOOLS, SCHOOL DISTRICTS, AND THE INSTITUTE TO IMPROVE STUDENTS' ACADEMIC PERFORMANCE.

22-11-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCREDITATION" MEANS CERTIFICATION BY THE STATE BOARD THAT A SCHOOL DISTRICT AND THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT, OR THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOLS, MEET THE REQUIREMENTS ESTABLISHED BY THIS ARTICLE AND THE RULES PROMULGATED PURSUANT TO THIS ARTICLE. "ACCREDITATION" INCLUDES THE PROCESS FOR ACCREDITING SCHOOL DISTRICTS AND THE INSTITUTE AND REVIEWING THE PERFORMANCE OF PUBLIC SCHOOLS AS PROVIDED IN PART 2 OF THIS ARTICLE AND THE RULES PROMULGATED PURSUANT TO THIS ARTICLE.

(2) "ACCREDITATION CONTRACT" MEANS:

(a) THE CONTRACT BETWEEN THE STATE BOARD AND A SCHOOL DISTRICT, AS DESCRIBED IN SECTION 22-11-206, THAT INCLUDES, BUT IS NOT LIMITED TO, THE SCHOOL DISTRICT'S OBLIGATION TO MANAGE THE ACCREDITATION OF THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE; OR

(b) THE CONTRACT BETWEEN THE STATE BOARD AND THE INSTITUTE, AS DESCRIBED IN SECTION 22-11-206, THAT INCLUDES, BUT IS NOT LIMITED TO, THE INSTITUTE'S OBLIGATION TO MANAGE THE ACCREDITATION OF THE INSTITUTE CHARTER SCHOOLS CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

(3) "ACHIEVEMENT AND GROWTH GAPS" MEANS DIFFERENCES

AMONG STUDENT GROUPS IN THE LEVELS OF ACADEMIC ACHIEVEMENT ATTAINED BY THE STUDENT GROUPS ON THE STATEWIDE ASSESSMENTS AND DIFFERENCES AMONG STUDENT GROUPS IN THE LEVELS OF ACADEMIC GROWTH ATTAINED BY THE STUDENT GROUPS.

(4) "ACHIEVEMENT LEVEL" MEANS THE LEVEL OF PROFICIENCY A STUDENT DEMONSTRATES ON A STATEWIDE ASSESSMENT.

(5) "ALTERNATIVE EDUCATION CAMPUS" MEANS A PUBLIC SCHOOL THAT RECEIVES A DESIGNATION PURSUANT TO SECTION 22-7-604.5.

(6) "BASIC SKILLS COURSES" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 23-1-113 (1) (b) (II) (A.7), C.R.S.

(7) "CATCH-UP GROWTH" MEANS, FOR A STUDENT WHO SCORES AT THE ACHIEVEMENT LEVEL OF UNSATISFACTORY OR PARTIALLY PROFICIENT ON STATEWIDE ASSESSMENTS, THE AMOUNT OF ACADEMIC GROWTH THE STUDENT MUST ATTAIN TO SCORE AT THE PROFICIENT ACHIEVEMENT LEVEL ON STATEWIDE ASSESSMENTS WITHIN THREE YEARS OR BY TENTH GRADE, WHICHEVER IS SOONER.

(8) "COLORADO GROWTH MODEL" MEANS A SCIENTIFICALLY RIGOROUS STATISTICAL MODEL THAT THE DEPARTMENT USES TO CALCULATE STUDENTS' ANNUAL ACADEMIC GROWTH IN THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS BASED ON STUDENTS' SCORES ON THE ANNUAL STATEWIDE ASSESSMENTS, WHICH MODEL IS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-11-202.

(9) "COMMISSIONER" MEANS THE OFFICE OF THE COMMISSIONER OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(10) "DATA PORTAL" MEANS THE INTERNET-BASED ELECTRONIC DATA DELIVERY SYSTEM DEVELOPED AND MAINTAINED BY THE DEPARTMENT PURSUANT TO SECTION 22-11-502.

(11) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(12) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT

IS AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO THE PROVISIONS OF PART 1 OF ARTICLE 30.5 OF THIS TITLE.

(13) "DISTRICT PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO A DISTRICT CHARTER SCHOOL.

(14) "IMPROVEMENT PLAN" MEANS:

(a) THE PLAN DESCRIBED IN AND ADOPTED BY A SCHOOL DISTRICT PURSUANT TO SECTION 22-11-304, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "DISTRICT IMPROVEMENT PLAN";

(b) THE PLAN DESCRIBED IN AND ADOPTED BY THE INSTITUTE PURSUANT TO SECTION 22-11-304, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS AN "INSTITUTE IMPROVEMENT PLAN"; OR

(c) THE PLAN DESCRIBED IN AND ADOPTED BY A PUBLIC SCHOOL PURSUANT TO SECTION 22-11-404, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "SCHOOL IMPROVEMENT PLAN".

(15) "INSTITUTE" MEANS THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO SECTION 22-30.5-503.

(16) "INSTITUTE BOARD" MEANS THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL INSTITUTE APPOINTED PURSUANT TO SECTION 22-30.5-505 (2).

(17) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT IS AUTHORIZED BY THE INSTITUTE PURSUANT TO THE PROVISIONS OF PART 5 OF ARTICLE 30.5 OF THIS TITLE.

(18) "KEEP-UP GROWTH" MEANS, FOR A STUDENT WHO SCORES AT THE ACHIEVEMENT LEVEL OF PROFICIENT OR ADVANCED ON STATEWIDE ASSESSMENTS, THE AMOUNT OF ACADEMIC GROWTH THE STUDENT MUST ATTAIN TO SCORE AT THE PROFICIENT ACHIEVEMENT LEVEL OR HIGHER ON STATEWIDE ASSESSMENTS FOR THE SUCCEEDING THREE YEARS OR UNTIL TENTH GRADE, WHICHEVER IS SOONER.

(19) "LOCAL SCHOOL BOARD" MEANS THE BOARD OF EDUCATION OF

A SCHOOL DISTRICT. "LOCAL SCHOOL BOARD" ALSO INCLUDES THE GOVERNING BOARD OF A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE IF THE BOARD OF COOPERATIVE SERVICES IS OPERATING A PUBLIC SCHOOL.

(20) "MEASURE" MEANS A METHOD OF ASSESSING OR A MEANS TO ASSESS THE LEVEL OF ATTAINMENT ON A PERFORMANCE INDICATOR.

(21) "MEDIAN STUDENT GROWTH" MEANS, IN A RANKING OF INDIVIDUAL STUDENT GROWTH SCORES FROM HIGHEST TO LOWEST, THE MIDDLE STUDENT GROWTH SCORE ATTAINED.

(22) "MOVE-UP GROWTH" MEANS, FOR A STUDENT WHO SCORES AT THE ACHIEVEMENT LEVEL OF PROFICIENT ON STATEWIDE ASSESSMENTS, THE AMOUNT OF ACADEMIC GROWTH THE STUDENT MUST ATTAIN TO SCORE AT THE ADVANCED PERFORMANCE LEVEL ON STATEWIDE ASSESSMENTS WITHIN THREE YEARS OR BY TENTH GRADE, WHICHEVER IS SOONER.

(23) "PERFORMANCE INDICATORS" MEANS THE INDICATORS SPECIFIED IN SECTION 22-11-204 FOR MEASURING THE PERFORMANCE OF THE STATE PUBLIC EDUCATION SYSTEM, INCLUDING EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE.

(24) "PERFORMANCE PLAN" MEANS:

(a) THE PLAN DESCRIBED IN AND ADOPTED BY A SCHOOL DISTRICT PURSUANT TO SECTION 22-11-303, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "DISTRICT PERFORMANCE PLAN";

(b) THE PLAN DESCRIBED IN AND ADOPTED BY THE INSTITUTE PURSUANT TO SECTION 22-11-303, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS AN "INSTITUTE PERFORMANCE PLAN"; OR

(c) THE PLAN DESCRIBED IN AND ADOPTED BY A PUBLIC SCHOOL PURSUANT TO SECTION 22-11-403, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "SCHOOL PERFORMANCE PLAN".

(25) "POSTSECONDARY AND WORKFORCE READINESS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-7-1003 (15).

(26) "POSTSECONDARY AND WORKFORCE READINESS ASSESSMENT" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-7-1003 (16).

(27) "PRIORITY IMPROVEMENT PLAN" MEANS:

(a) THE PLAN DESCRIBED IN AND ADOPTED BY A SCHOOL DISTRICT PURSUANT TO SECTION 22-11-305, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "DISTRICT PRIORITY IMPROVEMENT PLAN";

(b) THE PLAN DESCRIBED IN AND ADOPTED BY THE INSTITUTE PURSUANT TO SECTION 22-11-305, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS AN "INSTITUTE PRIORITY IMPROVEMENT PLAN"; OR

(c) THE PLAN DESCRIBED IN AND ADOPTED BY A PUBLIC SCHOOL PURSUANT TO SECTION 22-11-405, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A " SCHOOL PRIORITY IMPROVEMENT PLAN".

(28) "PUBLIC SCHOOL" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-101, AND INCLUDES, BUT IS NOT LIMITED TO, A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, AND AN ON-LINE PROGRAM, AS DEFINED IN SECTION 22-30.7-103 (9).

(29) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE. "SCHOOL DISTRICT" ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE IF IT IS OPERATING A PUBLIC SCHOOL.

(30) "SCHOOL READINESS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-7-1003 (21).

(31) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION ESTABLISHED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(32) "STATE REVIEW PANEL" MEANS THE PANEL OF EDUCATION EXPERTS APPOINTED BY THE COMMISSIONER PURSUANT TO SECTION 22-11-205 TO ASSIST THE DEPARTMENT AND THE STATE BOARD IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.

(33) "STATEWIDE ASSESSMENTS" MEANS THE ASSESSMENTS ADMINISTERED PURSUANT TO THE COLORADO STUDENT ASSESSMENT PROGRAM CREATED IN SECTION 22-7-409 OR AS PART OF THE SYSTEM OF ASSESSMENTS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-1006.

(34) "STUDENT GROUPS" MEANS THE GROUPING OF STUDENTS BASED ON SEX, SOCIOECONOMIC STATUS, RACE AND ETHNICITY, DISABILITY, ENGLISH LANGUAGE PROFICIENCY, AND GIFTED AND TALENTED STATUS, AS SAID GROUPS ARE DESCRIBED BY STATE BOARD RULE AND FEDERAL REQUIREMENTS, AND ANY ADDITIONAL STUDENT GROUPS THAT THE STATE BOARD MAY DESCRIBE BY RULE TO ALIGN WITH CHANGES TO FEDERAL REQUIREMENTS OR TO PROVIDE ADDITIONAL DATA FOR ANALYSIS OF STUDENT LEARNING.

(35) "TARGET" MEANS A SPECIFIC, QUANTIFIABLE OUTCOME THAT ESTABLISHES THE DESIRED LEVEL OF ATTAINMENT ON A MEASURE.

(36) "TECHNICAL ADVISORY PANEL" MEANS THE PANEL OF STATE AND NATIONAL EXPERTS ON THE LONGITUDINAL MEASUREMENT OF ACADEMIC GROWTH FOR ACCOUNTABILITY PURPOSES APPOINTED BY THE COMMISSIONER PURSUANT TO SECTION 22-11-202 (2).

(37) "TURNAROUND PLAN" MEANS:

(a) THE PLAN DESCRIBED IN AND ADOPTED BY A SCHOOL DISTRICT PURSUANT TO SECTION 22-11-306, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "DISTRICT TURNAROUND PLAN";

(b) THE PLAN DESCRIBED IN AND ADOPTED BY THE INSTITUTE PURSUANT TO SECTION 22-11-306, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS AN "INSTITUTE TURNAROUND PLAN"; OR

(c) THE PLAN DESCRIBED IN AND ADOPTED BY A PUBLIC SCHOOL PURSUANT TO SECTION 22-11-406, IN WHICH CASE IT MAY ALSO BE REFERRED TO MORE SPECIFICALLY AS A "SCHOOL TURNAROUND PLAN".

22-11-104. Rules. THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., AS REQUIRED IN THIS ARTICLE AND MAY PROMULGATE

SUCH ADDITIONAL RULES AS IT FINDS NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO RULES ESTABLISHING A NUMBERING SYSTEM TO UNIQUELY IDENTIFY INDIVIDUAL STUDENTS, INCLUDING STUDENTS ENROLLED IN THE COLORADO PRESCHOOL PROGRAM CREATED PURSUANT TO SECTION 22-28-104.

22-11-105. Funding. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS FOR THE IMPLEMENTATION OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE.

(2) THE GENERAL ASSEMBLY HEREBY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, IMPLEMENTATION OF AN ALIGNED EDUCATION ACCOUNTABILITY SYSTEM FOR PUBLIC EDUCATION PURSUANT TO THIS SECTION IS AN IMPORTANT ELEMENT IN IMPLEMENTING ACCOUNTABLE EDUCATION REFORM AND ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(3) THE GENERAL ASSEMBLY ANTICIPATES THAT THE DEPARTMENT MAY RECEIVE SIGNIFICANT AMOUNTS OF FEDERAL MONEYS THAT MAY APPROPRIATELY BE USED TO IMPLEMENT THIS ARTICLE AND STRONGLY ENCOURAGES THE DEPARTMENT TO APPLY SAID FEDERAL MONEYS TO THE GREATEST EXTENT POSSIBLE IN IMPLEMENTING THIS ARTICLE.

PART 2
STATE ACCOUNTABILITY

22-11-201. State public education system - annual performance review - targets for improvement. (1) (a) THE STATE BOARD SHALL ANNUALLY REVIEW THE PERFORMANCE OF THE STATEWIDE PUBLIC EDUCATION SYSTEM, INCLUDING BUT NOT LIMITED TO REVIEWING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS DEMONSTRATED BY EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, AND THE INSTITUTE. FOLLOWING SAID REVIEW, THE STATE BOARD SHALL SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE STATEWIDE TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF

THE PERFORMANCE INDICATORS FOR THE COMING ACADEMIC YEAR WITH THE GOAL OF RAISING THE LEVEL OF ACADEMIC PERFORMANCE IN THE PUBLIC SCHOOLS THROUGHOUT THE STATE. IN SETTING THE TARGETS, THE STATE BOARD SHALL, TO THE EXTENT POSSIBLE, ENSURE THAT THE TARGETS MEET FEDERAL LAW REQUIREMENTS.

(b) IN ADOPTING THE TARGETS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1), THE STATE BOARD SHALL ADOPT A SET OF TARGETS FOR GRADES THREE THROUGH TWELVE.

(2) IN ADOPTING THE TARGETS REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE STATE BOARD SHALL CONSIDER ANY INFORMATION PROVIDED BY PUBLIC SCHOOLS, LOCAL SCHOOL BOARDS, THE INSTITUTE, SCHOOL ADMINISTRATORS, TEACHERS AND TEACHERS' ASSOCIATIONS, PARENTS AND PARENTS' ASSOCIATIONS, AND INSTITUTIONS OF HIGHER EDUCATION RELATED TO THE ACADEMIC PERFORMANCE OF THE PUBLIC EDUCATION SYSTEM IN COLORADO.

(3) THE STATE BOARD SHALL ADOPT AND PUBLISH ON THE DATA PORTAL THE ANNUAL STATEMENT OF TARGETS IN ACCORDANCE WITH TIME FRAMES SET BY STATE BOARD RULE.

22-11-202. Colorado growth model - technical advisory panel - rules. (1) (a) THE STATE BOARD, BY RULE, SHALL ADOPT, AND REVISE AS NECESSARY, THE COLORADO GROWTH MODEL, WHICH SHALL BE A STUDENT LONGITUDINAL ACADEMIC GROWTH MODEL THAT IS AVAILABLE IN THE PUBLIC DOMAIN. IN ADOPTING AND REVISING THE COLORADO GROWTH MODEL, THE STATE BOARD SHALL CONSIDER RECOMMENDATIONS FROM THE TECHNICAL ADVISORY PANEL CONVENED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(b) IN ADOPTING AND REVISING THE COLORADO GROWTH MODEL, THE STATE BOARD SHALL ENSURE THAT THE MODEL:

(I) REFLECTS BEST PRACTICES, AS ACKNOWLEDGED IN THE SCIENTIFIC LITERATURE, IN MEASURING STUDENT LONGITUDINAL ACADEMIC GROWTH WITH HIGH PRECISION;

(II) TO THE GREATEST EXTENT POSSIBLE, USES A METHOD THAT WILL SUPPORT THE ACADEMIC IMPROVEMENT OF PUBLIC SCHOOLS, SCHOOL

DISTRICTS, AND THE INSTITUTE;

(III) CAN MEASURE A STUDENT'S PROGRESS TOWARD MEETING THE ACHIEVEMENT LEVEL OF "PARTIALLY PROFICIENT", "PROFICIENT", OR "ADVANCED" ON STATEWIDE ASSESSMENTS;

(IV) CAN GAUGE EACH STUDENT'S SUCCESS IN MAKING ONE YEAR'S ACADEMIC GROWTH OR MORE IN ONE YEAR'S TIME;

(V) PROVIDES RESULTS THAT ARE MEANINGFUL, RELIABLE, AND VALID, GIVEN THEIR INTENDED PURPOSES, TO ENABLE PARENTS, TEACHERS, AND ADMINISTRATORS TO IDENTIFY INDIVIDUAL STUDENTS OR GROUPS OF STUDENTS WHO ARE OR ARE NOT MAKING ADEQUATE ACADEMIC GROWTH;

(VI) RECOGNIZES THE IMPROVEMENT OF A STUDENT WHOSE SCORES ON THE STATEWIDE ASSESSMENTS INCREASE EVEN IF THE INCREASE IS NOT SUFFICIENT FOR THE STUDENT TO ATTAIN A HIGHER ACHIEVEMENT LEVEL;

(VII) USES INDIVIDUAL STUDENT SCORES ACHIEVED ON THE STATEWIDE ASSESSMENTS;

(VIII) IS DESCRIBED IN A PUBLICLY AVAILABLE DOCUMENT THAT SETS FORTH THE MATHEMATICAL EQUATIONS USED IN THE MODEL AND THAT FULLY AND ACCURATELY EXPLAINS THE METHODS USED TO COMPLETE THE RECORDS FOR STUDENTS WITH INCOMPLETE DATA; AND

(IX) CAN TREAT THE ANALYSIS AND REPORTING OF DATA ELECTRONICALLY AND PRODUCES STUDENT, PUBLIC SCHOOL, SCHOOL DISTRICT, INSTITUTE, AND STATE REPORTS THAT THE DEPARTMENT PROVIDES TO SCHOOL DISTRICTS, THE INSTITUTE, PUBLIC SCHOOLS, AND THE PUBLIC THROUGH THE DATA PORTAL.

(c) WITHIN NINETY DAYS AFTER RECEIVING THE INFORMATION FROM THE 2009-10 ADMINISTRATION OF THE POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND READINESS ASSESSMENTS PURSUANT TO SECTION 22-7-1007, THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD FOR ADOPTION BY RULE ANY NECESSARY ADJUSTMENTS TO THE COLORADO GROWTH MODEL TO ENSURE THAT IT MEASURES STUDENT ACADEMIC GROWTH OVER TIME TOWARD ATTAINMENT OF THE STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005 AND ATTAINMENT OF

POSTSECONDARY AND WORKFORCE READINESS AS DESCRIBED PURSUANT TO SECTION 22-7-1008. IN RECOMMENDING ADJUSTMENTS TO THE COLORADO GROWTH MODEL, THE DEPARTMENT SHALL CONSULT WITH THE TECHNICAL ADVISORY PANEL APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) (a) TO ASSIST THE DEPARTMENT IN IMPLEMENTING THE COLORADO GROWTH MODEL, THE COMMISSIONER SHALL APPOINT A TECHNICAL ADVISORY PANEL OF STATE AND NATIONAL EXPERTS ON THE LONGITUDINAL MEASUREMENT OF ACADEMIC GROWTH FOR ACCOUNTABILITY PURPOSES. THE MEMBERS OF THE TECHNICAL ADVISORY PANEL SHALL SERVE AT THE WILL OF THE COMMISSIONER AND SHALL NOT RECEIVE COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

(b) THE DEPARTMENT SHALL CONVENE MEETINGS OF THE TECHNICAL ADVISORY PANEL AS NECESSARY AND WITHIN EXISTING APPROPRIATIONS TO REVIEW THE COLORADO GROWTH MODEL AND MAKE RECOMMENDATIONS TO THE STATE BOARD. ALL MEETINGS OF THE TECHNICAL ADVISORY PANEL SHALL BE OPEN.

22-11-203. Student longitudinal academic growth - calculation - data - research. (1) (a) EACH SCHOOL YEAR BY A DATE ESTABLISHED IN STATE BOARD RULES, THE DEPARTMENT SHALL CALCULATE, TO THE EXTENT PRACTICABLE, WHAT WILL CONSTITUTE ADEQUATE LONGITUDINAL ACADEMIC GROWTH FOR EACH STUDENT FOR THAT SCHOOL YEAR IN EACH SUBJECT THAT IS INCLUDED IN THE STATEWIDE ASSESSMENTS. THE DEPARTMENT SHALL FORMULATE THE CALCULATION IN SUCH A WAY THAT ADEQUATE LONGITUDINAL ACADEMIC GROWTH MEANS:

(I) CATCH-UP GROWTH FOR A STUDENT WHO SCORED AT THE UNSATISFACTORY OR PARTIALLY PROFICIENT ACHIEVEMENT LEVEL ON THE STATEWIDE ASSESSMENTS IN THE PREVIOUS ACADEMIC YEAR, WHICH IS THE AMOUNT OF ACADEMIC GROWTH NECESSARY TO SCORE AT THE PROFICIENT ACHIEVEMENT LEVEL WITHIN THREE YEARS OR BY THE TENTH GRADE, WHICHEVER COMES SOONER; AND

(II) KEEP-UP GROWTH FOR A STUDENT WHO SCORED AT THE PROFICIENT OR ADVANCED ACHIEVEMENT LEVEL ON THE STATEWIDE ASSESSMENTS IN THE PREVIOUS ACADEMIC YEAR, WHICH IS THE AMOUNT OF ACADEMIC GROWTH NECESSARY TO SCORE AT THE PROFICIENT ACHIEVEMENT

LEVEL OR HIGHER FOR THE SUCCEEDING THREE YEARS OR UNTIL THE TENTH GRADE, WHICHEVER IS SOONER.

(b) THE DEPARTMENT SHALL USE DATA AVAILABLE FOR LONGITUDINAL ANALYSIS TO REVIEW AND REVISE THE CALCULATION OF ADEQUATE LONGITUDINAL ACADEMIC GROWTH AS NECESSARY.

(c) BY THE SAME DATE ESTABLISHED FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT SHALL CALCULATE, TO THE EXTENT PRACTICABLE, FOR EACH STUDENT WHO SCORED AT THE PROFICIENT ACHIEVEMENT LEVEL ON THE STATEWIDE ASSESSMENTS IN THE PREVIOUS ACADEMIC YEAR, WHAT WILL CONSTITUTE MOVE-UP GROWTH FOR THE COMING SCHOOL YEAR IN EACH SUBJECT THAT IS INCLUDED IN STATEWIDE ASSESSMENTS.

(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT MAY REVISE, AS NECESSARY, THE DEFINITION OF ADEQUATE LONGITUDINAL GROWTH TO INCORPORATE THE CONCEPT OF MOVE-UP GROWTH OR TO MEET THE REQUIREMENTS OF FEDERAL LAW.

(2) (a) FOR EACH SCHOOL YEAR, THE DEPARTMENT SHALL PROVIDE TO EACH SCHOOL DISTRICT IN THE STATE ACADEMIC GROWTH INFORMATION FOR EACH STUDENT ENROLLED IN THE DISTRICT PUBLIC SCHOOLS, BASED ON THE STATEWIDE ASSESSMENT RESULTS FOR THE PRECEDING SCHOOL YEARS. THE DEPARTMENT SHALL ALSO PROVIDE THE GROWTH INFORMATION TO EACH DISTRICT PUBLIC SCHOOL FOR THE STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOL.

(b) FOR EACH SCHOOL YEAR, THE DEPARTMENT SHALL PROVIDE TO THE INSTITUTE ACADEMIC GROWTH INFORMATION FOR EACH STUDENT ENROLLED IN THE INSTITUTE CHARTER SCHOOLS, BASED ON THE STATEWIDE ASSESSMENT RESULTS FOR THE PRECEDING SCHOOL YEARS. THE DEPARTMENT SHALL ALSO PROVIDE THE GROWTH INFORMATION TO EACH INSTITUTE CHARTER SCHOOL FOR THE STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL.

(3) THE ACADEMIC GROWTH INFORMATION REQUIRED BY SUBSECTION (2) OF THIS SECTION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) INFORMATION ON WHETHER EACH STUDENT MADE AT LEAST ONE YEAR'S ACADEMIC GROWTH IN ONE YEAR'S TIME IN THE PRECEDING SCHOOL YEAR;

(b) WHETHER THE STUDENT MADE ADEQUATE ACADEMIC GROWTH FOR THE PRECEDING SCHOOL YEAR AS CALCULATED FOR THE STUDENT PURSUANT TO SUBSECTION (1) OF THIS SECTION;

(c) THE LONGITUDINAL ACADEMIC GROWTH CALCULATED FOR EACH STUDENT TO ATTAIN CATCH-UP, KEEP-UP, OR MOVE-UP GROWTH, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION; AND

(d) THE AMOUNT OF GROWTH FOR EACH STUDENT THAT WOULD RESULT IN THE STUDENT SCORING AT THE PARTIALLY PROFICIENT, PROFICIENT, AND ADVANCED ACHIEVEMENT LEVELS WITHIN ONE, TWO, AND THREE YEARS.

(4) THE DEPARTMENT, SCHOOL DISTRICTS, THE INSTITUTE, AND PUBLIC SCHOOLS SHALL MAINTAIN THE CONFIDENTIALITY OF EACH STUDENT'S STATEWIDE ASSESSMENT SCORES CONSISTENT WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH.

(5) THE SCHOOL DISTRICT OR THE DISTRICT CHARTER SCHOOL OR INSTITUTE CHARTER SCHOOL IN WHICH A STUDENT IS ENROLLED SHALL MAINTAIN THE ACADEMIC GROWTH INFORMATION RECEIVED FROM THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION IN THE STUDENT'S INDIVIDUAL STUDENT RECORD MAINTAINED BY THE SCHOOL DISTRICT OR BY THE DISTRICT CHARTER SCHOOL OR INSTITUTE CHARTER SCHOOL.

(6) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND TRAINING TO SCHOOL DISTRICTS, THE INSTITUTE, AND PUBLIC SCHOOLS TO ASSIST SCHOOL DISTRICT, INSTITUTE, AND PUBLIC SCHOOL PERSONNEL IN INTERPRETING, USING, AND COMMUNICATING TO PARENTS THE ACADEMIC GROWTH INFORMATION PROVIDED PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT SHALL PAY THE COSTS OF PROVIDING TECHNICAL ASSISTANCE AND TRAINING PURSUANT TO THIS SUBSECTION (6) WITHIN EXISTING APPROPRIATIONS OR FROM ANY GIFTS, GRANTS, OR

DONATIONS RECEIVED FOR IMPLEMENTING THIS SECTION.

(7) THE DEPARTMENT, UPON REQUEST, SHALL MAKE AVAILABLE TO QUALIFIED RESEARCHERS THE ENTIRE LONGITUDINALLY LINKED DATASET CREATED PURSUANT TO SECTION 22-11-202 AND USED FOR GENERATING ACADEMIC GROWTH INFORMATION PURSUANT TO THIS SECTION AND FOR AWARDING THE GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARDS. FOR PURPOSES OF THIS SUBSECTION (7), QUALIFIED RESEARCHERS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, AND PUBLIC POLICY RESEARCH AND ADVOCACY ORGANIZATIONS. THE DEPARTMENT SHALL PROVIDE THE DATA IN A FORMAT THAT ALLOWS THE DATA TO BE LINKED WITH OTHER PUBLICLY AVAILABLE DATA IN THE STATE AND SHALL INCLUDE ALL AVAILABLE DATA REGARDING STUDENT DEMOGRAPHICS, THE STATE'S SCHOOL IDENTIFICATION NUMBERS, AND STUDENT-LEVEL PERFORMANCE DATA, WHILE PROTECTING THE PRIVACY OF INDIVIDUAL STUDENTS IN A MANNER CONSISTENT WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH.

22-11-204. Performance indicators - measures. (1) (a) THE DEPARTMENT SHALL ANNUALLY DETERMINE THE LEVEL OF ATTAINMENT OF EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON EACH OF THE FOLLOWING PERFORMANCE INDICATORS:

(I) STUDENT LONGITUDINAL ACADEMIC GROWTH, BASED ON THE MEASURES SPECIFIED IN SUBSECTION (2) OF THIS SECTION;

(II) STUDENT ACHIEVEMENT LEVELS ON THE STATEWIDE ASSESSMENTS, BASED ON THE MEASURES SPECIFIED IN SUBSECTION (3) OF THIS SECTION; AND

(III) PROGRESS MADE IN CLOSING THE ACHIEVEMENT AND GROWTH GAPS, BASED ON THE MEASURES SPECIFIED IN SUBSECTION (5) OF THIS SECTION.

(b) IN ADDITION, THE DEPARTMENT SHALL ANNUALLY DETERMINE THE LEVEL OF ATTAINMENT OF EACH PUBLIC HIGH SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE POSTSECONDARY AND WORKFORCE READINESS PERFORMANCE INDICATOR,

BASED ON THE MEASURES SPECIFIED IN SUBSECTION (4) OF THIS SECTION.

