

**The proposed amendments to 1 CCR 301-1, below, would only affect sections 6.0 and 9.0 of the existing rules. All other sections of the rules would remain the same.**

## DEPARTMENT OF EDUCATION

### Colorado State Board of Education

#### ADMINISTRATION OF STATEWIDE ACCOUNTABILITY MEASURES FOR THE COLORADO PUBLIC SCHOOL SYSTEM, CHARTER SCHOOL INSTITUTE, PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS

##### 1 CCR 301-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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### 1.0 Statement of Basis and Purpose

The statutory basis for these rules is found in section 22-11-101, et seq. C.R.S., the Education Accountability Act of 2009. These rules establish requirements, criteria, and timelines related to the administration of a statewide accountability system to monitor and respond to the performance of Colorado's statewide education system, including the State Charter School Institute, school districts and public schools.

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### 6.0 District and Institute Accountability Processes: Contents of District and Institute Plans and Timelines for Adoption, Review, and Publication of Plans

6.00A In the spring of 2020, the Governor issued Executive Orders D2020 003 (Declaring a Disaster Emergency) and D2020 007 and D2020 021 (suspending in-person K-12 instruction). For the 2019-20 school year only, the April 15<sup>th</sup> plan submission deadline is hereby extended to October 15<sup>th</sup>. Each Local Board and the Institute board shall ensure that the appropriate plan, based on the plan type assigned in December 2019, is submitted and in effect no later October 15<sup>th</sup>, 2020.

6.01 Each Local Board and the Institute board shall adopt a plan for improving student performance, which plan shall align with the District's or Institute's final Accreditation rating. If assigned to Accredited with Distinction or Accredited, the Local Board or Institute board shall adopt a Performance Plan. If assigned to Accredited with Improvement Plan, the Local Board or Institute board shall adopt an Improvement Plan. If assigned to Accredited with Priority Improvement Plan, the Local Board or Institute board shall adopt a Priority Improvement Plan. If assigned to Accredited with Turnaround Plan, the Local Board or Institute board shall adopt a Turnaround Plan. If assigned to "Insufficient State Data," the Local Board or Institute shall adopt the plan type to which the Local Board or Institute was previously assigned.

6.02 Each District and Institute plan shall:

- (1) Reflect on the targets that were set by the District or Institute in its prior plan;
- (2) Set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the District, including District Public Schools, or the Institute, including Institute Charter Schools, shall attain on the Performance Indicators. The targets shall be aligned with the statewide targets set by the State Board, as described in section 3.02 of these rules. These targets must include targets that the District, including the District Public Schools, or the Institute,

including the Institute Charter Schools, shall attain in reducing the number of students who are identified, pursuant to section 22-7-1205, C.R.S., as having significant reading deficiencies and in ensuring that each student achieves grade-level expectations in reading;

- (3) 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;
- (4) Assess and prioritize the District's or Institute's most significant student performance challenges;
- (5) Assess and prioritize the root causes of any low-performance for the 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. For a District's Priority Improvement Plan or Turnaround Plan, if the District or Institute authorizes a Public School that is operating under a Priority Improvement or Turnaround Plan and enrolls students in preschool, kindergarten, or any of grades one through three, the needs assessment shall include, but shall not be limited to, the early childhood learning needs assessment described in section 22-11-305(4), C.R.S.;
- (6) Identify specific, research-based strategies to address the District's or Institute's root causes of any low-performance, including strategies to address the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205, C.R.S., as having significant reading deficiencies.