(2) THE DEPARTMENT SHALL DETERMINE THE LEVEL OF ATTAINMENT OF EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE STUDENT LONGITUDINAL ACADEMIC GROWTH INDICATOR BY USING THE FOLLOWING MEASURES:

(a) FOR STUDENTS, THE DEPARTMENT SHALL CALCULATE THE STUDENT ACADEMIC GROWTH PERCENTILES USING THE COLORADO GROWTH MODEL.

(b) FOR EACH PUBLIC SCHOOL, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL:

(A) WHO ATTAIN ADEQUATE LONGITUDINAL GROWTH AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) WHO ATTAIN MOVE-UP GROWTH; AND

(C) WHO ATTAIN STATEWIDE MEDIAN GROWTH; AND

(II) THE MEDIAN STUDENT GROWTH AMONG STUDENTS ENROLLED IN THE PUBLIC SCHOOL.

(c) FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGE OF ALL STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS:

(A) WHO ATTAIN ADEQUATE LONGITUDINAL ACADEMIC GROWTH, AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) WHO ATTAIN MOVE-UP GROWTH; AND

(C) WHO ATTAIN STATEWIDE MEDIAN GROWTH; AND

(II) THE MEDIAN STUDENT GROWTH AMONG STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS.

(d) FOR THE STATE, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGE OF ALL STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE:

(A) WHO ATTAIN ADEQUATE LONGITUDINAL ACADEMIC GROWTH, AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) WHO ATTAIN MOVE-UP GROWTH; AND

(C) WHO ATTAIN STATEWIDE MEDIAN GROWTH; AND

(II) THE MEDIAN STUDENT GROWTH AMONG STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE.

(3) THE DEPARTMENT SHALL DETERMINE THE LEVEL OF ATTAINMENT OF EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE PERFORMANCE INDICATOR THAT CONCERNS STUDENT ACHIEVEMENT LEVELS ON THE STATEWIDE ASSESSMENTS BY USING THE FOLLOWING MEASURES:

(a) FOR EACH STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE STATE, THE DEPARTMENT SHALL DETERMINE THE STUDENT'S ACHIEVEMENT LEVEL IN THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS, AS DEMONSTRATED BY THE SCORE ACHIEVED BY THE STUDENT ON THE STATEWIDE ASSESSMENTS. THE STATE BOARD SHALL SPECIFY THE SCORE RANGES THAT CONSTITUTE EACH OF THE ACHIEVEMENT LEVELS.

(b) FOR EACH PUBLIC SCHOOL, THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL AT EACH GRADE LEVEL WHO SCORE AT EACH OF THE ACHIEVEMENT LEVELS ON THE STATEWIDE ASSESSMENTS IN EACH OF THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS.

(c) FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF ALL STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS WHO SCORE AT EACH OF THE ACHIEVEMENT LEVELS IN THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS.

(d) FOR THE STATE, THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF ALL STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE WHO SCORE AT EACH OF THE ACHIEVEMENT LEVELS IN THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS.

(4) THE DEPARTMENT SHALL DETERMINE THE LEVEL OF ATTAINMENT OF EACH PUBLIC HIGH SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE POSTSECONDARY AND WORKFORCE READINESS INDICATOR BY USING, AT A MINIMUM, THE FOLLOWING MEASURES:

(a) FOR EACH PUBLIC HIGH SCHOOL, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGES OF STUDENTS ENROLLED IN THE ELEVENTH GRADE IN THE PUBLIC HIGH SCHOOL WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION ADMINISTERED AS A STATEWIDE ASSESSMENT OR THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOL WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS ADMINISTERED BY THE PUBLIC HIGH SCHOOL;

(II) BEGINNING WITH THE 2011-12 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER, THE PERCENTAGE OF STUDENTS GRADUATING FROM THE PUBLIC HIGH SCHOOL WHO RECEIVE A DIPLOMA THAT INCLUDES A POSTSECONDARY AND WORKFORCE READINESS ENDORSEMENT AS DESCRIBED IN SECTION 22-7-1009 (1) AND THE PERCENTAGE WHO RECEIVE A DIPLOMA THAT INCLUDES AN ENDORSEMENT FOR EXEMPLARY DEMONSTRATION OF POSTSECONDARY AND WORKFORCE READINESS AS DESCRIBED IN SECTION 22-7-1009 (2); AND

(III) THE GRADUATION AND DROPOUT RATES, AS DEFINED BY RULE OF THE STATE BOARD.

(b) FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, THE DEPARTMENT SHALL CALCULATE:

(I) THE OVERALL PERCENTAGES OF STUDENTS ENROLLED IN THE ELEVENTH GRADE IN ALL OF THE DISTRICT PUBLIC HIGH SCHOOLS OR ALL INSTITUTE CHARTER HIGH SCHOOLS WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION ADMINISTERED AS A STATEWIDE ASSESSMENT OR THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS ADMINISTERED BY THE PUBLIC HIGH SCHOOLS;

(II) BEGINNING WITH THE 2011-12 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER, THE OVERALL PERCENTAGE OF ALL STUDENTS GRADUATING FROM THE DISTRICT PUBLIC HIGH SCHOOLS OR FROM THE INSTITUTE CHARTER HIGH SCHOOLS WHO RECEIVE DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY AND WORKFORCE READINESS AS DESCRIBED IN SECTION 22-7-1009 (1) AND THE PERCENTAGE WHO RECEIVE DIPLOMAS THAT ARE ENDORSED FOR EXEMPLARY DEMONSTRATION OF POSTSECONDARY AND WORKFORCE READINESS AS DESCRIBED IN SECTION 22-7-1009 (2); AND

(III) THE OVERALL GRADUATION AND DROPOUT RATES, AS DEFINED BY RULE OF THE STATE BOARD, FOR THE DISTRICT PUBLIC HIGH SCHOOLS OR THE INSTITUTE CHARTER HIGH SCHOOLS.

(c) FOR THE STATE, THE DEPARTMENT SHALL CALCULATE:

(I) THE PERCENTAGES OF STUDENTS ENROLLED IN THE ELEVENTH GRADE IN PUBLIC HIGH SCHOOLS STATEWIDE WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION ADMINISTERED AS A STATEWIDE ASSESSMENT OR THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS STATEWIDE WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS ADMINISTERED BY THE PUBLIC HIGH SCHOOLS;

(II) BEGINNING WITH THE 2011-12 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER, THE OVERALL PERCENTAGE OF ALL STUDENTS

GRADUATING FROM THE PUBLIC HIGH SCHOOLS IN THE STATE WHO RECEIVE DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY AND WORKFORCE READINESS AS DESCRIBED IN SECTION 22-7-1009 (1) AND THE PERCENTAGE WHO RECEIVE DIPLOMAS THAT ARE ENDORSED FOR EXEMPLARY DEMONSTRATION OF POSTSECONDARY AND WORKFORCE READINESS AS DESCRIBED IN SECTION 22-7-1009 (2); AND

(III) THE STATEWIDE GRADUATION AND DROPOUT RATES, AS DEFINED BY RULE OF THE STATE BOARD, FOR THE PUBLIC HIGH SCHOOLS IN THE STATE.

(5) THE DEPARTMENT SHALL DETERMINE THE LEVEL OF ATTAINMENT OF EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE PERFORMANCE INDICATOR THAT CONCERNS THE PROGRESS MADE IN CLOSING THE ACHIEVEMENT AND GROWTH GAPS BY USING THE FOLLOWING MEASURES:

(a) (I) FOR EACH PUBLIC SCHOOL, THE DEPARTMENT SHALL DISAGGREGATE BY STUDENT GROUP:

(A) THE PERCENTAGES OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL WHO ATTAIN ADEQUATE LONGITUDINAL GROWTH AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL WHO ATTAIN MOVE-UP GROWTH;

(C) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL WHO ATTAIN STATEWIDE MEDIAN GROWTH;

(D) THE MEDIAN STUDENT GROWTH ATTAINED BY STUDENTS ENROLLED IN THE PUBLIC SCHOOL;

(E) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL AT EACH GRADE LEVEL WHO SCORE AT EACH OF THE ACHIEVEMENT LEVELS IN EACH OF THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS; AND

(F) FOR EACH PUBLIC HIGH SCHOOL, THE PERCENTAGE OF STUDENTS ENROLLED IN THE ELEVENTH GRADE IN THE PUBLIC HIGH SCHOOL WHO SCORE

AT EACH ACHIEVEMENT LEVEL OF THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION OR THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOL WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS ADMINISTERED BY THE PUBLIC HIGH SCHOOL; THE PERCENTAGES OF STUDENTS GRADUATING FROM THE PUBLIC HIGH SCHOOL WHO RECEIVE A DIPLOMA THAT INCLUDES A POSTSECONDARY AND WORKFORCE READINESS ENDORSEMENT OR AN ENDORSEMENT FOR EXEMPLARY DEMONSTRATION OF POSTSECONDARY AND WORKFORCE READINESS; AND THE GRADUATION AND DROPOUT RATES.

(II) THE DEPARTMENT SHALL COMPARE THE PERCENTAGES AND ASSESSMENT ACHIEVEMENT LEVELS ACROSS STUDENT GROUPS TO DETERMINE THE PROGRESS MADE BY THE PUBLIC SCHOOL IN INCREASING OVER TIME EACH STUDENT GROUP'S LONGITUDINAL ACADEMIC GROWTH, ACADEMIC ACHIEVEMENT, POSTSECONDARY AND WORKFORCE READINESS, AND GRADUATION RATE, AND IN DECREASING EACH STUDENT GROUP'S DROPOUT RATE, ESPECIALLY FOR THOSE STUDENT GROUPS WHO ARE UNDERPERFORMING IN COMPARISON TO OTHER GROUPS.

(b) (I) FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, THE DEPARTMENT SHALL DISAGGREGATE BY STUDENT GROUP:

(A) THE PERCENTAGES OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS WHO ATTAIN ADEQUATE LONGITUDINAL GROWTH AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) THE PERCENTAGE OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS WHO ATTAIN MOVE-UP GROWTH;

(C) THE PERCENTAGE OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS WHO ATTAIN STATEWIDE MEDIAN GROWTH;

(D) THE MEDIAN STUDENT GROWTH ATTAINED BY STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS;

(E) THE PERCENTAGE OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR IN THE INSTITUTE CHARTER SCHOOLS AT EACH GRADE LEVEL WHO SCORE AT EACH OF THE ACHIEVEMENT LEVELS IN EACH OF THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS; AND

(F) THE OVERALL PERCENTAGE OF STUDENTS ENROLLED IN THE ELEVENTH GRADE IN THE DISTRICT PUBLIC HIGH SCHOOLS OR THE INSTITUTE CHARTER HIGH SCHOOLS WHO SCORE AT EACH ACHIEVEMENT LEVEL OF THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION OR THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS ADMINISTERED BY THE PUBLIC HIGH SCHOOLS; THE OVERALL PERCENTAGES OF STUDENTS GRADUATING FROM THE DISTRICT PUBLIC HIGH SCHOOLS, OR THE INSTITUTE CHARTER HIGH SCHOOLS, WHO RECEIVE A DIPLOMA THAT INCLUDES A POSTSECONDARY AND WORKFORCE READINESS ENDORSEMENT OR AN ENDORSEMENT FOR EXEMPLARY DEMONSTRATION OF POSTSECONDARY AND WORKFORCE READINESS; AND THE OVERALL GRADUATION AND DROPOUT RATES FOR THE DISTRICT PUBLIC HIGH SCHOOLS OR THE INSTITUTE CHARTER HIGH SCHOOLS.

(II) THE DEPARTMENT SHALL COMPARE THE PERCENTAGES AND ASSESSMENT ACHIEVEMENT LEVELS ACROSS STUDENT GROUPS TO DETERMINE THE PROGRESS MADE BY THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS IN INCREASING OVER TIME EACH STUDENT GROUP'S LONGITUDINAL ACADEMIC GROWTH, ACADEMIC ACHIEVEMENT, POSTSECONDARY AND WORKFORCE READINESS, AND GRADUATION RATE, AND IN DECREASING EACH STUDENT GROUP'S DROPOUT RATE, ESPECIALLY FOR THOSE STUDENT GROUPS WHO ARE UNDERPERFORMING IN COMPARISON TO OTHER GROUPS.

(c) (I) FOR THE STATE, THE DEPARTMENT SHALL DISAGGREGATE BY STUDENT GROUP:

(A) THE PERCENTAGES OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE WHO ATTAIN ADEQUATE LONGITUDINAL GROWTH AS CALCULATED PURSUANT TO SECTION 22-11-203 (1), INCLUDING THE PERCENTAGES OF STUDENTS WHO ATTAIN CATCH-UP GROWTH AND KEEP-UP GROWTH;

(B) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE WHO ATTAIN MOVE-UP GROWTH;

(C) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE WHO ATTAIN STATEWIDE MEDIAN GROWTH;

(D) THE MEDIAN STUDENT GROWTH ATTAINED BY STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE;

(E) THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN THE STATE AT EACH GRADE LEVEL WHO SCORE AT EACH OF THE ACHIEVEMENT LEVELS IN EACH OF THE SUBJECTS INCLUDED IN THE STATEWIDE ASSESSMENTS; AND

(F) THE PERCENTAGE OF STUDENTS ENROLLED IN THE ELEVENTH GRADE IN THE PUBLIC HIGH SCHOOLS IN THE STATE WHO SCORE AT EACH ACHIEVEMENT LEVEL OF THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION OR THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS IN THE STATE WHO SCORE AT EACH ACHIEVEMENT LEVEL ON THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS ADMINISTERED BY THE PUBLIC HIGH SCHOOLS; THE OVERALL PERCENTAGES OF STUDENTS GRADUATING FROM THE PUBLIC HIGH SCHOOLS IN THE STATE WHO RECEIVE DIPLOMAS THAT INCLUDE POSTSECONDARY AND WORKFORCE READINESS ENDORSEMENTS OR ENDORSEMENTS FOR EXEMPLARY DEMONSTRATION OF POSTSECONDARY AND WORKFORCE READINESS; AND THE OVERALL GRADUATION AND DROPOUT RATES FOR THE PUBLIC HIGH SCHOOLS IN THE STATE.

(II) THE DEPARTMENT SHALL COMPARE THE PERCENTAGES AND ASSESSMENT ACHIEVEMENT LEVELS ACROSS STUDENT GROUPS TO DETERMINE THE PROGRESS MADE BY THE PUBLIC SCHOOLS IN THE STATE IN INCREASING OVER TIME EACH STUDENT GROUP'S LONGITUDINAL ACADEMIC GROWTH, ACADEMIC ACHIEVEMENT, POSTSECONDARY AND WORKFORCE READINESS, AND GRADUATION RATE, AND IN DECREASING EACH STUDENT GROUP'S DROPOUT RATE, ESPECIALLY THOSE STUDENT GROUPS WHO ARE UNDERPERFORMING IN COMPARISON TO OTHER GROUPS.

(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) IN CALCULATING THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, THE DEPARTMENT SHALL ENSURE COMPLIANCE WITH THE FEDERAL STATUTES AND REGULATIONS AND MAY ADJUST THE CALCULATION METHODS AS NECESSARY TO ENSURE SAID COMPLIANCE;

(b) TO COMPLY WITH THE PRIVACY REQUIREMENTS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g AND ANY OTHER FEDERAL REQUIREMENTS, THE DEPARTMENT MAY FOREGO THE CALCULATIONS REQUIRED IN THIS SECTION FOR A PUBLIC SCHOOL OR A GRADE LEVEL IN WHICH THE NUMBER OF ENROLLED STUDENTS IS LESS THAN A MINIMUM NUMBER DETERMINED BY DEPARTMENT POLICY. IF THE DEPARTMENT DOES NOT CALCULATE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS AS PROVIDED IN THIS SECTION FOR A PUBLIC SCHOOL, THE DEPARTMENT SHALL DETERMINE AN ALTERNATE METHOD OF MEASURING THE PUBLIC SCHOOL'S PERFORMANCE THAT IS COMPARABLE TO THE PROVISIONS OF THIS SECTION AND COMPLIES WITH THE REQUIREMENTS OF FEDERAL STATUTES AND REGULATIONS.

(c) THE DEPARTMENT MAY ADJUST THE CALCULATIONS SPECIFIED IN THIS SECTION AS NECESSARY TO TAKE INTO ACCOUNT STUDENTS FOR WHOM NO SCORE IS RECORDED ON THE STATEWIDE ASSESSMENTS; THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION; OR THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS.

(7) THE DEPARTMENT SHALL REPORT ON THE DATA PORTAL THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS, AS MEASURED PURSUANT TO THIS SECTION, FOR EACH PUBLIC SCHOOL IN THE STATE, EACH SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE; EXCEPT THAT, IN REPORTING DATA DISAGGREGATED BY STUDENT GROUPS, THE DEPARTMENT SHALL NOT REPORT DATA FOR ANY STUDENT GROUP THAT IS SMALLER THAN THE MINIMUM NUMBER OF STUDENTS NECESSARY TO PROTECT STUDENT PRIVACY, AS DETERMINED BY THE DEPARTMENT.

22-11-205. State review panel - creation. (1) (a) THE COMMISSIONER SHALL RECRUIT AN APPROPRIATE NUMBER OF HIGHLY QUALIFIED PERSONS TO SERVE WHEN NEEDED AS A STATE REVIEW PANEL. THE COMMISSIONER, WITH THE APPROVAL OF THE STATE BOARD, SHALL APPOINT THE MEMBERS OF THE STATE REVIEW PANEL TO ASSIST THE DEPARTMENT AND THE STATE BOARD AS PROVIDED IN THIS ARTICLE.

(b) IN APPOINTING THE MEMBERS OF THE STATE REVIEW PANEL, THE COMMISSIONER SHALL SELECT PERSONS ON THE BASIS OF DEMONSTRATED EXPERTISE IN ONE OR MORE OF THE FOLLOWING FIELDS:

(I) SCHOOL DISTRICT OR SCHOOL LEADERSHIP OR GOVERNANCE;

(II) STANDARDS-BASED ELEMENTARY OR SECONDARY CURRICULUM INSTRUCTION AND ASSESSMENT;

(III) INSTRUCTIONAL DATA MANAGEMENT AND ANALYSIS;

(IV) SCHOOL DISTRICT, SCHOOL, OR PROGRAM EVALUATION;

(V) EDUCATIONAL PROGRAM MANAGEMENT;

(VI) TEACHER LEADERSHIP;

(VII) ORGANIZATIONAL MANAGEMENT OR SCHOOL DISTRICT AND PUBLIC SCHOOL GOVERNANCE;

(VIII) SCHOOL DISTRICT OR SCHOOL BUDGETING AND FINANCE;

(IX) ANY OTHER FIELD THAT THE COMMISSIONER DEEMS TO BE RELEVANT TO THE REVIEW AND EVALUATION OF SCHOOL DISTRICT, INSTITUTE, OR PUBLIC SCHOOL PERFORMANCE OR IMPROVEMENT PLANNING.

(2) THE COMMISSIONER SHALL CONVENE ALL OR A PORTION OF THE STATE REVIEW PANEL AS NECESSARY TO CARRY OUT THE DUTIES SPECIFIED IN THIS ARTICLE.

(3) THE DEPARTMENT MAY ACCEPT AND EXPEND MONEYS RECEIVED FROM GIFTS, GRANTS, OR DONATIONS TO COMPENSATE MEMBERS OF THE STATE REVIEW PANEL OR REIMBURSE THEM FOR EXPENSES INCURRED IN PERFORMING THEIR DUTIES PURSUANT TO THIS ARTICLE. THE DEPARTMENT SHALL NOT PAY COMPENSATION OR REIMBURSEMENTS IF SUFFICIENT MONEYS ARE NOT AVAILABLE.

22-11-206. Accreditation of school districts and institute - contracts - rules. (1) PURSUANT TO THE AUTHORITY VESTED IN THE STATE BOARD BY SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION TO

EXERCISE GENERAL SUPERVISION OVER THE PUBLIC SCHOOLS IN THE STATE, THE STATE BOARD SHALL ANNUALLY ACCREDIT THE SCHOOL DISTRICTS AND THE INSTITUTE AS PROVIDED IN THIS ARTICLE AND PURSUANT TO RULES ADOPTED BY THE STATE BOARD IN ACCORDANCE WITH THIS ARTICLE.

(2) THE STATE BOARD SHALL ENTER INTO AN ACCREDITATION CONTRACT WITH EACH LOCAL SCHOOL BOARD AND WITH THE INSTITUTE. EACH ACCREDITATION CONTRACT SHALL HAVE A TERM OF ONE YEAR AND SHALL BE AUTOMATICALLY RENEWED EACH YEAR SO LONG AS THE SCHOOL DISTRICT OR THE INSTITUTE REMAINS IN THE ACCREDITATION CATEGORY OF ACCREDITED OR HIGHER. THE PARTIES TO EACH ACCREDITATION CONTRACT MAY RENEGOTIATE THE CONTRACT AT ANY TIME DURING THE TERM OF THE CONTRACT, BASED ON APPROPRIATE AND REASONABLE CHANGES IN THE CIRCUMSTANCES UPON WHICH THE ORIGINAL CONTRACT TERMS WERE BASED. THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE CONTENTS AND TERMS OF THE ACCREDITATION CONTRACT IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

(3) EACH ACCREDITATION CONTRACT SHALL, AT A MINIMUM, ADDRESS THE FOLLOWING ELEMENTS:

(a) THE SCHOOL DISTRICT'S OR INSTITUTE'S LEVEL OF ATTAINMENT ON THE PERFORMANCE INDICATORS, AS DETERMINED PURSUANT TO SECTION 22-11-204;

(b) THE SCHOOL DISTRICT'S OR THE INSTITUTE'S ADOPTION AND IMPLEMENTATION OF ITS PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPROPRIATE BASED ON THE SCHOOL DISTRICT'S OR INSTITUTE'S ACCREDITATION CATEGORY;

(c) THE SCHOOL DISTRICT'S IMPLEMENTATION OF ITS SYSTEM FOR ACCREDITING THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE'S IMPLEMENTATION OF ITS SYSTEM FOR ACCREDITING THE INSTITUTE CHARTER SCHOOLS; AND

(d) THE SCHOOL DISTRICT'S OR INSTITUTE'S SUBSTANTIAL, GOOD-FAITH COMPLIANCE WITH THE PROVISIONS OF THIS TITLE AND OTHER STATUTORY AND REGULATORY REQUIREMENTS APPLICABLE TO SCHOOL DISTRICTS AND THE INSTITUTE.

(4) (a) FOR PURPOSES OF MONITORING A SCHOOL DISTRICT'S OR THE INSTITUTE'S SUBSTANTIAL AND GOOD-FAITH COMPLIANCE WITH THE PROVISIONS OF THIS TITLE AND OTHER STATUTORY AND REGULATORY REQUIREMENTS, THE DEPARTMENT SHALL OBTAIN ASSURANCES FROM THE SCHOOL DISTRICT OR THE INSTITUTE THAT IT IS IN COMPLIANCE WITH:

(I) THE PROVISIONS OF ARTICLE 44 OF THIS TITLE CONCERNING BUDGET AND FINANCIAL POLICIES AND PROCEDURES;

(II) THE PROVISIONS OF ARTICLE 45 OF THIS TITLE CONCERNING ACCOUNTING AND FINANCIAL REPORTING; AND

(III) IF THE ACCREDITATION CONTRACT INVOLVES A SCHOOL DISTRICT, THE PROVISIONS OF SECTION 22-32-109.1 CONCERNING SCHOOL SAFETY.

(b) WITH REGARD TO STATUTORY AND REGULATORY REQUIREMENTS, OTHER THAN THOSE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THAT ARE APPLICABLE TO SCHOOL DISTRICTS, THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE LOCAL SCHOOL BOARD MEMBERS SHALL AFFIRM THAT THE SCHOOL DISTRICT AND THE DISTRICT PUBLIC SCHOOLS ARE IN SUBSTANTIAL, GOOD-FAITH COMPLIANCE WITH THE STATUTORY AND REGULATORY REQUIREMENTS. IF THE DEPARTMENT HAS REASON TO BELIEVE THAT THE SCHOOL DISTRICT IS NOT IN SUBSTANTIAL COMPLIANCE WITH ONE OR MORE OF THE STATUTORY OR REGULATORY REQUIREMENTS, THE DEPARTMENT SHALL NOTIFY THE LOCAL SCHOOL BOARD THAT IT HAS NINETY DAYS AFTER THE DATE OF NOTICE TO COME INTO COMPLIANCE. IF, AT THE END OF THE NINETY-DAY PERIOD, THE DEPARTMENT FINDS THAT THE SCHOOL DISTRICT IS NOT SUBSTANTIALLY IN COMPLIANCE WITH THE STATUTORY OR REGULATORY REQUIREMENTS, THE SCHOOL DISTRICT MAY BE SUBJECT TO THE INTERVENTIONS SPECIFIED IN THIS ARTICLE.

(c) WITH REGARD TO STATUTORY AND REGULATORY REQUIREMENTS, OTHER THAN THOSE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THAT ARE APPLICABLE TO THE INSTITUTE, THE MEMBERS OF THE INSTITUTE BOARD AND THE EXECUTIVE DIRECTOR OF THE INSTITUTE SHALL AFFIRM THAT THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOLS ARE IN SUBSTANTIAL, GOOD-FAITH COMPLIANCE WITH THE STATUTORY AND REGULATORY REQUIREMENTS. IF THE DEPARTMENT HAS REASON TO BELIEVE THAT THE INSTITUTE IS NOT IN SUBSTANTIAL COMPLIANCE WITH ONE OR

MORE OF THE STATUTORY OR REGULATORY REQUIREMENTS, THE DEPARTMENT SHALL NOTIFY THE INSTITUTE THAT IT HAS NINETY DAYS AFTER THE DATE OF NOTICE TO COME INTO COMPLIANCE. IF, AT THE END OF THE NINETY-DAY PERIOD, THE DEPARTMENT FINDS THAT THE INSTITUTE IS NOT IN SUBSTANTIAL COMPLIANCE WITH THE STATUTORY OR REGULATORY REQUIREMENTS, THE INSTITUTE MAY BE SUBJECT TO THE INTERVENTIONS SPECIFIED IN THIS ARTICLE.

22-11-207. Accreditation categories - criteria - rules. (1) THE STATE BOARD SHALL PROMULGATE RULES TO ESTABLISH ACCREDITATION CATEGORIES THAT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) "ACCREDITED WITH DISTINCTION", MEANING A SCHOOL DISTRICT OR THE INSTITUTE MEETS OR EXCEEDS THE STATEWIDE TARGETS OR TARGETS ANNUALLY SET BY THE SCHOOL DISTRICT OR THE INSTITUTE OR EXCEEDS STATEWIDE ATTAINMENT ON THE PERFORMANCE INDICATORS AND IS REQUIRED TO ADOPT AND IMPLEMENT A PERFORMANCE PLAN AS DESCRIBED IN SECTION 22-11-303;

(b) "ACCREDITED", MEANING A SCHOOL DISTRICT OR THE INSTITUTE MEETS STATEWIDE ATTAINMENT ON THE PERFORMANCE INDICATORS AND IS REQUIRED TO ADOPT AND IMPLEMENT A PERFORMANCE PLAN AS DESCRIBED IN SECTION 22-11-303;

(c) "ACCREDITED WITH IMPROVEMENT PLAN", MEANING THE SCHOOL DISTRICT OR THE INSTITUTE IS REQUIRED TO ADOPT AND IMPLEMENT AN IMPROVEMENT PLAN AS PROVIDED IN SECTION 22-11-304;

(d) "ACCREDITED WITH PRIORITY IMPROVEMENT PLAN", MEANING THE SCHOOL DISTRICT OR THE INSTITUTE IS REQUIRED TO ADOPT AND IMPLEMENT A PRIORITY IMPROVEMENT PLAN AS PROVIDED IN SECTION 22-11-305; OR

(e) "ACCREDITED WITH TURNAROUND PLAN", MEANING THE SCHOOL DISTRICT OR THE INSTITUTE IS REQUIRED TO ADOPT, WITH THE COMMISSIONER'S APPROVAL, AND IMPLEMENT A TURNAROUND PLAN AS PROVIDED IN SECTION 22-11-306.

(2) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING OBJECTIVE, MEASURABLE CRITERIA THAT THE DEPARTMENT SHALL APPLY IN

DETERMINING THE APPROPRIATE ACCREDITATION CATEGORY FOR EACH SCHOOL DISTRICT AND THE INSTITUTE, PLACING THE GREATEST EMPHASIS ON ATTAINMENT OF THE PERFORMANCE INDICATORS. AT A MINIMUM, THE RULES SHALL TAKE INTO CONSIDERATION:

(a) A SCHOOL DISTRICT'S OR THE INSTITUTE'S LEVEL OF ATTAINMENT OF THE STATEWIDE TARGETS ON THE PERFORMANCE INDICATORS AND THE TARGETS ANNUALLY ESTABLISHED BY THE SCHOOL DISTRICT OR THE INSTITUTE, INCLUDING THE LEVELS OF ATTAINMENT OF THE INDIVIDUAL DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS IN MEETING THEIR ANNUAL TARGETS;

(b) A SCHOOL DISTRICT'S OR THE INSTITUTE'S LEVEL OF ATTAINMENT OF THE PERFORMANCE INDICATORS COMPARED WITH STATEWIDE ATTAINMENT OF THE PERFORMANCE INDICATORS;

(c) THE LENGTH OF TIME DURING WHICH A SCHOOL DISTRICT OR THE INSTITUTE HAS BEEN UNABLE TO MEET THE STATEWIDE TARGETS OR ITS OWN TARGETS;

(d) THE IMPROVEMENTS, CHANGES, AND INTERVENTIONS A SCHOOL DISTRICT OR THE INSTITUTE IMPLEMENTS TO IMPROVE ITS PERFORMANCE IF IT IS NOT MEETING THE STATEWIDE TARGETS OR ITS OWN TARGETS;

(e) THE IMPROVEMENTS, CHANGES, AND INTERVENTIONS A SCHOOL DISTRICT OR THE INSTITUTE IMPLEMENTS IN ANY PUBLIC SCHOOL OF THE DISTRICT OR INSTITUTE CHARTER SCHOOL THAT IS REQUIRED TO ADOPT AN IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-210;

(f) THE PROGRESS A SCHOOL DISTRICT OR THE INSTITUTE MAKES IN IMPROVING ITS PERFORMANCE AND IN MOVING CLOSER TO MEETING THE STATEWIDE TARGETS AND ITS OWN TARGETS; AND

(g) THE SCHOOL DISTRICT'S OR THE INSTITUTE'S COMPLIANCE WITH THE OTHER REQUIREMENTS SPECIFIED IN THE ACCREDITATION CONTRACT.

(3) IN PROMULGATING RULES PURSUANT TO THIS SECTION, THE STATE BOARD SHALL USE CLEAR, UNDERSTANDABLE LANGUAGE TO DESCRIBE THE ACCREDITATION CATEGORIES AND THE LEVELS OF ATTAINMENT OF THE

PERFORMANCE INDICATORS, WITH THE GOAL OF PROVIDING A HIGH DEGREE OF TRANSPARENCY IN THE ACCREDITATION PROCESS.

(4) THE STATE BOARD BY RULE SHALL SPECIFY HOW LONG A SCHOOL DISTRICT OR THE INSTITUTE MAY REMAIN IN AN ACCREDITATION CATEGORY THAT IS BELOW ACCREDITED; EXCEPT THAT THE STATE BOARD SHALL NOT ALLOW A SCHOOL DISTRICT OR THE INSTITUTE TO REMAIN AT ACCREDITED WITH PRIORITY IMPROVEMENT PLAN OR BELOW FOR LONGER THAN A TOTAL OF FIVE CONSECUTIVE SCHOOL YEARS BEFORE REMOVING THE SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION AS PROVIDED IN SECTION 22-11-209.

22-11-208. Accreditation - annual review - supports and interventions - rules. (1) (a) THE DEPARTMENT SHALL ANNUALLY REVIEW EACH SCHOOL DISTRICT'S AND THE INSTITUTE'S PERFORMANCE AND, BASED ON THE RULES OF THE STATE BOARD, DETERMINE THE APPROPRIATE ACCREDITATION CATEGORY FOR THE SCHOOL DISTRICT OR INSTITUTE. THE DEPARTMENT SHALL NOTIFY EACH SCHOOL DISTRICT AND THE INSTITUTE OF ITS ACCREDITATION CATEGORY AND SHALL PUBLISH EACH SCHOOL DISTRICT'S AND THE INSTITUTE'S ACCREDITATION CATEGORY, WITH SUPPORTING DATA, ON THE DATA PORTAL. THE DEPARTMENT SHALL ALSO PUBLISH EACH SCHOOL DISTRICT'S AND THE INSTITUTE'S PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPLICABLE, ON THE DATA PORTAL FOLLOWING ADOPTION OF THE PLAN.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT MAY CHANGE A SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION CATEGORY PRIOR TO CONCLUSION OF THE ANNUAL PERFORMANCE REVIEW IF THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT OR THE INSTITUTE HAS SUBSTANTIALLY FAILED TO MEET A REQUIREMENT SPECIFIED IN THE ACCREDITATION CONTRACT AND THAT IMMEDIATE ACTION IS REQUIRED TO PROTECT THE INTERESTS OF THE STUDENTS AND PARENTS OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS.

(c) IN REVIEWING SCHOOL DISTRICTS' AND THE INSTITUTE'S PERFORMANCE, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL EVALUATE THE COST EFFECTIVENESS OF INTERVENTION STRATEGIES IMPLEMENTED BY THE STATE, SCHOOL DISTRICTS, AND THE INSTITUTE IN

ATTEMPTING TO IMPROVE PERFORMANCE IN SCHOOL DISTRICTS THAT ARE IN AN ACCREDITATION CATEGORY THAT IS LOWER THAN ACCREDITED OR IN THE INSTITUTE IF IT IS IN AN ACCREDITATION CATEGORY THAT IS LOWER THAN ACCREDITED.

(d) THE STATE BOARD BY RULE SHALL ESTABLISH THE TIME FRAMES IN WHICH THE DEPARTMENT SHALL REVIEW SCHOOL DISTRICT AND INSTITUTE PERFORMANCE AND DETERMINE AND REPORT EACH SCHOOL DISTRICT'S AND THE INSTITUTE'S APPROPRIATE ACCREDITATION CATEGORY, AND THE TIME FRAMES IN WHICH THE SCHOOL DISTRICTS AND THE INSTITUTE SHALL ADOPT THEIR RESPECTIVE PLANS AND SUBMIT THEM FOR REVIEW AND PUBLICATION ON THE DATA PORTAL.

(e) THE STATE BOARD SHALL PROMULGATE RULES TO ENSURE A SCHOOL DISTRICT'S OR THE INSTITUTE'S RIGHT TO A HEARING BEFORE THE STATE BOARD TO APPEAL PLACEMENT IN THE ACCREDITED WITH TURNAROUND PLAN CATEGORY OR REMOVAL OF ACCREDITATION PURSUANT TO SECTION 22-11-209.

(2) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND SUPPORT TO SCHOOL DISTRICTS THAT ARE ACCREDITED WITH IMPROVEMENT PLAN, ACCREDITED WITH PRIORITY IMPROVEMENT PLAN, OR ACCREDITED WITH TURNAROUND PLAN AND TO THE INSTITUTE IF IT IS ACCREDITED AT ANY OF THOSE CATEGORIES. THE DEPARTMENT SHALL BASE THE AMOUNT OF TECHNICAL ASSISTANCE AND SUPPORT PROVIDED TO A SCHOOL DISTRICT OR THE INSTITUTE ON THE SCHOOL DISTRICT'S OR INSTITUTE'S DEGREE OF NEED FOR ASSISTANCE AND THE DEPARTMENT'S AVAILABLE RESOURCES. TECHNICAL ASSISTANCE AND SUPPORT MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) ACCESS TO DATA AND RESEARCH TO SUPPORT INTERPRETATION OF STUDENT DATA, DECISION-MAKING, AND LEARNING;

(b) CONSULTATIVE SERVICES ON BEST PRACTICES FOR IMPROVEMENT AND IMPLEMENTATION OF INTERVENTION STRATEGIES, INCLUDING, WHERE APPROPRIATE, STRATEGIES THAT ADDRESS EARLY CHILDHOOD EDUCATION AND STUDENT ENGAGEMENT AND RE-ENGAGEMENT; AND

(c) EVALUATION AND FEEDBACK ON THE SCHOOL DISTRICT'S OR THE INSTITUTE'S IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND

PLAN, WHICHEVER IS APPLICABLE.

(3) THE COMMISSIONER MAY ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE A SCHOOL DISTRICT'S PRIORITY IMPROVEMENT PLAN OR THE INSTITUTE'S PRIORITY IMPROVEMENT PLAN. THE COMMISSIONER SHALL ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE A SCHOOL DISTRICT'S TURNAROUND PLAN OR THE INSTITUTE'S TURNAROUND PLAN. BASED ON ITS EVALUATION, THE STATE REVIEW PANEL SHALL REPORT TO THE COMMISSIONER AND THE STATE BOARD RECOMMENDATIONS CONCERNING:

(a) WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE'S LEADERSHIP IS ADEQUATE TO IMPLEMENT CHANGE TO IMPROVE RESULTS;

(b) WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE'S INFRASTRUCTURE IS ADEQUATE TO SUPPORT SCHOOL IMPROVEMENT;

(c) THE READINESS AND APPARENT CAPACITY OF PUBLIC SCHOOL AND SCHOOL DISTRICT OR INSTITUTE PERSONNEL TO PLAN EFFECTIVELY AND LEAD THE IMPLEMENTATION OF APPROPRIATE ACTIONS TO IMPROVE STUDENT ACADEMIC PERFORMANCE WITHIN THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS;

(d) THE READINESS AND APPARENT CAPACITY OF PUBLIC SCHOOL AND SCHOOL DISTRICT OR INSTITUTE PERSONNEL TO ENGAGE PRODUCTIVELY WITH AND BENEFIT FROM THE ASSISTANCE PROVIDED BY AN EXTERNAL PARTNER;

(e) THE LIKELIHOOD OF POSITIVE RETURNS ON STATE INVESTMENTS OF ASSISTANCE AND SUPPORT TO IMPROVE THE SCHOOL DISTRICT'S OR INSTITUTE'S PERFORMANCE WITHIN THE CURRENT MANAGEMENT STRUCTURE AND STAFFING; AND

(f) THE NECESSITY THAT THE SCHOOL DISTRICT OR INSTITUTE REMAIN IN OPERATION TO SERVE STUDENTS.

22-11-209. Removal of accreditation - recommendation - review - appeal - rules. (1) THE DEPARTMENT MAY RECOMMEND TO THE COMMISSIONER AND THE STATE BOARD THAT THE STATE BOARD REMOVE A SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION IF:

(a) THE SCHOOL DISTRICT OR THE INSTITUTE IS ACCREDITED WITH TURNAROUND PLAN AND THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT OR THE INSTITUTE HAS FAILED TO MAKE SUBSTANTIAL PROGRESS UNDER ITS TURNAROUND PLAN; OR

(b) THE SCHOOL DISTRICT OR THE INSTITUTE HAS BEEN IN THE ACCREDITED WITH PRIORITY IMPROVEMENT PLAN CATEGORY OR LOWER FOR FIVE CONSECUTIVE SCHOOL YEARS; OR

(c) (I) THE SCHOOL DISTRICT OR THE INSTITUTE HAS SUBSTANTIALLY FAILED TO COMPLY WITH THE PROVISIONS OF ARTICLE 44 OF THIS TITLE, CONCERNING BUDGET AND FINANCIAL POLICIES AND PROCEDURES, OR ARTICLE 45 OF THIS TITLE, CONCERNING ACCOUNTING AND FINANCIAL REPORTING; AND

(II) THE SCHOOL DISTRICT OR INSTITUTE HAS NOT REMEDIED THE NONCOMPLIANCE WITHIN NINETY DAYS AFTER RECEIPT OF NOTICE FROM THE DEPARTMENT; AND

(III) LOSS OF ACCREDITATION IS REQUIRED TO PROTECT THE INTERESTS OF THE STUDENTS AND PARENTS OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS.

(2) (a) IF THE DEPARTMENT RECOMMENDS REMOVING ACCREDITATION PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE THE SCHOOL DISTRICT'S OR THE INSTITUTE'S PERFORMANCE AND TO RECOMMEND ONE OR MORE OF THE FOLLOWING ACTIONS:

(I) IF THE RECOMMENDATION APPLIES TO A SCHOOL DISTRICT:

(A) THAT THE SCHOOL DISTRICT BE REORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE, WHICH REORGANIZATION MAY INCLUDE CONSOLIDATION;

(B) THAT A PRIVATE OR PUBLIC ENTITY, WITH THE AGREEMENT OF THE SCHOOL DISTRICT, TAKE OVER MANAGEMENT OF THE SCHOOL DISTRICT OR MANAGEMENT OF ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS;

(C) THAT ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS BE

CONVERTED TO A CHARTER SCHOOL;

(D) THAT ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS BE GRANTED STATUS AS AN INNOVATION SCHOOL PURSUANT TO SECTION 22-32.5-104 OR THAT THE LOCAL SCHOOL BOARD RECOGNIZE A GROUP OF DISTRICT PUBLIC SCHOOLS AS AN INNOVATION SCHOOL ZONE PURSUANT TO SECTION 22-32.5-104; OR

(E) THAT ONE OR MORE OF THE DISTRICT PUBLIC SCHOOLS BE CLOSED; OR

(II) IF THE RECOMMENDATION APPLIES TO THE INSTITUTE:

(A) THAT THE INSTITUTE BOARD BE ABOLISHED AND THAT THE GOVERNOR APPOINT A NEW INSTITUTE BOARD PURSUANT TO SECTION 22-30.5-505;

(B) THAT A PUBLIC OR PRIVATE ENTITY TAKE OVER MANAGEMENT OF THE INSTITUTE OR MANAGEMENT OF ONE OR MORE OF THE INSTITUTE CHARTER SCHOOLS; OR

(C) THAT ONE OR MORE OF THE INSTITUTE CHARTER SCHOOLS BE CLOSED.

(b) IN ITS EVALUATIONS AND RECOMMENDATIONS, THE STATE REVIEW PANEL SHALL CONSIDER:

(I) WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE'S LEADERSHIP IS ADEQUATE TO IMPLEMENT CHANGE TO IMPROVE RESULTS;

(II) WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE'S INFRASTRUCTURE IS ADEQUATE TO SUPPORT SCHOOL IMPROVEMENT;

(III) THE READINESS AND APPARENT CAPACITY OF PUBLIC SCHOOL AND SCHOOL DISTRICT OR INSTITUTE PERSONNEL TO PLAN EFFECTIVELY AND LEAD THE IMPLEMENTATION OF APPROPRIATE ACTIONS TO IMPROVE STUDENT ACADEMIC PERFORMANCE WITHIN THE DISTRICT PUBLIC SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS;

(IV) THE READINESS AND APPARENT CAPACITY OF PUBLIC SCHOOL

AND SCHOOL DISTRICT OR INSTITUTE 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 SCHOOL DISTRICT'S OR INSTITUTE'S PERFORMANCE WITHIN THE CURRENT MANAGEMENT STRUCTURE AND STAFFING; AND

(VI) THE NECESSITY THAT THE SCHOOL DISTRICT OR INSTITUTE REMAIN IN OPERATION TO SERVE STUDENTS.

(3) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE COMMISSIONER, AND THE STATE REVIEW PANEL, THE STATE BOARD SHALL DETERMINE WHETHER TO REMOVE A SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION. IF THE STATE BOARD REMOVES A SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION, THE STATE BOARD SHALL NOTIFY THE SCHOOL DISTRICT OR THE INSTITUTE OF THE ACTIONS THE SCHOOL DISTRICT OR THE INSTITUTE IS REQUIRED TO TAKE. AFTER THE SCHOOL DISTRICT OR THE INSTITUTE TAKES THE REQUIRED ACTIONS, THE STATE BOARD SHALL REINSTATE THE SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION AT THE ACCREDITATION CATEGORY DEEMED APPROPRIATE BY THE STATE BOARD.

(4) THE STATE BOARD SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO PROCEDURES TO ENSURE A SCHOOL DISTRICT'S OR THE INSTITUTE'S RIGHT TO APPEAL TO THE STATE BOARD BEFORE THE STATE BOARD TAKES FINAL ACTION TO REMOVE THE SCHOOL DISTRICT'S OR THE INSTITUTE'S ACCREDITATION PURSUANT TO THIS SECTION.

22-11-210. Public schools - annual review - plans - supports and interventions - rules. (1) (a) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING OBJECTIVE, MEASURABLE CRITERIA THAT THE DEPARTMENT SHALL APPLY IN RECOMMENDING TO THE STATE BOARD THAT A PUBLIC SCHOOL SHALL IMPLEMENT A PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN OR THAT A PUBLIC SCHOOL SHALL BE SUBJECT TO RESTRUCTURING. IN PROMULGATING THE RULES, THE STATE BOARD SHALL PLACE THE GREATEST EMPHASIS ON ATTAINMENT OF THE PERFORMANCE INDICATORS. IN ADDITION, THE RULES SHALL, AT A

MINIMUM, TAKE INTO CONSIDERATION:

(I) A PUBLIC SCHOOL'S LEVEL OF ATTAINMENT OF THE STATEWIDE AND SCHOOL DISTRICT OR INSTITUTE TARGETS ON THE PERFORMANCE INDICATORS AND THE PUBLIC SCHOOL'S LEVEL OF ATTAINMENT OF ITS OWN ANNUAL TARGETS;

(II) A PUBLIC SCHOOL'S LEVEL OF ATTAINMENT OF THE PERFORMANCE INDICATORS COMPARED WITH STATEWIDE ATTAINMENT OF THE PERFORMANCE INDICATORS;

(III) THE LENGTH OF TIME DURING WHICH A PUBLIC SCHOOL HAS BEEN UNABLE TO MEET THE STATEWIDE TARGETS, THE SCHOOL DISTRICT OR INSTITUTE TARGETS, OR ITS OWN TARGETS;

(IV) THE IMPROVEMENTS, CHANGES, AND INTERVENTIONS A PUBLIC SCHOOL IMPLEMENTS TO IMPROVE ITS PERFORMANCE IF IT IS NOT MEETING THE STATEWIDE TARGETS, THE SCHOOL DISTRICT OR INSTITUTE TARGETS, OR ITS OWN TARGETS; AND

(V) THE PROGRESS A PUBLIC SCHOOL MAKES IN IMPROVING ITS PERFORMANCE AND IN MOVING CLOSER TO MEETING THE STATEWIDE TARGETS, THE SCHOOL DISTRICT OR INSTITUTE TARGETS, AND ITS OWN TARGETS.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING OBJECTIVE, MEASURABLE CRITERIA THAT THE DEPARTMENT SHALL APPLY IN RECOMMENDING TO THE STATE BOARD THAT AN ALTERNATIVE EDUCATION CAMPUS IMPLEMENT A PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN OR THAT AN ALTERNATIVE EDUCATION CAMPUS SHALL BE SUBJECT TO RESTRUCTURING. THE STATE BOARD, IN ADOPTING THE CRITERIA FOR EVALUATING THE PERFORMANCE OF AN ALTERNATIVE EDUCATION CAMPUS, AND THE DEPARTMENT, IN APPLYING THE CRITERIA, SHALL TAKE INTO ACCOUNT THE UNIQUE PURPOSES OF THE CAMPUSES AND THE UNIQUE CIRCUMSTANCES OF AND CHALLENGES POSED BY THE STUDENTS ENROLLED IN THE CAMPUSES.

(c) IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (1), THE STATE BOARD SHALL USE CLEAR, UNDERSTANDABLE LANGUAGE TO

DESCRIBE THE CRITERIA FOR DETERMINING THE TYPE OF PLAN THAT A PUBLIC SCHOOL SHALL IMPLEMENT AND THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, WITH THE GOAL OF PROVIDING A HIGH DEGREE OF TRANSPARENCY IN THE PUBLIC SCHOOL PERFORMANCE REVIEW PROCESS.

(d) THE STATE BOARD BY RULE SHALL SPECIFY HOW LONG A PUBLIC SCHOOL MAY IMPLEMENT AN IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN; EXCEPT THAT THE STATE BOARD SHALL NOT ALLOW A PUBLIC SCHOOL TO CONTINUE IMPLEMENTING A PRIORITY IMPROVEMENT OR TURNAROUND PLAN FOR LONGER THAN A COMBINED TOTAL OF FIVE CONSECUTIVE SCHOOL YEARS BEFORE REQUIRING THE SCHOOL DISTRICT OR THE INSTITUTE TO RESTRUCTURE OR CLOSE THE PUBLIC SCHOOL.

(e) THE STATE BOARD BY RULE SHALL ESTABLISH THE TIME FRAMES WITHIN WHICH THE DEPARTMENT SHALL REVIEW EACH PUBLIC SCHOOL'S PERFORMANCE, SUBMIT RECOMMENDATIONS TO THE STATE BOARD, AND REPORT TO THE PUBLIC SCHOOL AND TO THE SCHOOL'S LOCAL SCHOOL BOARD OR THE INSTITUTE THE STATE BOARD'S DETERMINATION REGARDING THE TYPE OF PLAN THE PUBLIC SCHOOL SHALL IMPLEMENT. THE STATE BOARD SHALL ALSO ESTABLISH BY RULE THE TIME FRAMES WITHIN WHICH THE PUBLIC SCHOOLS, OR THE PUBLIC SCHOOLS' LOCAL SCHOOL BOARDS OR THE INSTITUTE BOARD AS APPROPRIATE, SHALL ADOPT THE SCHOOL PLANS AND SUBMIT THEM TO THE DEPARTMENT. THE DEPARTMENT SHALL PUBLISH EACH PUBLIC SCHOOL'S PLAN ON THE DATA PORTAL WITH THE PUBLIC SCHOOL'S ACCREDITATION CATEGORY, IDENTIFIED BY THE LOCAL SCHOOL BOARD OR THE INSTITUTE, AND SUPPORTING DATA.

(f) IN REVIEWING PUBLIC SCHOOLS' PERFORMANCE, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL EVALUATE THE COST EFFECTIVENESS OF INTERVENTION STRATEGIES IMPLEMENTED BY THE STATE, SCHOOL DISTRICTS, THE INSTITUTE, AND THE PUBLIC SCHOOLS IN ATTEMPTING TO IMPROVE PERFORMANCE IN PUBLIC SCHOOLS THAT ARE IMPLEMENTING SCHOOL IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLANS.

(2) THE DEPARTMENT SHALL ANNUALLY REVIEW EACH PUBLIC SCHOOL'S PERFORMANCE AND, BASED ON THE RULES OF THE STATE BOARD, RECOMMEND TO THE STATE BOARD THAT THE PUBLIC SCHOOL SHALL IMPLEMENT A PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN FOR THE COMING SCHOOL YEAR. BASED ON THE

DEPARTMENT'S RECOMMENDATION, THE STATE BOARD SHALL NOTIFY THE LOCAL SCHOOL BOARD FOR THE PUBLIC SCHOOL, OR THE INSTITUTE IF THE PUBLIC SCHOOL IS AN INSTITUTE CHARTER SCHOOL, REGARDING THE TYPE OF PLAN THE PUBLIC SCHOOL SHALL IMPLEMENT. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL PLACE THE PUBLIC SCHOOL IN THE DISTRICT OR INSTITUTE ACCREDITATION CATEGORY THAT CORRELATES TO THE PUBLIC SCHOOL'S PLAN, BASED ON THE SCHOOL DISTRICT'S OR INSTITUTE'S SCHOOL ACCREDITATION PROCESS.

(3) AT THE REQUEST OF A DISTRICT PUBLIC SCHOOL'S LOCAL SCHOOL BOARD, OR AT THE INSTITUTE'S REQUEST FOR AN INSTITUTE CHARTER SCHOOL, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND SUPPORT TO THE PUBLIC SCHOOL, LOCAL SCHOOL BOARD, OR INSTITUTE IN PREPARING AND IMPLEMENTING THE PUBLIC SCHOOL'S IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN. THE DEPARTMENT SHALL BASE THE AMOUNT OF TECHNICAL ASSISTANCE AND SUPPORT PROVIDED TO A PUBLIC SCHOOL, THE LOCAL SCHOOL BOARD, OR THE INSTITUTE ON THE SCHOOL'S DEGREE OF NEED FOR ASSISTANCE AND THE DEPARTMENT'S AVAILABLE RESOURCES. TECHNICAL ASSISTANCE AND SUPPORT MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) ACCESS TO DATA AND RESEARCH TO SUPPORT INTERPRETATION OF STUDENT DATA, DECISION-MAKING, AND LEARNING;

(b) CONSULTATIVE SERVICES ON BEST PRACTICES FOR IMPROVEMENT AND IMPLEMENTATION OF INTERVENTION STRATEGIES, INCLUDING, WHERE APPROPRIATE, STRATEGIES THAT ADDRESS EARLY CHILDHOOD EDUCATION AND STUDENT ENGAGEMENT AND RE-ENGAGEMENT; AND

(c) EVALUATION AND FEEDBACK ON THE PUBLIC SCHOOL'S PLAN.

(4) THE COMMISSIONER MAY ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE A PUBLIC SCHOOL'S PRIORITY IMPROVEMENT PLAN AND SHALL ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE A PUBLIC SCHOOL'S TURNAROUND PLAN. BASED ON ITS EVALUATION, THE STATE REVIEW PANEL SHALL REPORT TO THE COMMISSIONER AND THE STATE BOARD RECOMMENDATIONS CONCERNING:

(a) WHETHER THE PUBLIC SCHOOL'S LEADERSHIP IS ADEQUATE TO IMPLEMENT CHANGE TO IMPROVE RESULTS;

(b) WHETHER THE PUBLIC SCHOOL'S INFRASTRUCTURE IS ADEQUATE TO SUPPORT SCHOOL IMPROVEMENT;

(c) 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;

(d) 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;

(e) 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

(f) THE NECESSITY THAT THE PUBLIC SCHOOL REMAIN IN OPERATION TO SERVE STUDENTS.

(5) (a) IF A PUBLIC SCHOOL FAILS TO MAKE ADEQUATE PROGRESS UNDER ITS TURNAROUND PLAN OR CONTINUES TO OPERATE UNDER A PRIORITY IMPROVEMENT OR TURNAROUND PLAN FOR A COMBINED TOTAL OF FIVE CONSECUTIVE SCHOOL YEARS, THE COMMISSIONER SHALL ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE THE PUBLIC SCHOOL'S PERFORMANCE AND DETERMINE WHETHER TO RECOMMEND:

(I) WITH REGARD TO A DISTRICT PUBLIC SCHOOL THAT IS NOT A CHARTER SCHOOL, THAT THE DISTRICT PUBLIC SCHOOL SHOULD BE MANAGED BY A PRIVATE OR PUBLIC ENTITY OTHER THAN THE SCHOOL DISTRICT;

(II) WITH REGARD TO A DISTRICT OR INSTITUTE CHARTER SCHOOL, THAT THE PUBLIC OR PRIVATE ENTITY OPERATING THE CHARTER SCHOOL OR THE GOVERNING BOARD OF THE CHARTER SCHOOL SHOULD BE REPLACED BY A DIFFERENT PUBLIC OR PRIVATE ENTITY OR GOVERNING BOARD;

(III) WITH REGARD TO A DISTRICT PUBLIC SCHOOL, THAT THE DISTRICT PUBLIC SCHOOL BE CONVERTED TO A CHARTER SCHOOL IF IT IS NOT ALREADY AUTHORIZED AS A CHARTER SCHOOL;

(IV) WITH REGARD TO A DISTRICT PUBLIC SCHOOL, THAT THE DISTRICT PUBLIC SCHOOL BE GRANTED STATUS AS AN INNOVATION SCHOOL PURSUANT TO SECTION 22-32.5-104; OR

(V) THAT THE PUBLIC SCHOOL BE CLOSED OR, WITH REGARD TO A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL, THAT THE PUBLIC SCHOOL'S CHARTER BE REVOKED.

(b) THE STATE REVIEW PANEL SHALL PRESENT ITS RECOMMENDATIONS TO THE COMMISSIONER AND TO THE STATE BOARD. TAKING THE RECOMMENDATIONS INTO ACCOUNT, THE STATE BOARD SHALL DETERMINE WHICH OF THE ACTIONS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) THE LOCAL SCHOOL BOARD FOR A DISTRICT PUBLIC SCHOOL OR THE INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL SHALL TAKE REGARDING THE PUBLIC SCHOOL AND DIRECT THE LOCAL SCHOOL BOARD OR INSTITUTE ACCORDINGLY.

(6) IF A PUBLIC SCHOOL IS RESTRUCTURED, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL TRACK THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL IN THE SCHOOL YEAR PRECEDING THE RESTRUCTURING TO DETERMINE WHETHER THE STUDENTS REENROLL IN THE PUBLIC SCHOOL THE FOLLOWING SCHOOL YEAR OR TRANSFER TO ANOTHER PUBLIC SCHOOL OF THE SCHOOL DISTRICT, AN INSTITUTE CHARTER SCHOOL, OR A PUBLIC SCHOOL OF ANOTHER SCHOOL DISTRICT IN THE STATE. THE DEPARTMENT SHALL PROVIDE THE STUDENT TRACKING INFORMATION, WITHOUT PERSONALLY IDENTIFYING THE STUDENTS, TO THE LOCAL SCHOOL BOARD OR THE INSTITUTE UPON REQUEST.

PART 3
SCHOOL DISTRICT AND INSTITUTE ACCOUNTABILITY

22-11-301. School district accountability committees - creation - membership. (1) EACH LOCAL SCHOOL BOARD SHALL APPOINT OR CREATE A PROCESS FOR THE ELECTION OF A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE THAT SHALL CONSIST OF:

(a) AT LEAST THREE PARENTS OF STUDENTS ENROLLED IN THE DISTRICT PUBLIC SCHOOLS;

(b) AT LEAST ONE TEACHER WHO IS EMPLOYED BY THE SCHOOL

DISTRICT;

(c) AT LEAST ONE SCHOOL ADMINISTRATOR WHO IS EMPLOYED BY THE SCHOOL DISTRICT; AND

(d) AT LEAST ONE PERSON WHO IS INVOLVED IN BUSINESS IN THE COMMUNITY WITHIN THE SCHOOL DISTRICT BOUNDARIES.

(2) (a) A PERSON MAY NOT BE APPOINTED OR ELECTED TO FILL MORE THAN ONE OF THE MEMBER POSITIONS REQUIRED IN SUBSECTION (1) OF THIS SECTION IN A SINGLE TERM.