For a District Turnaround Plan, such strategies shall, at a minimum, include one or more of the following:

- (A) 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;
- (B) Reorganizing the oversight and management structure within the District or the Institute to provide greater, more effective support for Public Schools;
- (C) For a 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 Title 22;
- (D) 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 Board or the Institute;
- (E) For a District, converting one or more District Public Schools to charter schools;

- (F) For the Institute, renegotiating and significantly restructuring an Institute Charter School's charter contract;
  - (G) Closing District Public Schools or Institute Charter Schools; and
  - (H) Other actions of comparable or greater significance or effect;
- (7) Identify the local, state and federal resources that the District or the Institute will use to implement the identified strategies with fidelity;
- (8) Identify implementation benchmarks and interim measures that the District or the Institute will use to evaluate whether the identified strategies are carried out with fidelity and whether to adjust practice;
- (9) For any Priority Improvement or Turnaround Plan that a District or the Institute adopts for the fourth year in which the District or Institute is on Performance Watch, include a general explanation for how the District or Institute may put into effect each of the actions described in section 22-11-209(2)(a)(I), C.R.S., for a District or section 22-11-209(2)(a)(II), C.R.S., for the Institute;
- (10) For a District, beginning with plans adopted for the 2020-21 school year:
- (A) Identify the core and supplemental reading curriculum used at each grade level including kindergarten (for each of the District Public Schools that includes a kindergarten educational program), which core and supplemental reading curriculum must be designed around teaching the foundational reading skills of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension;
  - (B) Identify the targeted, evidence-based or scientifically based core and supplemental reading instructional programs and intervention reading instruction, services, and other supports, including those available through the multi-tiered systems of supports or a comparable intervention system that each District Public School provides to students who are identified as having a significant reading deficiency or as reading below grade level;
  - (C) Identify the assessments that each District Public School uses at each grade level to meet the requirements specified in section 22-7-1205(1), C.R.S.; and
  - (D) If the District Public School receives and uses per-pupil intervention money, or money received through the early literacy grant program for professional development, the plan for providing the professional development, which development must be targeted, evidence based or scientifically based, and aligned with the instruction, services, and other supports provided to students who are identified as having a significant reading deficiency or as reading below grade level.
- (11) Address any other issues raised by the Department through the Accreditation process described in sections 4.00 and 5.00 of these rules.
- 6.03 For the 2020-21 school year, if a District or the Institute is required to implement a Priority Improvement Plan or a Turnaround Plan, the Local Board or the Institute board shall adopt such plan and submit it to the Department by no later than January 15<sup>th</sup>. Beginning with the 2021-22 school year, if a District or the Institute receives an initial Accreditation rating of Accredited with a Priority Improvement Plan or Accredited with a Turnaround Plan, the Local Board or the Institute

board shall adopt the Priority Improvement Plan or Turnaround Plan and submit it to the Department by no later than October 15<sup>th</sup>, unless one of the following exceptions applies; if the District or the Institute submits a request for the Department to reconsider an initial Accreditation rating, appeals the Department's accreditation rating before the State Board, or has not previously adopted a Priority Improvement Plan or Turnaround Plan, then the Local Board or the Institute Board shall adopt and submit its plan to the Department by no later than January 15<sup>th</sup>,