(b) IF A LOCAL SCHOOL BOARD CHOOSES TO INCREASE THE NUMBER OF PERSONS ON THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE, IT SHALL ENSURE THAT THE NUMBER OF PARENTS APPOINTED OR ELECTED TO THE COMMITTEE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION EXCEEDS THE NUMBER OF REPRESENTATIVES FROM THE GROUP WITH THE NEXT HIGHEST REPRESENTATION.

(c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), A PARENT SHALL NOT BE ELIGIBLE TO SERVE ON A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE IF HE OR SHE IS EMPLOYED BY, OR IS A RELATIVE OF A PERSON WHO IS EMPLOYED BY, THE SCHOOL DISTRICT, INCLUDING BEING EMPLOYED AT A PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

(II) IF A SCHOOL DISTRICT MAKES A GOOD FAITH EFFORT BUT IS UNABLE TO IDENTIFY A SUFFICIENT NUMBER OF PARENTS WHO ARE WILLING TO SERVE ON A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE AND WHO ARE NOT EXCLUDED FROM SERVING AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), ONE OR MORE PARENTS WHO ARE EMPLOYED BY, OR ARE RELATED TO A PERSON WHO IS EMPLOYED BY, THE SCHOOL DISTRICT, INCLUDING BEING EMPLOYED AT A PUBLIC SCHOOL OF THE SCHOOL DISTRICT, MAY SERVE ON THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE.

(III) AS USED IN THIS PARAGRAPH (c), UNLESS THE CONTEXT OTHERWISE REQUIRES, "RELATED" OR "RELATIVE" MEANS A PERSON'S SPOUSE, SON, DAUGHTER, SISTER, BROTHER, MOTHER, OR FATHER.

(3) IF A LOCAL SCHOOL BOARD APPOINTS THE MEMBERS OF THE

SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE, THE LOCAL SCHOOL BOARD, TO THE EXTENT PRACTICABLE, SHALL ENSURE THAT THE PARENTS WHO ARE APPOINTED REFLECT THE STUDENT POPULATIONS THAT ARE SIGNIFICANTLY REPRESENTED WITHIN THE SCHOOL DISTRICT. SAID STUDENT POPULATIONS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) STUDENTS WHO ARE MEMBERS OF NON-CAUCASIAN RACES;

(b) STUDENTS WHO ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH THROUGH THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(c) STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH, AS DEFINED IN SECTION 22-24-103 (4);

(d) STUDENTS WHO ARE MIGRANT CHILDREN, AS DEFINED IN SECTION 22-23-103 (2);

(e) STUDENTS WHO ARE IDENTIFIED AS CHILDREN WITH DISABILITIES PURSUANT TO SECTION 22-20-108; AND

(f) STUDENTS WHO ARE IDENTIFIED AS GIFTED CHILDREN AS DEFINED IN SECTION 22-20-103 (13).

(4) IF A LOCAL SCHOOL BOARD APPOINTS THE MEMBERS OF THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE, THE LOCAL SCHOOL BOARD, TO THE EXTENT PRACTICABLE, SHALL ENSURE THAT:

(a) AT LEAST ONE OF THE PARENTS APPOINTED TO THE COMMITTEE IS THE PARENT OF A STUDENT ENROLLED IN A CHARTER SCHOOL AUTHORIZED BY THE LOCAL SCHOOL BOARD, IF THE LOCAL SCHOOL BOARD HAS AUTHORIZED ANY CHARTER SCHOOLS; AND

(b) AT LEAST ONE OF THE PERSONS APPOINTED TO THE COMMITTEE HAS A DEMONSTRATED KNOWLEDGE OF CHARTER SCHOOLS.

(5) THE MEMBERS OF EACH SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL SELECT FROM AMONG THE PARENT REPRESENTATIVES SERVING ON THE COMMITTEE A MEMBER TO SERVE AS CHAIR OR CO-CHAIR OF THE COMMITTEE. THE LOCAL SCHOOL BOARD SHALL ESTABLISH THE LENGTH

OF TERM FOR WHICH THE COMMITTEE CHAIR OR CO-CHAIR SHALL SERVE.

22-11-302. School district accountability committees - powers and duties. (1) EACH SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO RECOMMEND TO ITS LOCAL SCHOOL BOARD PRIORITIES FOR SPENDING SCHOOL DISTRICT MONEYS. WHENEVER THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE RECOMMENDS SPENDING PRIORITIES, IT SHALL MAKE REASONABLE EFFORTS TO CONSULT IN A SUBSTANTIVE MANNER WITH THE SCHOOL ACCOUNTABILITY COMMITTEES OF THE SCHOOL DISTRICT. THE LOCAL SCHOOL BOARD SHALL CONSIDER THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE'S RECOMMENDATIONS IN ADOPTING THE SCHOOL DISTRICT BUDGET FOR EACH FISCAL YEAR PURSUANT TO ARTICLE 44 OF THIS TITLE.

(b) TO ADVISE ITS LOCAL SCHOOL BOARD CONCERNING PREPARATION OF, AND ANNUALLY SUBMIT TO THE LOCAL SCHOOL BOARD RECOMMENDATIONS REGARDING THE CONTENTS OF, A DISTRICT PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS REQUIRED BASED ON THE SCHOOL DISTRICT'S ACCREDITATION CATEGORY. IN ADVISING AND PREPARING THE RECOMMENDATIONS, THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL MAKE REASONABLE EFFORTS TO CONSULT IN A SUBSTANTIVE MANNER WITH THE SCHOOL ACCOUNTABILITY COMMITTEES OF THE SCHOOL DISTRICT AND SHALL COMPILE AND SUBMIT TO THE LOCAL SCHOOL BOARD THE SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS SUBMITTED BY THE SCHOOL ACCOUNTABILITY COMMITTEES PURSUANT TO SECTIONS 22-11-403 TO 22-11-406.

(c) IF THE LOCAL SCHOOL BOARD RECEIVES A CHARTER SCHOOL APPLICATION, TO REVIEW THE CHARTER APPLICATION PRIOR TO CONSIDERATION BY THE LOCAL SCHOOL BOARD AS PROVIDED IN SECTION 22-30.5-107 (1).

(2) THE LOCAL SCHOOL BOARD AND THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL, AT LEAST ANNUALLY, COOPERATIVELY DETERMINE THE AREAS AND ISSUES, IN ADDITION TO BUDGET ISSUES, THAT THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL STUDY AND CONCERNING WHICH THE COMMITTEE MAY MAKE RECOMMENDATIONS TO

THE LOCAL SCHOOL BOARD.

22-11-303. Accredited or accredited with distinction - performance plan - school district or institute - contents - adoption. (1) (a) IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, EACH LOCAL SCHOOL BOARD THAT IS ACCREDITED OR ACCREDITED WITH DISTINCTION SHALL ANNUALLY ADOPT A PERFORMANCE PLAN FOR THE SCHOOL DISTRICT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE FOR THE SCHOOL DISTRICT SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT PERFORMANCE PLAN AND MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE DISTRICT PERFORMANCE PLAN. IN ADVISING AND MAKING ITS RECOMMENDATIONS, THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY DISTRICT PUBLIC SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLANS RECEIVED PURSUANT TO SECTIONS 22-11-403 TO 22-11-406. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE DISTRICT PERFORMANCE PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE.

(c) THE LOCAL SCHOOL BOARD SHALL SUBMIT THE ADOPTED DISTRICT PERFORMANCE PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE DISTRICT PERFORMANCE PLAN IS IN EFFECT FOR THE SCHOOL DISTRICT AND THE DISTRICT PUBLIC SCHOOLS WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE LOCAL SCHOOL BOARD SHALL ALSO MAKE COPIES OF THE DISTRICT PERFORMANCE PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(2) (a) IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, THE INSTITUTE BOARD, IF IT IS ACCREDITED OR ACCREDITED WITH DISTINCTION, SHALL ANNUALLY ADOPT AN INSTITUTE PERFORMANCE PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) PRIOR TO CREATING THE INSTITUTE PERFORMANCE PLAN, THE INSTITUTE SHALL COMPILE THE INSTITUTE CHARTER SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS PREPARED FOR EACH INSTITUTE CHARTER SCHOOL PURSUANT TO SECTIONS

22-11-403 TO 22-11-406. THE INSTITUTE SHALL TAKE THE COMPILATION OF PLANS INTO ACCOUNT IN CREATING AND ADOPTING THE INSTITUTE PERFORMANCE PLAN.

(c) THE INSTITUTE SHALL SUBMIT THE ADOPTED INSTITUTE PERFORMANCE PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE INSTITUTE PERFORMANCE PLAN IS IN EFFECT FOR THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOLS WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE INSTITUTE SHALL ALSO MAKE COPIES OF THE INSTITUTE PERFORMANCE PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(3) A DISTRICT OR INSTITUTE PERFORMANCE PLAN SHALL BE DESIGNED TO RAISE THE ACADEMIC PERFORMANCE OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT OR IN THE INSTITUTE CHARTER SCHOOLS AND TO ENSURE THAT THE SCHOOL DISTRICT OR THE INSTITUTE, FOLLOWING THE NEXT ANNUAL ACCREDITATION REVIEW, ATTAINS A HIGHER ACCREDITATION CATEGORY OR REMAINS IN THE SAME ACCREDITATION CATEGORY IF THE SCHOOL DISTRICT OR INSTITUTE IS ACCREDITED WITH DISTINCTION. AT A MINIMUM, EACH DISTRICT AND INSTITUTE PERFORMANCE PLAN SHALL:

(a) SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS FOR DISTRICT PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY OR FOR INSTITUTE CHARTER SCHOOLS AS A GROUP AND INDIVIDUALLY IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS FOR THE SCHOOL DISTRICT AND FOR THE INDIVIDUAL DISTRICT PUBLIC SCHOOLS OR FOR THE INSTITUTE AND FOR THE INDIVIDUAL INSTITUTE CHARTER SCHOOLS THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE DISTRICT PUBLIC SCHOOLS OR THE

INSTITUTE CHARTER SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3);

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE SCHOOL DISTRICT OR THE INSTITUTE WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE ACCREDITATION PROCESS PURSUANT TO PART 2 OF THIS ARTICLE.

22-11-304. Accredited with improvement plan - school district or institute - plan contents - adoption. (1) (a) IN ACCORDANCE WITH THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, EACH SCHOOL DISTRICT THAT IS ACCREDITED WITH IMPROVEMENT PLAN SHALL ANNUALLY ADOPT AND IMPLEMENT A DISTRICT IMPROVEMENT PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE FOR THE SCHOOL DISTRICT SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT IMPROVEMENT PLAN AND MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE DISTRICT IMPROVEMENT PLAN. IN ADVISING AND MAKING ITS RECOMMENDATIONS, THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY DISTRICT PUBLIC SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLANS RECEIVED PURSUANT TO SECTIONS 22-11-403 TO 22-11-406. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE DISTRICT IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE.

(c) THE LOCAL SCHOOL BOARD SHALL SUBMIT THE ADOPTED DISTRICT IMPROVEMENT PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE DISTRICT IMPROVEMENT PLAN IS IN EFFECT FOR THE SCHOOL DISTRICT AND THE DISTRICT PUBLIC

SCHOOLS WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE LOCAL SCHOOL BOARD SHALL ALSO MAKE COPIES OF THE DISTRICT IMPROVEMENT PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(2) (a) IF THE INSTITUTE IS ACCREDITED WITH IMPROVEMENT PLAN, THE INSTITUTE BOARD SHALL, IN ACCORDANCE WITH THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, ADOPT AND IMPLEMENT AN INSTITUTE IMPROVEMENT PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. IN PREPARING THE INSTITUTE IMPROVEMENT PLAN, THE INSTITUTE BOARD SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY INSTITUTE CHARTER SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS RECEIVED PURSUANT TO SECTIONS 22-11-403 TO 22-11-406.

(b) THE INSTITUTE SHALL SUBMIT THE ADOPTED INSTITUTE IMPROVEMENT PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE INSTITUTE IMPROVEMENT PLAN IS IN EFFECT FOR THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOLS WITHIN THE TIME FRAMES SPECIFIED BY STATE BOARD RULE. THE INSTITUTE SHALL ALSO MAKE COPIES OF THE INSTITUTE IMPROVEMENT PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(3) A DISTRICT IMPROVEMENT PLAN OR AN INSTITUTE IMPROVEMENT PLAN SHALL BE DESIGNED TO ENSURE THAT THE SCHOOL DISTRICT OR THE INSTITUTE IMPROVES ITS PERFORMANCE TO THE EXTENT THAT, FOLLOWING COMPLETION OF ITS NEXT ANNUAL ACCREDITATION REVIEW, THE SCHOOL DISTRICT OR THE INSTITUTE ATTAINS A HIGHER ACCREDITATION CATEGORY. AT A MINIMUM, A DISTRICT IMPROVEMENT PLAN OR AN INSTITUTE IMPROVEMENT PLAN SHALL:

(a) SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS FOR DISTRICT PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY OR FOR INSTITUTE CHARTER

SCHOOLS AS A GROUP AND INDIVIDUALLY IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS OF THE DISTRICT OR INSTITUTE AND OF THE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES THAT ARE APPROPRIATE IN SCOPE, INTENSITY, AND TYPE TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3);

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE SCHOOL DISTRICT OR THE INSTITUTE WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE ACCREDITATION PROCESS PURSUANT TO PART 2 OF THIS ARTICLE.

22-11-305. Accredited with priority improvement plan - school district or institute - plan contents - adoption. (1) (a) IN ACCORDANCE WITH THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, EACH SCHOOL DISTRICT THAT IS ACCREDITED WITH PRIORITY IMPROVEMENT PLAN SHALL ANNUALLY ADOPT AND IMPLEMENT A DISTRICT PRIORITY IMPROVEMENT PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE FOR THE SCHOOL DISTRICT SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT PRIORITY IMPROVEMENT PLAN AND MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE DISTRICT PRIORITY IMPROVEMENT PLAN. IN ADVISING AND MAKING ITS RECOMMENDATIONS, THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY DISTRICT PUBLIC SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLANS RECEIVED PURSUANT TO

SECTIONS 22-11-403 TO 22-11-406. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE DISTRICT PRIORITY IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE.

(c) THE COMMISSIONER, SUBJECT TO AVAILABLE APPROPRIATIONS, MAY ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE THE DISTRICT PRIORITY IMPROVEMENT PLAN AND RECOMMEND TO THE COMMISSIONER MODIFICATIONS TO THE PLAN. THE COMMISSIONER MAY RECOMMEND TO THE LOCAL SCHOOL BOARD MODIFICATIONS TO THE DISTRICT PRIORITY IMPROVEMENT PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL.

(d) THE LOCAL SCHOOL BOARD SHALL SUBMIT THE ADOPTED DISTRICT PRIORITY IMPROVEMENT PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE DISTRICT PRIORITY IMPROVEMENT PLAN IS IN EFFECT FOR THE SCHOOL DISTRICT AND THE DISTRICT PUBLIC SCHOOLS WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE LOCAL SCHOOL BOARD SHALL ALSO MAKE COPIES OF THE DISTRICT PRIORITY IMPROVEMENT PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(2) (a) IF THE INSTITUTE IS ACCREDITED WITH PRIORITY IMPROVEMENT PLAN, THE INSTITUTE BOARD SHALL, IN ACCORDANCE WITH THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, ADOPT AND IMPLEMENT AN INSTITUTE PRIORITY IMPROVEMENT PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. IN PREPARING THE INSTITUTE PRIORITY IMPROVEMENT PLAN, THE INSTITUTE BOARD SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY INSTITUTE CHARTER SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS RECEIVED PURSUANT TO SECTIONS 22-11-403 TO 22-11-406.

(b) THE COMMISSIONER, SUBJECT TO AVAILABLE APPROPRIATIONS, MAY ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE THE INSTITUTE PRIORITY IMPROVEMENT PLAN AND RECOMMEND TO THE COMMISSIONER MODIFICATIONS TO THE PLAN. THE COMMISSIONER MAY RECOMMEND TO THE INSTITUTE MODIFICATIONS TO THE INSTITUTE PRIORITY IMPROVEMENT PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL.

(c) THE INSTITUTE SHALL SUBMIT THE ADOPTED INSTITUTE PRIORITY IMPROVEMENT PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE INSTITUTE PRIORITY IMPROVEMENT PLAN IS IN EFFECT FOR THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOLS WITHIN THE TIME FRAMES SPECIFIED BY STATE BOARD RULE. THE INSTITUTE SHALL ALSO MAKE COPIES OF THE INSTITUTE PRIORITY IMPROVEMENT PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(3) A DISTRICT PRIORITY IMPROVEMENT PLAN OR AN INSTITUTE PRIORITY IMPROVEMENT PLAN SHALL BE DESIGNED TO ENSURE THAT THE SCHOOL DISTRICT OR THE INSTITUTE IMPROVES ITS PERFORMANCE TO THE EXTENT THAT, FOLLOWING COMPLETION OF ITS NEXT ANNUAL ACCREDITATION REVIEW, THE SCHOOL DISTRICT OR THE INSTITUTE ATTAINS A HIGHER ACCREDITATION CATEGORY. AT A MINIMUM, A DISTRICT PRIORITY IMPROVEMENT PLAN OR AN INSTITUTE PRIORITY IMPROVEMENT PLAN SHALL:

(a) SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS FOR DISTRICT PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY OR FOR INSTITUTE CHARTER SCHOOLS AS A GROUP AND INDIVIDUALLY IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS OF THE DISTRICT OR INSTITUTE AND OF THE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES THAT ARE APPROPRIATE IN SCOPE, INTENSITY, AND TYPE TO ADDRESS THE NEEDS AND

ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3);

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE SCHOOL DISTRICT OR THE INSTITUTE WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE ACCREDITATION PROCESS PURSUANT TO PART 2 OF THIS ARTICLE.

22-11-306. Accredited with turnaround plan - school district or institute - plan content - adoption. (1) (a) IN ACCORDANCE WITH THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, EACH SCHOOL DISTRICT THAT IS ACCREDITED WITH TURNAROUND PLAN SHALL ANNUALLY ADOPT AND IMPLEMENT A DISTRICT TURNAROUND PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE FOR THE SCHOOL DISTRICT SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT TURNAROUND PLAN AND MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE DISTRICT TURNAROUND PLAN. IN ADVISING AND MAKING ITS RECOMMENDATIONS, THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY DISTRICT PUBLIC SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLANS RECEIVED PURSUANT TO SECTIONS 22-11-403 TO 22-11-406. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE DISTRICT TURNAROUND PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE.

(c) WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, THE LOCAL SCHOOL BOARD SHALL SUBMIT THE ADOPTED DISTRICT TURNAROUND PLAN TO THE COMMISSIONER FOR REVIEW BY THE STATE REVIEW PANEL. THE STATE REVIEW PANEL SHALL CRITICALLY EVALUATE THE ADOPTED DISTRICT TURNAROUND PLAN AND MAKE RECOMMENDATIONS TO THE COMMISSIONER AND THE STATE BOARD CONCERNING THE ISSUES SPECIFIED IN SECTION 22-11-208 (3). THE COMMISSIONER SHALL APPROVE THE ADOPTED DISTRICT TURNAROUND PLAN OR SUGGEST MODIFICATIONS TO THE PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL. THE LOCAL SCHOOL BOARD SHALL REVISE THE ADOPTED DISTRICT

TURNAROUND PLAN, IF NECESSARY, AND RESUBMIT THE PLAN FOR APPROVAL WITHIN THE TIME FRAMES SPECIFIED BY STATE BOARD RULE.

(d) THE LOCAL SCHOOL BOARD SHALL SUBMIT THE FINAL, APPROVED DISTRICT TURNAROUND PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE FINAL, APPROVED DISTRICT TURNAROUND PLAN IS IN EFFECT FOR THE SCHOOL DISTRICT AND THE DISTRICT PUBLIC SCHOOLS WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE LOCAL SCHOOL BOARD SHALL ALSO MAKE COPIES OF THE FINAL, APPROVED DISTRICT TURNAROUND PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(2) (a) IF THE INSTITUTE IS ACCREDITED WITH TURNAROUND PLAN, THE INSTITUTE BOARD SHALL, IN ACCORDANCE WITH THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, ADOPT AND IMPLEMENT AN INSTITUTE TURNAROUND PLAN AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. IN PREPARING THE INSTITUTE TURNAROUND PLAN, THE INSTITUTE BOARD SHALL TAKE INTO ACCOUNT AND INCORPORATE ANY INSTITUTE CHARTER SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS RECEIVED PURSUANT TO SECTIONS 22-11-403 TO 22-11-406.

(b) WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, THE INSTITUTE SHALL SUBMIT THE ADOPTED INSTITUTE TURNAROUND PLAN TO THE COMMISSIONER FOR REVIEW BY THE STATE REVIEW PANEL. THE STATE REVIEW PANEL SHALL CRITICALLY EVALUATE THE ADOPTED INSTITUTE TURNAROUND PLAN AND MAKE RECOMMENDATIONS TO THE COMMISSIONER AND THE STATE BOARD CONCERNING THE ISSUES SPECIFIED IN SECTION 22-11-208 (3). THE COMMISSIONER SHALL APPROVE THE ADOPTED INSTITUTE TURNAROUND PLAN OR SUGGEST MODIFICATIONS TO THE PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL. THE INSTITUTE SHALL REVISE THE ADOPTED INSTITUTE TURNAROUND PLAN, IF NECESSARY, AND RESUBMIT THE PLAN FOR APPROVAL WITHIN THE TIME FRAMES SPECIFIED BY STATE BOARD RULE.

(c) THE INSTITUTE SHALL SUBMIT THE FINAL, APPROVED INSTITUTE TURNAROUND PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL AND SHALL ENSURE THAT THE FINAL, APPROVED INSTITUTE TURNAROUND PLAN IS IN EFFECT FOR THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOLS WITHIN THE TIME FRAMES SPECIFIED BY STATE BOARD RULE. THE INSTITUTE SHALL ALSO MAKE COPIES OF THE FINAL, APPROVED

INSTITUTE TURNAROUND PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(3) A DISTRICT TURNAROUND PLAN OR AN INSTITUTE TURNAROUND PLAN SHALL BE DESIGNED TO ENSURE THAT THE SCHOOL DISTRICT OR THE INSTITUTE IMPROVES ITS PERFORMANCE TO THE EXTENT THAT, FOLLOWING COMPLETION OF ITS NEXT ANNUAL ACCREDITATION REVIEW, THE SCHOOL DISTRICT OR THE INSTITUTE ATTAINS A HIGHER ACCREDITATION CATEGORY. AT A MINIMUM, A DISTRICT TURNAROUND PLAN OR AN INSTITUTE TURNAROUND PLAN SHALL:

(a) SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS FOR DISTRICT PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY OR FOR INSTITUTE CHARTER SCHOOLS AS A GROUP AND INDIVIDUALLY IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOLS AS A GROUP AND INDIVIDUALLY ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS OF THE DISTRICT OR INSTITUTE AND OF THE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS AND TO IMPROVE SCHOOL READINESS IN DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT SERVE STUDENTS IN PRESCHOOL AND KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES THAT ARE APPROPRIATE IN SCOPE, INTENSITY, AND TYPE TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3), WHICH STRATEGIES SHALL, AT A MINIMUM, INCLUDE ONE OR MORE OF THE FOLLOWING:

(I) EMPLOYING A LEAD TURNAROUND PARTNER THAT USES

RESEARCH-BASED STRATEGIES AND HAS A PROVEN RECORD OF SUCCESS WORKING WITH SCHOOLS UNDER SIMILAR CIRCUMSTANCES, WHICH TURNAROUND PARTNER SHALL BE IMMERSED IN ALL ASPECTS OF DEVELOPING AND COLLABORATIVELY EXECUTING THE TURNAROUND PLAN AND SHALL SERVE AS A LIAISON TO OTHER SCHOOL PARTNERS;

(II) REORGANIZING THE OVERSIGHT AND MANAGEMENT STRUCTURE WITHIN THE SCHOOL DISTRICT OR THE INSTITUTE TO PROVIDE GREATER, MORE EFFECTIVE SUPPORT FOR PUBLIC SCHOOLS;

(III) FOR A SCHOOL DISTRICT, RECOGNIZING INDIVIDUAL DISTRICT PUBLIC SCHOOLS AS INNOVATION SCHOOLS OR CLUSTERING DISTRICT PUBLIC SCHOOLS WITH SIMILAR GOVERNANCE OR MANAGEMENT STRUCTURES INTO ONE OR MORE INNOVATION SCHOOL ZONES AND SEEKING DESIGNATION AS A DISTRICT OF INNOVATION PURSUANT TO ARTICLE 32.5 OF THIS TITLE;

(IV) HIRING AN ENTITY THAT USES RESEARCH-BASED STRATEGIES AND HAS A PROVEN RECORD OF SUCCESS WORKING WITH SCHOOLS UNDER SIMILAR CIRCUMSTANCES TO OPERATE ONE OR MORE DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS PURSUANT TO A CONTRACT WITH THE LOCAL SCHOOL BOARD OR THE INSTITUTE;

(V) FOR A SCHOOL DISTRICT, CONVERTING ONE OR MORE DISTRICT PUBLIC SCHOOLS TO CHARTER SCHOOLS;

(VI) FOR THE INSTITUTE, RENEGOTIATING AND SIGNIFICANTLY RESTRUCTURING AN INSTITUTE CHARTER SCHOOL'S CHARTER CONTRACT;

(VII) CLOSING DISTRICT PUBLIC SCHOOLS OR INSTITUTE CHARTER SCHOOLS; AND

(VIII) OTHER ACTIONS OF COMPARABLE OR GREATER SIGNIFICANCE OR EFFECT;

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE SCHOOL DISTRICT OR THE INSTITUTE WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE ACCREDITATION

PROCESS PURSUANT TO PART 2 OF THIS ARTICLE.

22-11-307. Accreditation of public schools. (1) THE LOCAL SCHOOL BOARD FOR EACH SCHOOL DISTRICT SHALL ADOPT POLICIES FOR ACCREDITATION OF THE DISTRICT PUBLIC SCHOOLS. THE INSTITUTE BOARD SHALL ADOPT POLICIES FOR ACCREDITATION OF THE INSTITUTE CHARTER SCHOOLS. EACH SCHOOL DISTRICT'S AND THE INSTITUTE'S SCHOOL ACCREDITATION POLICIES, AT A MINIMUM, SHALL INCLUDE:

(a) THE USE OF ACCREDITATION CONTRACTS THAT ARE COMPARABLE TO THE ACCREDITATION CONTRACT BETWEEN A SCHOOL DISTRICT OR THE INSTITUTE AND THE STATE BOARD, AS DESCRIBED IN SECTION 22-11-206;

(b) ACCREDITATION CATEGORIES THAT ARE COMPARABLE TO THE ACCREDITATION CATEGORIES FOR SCHOOL DISTRICTS AND THE INSTITUTE SPECIFIED IN SECTION 22-11-207;

(c) DETERMINATION OF A PUBLIC SCHOOL'S ACCREDITATION CATEGORY BASED ON THE PUBLIC SCHOOL'S LEVEL OF ATTAINMENT OF THE PERFORMANCE INDICATORS; AND

(d) ADOPTION AND IMPLEMENTATION OF SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, AND TURNAROUND PLANS AS REQUIRED BY THE STATE BOARD PURSUANT TO SECTION 22-11-210 (1) AND AS DESCRIBED IN SECTIONS 22-11-403 TO 22-11-406.

(2) IN ADOPTING ITS SCHOOL ACCREDITATION POLICIES, A LOCAL SCHOOL BOARD OR THE INSTITUTE BOARD MAY CHOOSE TO BE MORE RIGOROUS IN EXPECTATIONS AND IN THE IMPOSITION OF REMEDIAL ACTIONS THAN THE SYSTEM FOR ACCREDITATION OF SCHOOL DISTRICTS AND THE INSTITUTE SPECIFIED IN THE PROVISIONS OF PART 2 OF THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO SAID PART 2.

(3) EACH LOCAL SCHOOL BOARD SHALL ANNUALLY ASSIGN EACH OF ITS DISTRICT PUBLIC SCHOOLS TO AN ACCREDITATION CATEGORY THAT CORRELATES WITH THE TYPE OF PLAN THAT THE DEPARTMENT DETERMINES, PURSUANT TO SECTION 22-11-210, THE DISTRICT PUBLIC SCHOOL IS REQUIRED TO ADOPT. THE INSTITUTE SHALL ANNUALLY ASSIGN EACH INSTITUTE CHARTER SCHOOL TO AN ACCREDITATION CATEGORY THAT CORRELATES WITH THE TYPE OF PLAN THAT THE DEPARTMENT DETERMINES,

PURSUANT TO SECTION 22-11-210, THE INSTITUTE CHARTER SCHOOL IS REQUIRED TO ADOPT.

(4) IF, PURSUANT TO SECTION 22-11-210 (5), THE STATE BOARD DIRECTS A LOCAL SCHOOL BOARD OR THE INSTITUTE TO RESTRUCTURE OR CLOSE A PUBLIC SCHOOL, THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL WORK WITH THE DEPARTMENT TO IMPLEMENT THE STATE BOARD'S DIRECTIONS.

PART 4
SCHOOL ACCOUNTABILITY

22-11-401. School accountability committee - creation - qualifications - elections. (1) (a) EACH DISTRICT PUBLIC SCHOOL AND EACH INSTITUTE CHARTER SCHOOL SHALL ESTABLISH A SCHOOL ACCOUNTABILITY COMMITTEE. EACH SCHOOL ACCOUNTABILITY COMMITTEE SHALL CONSIST OF AT LEAST SEVEN MEMBERS AS FOLLOWS:

(I) THE PRINCIPAL OF THE SCHOOL OR THE PRINCIPAL'S DESIGNEE;

(II) AT LEAST ONE TEACHER WHO PROVIDES INSTRUCTION AT THE SCHOOL;

(III) AT LEAST THREE PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL;

(IV) AT LEAST ONE ADULT MEMBER OF AN ORGANIZATION OF PARENTS, TEACHERS, AND STUDENTS RECOGNIZED BY THE SCHOOL; AND

(V) AT LEAST ONE PERSON FROM THE COMMUNITY.

(b) THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL DETERMINE THE ACTUAL NUMBER OF PERSONS ON THE SCHOOL ACCOUNTABILITY COMMITTEE AND THE METHOD FOR SELECTING THE MEMBERS OF THE SCHOOL ACCOUNTABILITY COMMITTEE. IF THE LOCAL SCHOOL BOARD OR THE INSTITUTE CHOOSES TO INCREASE THE NUMBER OF PERSONS ON THE SCHOOL ACCOUNTABILITY COMMITTEE, IT SHALL ENSURE THAT THE NUMBER OF PARENTS, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (1), ON THE COMMITTEE EXCEEDS THE NUMBER OF REPRESENTATIVES FROM THE GROUP WITH THE NEXT HIGHEST

REPRESENTATION.

(c) A PERSON MAY NOT BE SELECTED TO FILL MORE THAN ONE OF THE MEMBER POSITIONS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IN A SINGLE TERM.

(d) IF THE LOCAL SCHOOL BOARD OR THE INSTITUTE DETERMINES THAT THE MEMBERS OF A SCHOOL ACCOUNTABILITY COMMITTEE SHOULD BE APPOINTED, THE APPOINTING AUTHORITY SHALL, TO THE EXTENT PRACTICABLE, APPOINT PERSONS TO SERVE ON THE SCHOOL ACCOUNTABILITY COMMITTEE WHO REFLECT THE STUDENT POPULATIONS THAT ARE SIGNIFICANTLY REPRESENTED WITHIN THE SCHOOL. IF THE LOCAL SCHOOL BOARD OR THE INSTITUTE DETERMINES THAT PERSONS SHALL BE ELECTED TO SERVE ON THE SCHOOL ACCOUNTABILITY COMMITTEE, THE SCHOOL PRINCIPAL SHALL ENCOURAGE PERSONS WHO REFLECT THE STUDENT POPULATIONS THAT ARE SIGNIFICANTLY REPRESENTED WITHIN THE SCHOOL TO SEEK ELECTION TO THE COMMITTEE. SAID STUDENT POPULATIONS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) STUDENTS WHO ARE MEMBERS OF NON-CAUCASIAN RACES;

(II) STUDENTS WHO ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH THROUGH THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(III) STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH, AS DEFINED IN SECTION 22-24-103 (4);

(IV) STUDENTS WHO ARE MIGRANT CHILDREN, AS DEFINED IN SECTION 22-23-103 (2);

(V) STUDENTS WHO ARE IDENTIFIED AS CHILDREN WITH DISABILITIES PURSUANT TO SECTION 22-20-108; AND

(VI) STUDENTS WHO ARE IDENTIFIED AS GIFTED CHILDREN, AS DEFINED IN SECTION 22-20-103 (13).

(2) THE MEMBERS OF EACH SCHOOL ACCOUNTABILITY COMMITTEE SHALL ANNUALLY SELECT FROM AMONG THE PARENT REPRESENTATIVES ELECTED TO THE COMMITTEE A MEMBER TO SERVE AS CHAIR OR CO-CHAIR OF

THE COMMITTEE.

(3) IF A VACANCY ARISES ON A SCHOOL ACCOUNTABILITY COMMITTEE BECAUSE OF A MEMBER'S RESIGNATION OR DISQUALIFICATION OR FOR ANY OTHER REASON, THE REMAINING MEMBERS OF THE SCHOOL ACCOUNTABILITY COMMITTEE SHALL FILL THE VACANCY BY MAJORITY ACTION.

(4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) IF, AFTER MAKING GOOD-FAITH EFFORTS, A PRINCIPAL OR AN ORGANIZATION OF PARENTS, TEACHERS, AND STUDENTS IS UNABLE TO FIND A SUFFICIENT NUMBER OF PERSONS WHO ARE WILLING TO SERVE ON THE SCHOOL ACCOUNTABILITY COMMITTEE, THE PRINCIPAL, WITH ADVICE FROM THE ORGANIZATION OF PARENTS, TEACHERS, AND STUDENTS, MAY ESTABLISH AN ALTERNATIVE MEMBERSHIP PLAN FOR THE SCHOOL ACCOUNTABILITY COMMITTEE, WHICH PLAN SHALL REFLECT THE MEMBERSHIP SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AS MUCH AS PRACTICABLE;

(b) THE MEMBERS OF THE GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL MAY SERVE AS MEMBERS OF THE SCHOOL ACCOUNTABILITY COMMITTEE;

(c) IN A SCHOOL DISTRICT WITH FIVE HUNDRED OR FEWER ENROLLED STUDENTS, A MEMBER OF THE LOCAL SCHOOL BOARD MAY SERVE ON A SCHOOL ACCOUNTABILITY COMMITTEE, AND THE DISTRICT ACCOUNTABILITY COMMITTEE MAY SERVE AS A SCHOOL ACCOUNTABILITY COMMITTEE.

22-11-402. School accountability committee - powers and duties - meetings. (1) EACH SCHOOL ACCOUNTABILITY COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO RECOMMEND TO THE PRINCIPAL OF ITS SCHOOL PRIORITIES FOR SPENDING SCHOOL MONEYS. THE PRINCIPAL SHALL CONSIDER THE SCHOOL ACCOUNTABILITY COMMITTEE'S RECOMMENDATIONS REGARDING SPENDING STATE, FEDERAL, LOCAL, OR PRIVATE GRANTS AND ANY OTHER DISCRETIONARY MONEYS AND TAKE THEM INTO ACCOUNT IN FORMULATING BUDGET REQUESTS FOR PRESENTATION TO THE LOCAL SCHOOL BOARD, IF THE

SCHOOL IS A DISTRICT PUBLIC SCHOOL, OTHER THAN A CHARTER SCHOOL, OR IN CREATING THE SCHOOL BUDGET IF THE SCHOOL IS A DISTRICT OR INSTITUTE CHARTER SCHOOL. THE SCHOOL ACCOUNTABILITY COMMITTEE FOR A DISTRICT PUBLIC SCHOOL SHALL SEND A COPY OF ITS RECOMMENDED SPENDING PRIORITIES TO THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE AND TO THE LOCAL SCHOOL BOARD.

(b) TO ADVISE THE PRINCIPAL OF THE PUBLIC SCHOOL AND, IN THE CASE OF A DISTRICT PUBLIC SCHOOL, THE SUPERINTENDENT OF THE SCHOOL DISTRICT CONCERNING THE PREPARATION OF A SCHOOL PERFORMANCE OR IMPROVEMENT PLAN, IF EITHER IS REQUIRED PURSUANT TO SECTION 22-11-210, AND TO SUBMIT RECOMMENDATIONS TO THE PRINCIPAL, AND SUPERINTENDENT IF APPLICABLE, CONCERNING THE CONTENTS OF THE PERFORMANCE OR IMPROVEMENT PLAN;

(c) TO ADVISE THE LOCAL SCHOOL BOARD OR THE INSTITUTE CONCERNING THE PREPARATION OF A SCHOOL PRIORITY IMPROVEMENT OR TURNAROUND PLAN, IF EITHER IS REQUIRED PURSUANT TO SECTION 22-11-210, AND TO SUBMIT RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD OR THE INSTITUTE CONCERNING THE CONTENTS OF THE PRIORITY IMPROVEMENT OR TURNAROUND PLAN;

(d) TO MEET AT LEAST QUARTERLY TO DISCUSS WHETHER SCHOOL LEADERSHIP, PERSONNEL, AND INFRASTRUCTURE ARE ADVANCING OR IMPEDING IMPLEMENTATION OF THE PUBLIC SCHOOL'S PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPLICABLE, OR OTHER PROGRESS PERTINENT TO THE PUBLIC SCHOOL'S ACCREDITATION CONTRACT WITH THE LOCAL SCHOOL BOARD OR THE INSTITUTE.

22-11-403. School performance plan - contents. (1) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT A PERFORMANCE PLAN, THE SCHOOL PRINCIPAL AND THE SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR HER DESIGNEE, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PERFORMANCE PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF

THE PERFORMANCE PLAN AND MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL PERFORMANCE PLAN. THE PRINCIPAL, WITH THE APPROVAL OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, SHALL CREATE AND ADOPT THE SCHOOL PERFORMANCE PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE ADOPTED SCHOOL PERFORMANCE PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE ADOPTED SCHOOL PERFORMANCE PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108. THE PRINCIPAL AND THE SUPERINTENDENT OR HIS OR HER DESIGNEE SHALL ENSURE THAT THE SCHOOL PERFORMANCE PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT A PERFORMANCE PLAN, THE SCHOOL PRINCIPAL, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PERFORMANCE PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE PERFORMANCE PLAN AND MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL PERFORMANCE PLAN. THE PRINCIPAL SHALL CREATE AND ADOPT THE SCHOOL PERFORMANCE PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE INSTITUTE SHALL INCLUDE THE ADOPTED SCHOOL PERFORMANCE PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE PRINCIPAL SHALL ENSURE THAT THE SCHOOL PERFORMANCE PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(3) A SCHOOL PERFORMANCE PLAN SHALL BE DESIGNED TO RAISE THE ACADEMIC PERFORMANCE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL AND TO ENSURE THAT THE PUBLIC SCHOOL, FOLLOWING THE NEXT ANNUAL

PERFORMANCE REVIEW, ATTAINS A HIGHER ACCREDITATION CATEGORY OR REMAINS IN THE SAME ACCREDITATION CATEGORY IF THE PUBLIC SCHOOL IS ALREADY ACCREDITED BY THE SCHOOL DISTRICT OR THE INSTITUTE AT THE HIGHEST LEVEL. AT A MINIMUM, EACH SCHOOL PERFORMANCE PLAN SHALL:

(a) SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE PRINCIPAL AND SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR HER DESIGNEE, SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOL ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS AT THE PUBLIC SCHOOL THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3);

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE PUBLIC SCHOOL WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE PERFORMANCE REVIEW PURSUANT TO SECTION 22-11-210.

(4) THE LOCAL SCHOOL BOARD, ON BEHALF OF A DISTRICT PUBLIC SCHOOL, OR THE INSTITUTE, ON BEHALF OF AN INSTITUTE CHARTER SCHOOL, SHALL SUBMIT THE SCHOOL PERFORMANCE PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL. THE PUBLIC SCHOOL SHALL MAKE COPIES OF THE SCHOOL PERFORMANCE PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

22-11-404. School improvement plan - contents. (1) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT AN IMPROVEMENT PLAN, THE SCHOOL PRINCIPAL AND THE SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR HER DESIGNEE, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE SCHOOL IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL IMPROVEMENT PLAN. THE PRINCIPAL, WITH THE APPROVAL OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, SHALL CREATE AND ADOPT THE SCHOOL IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE ADOPTED SCHOOL IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE ADOPTED SCHOOL IMPROVEMENT PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108. THE PRINCIPAL AND THE SUPERINTENDENT, OR HIS OR HER DESIGNEE, SHALL ENSURE THAT THE SCHOOL IMPROVEMENT PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT AN IMPROVEMENT PLAN, THE SCHOOL PRINCIPAL, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE PRINCIPAL CONCERNING PREPARATION OF THE SCHOOL IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE PRINCIPAL CONCERNING THE CONTENTS OF THE SCHOOL IMPROVEMENT PLAN. THE PRINCIPAL SHALL CREATE AND ADOPT THE SCHOOL IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE INSTITUTE SHALL INCLUDE THE ADOPTED SCHOOL IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE PRINCIPAL SHALL ENSURE THAT THE SCHOOL IMPROVEMENT PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(3) A SCHOOL IMPROVEMENT PLAN SHALL BE DESIGNED TO RAISE THE ACADEMIC PERFORMANCE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL AND TO ENSURE THAT THE PUBLIC SCHOOL, FOLLOWING THE NEXT ANNUAL PERFORMANCE REVIEW, ATTAINS A HIGHER ACCREDITATION CATEGORY. AT A MINIMUM, EACH SCHOOL IMPROVEMENT PLAN SHALL:

(a) SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE PRINCIPAL AND SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR HER DESIGNEE, SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOL ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS AT THE PUBLIC SCHOOL THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES THAT ARE APPROPRIATE IN SCOPE, INTENSITY, AND TYPE TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3);

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE PUBLIC SCHOOL WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE PERFORMANCE REVIEW PURSUANT TO SECTION 22-11-210.

(4) THE LOCAL SCHOOL BOARD, ON BEHALF OF A DISTRICT PUBLIC SCHOOL, OR THE INSTITUTE, ON BEHALF OF AN INSTITUTE CHARTER SCHOOL, SHALL SUBMIT THE SCHOOL IMPROVEMENT PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL. THE PUBLIC SCHOOL SHALL MAKE COPIES OF THE SCHOOL IMPROVEMENT PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

22-11-405. School priority improvement plan - contents. (1) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT A PRIORITY IMPROVEMENT PLAN, THE LOCAL SCHOOL BOARD, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PRIORITY IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE SCHOOL PRIORITY IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE SCHOOL PRIORITY IMPROVEMENT PLAN. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE SCHOOL PRIORITY IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE ADOPTED SCHOOL PRIORITY IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE ADOPTED SCHOOL PRIORITY IMPROVEMENT PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108. THE LOCAL SCHOOL BOARD SHALL ENSURE THAT THE SCHOOL PRIORITY IMPROVEMENT PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT A PRIORITY IMPROVEMENT PLAN, THE INSTITUTE, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL PRIORITY IMPROVEMENT PLAN, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL.

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE INSTITUTE CONCERNING PREPARATION OF THE SCHOOL PRIORITY IMPROVEMENT PLAN AND SHALL MAKE RECOMMENDATIONS TO THE INSTITUTE CONCERNING THE CONTENTS OF THE SCHOOL PRIORITY IMPROVEMENT PLAN. THE INSTITUTE SHALL CREATE AND ADOPT THE SCHOOL PRIORITY IMPROVEMENT PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) THE INSTITUTE SHALL INCLUDE THE ADOPTED SCHOOL PRIORITY IMPROVEMENT PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE INSTITUTE SHALL ENSURE THAT THE SCHOOL PRIORITY IMPROVEMENT PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES ESTABLISHED IN STATE BOARD RULES.

(3) THE COMMISSIONER, SUBJECT TO AVAILABLE APPROPRIATIONS, MAY ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE A PUBLIC SCHOOL'S PRIORITY IMPROVEMENT PLAN AND REPORT TO THE COMMISSIONER ANY RECOMMENDED MODIFICATIONS TO THE PLAN. THE COMMISSIONER MAY RECOMMEND TO THE LOCAL SCHOOL BOARD OR THE INSTITUTE MODIFICATIONS TO THE SCHOOL PRIORITY IMPROVEMENT PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL.

(4) A SCHOOL PRIORITY IMPROVEMENT PLAN SHALL BE DESIGNED TO ENSURE THAT THE PUBLIC SCHOOL IMPROVES ITS PERFORMANCE TO THE EXTENT THAT, FOLLOWING COMPLETION OF THE PUBLIC SCHOOL'S NEXT ANNUAL PERFORMANCE REVIEW, THE PUBLIC SCHOOL ATTAINS A HIGHER ACCREDITATION CATEGORY. AT A MINIMUM, A SCHOOL PRIORITY IMPROVEMENT PLAN SHALL:

(a) SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOL ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS AT THE PUBLIC

SCHOOL THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES THAT ARE APPROPRIATE IN SCOPE, INTENSITY, AND TYPE TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (4);

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE PUBLIC SCHOOL WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE PERFORMANCE REVIEW PURSUANT TO SECTION 22-11-210.

(5) THE LOCAL SCHOOL BOARD, ON BEHALF OF A DISTRICT PUBLIC SCHOOL, OR THE INSTITUTE, ON BEHALF OF AN INSTITUTE CHARTER SCHOOL, SHALL SUBMIT THE SCHOOL PRIORITY IMPROVEMENT PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL. THE PUBLIC SCHOOL SHALL MAKE COPIES OF THE SCHOOL PRIORITY IMPROVEMENT PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

22-11-406. School turnaround plan - contents. (1) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS A DISTRICT PUBLIC SCHOOL TO ADOPT A TURNAROUND PLAN, THE LOCAL SCHOOL BOARD, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL TURNAROUND PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE DISTRICT PUBLIC SCHOOL. EACH DISTRICT PUBLIC SCHOOL TURNAROUND PLAN SHALL ALSO BE SUBJECT TO EVALUATION BY THE STATE REVIEW PANEL AND APPROVAL BY THE COMMISSIONER AS PROVIDED IN THIS SUBSECTION (1).

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE DISTRICT PUBLIC SCHOOL SHALL ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE SCHOOL TURNAROUND PLAN AND SHALL MAKE RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD CONCERNING THE CONTENTS OF THE SCHOOL TURNAROUND PLAN. THE LOCAL SCHOOL BOARD SHALL CREATE AND ADOPT THE SCHOOL TURNAROUND PLAN, TAKING INTO

ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, THE LOCAL SCHOOL BOARD SHALL SUBMIT THE ADOPTED SCHOOL TURNAROUND PLAN TO THE COMMISSIONER FOR EVALUATION BY THE STATE REVIEW PANEL. THE STATE REVIEW PANEL SHALL CRITICALLY EVALUATE THE ADOPTED SCHOOL TURNAROUND PLAN AND MAKE RECOMMENDATIONS TO THE COMMISSIONER AND THE STATE BOARD CONCERNING THE ISSUES SPECIFIED IN SECTION 22-11-210 (4). THE COMMISSIONER SHALL APPROVE THE SCHOOL TURNAROUND PLAN OR SUGGEST MODIFICATIONS TO THE PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL. THE LOCAL SCHOOL BOARD SHALL REVISE THE SCHOOL TURNAROUND PLAN, IF NECESSARY, AND RESUBMIT THE PLAN FOR APPROVAL WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE LOCAL SCHOOL BOARD SHALL ENSURE THAT THE FINAL, APPROVED SCHOOL TURNAROUND PLAN IS IN EFFECT FOR THE DISTRICT PUBLIC SCHOOL WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE.

(d) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE THE FINAL, APPROVED SCHOOL TURNAROUND PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-302 (1), AND THE LOCAL SCHOOL BOARD SHALL CONSIDER THE FINAL, APPROVED SCHOOL TURNAROUND PLAN IN DEVELOPING THE BUDGET REQUIRED BY SECTION 22-44-108.

(e) THE LOCAL SCHOOL BOARD SHALL SUBMIT THE FINAL, APPROVED SCHOOL TURNAROUND PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL. THE DISTRICT PUBLIC SCHOOL SHALL MAKE COPIES OF THE FINAL, APPROVED SCHOOL TURNAROUND PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(2) (a) IF THE STATE BOARD, PURSUANT TO SECTION 22-11-210, DIRECTS AN INSTITUTE CHARTER SCHOOL TO ADOPT A TURNAROUND PLAN, THE INSTITUTE, IN ACCORDANCE WITH TIME FRAMES SPECIFIED IN STATE BOARD RULES, SHALL ADOPT A SCHOOL TURNAROUND PLAN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, FOR THE INSTITUTE CHARTER SCHOOL. EACH INSTITUTE CHARTER SCHOOL TURNAROUND PLAN SHALL ALSO BE SUBJECT TO EVALUATION BY THE STATE REVIEW PANEL AND APPROVAL BY THE COMMISSIONER AS PROVIDED IN THIS SUBSECTION (2).

(b) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE INSTITUTE CHARTER SCHOOL SHALL ADVISE THE INSTITUTE CONCERNING PREPARATION OF THE SCHOOL TURNAROUND PLAN AND SHALL MAKE RECOMMENDATIONS TO THE INSTITUTE CONCERNING THE CONTENTS OF THE SCHOOL TURNAROUND PLAN. THE INSTITUTE SHALL CREATE AND ADOPT THE SCHOOL TURNAROUND PLAN, TAKING INTO ACCOUNT THE ADVICE AND RECOMMENDATIONS OF THE SCHOOL ACCOUNTABILITY COMMITTEE.

(c) WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE, THE INSTITUTE SHALL SUBMIT THE ADOPTED SCHOOL TURNAROUND PLAN TO THE COMMISSIONER FOR EVALUATION BY THE STATE REVIEW PANEL. THE STATE REVIEW PANEL SHALL CRITICALLY EVALUATE THE ADOPTED SCHOOL TURNAROUND PLAN AND MAKE RECOMMENDATIONS TO THE COMMISSIONER AND THE STATE BOARD CONCERNING THE ISSUES SPECIFIED IN SECTION 22-11-210 (4). THE COMMISSIONER SHALL APPROVE THE SCHOOL TURNAROUND PLAN OR SUGGEST MODIFICATIONS TO THE PLAN, TAKING INTO CONSIDERATION ANY RECOMMENDATIONS OF THE STATE REVIEW PANEL. THE INSTITUTE SHALL REVISE THE SCHOOL TURNAROUND PLAN, IF NECESSARY, AND RESUBMIT THE PLAN FOR APPROVAL WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE. THE INSTITUTE SHALL ENSURE THAT THE FINAL, APPROVED SCHOOL TURNAROUND PLAN IS IN EFFECT FOR THE INSTITUTE CHARTER SCHOOL WITHIN THE TIME FRAMES SPECIFIED IN STATE BOARD RULE.

(d) THE INSTITUTE SHALL INCLUDE THE FINAL, APPROVED SCHOOL TURNAROUND PLAN IN THE COMPILATION PREPARED PURSUANT TO SECTION 22-11-303 (2) (b). THE INSTITUTE SHALL SUBMIT THE FINAL, APPROVED SCHOOL TURNAROUND PLAN TO THE DEPARTMENT FOR PUBLICATION ON THE DATA PORTAL. THE INSTITUTE CHARTER SCHOOL SHALL MAKE COPIES OF THE FINAL, APPROVED SCHOOL TURNAROUND PLAN AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(3) A SCHOOL TURNAROUND PLAN SHALL BE DESIGNED TO ENSURE THAT THE PUBLIC SCHOOL IMPROVES ITS PERFORMANCE TO THE EXTENT THAT, FOLLOWING COMPLETION OF THE PUBLIC SCHOOL'S NEXT ANNUAL PERFORMANCE REVIEW, THE PUBLIC SCHOOL ATTAINS A HIGHER ACCREDITATION CATEGORY. AT A MINIMUM, A SCHOOL TURNAROUND PLAN SHALL:

(a) SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE

TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN ON THE PERFORMANCE INDICATORS. THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL ENSURE THAT THE TARGETS ARE ALIGNED WITH THE STATEWIDE TARGETS SET BY THE STATE BOARD PURSUANT TO SECTION 22-11-201.

(b) IDENTIFY POSITIVE AND NEGATIVE TRENDS IN THE LEVELS OF ATTAINMENT BY THE PUBLIC SCHOOL ON THE PERFORMANCE INDICATORS;

(c) ASSESS AND PRIORITIZE THE ISSUES AND NEEDS AT THE PUBLIC SCHOOL THAT MUST BE ADDRESSED TO RAISE THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS BY THE PUBLIC SCHOOL AND TO IMPROVE SCHOOL READINESS, IF THE PUBLIC SCHOOL SERVES STUDENTS IN PRESCHOOL OR KINDERGARTEN;

(d) IDENTIFY SPECIFIC, RESEARCH-BASED STRATEGIES THAT ARE APPROPRIATE IN SCOPE, INTENSITY, AND TYPE TO ADDRESS THE NEEDS AND ISSUES IDENTIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3), WHICH STRATEGIES SHALL, AT A MINIMUM, INCLUDE ONE OR MORE OF THE FOLLOWING:

(I) EMPLOYING A LEAD TURNAROUND PARTNER THAT USES RESEARCH-BASED STRATEGIES AND HAS A PROVEN RECORD OF SUCCESS WORKING WITH SCHOOLS UNDER SIMILAR CIRCUMSTANCES, WHICH TURNAROUND PARTNER SHALL BE IMMERSED IN ALL ASPECTS OF DEVELOPING AND COLLABORATIVELY EXECUTING THE TURNAROUND PLAN AND SHALL SERVE AS A LIAISON TO OTHER SCHOOL PARTNERS;

(II) REORGANIZING THE OVERSIGHT AND MANAGEMENT STRUCTURE WITHIN THE PUBLIC SCHOOL TO PROVIDE GREATER, MORE EFFECTIVE SUPPORT;

(III) FOR A DISTRICT PUBLIC SCHOOL, SEEKING RECOGNITION AS AN INNOVATION SCHOOL OR CLUSTERING WITH OTHER DISTRICT PUBLIC SCHOOLS THAT HAVE SIMILAR GOVERNANCE OR MANAGEMENT STRUCTURES TO FORM AN INNOVATION SCHOOL ZONE PURSUANT TO ARTICLE 32.5 OF THIS TITLE;

(IV) HIRING A PUBLIC OR PRIVATE ENTITY THAT USES RESEARCH-BASED STRATEGIES AND HAS A PROVEN RECORD OF SUCCESS WORKING WITH SCHOOLS UNDER SIMILAR CIRCUMSTANCES TO MANAGE THE PUBLIC SCHOOL PURSUANT TO A CONTRACT WITH THE LOCAL SCHOOL BOARD

OR THE INSTITUTE;

(V) FOR A DISTRICT PUBLIC SCHOOL THAT IS NOT A CHARTER SCHOOL, CONVERTING TO A CHARTER SCHOOL;

(VI) FOR A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL, RENEGOTIATING AND SIGNIFICANTLY RESTRUCTURING THE CHARTER SCHOOL'S CHARTER CONTRACT; AND

(VII) OTHER ACTIONS OF COMPARABLE OR GREATER SIGNIFICANCE OR EFFECT;

(e) IDENTIFY THE LOCAL, STATE, AND FEDERAL RESOURCES THAT THE PUBLIC SCHOOL WILL USE TO IMPLEMENT THE IDENTIFIED STRATEGIES WITH FIDELITY; AND

(f) ADDRESS ANY OTHER ISSUES REQUIRED BY RULE OF THE STATE BOARD OR RAISED BY THE DEPARTMENT THROUGH THE PERFORMANCE REVIEW PURSUANT TO SECTION 22-11-210.

(4) THE GENERAL ASSEMBLY MAY APPROPRIATE SUCH MONEYS AS ARE AVAILABLE TO ASSIST SCHOOL DISTRICTS AND THE INSTITUTE IN IMPROVING THE ACADEMIC GROWTH OF STUDENTS IN PUBLIC SCHOOLS THAT ARE REQUIRED TO ADOPT SCHOOL TURNAROUND PLANS. IN ADDITION, THE DEPARTMENT MAY ALLOCATE ANY MONEYS RECEIVED PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ., FOR SUCH PURPOSE.

PART 5
PERFORMANCE REPORTING

22-11-501. State data reporting system. (1) THE DEPARTMENT SHALL ADMINISTER, MANAGE, AND MAINTAIN A COMPREHENSIVE DATA COLLECTION AND REPORTING SYSTEM FOR COLLECTING AND REPORTING THE DATA SPECIFIED IN AND REQUIRED TO IMPLEMENT THIS ARTICLE. THE DEPARTMENT SHALL ENSURE THAT THE STATE DATA REPORTING SYSTEM IS CAPABLE OF:

(a) COLLECTING, THROUGH ELECTRONIC TRANSFER WHERE POSSIBLE, ALL STUDENT, PUBLIC SCHOOL, SCHOOL DISTRICT, AND INSTITUTE

PERFORMANCE DATA REQUIRED TO ASCERTAIN THE DEGREE TO WHICH PUBLIC SCHOOLS, SCHOOL DISTRICTS, AND THE INSTITUTE ARE MEETING THE STATEWIDE TARGETS FOR ATTAINMENT ON THE PERFORMANCE INDICATORS;

(b) PRODUCING DATA TO SUPPORT DECISION-MAKING AND LEARNING AND TO PREPARE THE REPORTS ON PUBLIC SCHOOL, SCHOOL DISTRICT, INSTITUTE, AND STATE PERFORMANCE DESCRIBED IN SECTION 22-11-503;

(c) PROTECTING THE PRIVACY OF STUDENTS;

(d) INCLUDING ALL THE INFORMATION AND DATA ELEMENTS NEEDED TO MEASURE STUDENT, PUBLIC SCHOOL, SCHOOL DISTRICT, INSTITUTE, AND STATE PERFORMANCE; AND

(e) SUPPORTING ANALYSIS OF THE RELATIONSHIP BETWEEN SCHOOL DISTRICT AND PUBLIC SCHOOL EXPENDITURES AND PROGRAM CHARACTERISTICS AND EFFECTIVENESS.

(2) THE DATA ELEMENTS COLLECTED AND PROVIDED BY THE DEPARTMENT, SCHOOL DISTRICTS, THE INSTITUTE, AND INDIVIDUAL PUBLIC SCHOOLS SHALL BE COMPATIBLE AND INTEROPERABLE. EACH SCHOOL DISTRICT THAT HAS A UNIQUE INFORMATION MANAGEMENT SYSTEM SHALL ENSURE THAT ITS UNIQUE SYSTEM IS COMPATIBLE WITH THE DATA ELEMENTS OF THE STATE DATA REPORTING SYSTEM SO THAT ALL DATA REQUIRED TO BE INPUT INTO THE STATE DATA REPORTING SYSTEM IS MADE AVAILABLE THROUGH ELECTRONIC TRANSFER AND IN THE APPROPRIATE INPUT FORMAT.