- (1) For a Priority Improvement Plan, the Commissioner shall review the plan and may assign the State Review Panel to critically evaluate the plan, which may include one or more site visits, as described in section 22-11-208(3), C.R.S. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Local Board or Institute board revises the plan, the Local Board or Institute board shall submit such updated plan by a date negotiated between the District or Institute and the Department and no later than three months after receiving recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.
  - (2) For a Turnaround Plan, the Commissioner shall review the plan and may assign the State Review Panel to critically evaluate the plan, which may include one or more site visits, as described in section 22-11-208(3), C.R.S. The Commissioner may suggest modifications to the plan. If the Commissioner suggests modifications to the plan, the Local Board or Institute board shall revise the plan and resubmit an updated plan for approval by a date negotiated between the District or Institute and the Department and no later than three months after receiving suggestions from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.
- 6.04 For the 2020-21 school year, if a District or the Institute is required to adopt a Performance Plan or an Improvement Plan while on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than January 15<sup>th</sup>. Beginning with the 2021-22 school year, if a District or the Institute receives an initial Accreditation rating of Accredited with Distinction, Accredited, or Accredited with Improvement Plan and is on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than October 15<sup>th</sup>, unless the District or the Institute submits a request for the Department to reconsider an initial Accreditation rating, whereby the Local Board or the Institute Board shall adopt and submit its plan to the Department by no later than January 15<sup>th</sup>. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Local Board or Institute board revises the plan, the Local Board or Institute board shall submit such updated plan by a date negotiated between the District or Institute and the Department and no later than three months after receiving recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.
- 6.05 For the 2020-21 school year, if a District or the Institute is required to adopt a Performance Plan or an Improvement Plan and is not on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department no later than April 15<sup>th</sup>. Beginning with the 2021-22 school year, if a District or the Institute receives an initial Accreditation rating of Accredited with Distinction, Accredited, or Accredited with Improvement Plan and is not on Performance Watch, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than October 15<sup>th</sup> unless the District or the Institute submits a request for the Department to reconsider an initial Accreditation rating, whereby the Local Board or the Institute Board shall adopt and submit its plan to the Department by no later than January 15<sup>th</sup>. The Department shall post the plan on SchoolView within two weeks of receiving it.
- 6.06 So long as a District or the Institute maintains the status of Accredited or Accredited with Distinction, the Local Board or Institute board may adopt and submit a District Performance Plan every two years. This flexibility shall not apply to any district on Performance Watch. Regardless

of whether a Performance Plan is submitted only every two years, each District must submit to the Department, annually, the information described in subsection 6.02(10) of these rules.

- 6.07 A District with 1,000 students or fewer may submit a single plan to satisfy both the District plan requirements and any Public School plan requirements, so long as the plan meets all state and federal requirements for the District and Public Schools included in the plan. A District with more than 1,000 but fewer than 1,200 students may, upon request and at the Department's discretion, submit a single plan to satisfy the District plan requirements and any Public School plan requirements, so long as the plan meets all state and federal requirements. A District that is authorized to submit a single plan and that, as described in section 6.06 of these rules, is also authorized to submit a two-year plan may submit a single plan to satisfy both District and Public School requirements only if each of the Public Schools that is included in the plan also are authorized, as described in section 9.07 of these rules, to submit a two-year Performance Plan.

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**9.0 Public School Accountability Processes: Contents of School Plans and Timelines for Adoption, Review, and Publication of School Plans**

- 9.00A In the spring of 2020, the Governor issued Executive Orders D2020 003 (Declaring a Disaster Emergency) and D2020 007 and D2020 021 (suspending in-person K-12 instruction). For the 2019-20 school year only, the April 15<sup>th</sup> plan submission deadline is hereby extended to October 15<sup>th</sup>. Each Local Board and the Institute board shall ensure that the appropriate plan, based on the plan type assigned in December 2019, is submitted and in effect no later October 15<sup>th</sup>, 2020.
- 9.01 If a District Public School is directed to implement a Performance Plan or Improvement Plan, the school principal and District superintendent, or his or her designee, shall adopt the plan. The Local Board is encouraged to review and approve such plan and to consider in its local policies whether it would like to require the school principal and District superintendent or designee to submit the plan to the Local Board for approval. If a District Public School is directed to implement a Priority Improvement Plan or Turnaround Plan, the Local Board shall adopt the plan.
- 9.02 If an Institute Charter School is directed to implement a Performance Plan or Improvement Plan, the school principal shall adopt the plan. The Institute board is encouraged to review and approve such plan. The Institute board is encouraged to consider whether it would like to require the school principal to submit the plan to the Institute board for approval. If an Institute Charter School is directed to implement a Priority Improvement Plan or Turnaround Plan, the Institute board shall adopt the plan.
- 9.03 Each Public School plan shall:
- (1) Reflect on the targets that were set by the Public School in its prior plan;
  - (2) Set, reaffirm, or revise, as appropriate, ambitious but attainable targets that the Public School shall attain on the Performance Indicators. The targets shall be aligned with the statewide targets set by the State Board, as described in section 3.02 of these rules. If the Public School serves students in kindergarten and first, second, and third grades, these targets must include targets that the Public School shall attain in reducing the number of students who are identified, pursuant to section 22-7-1205, C.R.S., as having significant reading deficiencies and in ensuring that each student achieves grade-level expectations in reading;
  - (3) Identify positive and negative trends in the levels of attainment by the Public School on the Performance Indicators;