(3) THE DEPARTMENT SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES WITH REGARD TO THE STATE DATA REPORTING SYSTEM:

(a) TO CONSULT WITH SCHOOL DISTRICT REPRESENTATIVES IN THE DESIGN AND MAINTENANCE OF THE DATA MODEL AND IMPLEMENTATION PLANS FOR THE ELECTRONIC TRANSFER OF DATA BETWEEN SCHOOL DISTRICTS, THE INSTITUTE, INDIVIDUAL PUBLIC SCHOOLS, AND THE STATE DATA REPORTING SYSTEM;

(b) TO PROVIDE OPERATIONAL DEFINITIONS FOR THE STATE DATA REPORTING SYSTEM THROUGH THE DATA DICTIONARY CREATED PURSUANT TO SECTION 22-2-305;

(c) TO DETERMINE THE INFORMATION AND SPECIFIC DATA ELEMENTS REQUIRED FOR THE PERFORMANCE DECISIONS MADE AT EACH PUBLIC SCHOOL, RECOGNIZING THAT THE TIME AND EFFORT OF INSTRUCTIONAL PERSONNEL EXPENDED IN COLLECTION AND COMPILATION OF DATA SHOULD BE MINIMIZED;

(d) TO DEVELOP STANDARDIZED TERMS AND PROCEDURES TO BE FOLLOWED AT ALL PUBLIC SCHOOLS;

(e) TO DEVELOP AN ELECTRONIC STANDARDIZED TRANSMITTAL FORMAT TO BE USED FOR COLLECTION OF DATA FROM SCHOOL DISTRICTS, THE INSTITUTE, AND PUBLIC SCHOOLS;

(f) TO DEVELOP APPROPRIATE COMPUTER APPLICATIONS TO ENSURE THE INTEGRITY AND INTEGRATION OF THE SPECIFIC DATA ELEMENTS;

(g) TO DEVELOP THE NECESSARY APPLICATIONS TO PROVIDE STATISTICAL ANALYSIS OF THE COMPREHENSIVE INFORMATION AND SUPPORTING DATA ELEMENTS PROVIDED IN PARAGRAPH (f) OF THIS SUBSECTION (3) IN SUCH A WAY THAT REQUIRED REPORTS MAY BE DISSEMINATED, COMPARISONS MAY BE MADE, AND RELATIONSHIPS MAY BE DETERMINED IN ORDER TO PROVIDE THE NECESSARY INFORMATION FOR MAKING PERFORMANCE DECISIONS AT ALL PUBLIC SCHOOLS;

(h) TO DEVELOP OUTPUT AND REPORTING FORMATS THAT WILL PROVIDE SCHOOL DISTRICTS, THE INSTITUTE, AND PUBLIC SCHOOLS WITH DIAGNOSTIC INFORMATION FOR MAKING ACADEMIC AND SAFETY ENVIRONMENT DECISIONS AT ALL PUBLIC SCHOOLS;

(i) TO ASSIST SCHOOL DISTRICTS AND THE INSTITUTE IN ESTABLISHING THEIR STANDARDIZED ELECTRONIC TRANSMITTAL CAPABILITIES, INCLUDING BUT NOT LIMITED TO AWARDING GRANTS PURSUANT TO RULE OF THE STATE BOARD TO PUBLIC SCHOOLS, SCHOOL DISTRICTS, AND THE INSTITUTE TO ASSIST THEM IN UPGRADING THEIR TRANSMITTAL CAPABILITIES;

(j) TO ESTABLISH PROCEDURES FOR THE ANNUAL EVALUATION OF THE EFFECTIVENESS AND EASE OF USE OF THE STATE DATA REPORTING SYSTEM;

(k) TO PERFORM SUCH OTHER ACTIONS AS ARE NECESSARY TO CARRY OUT THE INTENT OF THE GENERAL ASSEMBLY THAT THE NEEDS OF THE STATE DATA REPORTING SYSTEM FOR PERFORMANCE DECISION-MAKING AND REPORTING ARE MET; AND

(l) TO APPLY FOR GIFTS, GRANTS, AND DONATIONS, INCLUDING GRANTS AWARDED UNDER THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, FOR THE IMPLEMENTATION OF INTERNET-BASED TOOLS TO DELIVER INSTRUCTIONAL ADVICE AND CONTENT SUPPORTED BY FORMATIVE ASSESSMENT DATA AND TO DIRECTLY CONNECT TEACHERS ACROSS THE STATE TO ENHANCE EDUCATORS' COLLABORATION, USE OF DATA, INSTRUCTION, AND PROFESSIONAL ACCOUNTABILITY.

(4) THE SPECIFIC RESPONSIBILITIES OF EACH SCHOOL DISTRICT AND THE INSTITUTE SHALL INCLUDE:

(a) DEVELOPING, WITH ASSISTANCE FROM THE DEPARTMENT, SYSTEM COMPATIBILITY BETWEEN THE STATE DATA REPORTING SYSTEM AND UNIQUE SCHOOL DISTRICT AND INDIVIDUAL PUBLIC SCHOOL DATA SYSTEMS;

(b) PROVIDING, WITH THE ASSISTANCE OF THE DEPARTMENT, IN-SERVICE TRAINING ON THE STATE DATA REPORTING SYSTEM'S PURPOSES AND SCOPE, A METHOD OF ELECTRONICALLY TRANSMITTING INPUT DATA, AND THE USE OF PERFORMANCE REPORTING INFORMATION;

(c) ADVISING THE DEPARTMENT OF ALL DISTRICT DATA MANAGEMENT NEEDS AS THEY RELATE TO THE STATE DATA REPORTING SYSTEM;

(d) ELECTRONICALLY TRANSMITTING REQUIRED DATA ELEMENTS AND AN ACCOUNTING AS REQUIRED BY SECTION 22-55-108 TO THE APPROPRIATE PROCESSING LOCATIONS IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE DEPARTMENT;

(e) DETERMINING REQUIRED DATA OUTPUT AND REPORTS, COMPARISONS, AND RELATIONSHIPS TO BE PROVIDED TO THE SCHOOL DISTRICT OR THE INSTITUTE BY THE STATE DATA REPORTING SYSTEM, CONTINUOUSLY REVIEWING THESE REPORTS FOR USEFULNESS AND MEANING, AND SUBMITTING RECOMMENDED ADDITIONS, DELETIONS, AND CHANGES IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED BY THE DEPARTMENT;

AND

(f) BEING RESPONSIBLE FOR MAINTAINING THE INTEGRITY AND ACCURACY OF DATA ELEMENTS TRANSMITTED TO THE DEPARTMENT.

22-11-502. Data portal - creation - contents. (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN AN INTERNET-BASED ELECTRONIC DATA DELIVERY SYSTEM TO PROVIDE EDUCATION ACCOUNTABILITY DATA TO PUBLIC SCHOOLS, SCHOOL DISTRICTS, THE INSTITUTE, PARENTS, AND OTHER MEMBERS OF THE PUBLIC.

(2) AT A MINIMUM, THE DEPARTMENT SHALL PUBLISH ON THE DATA PORTAL THE FOLLOWING ITEMS:

(a) THE PERFORMANCE REPORTS, AS DESCRIBED IN SECTION 22-11-503, FOR PUBLIC SCHOOLS, SCHOOL DISTRICTS, THE INSTITUTE, AND THE STATE;

(b) THE ACCREDITATION CATEGORY, WITH SUPPORTING DATA, DETERMINED PURSUANT TO PART 2 OF THIS ARTICLE, FOR EACH SCHOOL DISTRICT IN THE STATE AND FOR THE INSTITUTE;

(c) THE ACCREDITATION CATEGORY, WITH SUPPORTING DATA, FOR EACH PUBLIC SCHOOL IN THE STATE, AS DETERMINED BY THE LOCAL SCHOOL BOARD OR THE INSTITUTE, WHICHEVER IS APPLICABLE;

(d) FOR EACH PUBLIC SCHOOL IN THE STATE, THE SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPROPRIATE BASED ON THE STATE BOARD'S DIRECTION PURSUANT TO SECTION 22-11-210;

(e) FOR EACH SCHOOL DISTRICT IN THE STATE, THE DISTRICT PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPROPRIATE BASED ON THE SCHOOL DISTRICT'S ACCREDITATION CATEGORY; AND

(f) FOR THE INSTITUTE, THE INSTITUTE PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPROPRIATE BASED ON THE INSTITUTE'S ACCREDITATION CATEGORY.

(3) IN PUBLISHING SUPPORTING DATA FOR THE SCHOOL DISTRICT, INSTITUTE, AND PUBLIC SCHOOL ACCREDITATION CATEGORIES, THE DEPARTMENT SHALL INCLUDE DATA PERTAINING TO THE GRADUATION RATES THAT DESCRIBE THE PROGRESS MADE BY STUDENT GROUPS DISAGGREGATED FOR GENDER BY RACE AND INCOME.

22-11-503. Performance reports - contents - rules. (1) THE DEPARTMENT SHALL PUBLISH ON THE DATA PORTAL A SCHOOL PERFORMANCE REPORT FOR EACH PUBLIC SCHOOL IN THE STATE, A SCHOOL DISTRICT PERFORMANCE REPORT FOR EACH SCHOOL DISTRICT IN THE STATE, A PERFORMANCE REPORT FOR THE INSTITUTE, AND A PERFORMANCE REPORT FOR THE STATE AS A WHOLE. THE DEPARTMENT SHALL CONTINUOUSLY UPDATE THE DATA INCLUDED IN THE PERFORMANCE REPORTS AS SOON AS PRACTICABLE, BUT NOT LATER THAN SIXTY DAYS, AFTER THE DATA BECOME AVAILABLE.

(2) THE STATE BOARD SHALL ADOPT RULES SPECIFYING THE INFORMATION TO BE INCLUDED IN THE SCHOOL PERFORMANCE REPORTS, THE SCHOOL DISTRICT AND INSTITUTE PERFORMANCE REPORTS, AND THE STATE PERFORMANCE REPORT. THE INFORMATION SHALL BE CONSISTENT FOR EACH TYPE OF REPORT AND, AT A MINIMUM, SHALL INCLUDE THE FOLLOWING:

(a) THE REPORT SUBJECT'S LEVEL OF ATTAINMENT ON EACH OF THE PERFORMANCE INDICATORS AS DETERMINED PURSUANT TO SECTION 22-11-204, INCLUDING WHETHER THE REPORT SUBJECT MET THE TARGETS SET FOR THE APPLICABLE SCHOOL YEAR;

(b) FOR SCHOOL PERFORMANCE REPORTS, A COMPARISON OF THE REPORT SUBJECT'S LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS WITH THE LEVELS OF ATTAINMENT OF THE OTHER PUBLIC SCHOOLS OF THE SCHOOL DISTRICT AND IN THE STATE AND THE INFORMATION SPECIFIED IN SUBSECTION (3) OF THIS SECTION;

(c) FOR SCHOOL DISTRICT PERFORMANCE REPORTS AND THE INSTITUTE PERFORMANCE REPORT, A COMPARISON OF THE REPORT SUBJECT'S LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS WITH OTHER SCHOOL DISTRICTS IN THE STATE AND THE INSTITUTE;

(d) INFORMATION CONCERNING COMPARISONS OF STUDENT PERFORMANCE OVER TIME AND AMONG STUDENT GROUPS;

(e) THE REPORT SUBJECT'S RATES OF COMPLETION, MOBILITY, AND TRUANCY AS CALCULATED PURSUANT TO RULES ADOPTED BY THE STATE BOARD; AND

(f) ANY ADDITIONAL INFORMATION THAT MAY BE REQUIRED BY FEDERAL LAW.

(3) IN ADDITION TO ANY INFORMATION SPECIFIED BY RULE OF THE STATE BOARD, EACH SCHOOL PERFORMANCE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION CONCERNING THE OPERATIONS AND ENVIRONMENT OF THE PUBLIC SCHOOL THAT IS THE SUBJECT OF THE REPORT:

(a) THE NAME OF THE PUBLIC SCHOOL, THE TYPE OF SCHOOL PROGRAM PROVIDED AT THE PUBLIC SCHOOL, AND THE SCHOOL YEAR FOR WHICH THE INFORMATION IN THE PERFORMANCE REPORT IS PROVIDED. THE PERFORMANCE REPORT SHALL ALSO INCLUDE THE PUBLIC SCHOOL'S STREET ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS, AND, IF ONE EXISTS, THE WEB SITE ADDRESS OF THE SCHOOL DISTRICT OR THE PUBLIC SCHOOL.

(b) INFORMATION CONCERNING THE PERCENTAGES OF STUDENTS WHO ARE NOT TESTED OR WHOSE SCORES ARE NOT INCLUDED IN DETERMINING ATTAINMENT OF THE PERFORMANCE INDICATORS;

(c) AS DESCRIBED IN STATE BOARD RULE, THE OCCURRENCE OF EACH OF THE FOLLOWING TYPES OF INCIDENTS, EXPRESSED AS A NUMBER AND AS A PERCENTAGE OF THE TOTAL OCCURRENCES OF ALL OF THE INCIDENTS:

(I) SUBSTANCE ABUSE - DRUGS;

(II) SUBSTANCE ABUSE - ALCOHOL;

(III) SUBSTANCE ABUSE - TOBACCO;

(IV) FELONY ASSAULTS;

(V) FIGHTS;

(VI) POSSESSION OF DANGEROUS WEAPONS; AND

(VII) OTHER VIOLATIONS OF THE CODE OF CONDUCT AT THE PUBLIC

SCHOOL;

(d) AS CALCULATED PURSUANT TO STATE BOARD RULE, INFORMATION CONCERNING:

(I) STUDENT ENROLLMENT AT THE PUBLIC SCHOOL;

(II) STUDENTS, REPORTED AS A NUMBER AND A PERCENTAGE OF THE TOTAL STUDENT ENROLLMENT AT THE PUBLIC SCHOOL, WHO ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH PURSUANT TO THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(III) STUDENT ENROLLMENT STABILITY AT THE PUBLIC SCHOOL, MEANING THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL ON OCTOBER 1 OF THE APPLICABLE SCHOOL YEAR WHO WERE STILL ENROLLED IN THE PUBLIC SCHOOL ON FEBRUARY 1 OF THE SAME SCHOOL YEAR;

(IV) AVERAGE DAILY ATTENDANCE AT THE PUBLIC SCHOOL; AND

(V) FOR ELEMENTARY SCHOOLS, THE AVAILABILITY OF A PRESCHOOL PROGRAM, FULL-DAY KINDERGARTEN PROGRAM, AND BEFORE- AND AFTER-SCHOOL PROGRAMS AT THE PUBLIC SCHOOL;

(e) INFORMATION CONCERNING THE STAFF EMPLOYED AT THE PUBLIC SCHOOL, INCLUDING:

(I) THE NUMBER OF PERSONS EMPLOYED AT THE PUBLIC SCHOOL IN EACH OF THE FOLLOWING CATEGORIES AND EXPLANATIONS OF THE JOB DESCRIPTIONS FOR EACH CATEGORY:

(A) CLASSROOM TEACHERS;

(B) PARAPROFESSIONALS;

(C) ADMINISTRATORS;

(D) OTHER PROFESSIONALS;

(E) SCHOOL SUPPORT STAFF;

(F) SCHOOL COUNSELORS; AND

(G) SCHOOL LIBRARIANS;

(II) THE STUDENTS-PER-CLASSROOM-TEACHER RATIOS FOR EACH GRADE LEVEL INCLUDED IN THE PUBLIC SCHOOL;

(III) THE AVERAGE NUMBER OF YEARS OF TEACHING EXPERIENCE AMONG THE TEACHERS EMPLOYED AT THE PUBLIC SCHOOL;

(IV) THE NUMBER OF TEACHERS EMPLOYED AT THE PUBLIC SCHOOL WHO HOLD MASTER'S OR DOCTORAL DEGREES;

(V) FOR JUNIOR HIGH, MIDDLE, AND HIGH SCHOOLS, THE PERCENTAGE OF TEACHERS EMPLOYED AT THE PUBLIC SCHOOL WHO ARE TEACHING IN THE SUBJECT AREAS IN WHICH THEY RECEIVED THEIR BACHELOR'S OR GRADUATE DEGREES;

(VI) THE NUMBER OF TEACHERS EMPLOYED AT THE PUBLIC SCHOOL WHO HAVE THREE OR MORE YEARS OF TEACHING EXPERIENCE. FOR PURPOSES OF THIS SUBPARAGRAPH (VI), THE DATA USED SHALL DESCRIBE TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE.

(VII) THE NUMBER OF PROFESSIONAL DEVELOPMENT DAYS INCLUDED IN THE SCHOOL YEAR;

(f) INFORMATION CONCERNING WHETHER THE FOLLOWING COURSES AND PROGRAMS, WHICH ARE NOT INCLUDED IN THE STATEWIDE ASSESSMENTS, ARE AVAILABLE TO STUDENTS ENROLLED IN THE PUBLIC SCHOOL AND, TO THE EXTENT THEY ARE AVAILABLE ON THE PUBLIC SCHOOL'S OR SCHOOL DISTRICT'S WEB SITE, INTERNET LINKS TO DESCRIPTIONS OF THESE COURSES AND PROGRAMS:

(I) ART;

(II) DRAMA OR THEATER;

(III) MUSIC;

(IV) DANCE;

(V) PHYSICAL EDUCATION;

(VI) ECONOMICS;

(VII) WORLD LANGUAGES;

(VIII) HISTORY;

(IX) GEOGRAPHY;

(X) CIVICS;

(XI) CAREER AND TECHNICAL EDUCATION;

(XII) OPPORTUNITIES FOR CIVIC OR COMMUNITY ENGAGEMENT;

(XIII) INTERNET SAFETY PROGRAMS;

(XIV) FOR HIGH SCHOOLS, ADVANCED PLACEMENT, INTERNATIONAL BACCALAUREATE, OR HONORS COURSES;

(XV) FOR ELEMENTARY SCHOOLS, INTERNATIONAL BACCALAUREATE OR MONTESSORI CURRICULA;

(XVI) EXTRACURRICULAR ACTIVITIES; AND

(XVII) ATHLETICS; AND

(g) INFORMATION, AS DESCRIBED IN STATE BOARD RULE, CONCERNING PROGRAMS AND SERVICES THAT ARE AVAILABLE AT THE PUBLIC SCHOOL TO SUPPORT STUDENT HEALTH AND WELLNESS.

(4) EACH PUBLIC SCHOOL, EACH SCHOOL DISTRICT, AND THE INSTITUTE SHALL REPORT ACCURATELY THE DATA REQUIRED TO PRODUCE A PERFORMANCE REPORT. THE STATE BOARD SHALL SEEK TO MINIMIZE AND ELIMINATE THE DUPLICATION OF DATA REPORTING REQUIRED UNDER THIS SECTION AND DATA REPORTING REQUIRED BY OTHER STATE OR FEDERAL STATUTES OR RULES SO THAT SCHOOL DISTRICTS, INSTITUTE CHARTER

SCHOOLS, AND THE INSTITUTE MAY SATISFY THE MULTIPLE REPORTING REQUIREMENTS WITHIN A SINGLE REPORTING FRAMEWORK.

(5) PRIOR TO THE PUBLICATION OF THE PERFORMANCE REPORTS, THE DEPARTMENT SHALL:

(a) ALLOW EACH SCHOOL DISTRICT AND THE INSTITUTE A REASONABLE PERIOD OF TIME TO REVIEW THE SCHOOL DISTRICT'S OR THE INSTITUTE'S INFORMATION AS IT WILL APPEAR ON THE SCHOOL PERFORMANCE REPORTS; AND

(b) CORRECT ANY ERRORS OR MISINFORMATION IDENTIFIED BY THE SCHOOL DISTRICT OR INSTITUTE.

(6) THE SCHOOL PERFORMANCE REPORT PRODUCED FOR EACH PUBLIC SCHOOL PURSUANT TO THIS SECTION MAY CONTAIN INTERNET LINKS THROUGH WHICH A PERSON MAY ACCESS ADDITIONAL INFORMATION NOT PROVIDED IN DETAIL IN THE REPORT. THE STATE BOARD MAY MAKE CHANGES IN THE FORMAT OR THE CONTENTS OF THE PERFORMANCE REPORTS PREPARED PURSUANT TO THIS SECTION.

(7) EACH PUBLIC SCHOOL SHALL NOTIFY THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN THE PUBLIC SCHOOL OF THE AVAILABILITY ON THE DATA PORTAL OF ITS PERFORMANCE REPORT AND THE PERFORMANCE REPORT FOR THE SCHOOL DISTRICT OR THE INSTITUTE AND FOR THE STATE. EACH PUBLIC SCHOOL SHALL ASK THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN THE SCHOOL WHETHER THE PARENT OR LEGAL GUARDIAN WANTS A PRINTED COPY OF THE SCHOOL, SCHOOL DISTRICT, INSTITUTE, OR STATE PERFORMANCE REPORT, AND SHALL PROVIDE A COPY IF REQUESTED.

22-11-504. School district and institute reporting requirements. (1) EACH SCHOOL DISTRICT SHALL ANNUALLY REPORT TO THE DEPARTMENT FOR EACH OF THE DISTRICT PUBLIC SCHOOLS:

(a) ANY INFORMATION NECESSARY TO PREPARE THE PERFORMANCE REPORTS DESCRIBED IN SECTION 22-11-503;

(b) FOR EACH DISTRICT PUBLIC SCHOOL, THE SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN,

WHICHEVER IS APPROPRIATE BASED ON THE DIRECTION FROM THE STATE BOARD PURSUANT TO SECTION 22-11-210;

(c) THE ACCREDITATION CATEGORY, WITH SUPPORTING DATA, FOR EACH DISTRICT PUBLIC SCHOOL; AND

(d) ANY ADDITIONAL INFORMATION REQUIRED FOR THE DEPARTMENT TO IMPLEMENT THE ACCREDITATION PROCESS DESCRIBED IN PART 2 OF THIS ARTICLE.

(2) THE INSTITUTE SHALL ANNUALLY REPORT TO THE DEPARTMENT FOR EACH INSTITUTE CHARTER SCHOOL:

(a) ANY INFORMATION NECESSARY TO PREPARE THE PERFORMANCE REPORTS DESCRIBED IN SECTION 22-11-503;

(b) FOR EACH INSTITUTE CHARTER SCHOOL, THE SCHOOL PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, WHICHEVER IS APPROPRIATE BASED ON THE DIRECTION FROM THE STATE BOARD PURSUANT TO SECTION 22-11-210;

(c) THE ACCREDITATION CATEGORY, WITH SUPPORTING DATA, FOR EACH INSTITUTE CHARTER SCHOOL; AND

(d) ANY ADDITIONAL INFORMATION REQUIRED BY THE ACCREDITATION PROCESS DESCRIBED IN PART 2 OF THIS ARTICLE.

(3) EACH LOCAL SCHOOL BOARD AND THE INSTITUTE SHALL ADOPT POLICIES TO ENSURE THAT APPROPRIATE PERSONNEL WITHIN THE SCHOOL DISTRICT AND EACH INSTITUTE CHARTER SCHOOL SHARE WITH AND EXPLAIN TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN THE SCHOOL DISTRICT OR THE INSTITUTE CHARTER SCHOOL THE STUDENT'S STATEWIDE ASSESSMENT RESULTS AND THE STUDENT'S LONGITUDINAL ACADEMIC GROWTH INFORMATION PROVIDED BY THE DEPARTMENT PURSUANT TO SECTION 22-11-203.

PART 6
SCHOOL AWARDS PROGRAM

22-11-601. Colorado school awards program - created - rules.

(1) THERE IS HEREBY ESTABLISHED THE COLORADO SCHOOL AWARDS PROGRAM, REFERRED TO IN THIS PART 6 AS THE "PROGRAM", TO BE ADMINISTERED BY THE DEPARTMENT. THE STATE BOARD SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS PART 6 AND THE PROGRAM. THE RULES SHALL INCLUDE BUT NEED NOT BE LIMITED TO PROCEDURES FOR TRANSMITTING THE FINANCIAL AWARDS TO PUBLIC SCHOOLS OF SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS THAT DEMONSTRATE OUTSTANDING PERFORMANCE.

(2) IN ADDITION TO THE MONETARY AWARDS MADE AND DISTRIBUTED PURSUANT TO SECTIONS 22-11-602, 22-11-603, AND 22-11-605, THE STATE BOARD MAY ANNUALLY APPLY ANY AMOUNT REMAINING FROM THE AMOUNT ANNUALLY APPROPRIATED FOR IMPLEMENTATION OF SECTION 22-11-202 TO PROVIDE TANGIBLE ITEMS OF RECOGNITION, SUCH AS BANNERS OR TROPHIES, TO SCHOOLS THAT RECEIVE THE JOHN IRWIN SCHOOLS OF EXCELLENCE AWARDS AND THE GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARDS.

22-11-602. Colorado school awards program - John Irwin schools of excellence awards - rules. (1) THE STATE BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO THE HIGHEST PERFORMING PUBLIC SCHOOLS IN THE STATE BASED ON THE SCHOOLS' LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATOR CONCERNING STUDENT ACHIEVEMENT LEVELS ON THE STATEWIDE ASSESSMENTS.

(2) OF THE MONEYS AVAILABLE FOR THE PROGRAM PURSUANT TO THIS PART 6, ONE THIRD SHALL BE AWARDED TO THE PUBLIC SCHOOLS WHOSE LEVEL OF ATTAINMENT ON THE PERFORMANCE INDICATOR CONCERNING STUDENT ACHIEVEMENT LEVELS, AS CALCULATED PURSUANT TO SECTION 22-11-204 (3), IS WITHIN THE TOP EIGHT PERCENT OF ALL PUBLIC SCHOOLS IN THE STATE. AN AWARD GRANTED PURSUANT TO THIS SECTION SHALL BE KNOWN AS A "JOHN IRWIN SCHOOLS OF EXCELLENCE AWARD".

(3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE AMOUNT OF EACH AWARD ISSUED PURSUANT TO THIS SECTION SHALL BE FIVE THOUSAND, TEN THOUSAND, OR FIFTEEN THOUSAND DOLLARS, DEPENDING ON THE NUMBER OF PUPILS ATTENDING THE PUBLIC SCHOOL RECEIVING THE AWARD. IF THE AVAILABLE APPROPRIATIONS ARE INSUFFICIENT TO AWARD EACH SCHOOL THE AMOUNT SPECIFIED IN THIS SUBSECTION (3), THE DEPARTMENT SHALL REDUCE ALL AWARDS FOR THAT YEAR PROPORTIONATELY. THE STATE

BOARD SHALL ESTABLISH BY RULE THE PUPIL SIZE OF THE PUBLIC SCHOOL FOR EACH AWARD AMOUNT.

22-11-603. Governor's distinguished improvement awards - rules. (1) THE STATE BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO THE PUBLIC SCHOOLS IN THE STATE DEMONSTRATING THE HIGHEST RATES OF STUDENT LONGITUDINAL GROWTH AS MEASURED BY THE COLORADO GROWTH MODEL. THE TECHNICAL ADVISORY PANEL CONVENED PURSUANT TO SECTION 22-11-202 SHALL RECOMMEND TO THE STATE BOARD, AND THE STATE BOARD SHALL ESTABLISH BY RULE, THE METHOD BY WHICH TO IDENTIFY SCHOOLS THAT DEMONSTRATE THE HIGHEST RATE OF STUDENT LONGITUDINAL GROWTH IN A SCHOOL YEAR, AS MEASURED BY THE COLORADO GROWTH MODEL. THE TECHNICAL ADVISORY PANEL SHALL TAKE SCHOOL SIZE INTO ACCOUNT IN PREPARING ITS RECOMMENDATIONS.

(2) OF THE MONEYS AVAILABLE FOR AWARDS PURSUANT TO THIS PART 6, TWO THIRDS SHALL BE AWARDED PURSUANT TO THIS SECTION.

(3) AN AWARD ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN AS A "GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARD".

22-11-604. Colorado school awards program - distribution of award. (1) ANY AWARD PRESENTED BY THE STATE BOARD PURSUANT TO THIS PART 6 SHALL BE SPENT OR DISTRIBUTED FOR USE WITHIN THE PUBLIC SCHOOL AS THE PRINCIPAL OF THE PUBLIC SCHOOL, AFTER CONSULTATION WITH THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE PUBLIC SCHOOL, DEEMS APPROPRIATE.

(2) ANY MONEYS MADE AVAILABLE TO A DISTRICT PUBLIC SCHOOL IN THE FORM OF AN AWARD PURSUANT TO THE PROVISIONS OF THIS PART 6 SHALL NOT SUPPLANT MONEYS MADE AVAILABLE TO THE PUBLIC SCHOOL FROM FUNDING RECEIVED BY THE SCHOOL DISTRICT PURSUANT TO ARTICLE 54 OF THIS TITLE OR PURSUANT TO THE TAXING AUTHORITY OF THE SCHOOL DISTRICT. ANY MONEYS MADE AVAILABLE TO AN INSTITUTE CHARTER SCHOOL IN THE FORM OF AN AWARD PURSUANT TO THE PROVISIONS OF THIS PART 6 SHALL NOT SUPPLANT MONEYS PAYABLE TO THE INSTITUTE CHARTER SCHOOL PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

22-11-605. School awards program fund - creation - contributions. (1) THE DEPARTMENT IS HEREBY AUTHORIZED TO RECEIVE

GIFTS, GRANTS, AND DONATIONS FROM ANY SOURCE, PUBLIC OR PRIVATE, TO FUND FINANCIAL AWARDS TO PUBLIC SCHOOLS PURSUANT TO THE PROGRAM ESTABLISHED IN THIS PART 6. THE DEPARTMENT SHALL TRANSMIT ALL PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS RECEIVED PURSUANT TO THIS SECTION TO THE STATE TREASURER WHO SHALL CREDIT THE SAME, IN ADDITION TO ANY APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY, TO THE SCHOOL AWARDS PROGRAM FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO IN THIS SECTION AS THE "FUND".

(2) MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR PURPOSES OF MAKING FINANCIAL AWARDS PURSUANT TO THE PROVISIONS OF THIS PART 6. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. HOWEVER, IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE GENERAL FUND. ANY MONEYS CREDITED TO THE FUND SHALL BE USED EXCLUSIVELY FOR AWARDS AND SHALL NOT BE USED TO PAY FOR THE EXPENSES OF THE DEPARTMENT IN ADMINISTERING THE PROGRAM ESTABLISHED IN THIS PART 6.

SECTION 2. 22-7-604.5, Colorado Revised Statutes, is amended to read:

22-7-604.5. Alternative education campuses - criteria - application - rule-making. (1) ~~On or before September 1, 2002, and on or before July 1, 2004, for schools qualifying under sub-subparagraph (D) of subparagraph (VI) of paragraph (a) of this subsection (1),~~ A PUBLIC SCHOOL MAY APPLY TO THE STATE BOARD FOR DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS. The state board shall adopt rules specifying the criteria and application process for a PUBLIC school to be designated an alternative education campus. ~~Such~~ THE rules shall include but need not be limited to:

(a) Criteria that a PUBLIC 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 PUBLIC 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;~~

(C) Serving students who attend on a part-time basis and who come from other PUBLIC schools where ~~such~~ THE part-time students are counted in the enrollment of the other PUBLIC school; except that the results of the assessments administered pursuant to section 22-7-409 of all part-time students and high-risk students as defined in subsection (1.5) of this section shall be used in ~~calculating the academic performance and academic improvement ratings of~~ DETERMINING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS FOR the PUBLIC school for which the student is counted for enrollment purposes; or

(D) Serving a student population in which more than ninety-five percent of the students meet the definition of a high-risk student contained in subsection (1.5) of this section; ~~except that the request for designation for such a school shall also include accountability measures meeting the standards established in paragraph (a) of subsection (2.5) of this section.~~

(b) A procedure for a district school board to request ~~for~~ THAT THE STATE BOARD DESIGNATE a PUBLIC school ~~within its~~ OF THE SCHOOL district ~~designation~~ as an alternative education campus; AND

(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 TO THE STATE BOARD a denial of a request for designation. ~~or an application for ratings to the state board.~~

(1.5) As used in this section, unless the context otherwise requires, a "high-risk student" means a student enrolled in a secondary PUBLIC school who:

(a) Has been committed to the department of human services following adjudication as a juvenile delinquent or is in detention awaiting disposition of charges that may result in commitment to the department of human services;

(b) Has dropped out of school or has not been continuously enrolled and regularly attending school for at least one semester prior to enrolling in his or her current PUBLIC school;

(c) Has been expelled from school or engaged in behavior that would justify expulsion;

(d) Has a documented history of personal drug or alcohol use or has a parent or guardian with a documented dependence on drugs or alcohol;

(e) Has a documented history of personal street gang involvement or has an immediate family member with a documented history of street gang involvement;

(f) Has a documented history of child abuse or neglect;

(g) Has a parent or guardian in prison or on parole or probation;

(h) Has a documented history of domestic violence in the immediate family;

(i) Has a documented history of repeated school suspensions; or

(j) Is a parent or pregnant woman under the age of twenty years.

(2) (a) On or before October 1, 2002, and on or before October 1 each year thereafter, the district school board for ~~any~~ A 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~~ THE 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) Repealed.

(2.5) (a) ~~In addition to the requirements established pursuant to paragraph (a) of subsection (1) of this section, an application for designation as an alternative education campus for a school qualifying under sub-subparagraph (D) of subparagraph (VI) of paragraph (a) of subsection (1) of this section shall include an agreement to demonstrate initial baseline levels of and measurable annual benchmarks on:~~ THE DEPARTMENT SHALL ANNUALLY REVIEW THE PERFORMANCE OF EACH ALTERNATIVE EDUCATION CAMPUS BASED ON THE CRITERIA SPECIFIED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-11-210 (1) (b) AND SHALL RECOMMEND TO THE COMMISSIONER AND THE STATE BOARD WHETHER THE ALTERNATIVE EDUCATION CAMPUS SHALL ADOPT A PERFORMANCE, IMPROVEMENT, PRIORITY IMPROVEMENT, OR TURNAROUND PLAN, AS SAID PLANS ARE DESCRIBED IN SECTIONS 22-11-403 TO 22-11-406. BASED ON THE RECOMMENDATIONS, THE STATE BOARD, PURSUANT TO SECTION 22-11-210 (2), SHALL NOTIFY EACH ALTERNATIVE EDUCATION CAMPUS AND ITS DISTRICT SCHOOL BOARD, OR THE INSTITUTE IF THE ALTERNATIVE EDUCATION CAMPUS IS AN INSTITUTE CHARTER SCHOOL, OF THE TYPE OF PLAN THE ALTERNATIVE EDUCATION CAMPUS SHALL ADOPT. IN ADOPTING ITS PLAN, EACH ALTERNATIVE EDUCATION CAMPUS SHALL COMPLY WITH THE PROVISIONS OF SECTIONS 22-11-403 TO 22-11-406, AS APPLICABLE.

~~(I) At least one measure of student academic performance which measures the educational growth a student achieves during one year of~~

~~enrollment in the school and which shall be based upon:~~

~~(A) Academic progress of individual students or groups of students on the assessments administered pursuant to section 22-7-409, if applicable; and~~

~~(B) Academic progress of individual students or groups of students on other standardized assessments proposed in the application and approved by the state board;~~

~~(II) Other measures of student academic progress that shall include one or more of the following: Grade promotion; secondary school dropout rates; GED sections attempted; course or credit completion; graduation; GED completion; or other indicators proposed in the application and approved by the state board; and~~

~~(III) Measures of nonacademic or behavioral improvement appropriate for the purposes of each particular school, including but not limited to average daily attendance, student post-matriculation rates of enrollment, enlistment, or employment, rates of stability or retention, reduced rates of suspension or other discipline, or attendance rates.~~

(b) ~~As a condition to receiving a designation as an alternative education campus under subparagraph (VI) of paragraph (a) of subsection (1) of this section, the state board and the school shall agree to a date by which, if the school has not demonstrated accomplishment of the annual benchmarks agreed to in the application for designation, the school district in which such school is located shall be required to submit a school improvement plan pursuant to section 22-7-609.~~ THE DISTRICT SCHOOL BOARD FOR AN ALTERNATIVE EDUCATION CAMPUS OR THE INSTITUTE, IF THE ALTERNATIVE EDUCATION CAMPUS IS AN INSTITUTE CHARTER SCHOOL, SHALL SPECIFY THE ACCREDITATION CATEGORY FOR THE ALTERNATIVE EDUCATION CAMPUS IN ACCORDANCE WITH THE ACCREDITATION PROCESS ADOPTED BY THE DISTRICT SCHOOL BOARD OR THE INSTITUTE PURSUANT TO SECTION 22-11-307.

(c) Notwithstanding the provisions of section ~~22-7-605 (4) (b), (4) (c), (8) (a), (8) (b), and (8) (d)~~ 22-11-503, the school ~~accountability~~ PERFORMANCE report for an alternative education campus ~~qualifying under sub-subparagraph (D) of subparagraph (VI) of paragraph (a) of subsection~~

~~(1) of this section:~~ SHALL INCLUDE THE INFORMATION SPECIFIED BY RULE OF THE STATE BOARD THAT WILL EFFECTIVELY COMMUNICATE TO THE PARENTS OF STUDENTS ENROLLED IN THE ALTERNATIVE EDUCATION CAMPUS AND TO THE PUBLIC THE PERFORMANCE OF THE ALTERNATIVE EDUCATION CAMPUS AND THE PERFORMANCE OF STUDENTS ENROLLED IN THE ALTERNATIVE EDUCATION CAMPUS.

~~(I) Shall include, following the words "Overall Academic Performance" and following the words "Academic Growth of Students", in place of both ratings required under section 22-7-605 (4) (b), the words "Alternative Education Campus";~~

~~(II) Shall not include the comparison required by section 22-7-605 (4) (c); and~~

~~(III) Shall not include the ratings required by section 22-7-605 (8) (a) and (8) (b) and shall not include the language specified in section 22-7-605 (8) (d).~~

(d) ~~For an alternative education campus qualifying under sub-subparagraph (D) of subparagraph (VI) of paragraph (a) of subsection (1) of this section, the measure or measures adopted pursuant to subparagraph (I) of paragraph (a) of this subsection (2.5) shall be used as an accreditation indicator in place of the indicator otherwise required pursuant to section 22-11-104 (2) (h).~~

(3) (a) 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~~ DETERMINING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS ACHIEVED BY the school to which the student is assigned for enrollment purposes.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), for a part-time student with an individual educational program pursuant to section 22-20-108, the school district in which the student is enrolled, or, in the case of a board of cooperative services, the administrative unit, may designate either the school of residency or the

school of attendance as the school to which the student's scores shall be assigned to ~~calculate academic performance ratings~~ DETERMINE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS.

SECTION 3. 22-7-611, Colorado Revised Statutes, is amended 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:

(a) "ELIGIBLE DISTRICT" MEANS A SCHOOL DISTRICT THAT HAS BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A SIGNIFICANT ACHIEVEMENT GAP.

(b) "Eligible school" means a public school that HAS BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A SIGNIFICANT ACHIEVEMENT GAP.

~~(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~~ ELIGIBLE DISTRICTS AND ELIGIBLE SCHOOLS.

(3) The department shall prepare and distribute to each ELIGIBLE DISTRICT AND eligible school an outline of different strategies the ELIGIBLE DISTRICT OR ELIGIBLE school may implement to improve academic achievement. The department shall provide the outline by April 1 of the school year preceding the school year in which the ELIGIBLE DISTRICT OR 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~~ STUDENT 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 DISTRICT-LEVEL AND 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) (a) 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 AMONG THE STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL. 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, IN ACCORDANCE WITH TIMELINES ADOPTED BY RULE OF THE STATE BOARD, 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 AMONG THE STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL.

(b) AN ELIGIBLE DISTRICT THAT CHOOSES TO APPLY FOR PARTICIPATION IN THE PROGRAM SHALL, IN ACCORDANCE WITH TIMELINES ADOPTED BY RULE OF THE STATE BOARD, PROVIDE TO THE DEPARTMENT A LIST OF THE STRATEGIES SELECTED FROM THE OUTLINE PROVIDED BY THE DEPARTMENT THAT THE ELIGIBLE DISTRICT HAS CHOSEN TO IMPLEMENT TO

IMPROVE ACADEMIC ACHIEVEMENT WITHIN THE ELIGIBLE DISTRICT.

(5) The state board shall determine the criteria by which ELIGIBLE DISTRICTS AND 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 DISTRICT OR eligible school, the department shall provide assistance through the program to the participating ELIGIBLE DISTRICT OR 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.

SECTION 4. 22-7-613 (1), Colorado Revised Statutes, is amended to read:

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~~ SECTION 22-7-611. 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.

SECTION 5. Repeal. Parts 1 and 2 of article 7 of title 22, 22-7-601, 22-7-602 (1.5), (2), (3), (4), (8), and (10), 22-7-603, 22-7-603.5, 22-7-604, 22-7-604.3, 22-7-605, 22-7-606, 22-7-607, 22-7-609, 22-7-609.3, 22-7-609.4, 22-7-609.6, and 22-7-610, Colorado Revised Statutes, are repealed.

SECTION 6. 22-1-122 (1) (a), (2) (b) (III), (2) (b) (IV), (3), (4), and (6) (a), Colorado Revised Statutes, are amended to read:

22-1-122. Transportation token program - legislative declaration - eligibility - fund. (1) (a) It is the intent of the general assembly in enacting this section to improve opportunities for students to gain the

knowledge and skills necessary for a successful experience in postsecondary education or as members of the work force. The general assembly finds that a student should not be compelled by the lack of transportation to remain in a school that ~~receives an overall academic performance rating of "low" or "unsatisfactory" issued pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210. It is therefore in the best interests of the citizens of the state to make transportation tokens available to eligible students to enable them to attend a public school that is ~~performing satisfactorily~~ NOT REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, AND THAT THE SCHOOL DISTRICT HAS IDENTIFIED AS AN AVAILABLE CHOICE.

(2) As used in this section, unless the context otherwise requires:

(b) "Eligible student" means a student:

(III) (A) Who is enrolled in a neighborhood school that ~~received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5), for the preceding school year~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210; or

(B) Who has been in attendance elsewhere in the public school system or who is entering first grade and whose parent or legal guardian has been notified that the student has been assigned to a school that ~~has received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5), for the preceding school year~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210; and

(IV) Who, while enrolled in the neighborhood school that ~~received an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION

22-11-210 met the attendance policies of the school district of the neighborhood school, adopted pursuant to section 22-33-104 (4).

(3) (a) There is hereby created in the department the transportation token program, referred to in this section as the "program", to assist a parent or legal guardian of an eligible student in transporting the student to a public school, other than a neighborhood public school, WHICH OTHER SCHOOL IS NOT REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, AND WHICH OTHER SCHOOL HAS BEEN IDENTIFIED BY THE SCHOOL DISTRICT AS AN AVAILABLE CHOICE. Pursuant to rules adopted by the state board, the parent or legal guardian of an eligible student may apply to the program to receive a transportation token for use in transporting the student to the nearest ~~appropriate public school~~ OF SAID PUBLIC SCHOOLS that is not a neighborhood school.

(b) An eligible student shall continue receiving transportation tokens pursuant to this section so long as he or she continues to meet the requirements specified for an eligible student in paragraph (b) of subsection (2) of this section; except that, after the first year in which an eligible student receives transportation tokens, the requirement specified in subparagraph (III) of paragraph (b) of subsection (2) of this section shall no longer apply. An eligible student shall no longer receive transportation tokens pursuant to this section if he or she moves to another residence, the neighborhood school for which ~~received an academic performance rating of "average" or higher~~ WAS REQUIRED TO IMPLEMENT A PERFORMANCE OR IMPROVEMENT PLAN PURSUANT TO SECTION 22-11-403 OR 22-11-404, RESPECTIVELY, during the school year preceding the year in which the student initially enrolls; except that the eligible student may receive transportation tokens in school years following initial enrollment in the new neighborhood school if he or she again meets the requirements specified for an eligible student in paragraph (b) of subsection (2) of this section.

(4) The state board shall determine a monetary value for the transportation token issued at each public school that ~~receives an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210. The monetary value may cover a portion of the transportation

costs. The transportation token may take the form of, but is not limited to, subsidized tokens, passes, or fares for buses, taxis, or other forms of transportation approved by the state board. In determining the value of a transportation token, the state board shall take into account the various transportation options available to the eligible student and the distance to be traveled by the eligible student to attend a public school outside of the student's neighborhood. The transportation token used by an eligible student shall be redeemable by a transportation provider through the department.

(6) (a) The department shall ensure that for each eligible student the school district of the neighborhood school shall:

(I) Timely notify the eligible student's parent or legal guardian of all options available pursuant to this section as soon as the neighborhood school ~~receives an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604 (5)~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210; and

(II) Offer each eligible student's parent or legal guardian an opportunity to enroll the student in another public school within the district THAT IS NOT REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, AND THAT THE SCHOOL DISTRICT HAS IDENTIFIED AS AN AVAILABLE CHOICE.

SECTION 7. 22-2-106 (1) (c), (2), and (3), Colorado Revised Statutes, are amended to read:

22-2-106. State board - duties. (1) It is the duty of the state board:

(c) To appraise and accredit the public schools and school districts in this state AND THE STATE CHARTER SCHOOL INSTITUTE pursuant to the provisions of article 11 of this title, and to submit recommendations to the governor and general assembly for improvements in education;

(2) ~~(a) The state board shall withhold its accreditation of any school district under paragraph (c) of subsection (1) of this section if it determines~~

~~that the school district has not discharged its responsibilities under article 7 of this title as required in article 11 of this title.~~

~~(b) The state board shall withhold its accreditation of any school district under paragraph (c) of subsection (1) of this section if it determines that the school district has not adopted content standards and a plan for implementation pursuant to the provisions of section 22-7-407.~~

(3) ~~The state board shall annually submit a report to the governor and the education committees of the house of representatives and the senate on the accreditation status of all school districts pursuant to the provisions of article 11 of this title.~~

SECTION 8. Repeal. 22-2-107 (1) (g.5), Colorado Revised Statutes, is repealed as follows:

22-2-107. State board - power. (1) The state board has the power:

(g.5) ~~To revoke or withhold accreditation of any school district under section 22-2-106 (1) (c) if it determines that the school district has not complied with the provisions of the "Public School Finance Act of 1994", as set forth in article 54 of this title, or that the school district has not complied with a specific written directive or order of the state board to the school district. Action against a school district's accreditation may be taken only after at least sixty days' notice to the district and an opportunity for the district to be heard at a hearing held in accordance with rules promulgated by the state board.~~

SECTION 9. 22-2-112 (1) (h), Colorado Revised Statutes, is amended to read:

22-2-112. Commissioner - duties. (1) Subject to the supervision of the state board, the commissioner has the following duties:

(h) To establish and maintain adequate statistical, academic performance, safety environment, and financial records of school districts, including records required by ~~sections 22-7-604 and 22-7-605~~ ARTICLE 11 OF THIS TITLE;

SECTION 10. 22-2-117 (1) (b) (III) and (1.5), Colorado Revised

Statutes, are amended to read:

22-2-117. Additional power - state board - waiver of requirements - rules. (1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(III) Any provision of ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title pertaining to the data necessary for ~~school accountability~~ PERFORMANCE reports;

(1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in ~~part 6 of article 7~~ ARTICLE 11 of this title or sections 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104 (4).

SECTION 11. 22-2-401 (1) (d), Colorado Revised Statutes, is amended to read:

22-2-401. Legislative declaration. (1) The general assembly hereby finds that:

(d) Each student who receives an educational program through a facility participates in the Colorado student assessment program. However, the student's scores are usually not included in calculating a school's ~~academic performance rating~~ LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, and the transitory nature of the student's educational career makes it difficult, if not impossible, for an education provider to longitudinally track the student's academic growth.

SECTION 12. 22-2-405 (1) (e), Colorado Revised Statutes, is amended to read:

22-2-405. Facility schools unit - duties. (1) In addition to any other duties that may be required by law, the unit shall:

(e) Ensure that each student who receives educational services from an approved facility school and who, upon leaving the facility, will reside in Colorado receives a unique identifying number, as provided in rules adopted pursuant to ~~section 22-7-603.5 (4)~~ SECTION 22-11-104, if the student has not already been assigned a number by the department; and

SECTION 13. 22-2-504 (2), Colorado Revised Statutes, is amended to read:

22-2-504. National board for professional teaching standards certification compensation - study. (2) Beginning with the 2008-2009 school year and ending with the 2010-2011 school year, an additional annual stipend of three thousand two hundred dollars shall be awarded to any teacher who meets the criteria set forth in subsection (1) of this section and who is employed as of May 1 in a given school year in a school that ~~received a low or unsatisfactory rating on the previous year's school accountability report~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY. A teacher shall continue to receive the additional stipend award pursuant to this subsection (2) if he or she remains employed in a school that was previously ~~rated as low or unsatisfactory but receives a higher rating in a subsequent school accountability report~~ REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN BUT IMPROVES SUFFICIENTLY TO IMPLEMENT AN IMPROVEMENT OR PERFORMANCE PLAN PURSUANT TO SECTION 22-11-404 OR 22-11-403, RESPECTIVELY. The additional stipend for such teachers shall be subject to the same restrictions and requirements as set forth in subsection (1) of this section.

SECTION 14. 22-7-407 (1), (4) (a), and (5), Colorado Revised Statutes, are amended to read:

22-7-407. Adoption of content standards by districts. (1) In accordance with timelines adopted by the board pursuant to section 22-7-406 (2), but not later than January 1, 1997, each district shall adopt first priority content standards in the areas of reading, writing, mathematics, science, history, and geography which meet or exceed the state model content standards adopted pursuant to section 22-7-406 (1). In accordance with timelines adopted by the state board, districts shall also adopt second priority content standards in the areas of art, music, physical education, foreign languages, economics, and civics. Content standards may be adopted for each grade level or may be adopted for groupings of grade levels. In adopting content standards, each district shall seek input from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's accountability committee

created pursuant to ~~section 22-7-104~~ SECTION 22-11-301.

(4) (a) Following adoption of content standards pursuant to this section, each district shall review and revise the content standards as necessary to maintain maximum effectiveness. In revising the content standards, each district shall seek recommendations from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's accountability committee created pursuant to ~~section 22-7-104~~ SECTION 22-11-301.

(5) Following adoption of content standards, each school district shall, through written materials and public meetings, inform parents of students enrolled in such district of the application and effect of such content standards and standards-based education, including how students' progress in achieving content standards will be measured and how parents will be informed of such progress. Such information shall also be provided to the district accountability committee and the school ~~advisory councils~~ ACCOUNTABILITY COMMITTEES within such district.

SECTION 15. 22-7-409 (1.2) (d) (I), (1.2) (d) (I.5), and (1.2) (d) (II), Colorado Revised Statutes, are amended to read:

22-7-409. Assessments. (1.2) (d) (I) (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), every student enrolled in a public school shall be required to take the assessments administered pursuant to subsection (1) of this section at the grade level in which the student is enrolled, as determined by the school district. ~~except that the students described in sub-subparagraph (A) of this subparagraph (I) shall be required only to take the assessments required by said sub-subparagraph. However, the scores of the following students shall not be used by the state for purposes of calculating school academic performance ratings pursuant to section 22-7-604 or for accreditation pursuant to article 11 of this title:~~

~~(A)~~ (B) Any student who is eligible for the state's alternate assessment for students with disabilities, also known as the "CSAP-A", or other assessment approved by rule by the board according to the annual review of the student's individual educational program pursuant to section 22-20-108 ~~except that~~ SHALL NOT BE REQUIRED TO TAKE THE ASSESSMENTS

ADMINISTERED PURSUANT TO SUBSECTION (1) OF THIS SECTION, BUT SHALL INSTEAD TAKE THE CSAP-A OR THE OTHER APPROVED ASSESSMENT. The results of any CSAP-A or other approved assessment shall be reported to the department and aggregated separately for each school.

~~(B) Any student who transfers into the school after October 1 of the school year in which the assessment is administered; and~~

~~(C) Any student who at the time that he or she enrolls in any public school of the state is defined as a student whose dominant language is not English pursuant to section 22-24-103 (4) (a) or (4) (b); except that such student's scores shall be used for calculating academic performance and improvement ratings and for accreditation purposes after the student either has been enrolled in any public school in the state for three years or has achieved a score of proficient in English on each component of the entire assessment approved by the department pursuant to section 22-24-106, whichever occurs first.~~

(I.5) ~~The academic performance ratings calculated for the 2000-01 school year and each school year thereafter shall include the scores of all students who took the assessment in a language other than English.~~ THE DEPARTMENT, BY POLICY, MAY DETERMINE WHETHER THE SCORES OF ONE OR MORE GROUPS OF STUDENTS ARE NOT APPROPRIATE TO BE USED IN MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS, AS DEFINED IN SECTION 22-11-103 (23). ANY POLICY ADOPTED PURSUANT TO THIS SUBPARAGRAPH (I.5) SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF FEDERAL STATUTES AND REGULATIONS.

(II) Any student with a disability who is not eligible for the CSAP-A or other approved assessment but who has an individual educational program pursuant to section 22-20-108 shall be assessed in each CSAP area at the grade level in which the student is enrolled. If, as part of a student's individual educational program, a student attends part-time a school or program away from the school in which the student is enrolled, the school district in which a student is enrolled, or, in the case of a board of cooperative services, the administrative unit, may designate either the school of residency or the school of attendance as the school to which the scores of the student will be assigned ~~to calculate school academic performance ratings~~ FOR PURPOSES OF MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS SPECIFIED IN SECTION

22-11-204, DETERMINING ACCREDITATION CATEGORIES PURSUANT TO SECTION 22-11-208, AND MEASURING PUBLIC SCHOOL PERFORMANCE PURSUANT TO SECTION 22-11-210.

SECTION 16. 22-7-1007 (2), Colorado Revised Statutes, is amended to read:

22-7-1007. Postsecondary and workforce readiness assessments pilot program - rules. (2) Each assessment vendor that chooses to participate in the pilot program shall provide to the department of education data concerning administration of the vendor's assessments in other states, including but not limited to test score unit records. The department shall apply the data in preparing amendments to the state plan, as described in section 22-7-1012, and in adjusting the ~~longitudinal~~ COLORADO growth model adopted pursuant to ~~section 22-7-604.3~~ SECTION 22-11-202 to ensure that the results of each assessment that is included in the pilot program can be used to measure individual student growth toward attaining postsecondary and workforce readiness.

SECTION 17. 22-9-104 (2) (c), (2) (d), and (2) (e), Colorado Revised Statutes, are amended to read:

22-9-104. State board - powers and duties. (2) The state board shall:

(c) Consult with the state licensed personnel performance evaluation council created in section 22-9-105 with regard to the guidelines relating to the planning, development, implementation, and assessment of licensed personnel performance evaluation systems; AND

(d) Review school district and board of cooperative services processes and procedures for licensed personnel performance evaluation systems to assure that such systems are professionally sound and will result in a fair, adequate, and credible evaluation. ~~and~~

(e) ~~Withhold or suspend the accreditation of any school district and publicize such withholding or suspension of accreditation if it determines that the school district has not complied with the provisions of this article.~~

SECTION 18. 22-20-104.5 (1), Colorado Revised Statutes, is

amended to read:

22-20-104.5. Plan for academic excellence - inclusion of gifted children - cooperation - rules. (1) Each administrative unit shall adopt and implement a program plan to identify and serve gifted children who are at least five years of age. Any program plan developed and implemented pursuant to the provisions of this section shall satisfy ~~any criteria for accreditation which have been established by the state board and~~ any criteria established by rules promulgated by the state board for the implementation of this article. A program plan adopted by an administrative unit pursuant to this section shall be consistent with the advanced learning plans of the gifted children who are identified by the administrative unit, and the program plan shall be implemented to the extent that funds are provided for such implementation. Nothing in this article shall be construed to require an administrative unit to implement a program plan in the event that sufficient moneys are not provided for such implementation.

SECTION 19. 22-24-105 (2), Colorado Revised Statutes, is amended to read:

22-24-105. District - powers and duties. (2) The assessment described in paragraph (b) of subsection (1) of this section and the certification described in paragraph (c) of subsection (1) of this section shall be conducted on at least an annual basis and each district, the state charter school institute, and each facility school shall present the results therefrom to the department for ~~inclusion in the relevant annual report of achievement of accreditation indicators required by section 22-11-105~~ USE IN THE ACCREDITATION PROCESS AND APPROPRIATE REPORTING PURSUANT TO ARTICLE 11 OF THIS TITLE.

SECTION 20. 22-25-106 (1) (a), Colorado Revised Statutes, is amended to read:

22-25-106. Local comprehensive health education programs - local student wellness programs - establishment of comprehensive health education advisory councils. (1) (a) Each school district and board of cooperative services may and is encouraged to establish a local comprehensive health education program. To ensure that a local comprehensive health education program reflects the health issues and values of the community, each school district or board of cooperative

services may establish a comprehensive health education advisory council, or may add necessary representatives to the school district's accountability committee created pursuant to ~~section 22-7-104 (1)~~ SECTION 22-11-301 or other appropriate committee, to address and make recommendations to the school district or board of cooperative services concerning the curriculum of the local comprehensive health education program.

SECTION 21. 22-27.5-102 (7), Colorado Revised Statutes, is amended to read:

22-27.5-102. Definitions. As used in this article, unless the context otherwise requires:

(7) "Qualified school" means a public school, including but not limited to a charter school, that serves any of grades six through twelve and that ~~receives an academic rating of "low" or "unsatisfactory", calculated pursuant to section 22-7-604, for the school year preceding~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210 FOR the school year in which the public school seeks a grant through the grant program.

SECTION 22. 22-30-105 (1) (c), Colorado Revised Statutes, is amended to read:

22-30-105. Activation of the school district organization planning process. (1) The appointment of a school organization planning committee charged to study school district organization shall occur when the commissioner is notified that any of the following conditions exist:

(c) The state board declares a school district is no longer accredited pursuant to the provisions of ~~section 22-11-204~~ SECTION 22-11-209. Such declaration shall indicate the school districts to be involved in the organization study.

SECTION 23. 22-30-106 (2) (a) (II), Colorado Revised Statutes, is amended to read:

22-30-106. School organization planning committee. (2) The committee shall consist of the following appointed members:

(a) (II) If a single school district is involved in the study, four members appointed by the school district board of education and three members appointed by the school district accountability committee. The members appointed by the school district accountability committee shall be parents of children attending public school in the affected area and members of school ~~advisory councils~~ ACCOUNTABILITY COMMITTEES; except that, if there are no public schools in the affected area, three of the members shall reside in the affected area and shall be parents of children attending public schools in the affected school district. If fewer than three such parents reside in the affected area, the remaining members shall be persons owning land located in the affected area.