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- (4) Assess and prioritize the Public School's most significant student performance challenges;
  - (5) Assess and prioritize the root causes of any low-performance for 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. If the Public School serves students in preschool, kindergarten, or any of grades one through three and is directed to implement a Priority Improvement Plan or Turnaround Plan, the needs assessment shall include, but shall not be limited to, the early childhood learning needs assessment described in section 22-11-405(4.5), C.R.S.;
  - (6) Identify specific, research-based strategies that are appropriate in scope, intensity, and type to address the Public School's root causes of any low-performance. If the Public School serves students in kindergarten and first, second, and third grades, these strategies must include the strategies to be used in addressing the needs of students enrolled in kindergarten and first, second, and third grade who are identified pursuant to section 22-7-1205, C.R.S., as having significant reading deficiencies. For a Priority Improvement Plan or Turnaround Plan, these strategies must incorporate strategies to increase parent engagement in the Public School. For a Turnaround Plan, such strategies shall, at a minimum, include one or more of the following:
    - (A) 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;
    - (B) Reorganizing the oversight and management structure within the Public School to provide greater, more effective support;
    - (C) 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 Title 22;
    - (D) 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 Board or the Institute;
    - (E) For a District Public School that is not a charter school, converting to a charter school;
    - (F) For a District charter school or an Institute Charter School, renegotiating and significantly restructuring the charter school's charter contract;
    - (G) For a Public School that serves students enrolled in kindergarten or any of grades one through three, that the Public School invest in research-based strategies focused on early learning and development to address any deficiencies identified in the early childhood learning needs assessment described in section 22-11-305(4), C.R.S., if the cause of the Public School's low performance is directly related to lack of school readiness and access to quality early learning opportunities, as demonstrated by student achievement data for the early elementary grades, and the Public School has not successfully
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implemented these strategies in the preceding school years. A public school shall implement such strategies focused on early learning and development in combination with at least one other research-based strategy described in this subsection 9.03(6) of these rules; and

- (H) Other actions of comparable or greater significance or effect;
  - (7) Identify the local, state, and federal resources that the Public School will use to implement the identified strategies with fidelity;
  - (8) Identify implementation benchmarks and interim measures that the Public School will use to evaluate whether the identified strategies are carried out with fidelity and whether to adjust practice;
  - (9) For any Priority Improvement or Turnaround Plan that a Public School adopts for the fourth year in which the Public School is on Performance Watch, include a general explanation for how the Public School may put into effect the applicable actions described in section 22-11-210(5)(a), C.R.S.; and
  - (10) For a District charter school plan or an Institute Charter School plan, beginning with plans adopted for the 2020-21 school year:
    - (A) Identify the core and supplemental reading curriculum used at each grade level including kindergarten (for each school that includes a kindergarten educational program), which core and supplemental reading curriculum must be designed around teaching the foundational reading skills of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension;
    - (B) Identify the targeted, evidence-based or scientifically based core and supplemental reading instructional programs and intervention reading instruction, services, and other supports, including those available through the multi-tiered systems of supports or a comparable intervention system that the school provides to students who are identified as having a significant reading deficiency or as reading below grade level;
    - (C) Identify the assessments that the school uses at each grade level to meet the requirements specified in section 22-7-1205(1), C.R.S.; and
    - (D) If the school receives and uses per-pupil intervention money, or money received through the early literacy grant program for professional development, the school's plan for providing the professional development, which development must be targeted, evidence based or scientifically based, and aligned with the instruction, services, and other supports provided to students who are identified as having a significant reading deficiency or as reading below grade level.
  - (11) Address any other issues raised by the Department through the performance review described in section 8.00 of these rules.
- 9.04