SECTION 24. 22-30-114 (1) (d) and (1) (d.5), Colorado Revised Statutes, are amended to read:

22-30-114. Requirements for plan of organization. (1) The plan of organization shall include, but shall not be limited to, consideration of the following:

(d) ~~The efficiency and effectiveness of the various educational organization options being studied and the extent to which such educational organization options will cause the school district to remedy the lack of compliance under the terms of its accreditation contract entered into pursuant to the provisions of section 22-11-201~~ IMPLEMENTATION OF THE ACTIONS REQUIRED BY THE STATE BOARD PURSUANT TO SECTION 22-11-209 (3);

(d.5) The reasons for which the school district was unable to ~~remedy the deficiencies that lead to its lack of compliance with the terms of its accreditation contract under article 11 of this title~~ IMPROVE ITS PERFORMANCE SUFFICIENTLY TO AVOID REMOVAL OF ACCREDITATION PURSUANT TO SECTION 22-11-209;

SECTION 25. 22-30.5-102 (2) (h), Colorado Revised Statutes, is amended to read:

22-30.5-102. Legislative declaration. (2) The general assembly further finds and declares that this part 1 is enacted for the following purposes:

(h) To hold charter schools accountable for ~~meeting state content standards, as measured in part by the Colorado student assessment program and by longitudinal analysis of student progress, through state accreditation, and by adequate yearly progress as defined by federal law~~ PERFORMANCE THROUGH THE "EDUCATION ACCOUNTABILITY ACT OF 2009", INCLUDING BUT NOT LIMITED TO MEETING STATE, SCHOOL DISTRICT, AND SCHOOL TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS;

SECTION 26. 22-30.5-104 (2) (b) and (6) (b), Colorado Revised Statutes, are amended to read:

22-30.5-104. Charter school - requirements - authority. (2) (b) A charter school shall be a public school of the school district that approves its charter application and enters into a charter contract with the charter school. IN ACCORDANCE WITH THE REQUIREMENT OF SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION, the charter school shall be ~~accountable to~~ SUBJECT TO ACCREDITATION BY the school district's local board of education ~~for purposes of ensuring compliance with applicable laws and charter provisions and the requirement of section 15 of article IX of the state constitution~~ PURSUANT TO THE SCHOOL DISTRICT'S POLICY FOR ACCREDITING THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT ADOPTED PURSUANT TO SECTION 22-11-307 AND SECTION 22-32-109 (1) (mm). THE CHARTER SCHOOL SHALL ALSO BE SUBJECT TO ANNUAL REVIEW BY THE DEPARTMENT PURSUANT TO SECTION 22-11-210.

(6) (b) The state board shall promulgate rules identifying state statutes and state rules that are automatically waived for all charter schools. A school district, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not automatically waived for charter schools by rule. Notwithstanding any provision of this subsection (6) to the contrary, the state board may not waive any statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, any statute or rule necessary to prepare the school ~~accountability~~ PERFORMANCE reports pursuant to ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title, any statute or rule necessary to implement the provisions of the "Public School Finance Act of 1994", article 54 of this title, or any statute or rule relating to the "Children's Internet Protection Act", article 87 of this title.

SECTION 27. 22-30.5-106 (1) (b), (1) (e), and (1) (f), Colorado Revised Statutes, are amended to read:

22-30.5-106. Charter application - contents. (1) The charter school application shall be a proposed agreement upon which the charter applicant and the chartering local board of education negotiate a charter contract, and, at a minimum, shall include:

(b) The goals, objectives, and pupil performance standards to be achieved by the charter school, including but not ~~necessarily~~ limited to ~~accreditation standards and goals~~ THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204 and applicable standards and goals specified in federal law;

(e) A description of the charter school's research-based educational program that has been proven to be effective, pupil performance standards, measurable annual ~~achievement goals that are based on the state accreditation indicators specified in article 11 of this title~~ TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, and curriculum;

(f) A description of the charter school's procedures for taking corrective action in the event that pupil performance at the charter school falls below the ~~achievement goals~~ TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, AS SAID TARGETS WERE approved by the chartering local board of education in the charter contract;

SECTION 28. 22-30.5-110 (2) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation. (2) A charter school renewal application submitted to the chartering local board of education shall contain:

(a) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF

THE PERFORMANCE INDICATORS, and other terms of the charter contract and the results achieved by the charter school's students on the assessments administered through the Colorado student assessment program;

(3) A charter may be revoked or not renewed by the chartering local board of education if it determines that the charter school did any of the following:

(b) Failed to meet or make reasonable progress toward achievement of the goals, objectives, content standards, pupil performance standards, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, applicable federal requirements, or other terms identified in the charter contract;

SECTION 29. 22-30.5-301 (1), Colorado Revised Statutes, is amended to read:

22-30.5-301. Legislative declaration. (1) The general assembly hereby finds that section 2 of article IX of the state constitution requires the general assembly to provide for the establishment and maintenance of a thorough and uniform system of free public schools. The state therefore has an obligation to ensure that every student has a chance to attend a school that will provide an opportunity for a quality education. If a school is not providing a thorough and adequate education, as determined by the ~~academic performance grading system established in section 22-7-604~~ ANNUAL PERFORMANCE REVIEW CONDUCTED BY THE DEPARTMENT PURSUANT TO SECTION 22-11-210, the state has an obligation to the students enrolled in that school to make changes to ensure that they have an opportunity to receive a quality education comparable to students in other public schools in the state.

SECTION 30. 22-30.5-303 (1), (2) (b) (II), (2) (b) (III), and (2) (b) (IV), Colorado Revised Statutes, are amended to read:

22-30.5-303. Independent charter schools - request for proposals - response contents. (1) Whenever the state board determines that it is necessary to recommend conversion of a public school to an independent charter school to a local board of education pursuant to the provisions of ~~section 22-7-609 (5)~~ SECTION 22-11-210 (5), the state board shall issue a request for proposals pursuant to subsection (2) of this section and

supervise the appointment of a review committee pursuant to section 22-30.5-304.

(2) (b) The state board shall adopt rules specifying a schedule for receipt of the responses to the request for proposals pursuant to paragraph (a) of this subsection (2), the formation of a review committee and receipt of the recommendations of said committee pursuant to section 22-30.5-304, and the selection of an applicant and notification to the local board of education pursuant to section 22-30.5-305. Said schedule shall ensure the completion of negotiations on the independent charter no later than May 30 of the year in which the independent charter school is to open. The rules shall also specify the information that an independent charter proposal shall include in order to be eligible for consideration. Such information shall include, but need not be limited to, the following:

(II) The goals, objectives, and student performance standards to be achieved by the independent charter school, INCLUDING BUT NOT LIMITED TO THE MEASURES FOR THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204;

(III) A description of the independent charter school's educational program, student performance standards, ANNUAL TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, and curriculum, which shall meet or exceed the state model content standards adopted pursuant to part 4 OR PART 10 of article 7 of this title and shall be designed to enable each student to achieve such standards AND TARGETS;

(IV) A description of the independent charter school's plan for evaluating student performance, the types of assessments that shall be used to measure student progress toward achievement of the school's student performance standards AND THE TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, including but not limited to the statewide assessments administered under the Colorado student assessment program pursuant to section 22-7-409, the timeline for achievement of the school's student performance standards AND THE TARGETS, and the procedures for taking corrective action in the event that student performance at the independent charter school fails to meet such standards AND TARGETS;

SECTION 31. 22-30.5-304 (1) (d) (I), (1) (e), and (1) (f), Colorado Revised Statutes, are amended to read:

22-30.5-304. Review committee - membership - recommendations. (1) Whenever an independent charter school is to be organized pursuant to this part 3, on or before the date specified by rule adopted by the state board in accordance with section 22-30.5-303 (2) (b), the commissioner shall cause a review committee to be formed. The review committee shall consist of:

(d) (I) Two parents of students enrolled in the school who are members of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE and are elected by a vote of the members of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE.

(e) (I) A principal of a school at the same elementary, middle, or high school level as the independent charter school that is to be organized, appointed by the governor.

(II) In appointing a principal pursuant to this paragraph (e), the governor shall appoint a principal of a public school that received ~~an academic performance rating of "excellent", pursuant to section 22-7-604 (5)~~ THE HIGHEST POSSIBLE ACCREDITATION RATING PURSUANT TO THE ACCREDITATION POLICY IMPLEMENTED PURSUANT TO SECTION 22-11-307 BY THE PUBLIC SCHOOL'S LOCAL BOARD OF EDUCATION OR BY THE STATE CHARTER SCHOOL INSTITUTE, WHICHEVER IS APPLICABLE, for the immediately preceding school year.

(f) (I) A teacher in a school at the same elementary, middle, or high school level as the independent charter school that is to be organized, appointed by the governor.

(II) In appointing a teacher pursuant to this paragraph (f), the governor shall appoint a teacher from a public school that received ~~an academic performance rating of "excellent", pursuant to section 22-7-604 (5)~~ THE HIGHEST POSSIBLE ACCREDITATION RATING PURSUANT TO THE ACCREDITATION POLICY IMPLEMENTED PURSUANT TO SECTION 22-11-307 BY THE PUBLIC SCHOOL'S LOCAL BOARD OF EDUCATION OR BY THE STATE CHARTER SCHOOL INSTITUTE, WHICHEVER IS APPLICABLE; and

SECTION 32. 22-30.5-306 (2) (a), (3) (b), and (5) (a), Colorado Revised Statutes, are amended to read:

22-30.5-306. Independent charter schools - charter - term. (2) With the assistance from the commissioner or the commissioner's designee, the selected applicant and the local board of education shall negotiate the terms of the independent charter, which may be different from or in addition to the terms of the response to the request for proposals; except that:

(a) The independent charter school shall be entitled to use the school building in which the public school that ~~received an academic performance rating of "unsatisfactory"~~ IS SUBJECT TO CONVERSION was operated. The independent charter school and the local board of education shall negotiate an amount of rent to be paid, which shall be not more than twelve dollars per year, and all other costs for the operation and maintenance of the building and related facilities; and

(3) (b) Notwithstanding the provisions of paragraph (a) of this subsection (3), if, during the year prior to the year in which the independent charter school is to open, the school ~~receives an academic performance rating of "low" or better~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT PLAN, AN IMPROVEMENT PLAN, OR A PERFORMANCE PLAN PURSUANT TO SECTION 22-11-405, 22-11-404, OR 22-11-403, RESPECTIVELY, the local board of education and the applicant may jointly agree to allow the school to remain under the administration of the local board of education.

(5) (a) ~~If, during the first two years of an independent charter, an independent charter school receives an academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), the independent charter school shall not be subject to the provisions of section 22-30.5-303 that would require the establishment of a new independent charter school.~~

SECTION 33. 22-30.5-307 (1) and (2), Colorado Revised Statutes, are amended to read:

22-30.5-307. Independent charter schools - expiration - renewal - conversion. (1) If ~~the academic performance rating of~~ an independent charter school is ~~a "low" or an "unsatisfactory", as determined pursuant to section 22-7-604 (5),~~ REQUIRED PURSUANT TO SECTION 22-11-210 TO

IMPLEMENT A TURNAROUND PLAN during the third year of the school's independent charter, the state board shall issue a new request for proposals pursuant to section 22-30.5-303 (2), and a new independent charter school application process shall commence.

(2) If ~~the academic performance rating of~~ an independent charter school is ~~higher than a "low", as determined pursuant to section 22-7-604 (5)~~ REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT PLAN, IMPROVEMENT PLAN, OR PERFORMANCE PLAN PURSUANT TO SECTION 22-11-405, 22-11-404, OR 22-11-403, RESPECTIVELY, during the third year of the school's independent charter, the parents and legal guardians of the students enrolled at the independent charter school shall decide by majority vote whether, at the expiration of the independent charter school's charter, the school shall apply for a renewal of the independent charter or shall seek to become a regular school of the school district in which the independent charter school is located.

SECTION 34. 22-30.5-505 (3) (b) and (7), Colorado Revised Statutes, are amended to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3) The mission of the institute board shall be to foster high-quality public school choices offered through institute charter schools, including particularly schools that are focused on closing the achievement gap for at-risk students. In discharging its duties pursuant to this part 5, the institute shall:

(b) Use state and federal systems for ensuring the accountability of each institute charter school in meeting the obligations and goals set forth in its contract AND SHALL ADOPT AND IMPLEMENT POLICIES FOR ACCREDITATION OF INSTITUTE CHARTER SCHOOLS AS DESCRIBED IN SECTION 22-11-307;

(7) The institute shall ensure that each institute charter school complies with the provisions of ~~article 7~~ ARTICLES 7 AND 11 of this title. Each institute charter school shall be responsible for gathering and submitting to the institute the data necessary to prepare a school ~~accountability~~ PERFORMANCE report required by ~~section 22-7-605~~ SECTION 22-11-503 for the institute charter school.

SECTION 35. 22-30.5-507 (2) (c) and (7), Colorado Revised Statutes, are amended to read:

22-30.5-507. Institute charter school - requirements - authority. (2) An institute charter school shall be:

(c) Subject to accreditation by the ~~state board pursuant to article 11 of this title~~ INSTITUTE BOARD PURSUANT TO THE INSTITUTE'S POLICY FOR ACCREDITING THE INSTITUTE CHARTER SCHOOLS ADOPTED PURSUANT TO SECTION 22-11-307 AND SECTION 22-30.5-505 (3) (b). EACH INSTITUTE CHARTER SCHOOL SHALL ALSO BE SUBJECT TO ANNUAL REVIEW BY THE DEPARTMENT PURSUANT TO SECTION 22-11-210.

(7) Pursuant to the charter contract, an institute charter school may operate free from specified statutes and state board rules. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any state statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, any state statute or rule necessary to prepare the school ~~accountability~~ PERFORMANCE reports pursuant to ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title, or any statute or rule necessary to implement the provisions of the "Public School Finance Act of 1994", article 54 of this title, or any state statute or rule relating to the "Children's Internet Protection Act", article 87 of this title. Any waiver of state statute or state board rule made pursuant to this subsection (7) shall be for the term of the contract for which the waiver is made. A request for a waiver may be submitted to the institute as a part of the application for an institute charter school.

SECTION 36. 22-30.5-509 (1) (b), (1) (d), and (1) (e), Colorado Revised Statutes, are amended to read:

22-30.5-509. Institute charter school application - contents. (1) The institute charter school application shall be a proposed agreement and shall include:

(b) The goals, objectives, and pupil performance standards, in compliance with state and federal law, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, to be achieved by the institute charter school for all students who enroll;

(d) A description of the institute charter school's educational program, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204, and the plan for administration of the statewide assessments described in article 7 of this title;

(e) A description of the institute charter school's plan for evaluating pupil performance; the types of assessments that will be used to measure pupil progress towards achievement of the institute charter school's pupil performance goals for all students enrolled AND THE TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS; the timeline for achievement of the goals AND TARGETS; and the procedures for taking corrective action in the event that pupil performance at the institute charter school falls below such goals AND TARGETS;

SECTION 37. 22-30.5-511 (2), (3) (b), and (3) (c), Colorado Revised Statutes, are amended to read:

22-30.5-511. Institute charter schools - term - renewal of contract - grounds for nonrenewal or revocation - appeal. (2) An institute charter school shall submit an annual report to the institute on the institute charter school's progress in achieving the goals, objectives, pupil performance standards, content standards, TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS, and other terms of the pending charter contract. The institute shall consider, during the review of a renewal application, the annual reports submitted by the institute charter school during the term of the pending charter contract.

(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:

(b) Failed to meet or make reasonable progress toward achievement of the content standards, ~~or~~ pupil performance standards, or TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS identified in the charter contract of the institute charter school;

(c) ~~Received an overall academic performance rating of "unsatisfactory" pursuant to section 22-7-604 (5), upon the completion of the second school year of operation under a school improvement plan pursuant to section 22-7-609,~~ WAS REQUIRED TO ADOPT A TURNAROUND PLAN and the state board recommended PURSUANT TO SECTION 22-11-210 that the institute charter school be ~~converted to an independent charter school pursuant to section 22-7-609 (5)~~ RESTRUCTURED;

SECTION 38. 22-30.7-105 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-30.7-105. Program criteria - guidelines - quality standards - records - rules. (2) The following guidelines shall apply to each on-line program that is created or overseen pursuant to the provisions of this article:

(d) THE PROVISIONS OF THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11 OF THIS TITLE, SHALL APPLY TO AN ON-LINE PROGRAM IMPLEMENTED PURSUANT TO THIS ARTICLE IN THE SAME MANNER AS SAID PROVISIONS APPLY TO THE OTHER PUBLIC SCHOOLS OPERATING IN THIS STATE.

SECTION 39. Repeal. 22-30.7-105 (3) (c), Colorado Revised Statutes, is repealed as follows:

22-30.7-105. Program criteria - guidelines - quality standards - records - rules. (3) (c) ~~On or before July 1, 2008, the state board shall examine the feasibility of incorporating the quality standards adopted pursuant to this subsection (3) into the provisions of the "Educational Accreditation Act of 1998", article 11 of this title.~~

SECTION 40. 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(mm) TO ADOPT AND IMPLEMENT POLICIES AS DESCRIBED IN SECTION 22-11-307 FOR ACCREDITATION OF THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT.

SECTION 41. The introductory portion to 22-32-109.1 (2), Colorado Revised Statutes, is amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools. (2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school ~~advisory councils~~ ACCOUNTABILITY COMMITTEES, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

SECTION 42. 22-32-110.6 (2), Colorado Revised Statutes, is amended to read:

22-32-110.6. Board of education - specific powers - "No Child Left Behind Act of 2001". (2) If a school district chooses to adopt a resolution to decline federal funding sources as provided in this section, the school district's action in declining federal funds and thereby being exempt from specified federal requirements shall not affect the school district's accreditation ~~status~~ CATEGORY, and the department of education and the state board of education shall not impose any form of sanction on the school district for its action in declining federal funds and in not complying with the federal requirements from which it is exempt.

SECTION 43. 22-32-119.5 (2) (c) (IV), Colorado Revised Statutes, is amended to read:

22-32-119.5. Full-day kindergarten - legislative declaration - phase-in plan - report. (2) Each local board of education shall develop a plan to potentially phase in a full-day kindergarten program in the school district to be funded with state or local moneys provided specifically for such program. In developing the plan, each local board shall consider the following:

(c) A method to identify the children who would most benefit from attending a full day of kindergarten, including but not limited to:

(IV) Children who are enrolling in an elementary school that ~~received an overall academic performance rating of low or unsatisfactory pursuant to section 22-7-604 in the academic year preceding enrollment~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210;

SECTION 44. 22-32.5-104 (3) (f) and (4) (c), Colorado Revised Statutes, are amended to read:

22-32.5-104. Innovation plans - submission - contents. (3) Each innovation plan, whether submitted by a public school or created by a local school board through collaboration between the local school board and a public school, shall include the following information:

(f) Evidence that a majority of the administrators employed at the public school, a majority of the teachers employed at the public school, and a majority of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE for the public school consent to designation as an innovation school;

(4) Each plan for creating an innovation school zone, whether submitted by a group of public schools or created by a local school board through collaboration with a group of public schools, shall include the information specified in subsection (3) of this section for each public school that would be included in the innovation school zone. A plan for creating an innovation school zone shall also include the following additional information:

(c) Evidence that a majority of the administrators and a majority of the teachers employed at each public school that would be included in the innovation school zone and a majority of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE for each public school that would be included in the innovation school zone consent to creating the innovation school zone; and

SECTION 45. 22-32.5-108 (2) (b), Colorado Revised Statutes, is amended to read:

22-32.5-108. District of innovation - waiver of statutory and regulatory requirements. (2) Each district of innovation shall continue

to be subject to all statutes and rules that are not waived by the state board pursuant to subsection (1) of this section, including but not limited to all statutes and rules concerning implementation of:

(b) ~~Part 6 of article 7~~ ARTICLE 11 of this title; and

SECTION 46. 22-32.5-110 (1), Colorado Revised Statutes, is amended to read:

22-32.5-110. District of innovation - review of innovation schools and innovation school zones. (1) Three years after the local school board of a district of innovation approves an innovation plan or a plan for creating an innovation school zone, and every three years thereafter, the local school board shall review the level of performance of the innovation school and each public school included in the innovation school zone and determine whether the innovation school or innovation school zone is achieving or making adequate progress toward achieving the academic performance results identified in the school's or zone's innovation plan. The local school board, in collaboration with the innovation school or the innovation school zone, may revise the innovation plan, including but not limited to revising the identification of the provisions of the collective bargaining agreement that need to be waived to implement the innovations, as necessary to improve or continue to improve academic performance at the innovation school or innovation school zone. Any revisions to the innovation plan shall require the consent of a majority of the teachers and a majority of the administrators employed at and a majority of the school ~~advisory council~~ ACCOUNTABILITY COMMITTEE for each affected public school.

SECTION 47. 22-33-104.5 (3) (f), Colorado Revised Statutes, is amended to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (3) The following guidelines shall apply to a nonpublic home-based educational program:

(f) Each child participating in a nonpublic home-based educational program shall be evaluated when such child reaches grades three, five, seven, nine, and eleven. Each child shall be given a nationally standardized achievement test to evaluate the child's academic progress, or a qualified person shall evaluate the child's academic progress. The test or evaluation

results, whichever is appropriate, shall be submitted to the school district that received the notification required by paragraph (e) of this subsection (3) or an independent or parochial school within the state of Colorado. If the test or evaluation results are submitted to an independent or parochial school, the name of such school shall be provided to the school district that received the notification required by paragraph (e) of this subsection (3). The purpose of such tests or evaluations shall be to evaluate the educational progress of each child. No scores for a child participating in a nonpublic home-based educational program shall be considered ~~for awarding academic performance ratings pursuant to section 22-7-604 or for~~ IN MEASURING SCHOOL PERFORMANCE OR DETERMINING accreditation pursuant to article 11 of this title.

SECTION 48. 22-36-101 (2) (a), Colorado Revised Statutes, is amended to read:

22-36-101. Choice of programs and schools within school districts. (2) (a) Every school district shall adopt such policies and procedures as are reasonable and necessary to implement the provisions of subsection (1) of this section, including, but not limited to, timelines for application to and acceptance in any program or school which may provide for enrollment of the student on or before October 1, and, while adopting policies and procedures, the school district shall consider adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends ~~an unsatisfactory school, as defined by section 22-7-604 (1),~~ A PUBLIC SCHOOL THAT IS REQUIRED TO IMPLEMENT A TURNAROUND PLAN PURSUANT TO SECTION 22-11-406 OR THAT IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210 shall have priority over any other applicant for enrollment purposes.

SECTION 49. 22-41-109 (6), Colorado Revised Statutes, is amended to read:

22-41-109. Bond guarantee loans. (6) After receipt of the request for the guarantee of bonds, the commissioner of education shall review the applicant school district regarding ~~the status of~~ the school district's accreditation CATEGORY, the school district's financial status based on its audited financial statements for the previous three years, and the total amount of the school district's bonded indebtedness in relation to the limitation on indebtedness provided by law. If, after the investigation, the

commissioner of education is satisfied that the school district's bonds should be guaranteed under this section, the commissioner of education shall endorse the request for the bond guarantee to the state treasurer.

SECTION 50. Repeal. 22-44-203 (2), Colorado Revised Statutes, is repealed as follows:

22-44-203. Adoption and compatibility of handbook. (2) ~~The financial policies and procedures handbook so adopted shall be compatible with the provisions of the "Educational Accountability Act of 1971", part 1 of article 7 of this title, but shall be limited primarily to the relating of budgeted and actual costs to designated programs.~~

SECTION 51. 22-54-123.5 (2), Colorado Revised Statutes, is amended to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools. (2) As used in this section, "low-performing school" means a school that ~~received in the preceding school year an academic performance rating of low or unsatisfactory pursuant to section 22-7-604~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210.

SECTION 52. 22-55-102 (1), the introductory portion to 22-55-102 (2) (a), and 22-55-102 (2) (a) (I), Colorado Revised Statutes, are amended to read:

22-55-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Accountability reporting" means any requirement established in law that mandates ~~public~~ school districts to report or provide information relative to school improvement to the state board or the department, including, but not limited to:

(a) Data collection and reporting requirements that are required pursuant to ~~part 6 of article 7~~ PART 5 OF ARTICLE 11 of this title in connection with school ~~report cards~~ PERFORMANCE REPORTS;

(b) Reporting requirements in connection with the administration and implementation of the Colorado student assessment program developed pursuant to part 4 of article 7 of this title; or

(c) Requirements ~~related to the education accreditation process set forth in~~ SPECIFIED IN THE "EDUCATION ACCOUNTABILITY ACT OF 2009", article 11 of this title.

(2) (a) "Accountable education reform" means any program or plan for reforming preschool through twelfth-grade education in the state that complies with accountability standards imposed by law on ~~public~~ school districts in the state, including, but not limited to, the requirements set forth in:

(I) ~~Part 6 of article 7 of this title relating to school report cards~~ PART 5 OF ARTICLE 11 OF THIS TITLE RELATING TO SCHOOL PERFORMANCE REPORTS; and

SECTION 53. 22-55-108, Colorado Revised Statutes, is amended to read:

22-55-108. Accountability. Each school district in the state shall ~~include in its accreditation contract entered into with the state board in accordance with section 22-11-201~~ ADOPT a continuous plan for the use of revenues distributed to the school district pursuant to sections 22-55-106 and 22-55-107. The plan shall be annually updated by the school district to reflect any changes in the use of the revenues distributed to the school district pursuant to sections 22-55-106 and 22-55-107. The plan shall include, but need not be limited to, a statement concerning the need for lower class sizes in school districts with a total enrollment of more than six thousand pupils and the need for increased funding for textbooks in the school district as determined based on discussions in public meetings held in the school district to address the class size and textbook funding issues and whether the need will be addressed by the plan. Each school district shall also include in its electronic transmissions required by ~~section 22-7-603 (3) (d)~~ SECTION 22-11-501 (4) (d) an accounting of the impact of such revenues on student achievement.

SECTION 54. 22-80-103 (7) (a), Colorado Revised Statutes, is amended to read:

22-80-103. Board of trustees - appointments - powers - duties - fund created. (7) The board of trustees shall transmit, on or before January 1, 2005, and on or before January 1 of each year thereafter, a report to the education committees of the senate and house of representatives that contains the following:

(a) All school ~~accountability~~ PERFORMANCE report data for the school, as specified by the department of education;

SECTION 55. 18-1.3-407 (3.4) (c), Colorado Revised Statutes, is amended to read:

18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections. (3.4) In addition to the powers granted to the department of corrections in subsection (3.3) of this section, the department of corrections may:

(c) Contract with any public or private entity, including but not limited to a school district, for provision or certification of educational services. Offenders receiving educational services or diplomas from a school district under an agreement entered into pursuant to this paragraph (c) shall not be included in computing the school district's student performance on statewide assessments pursuant to section 22-7-409, C.R.S., or the school district's ~~overall academic performance rating or academic growth of students rating pursuant to part 6 of article 7 of title 22, C.R.S.~~ LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS PURSUANT TO ARTICLE 11 OF TITLE 22, C.R.S.

SECTION 56. 23-5-127 (4) (a), Colorado Revised Statutes, is amended to read:

23-5-127. Unique student identifying number - social security number - prohibition. (4) (a) Notwithstanding the provisions of paragraph (b) of subsection (3) of this section, for each student who graduates from or was enrolled in a Colorado high school, a postsecondary institution in Colorado that is eligible for the college opportunity fund program created in section 23-18-201 shall use the unique student identifier assigned, in accordance with rules adopted pursuant to ~~section 22-7-603.5,~~

~~C.R.S.~~ SECTION 22-11-104, C.R.S., to the student while he or she was enrolled in the elementary to secondary public education system, including public pre-kindergarten programs, as an alternative student identifier at the postsecondary institution.

SECTION 57. 26-6.5-101.5 (7) (a), Colorado Revised Statutes, is amended to read:

26-6.5-101.5. Definitions. As used in this article, unless the context otherwise requires:

(7) "Eligible elementary school" means a public elementary school that:

(a) (I) For the school year immediately preceding submission of the council's application for funding pursuant to section 26-6.5-106, ~~receives an overall academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604, C.R.S.; or~~ IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN AS DESCRIBED IN SECTION 22-11-405 OR 22-11-406, C.R.S., RESPECTIVELY, OR IS SUBJECT TO RESTRUCTURING PURSUANT TO SECTION 22-11-210, C.R.S.; AND

(II) ~~For the school year immediately preceding submission of the council's application for funding pursuant to section 26-6.5-106, receives an academic growth of students rating of "decline" or "significant decline", as described in section 22-7-604, C.R.S., and, for the same school year, receives an overall academic performance rating of "average", pursuant to section 22-7-604, C.R.S.; and~~

SECTION 58. Appropriation - adjustments to the 2009 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, management and administration, for development of the data portal and the preparation of school performance reports, for the fiscal year beginning July 1, 2009, the sum of two hundred forty-three thousand five hundred thirty-one dollars ($243,531) and 2.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009,

shall be adjusted as follows:

(a) The general fund appropriation to the department of education, management and administration, for legal services, is increased by seven thousand one hundred thirty-five dollars ($7,135).

(b) The general fund appropriation to the department of education, management and administration, for printing and postage costs related to school accountability reports, is decreased by two hundred fifty-two thousand four hundred forty-five dollars ($252,445).

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of seven thousand one hundred thirty-five dollars ($7,135), or so much thereof as may be necessary, for the provision of legal services to the department of education related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of education out of the appropriation made in subsection (2) (a) of this section.

SECTION 59. 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.

Brandon C. Shaffer PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO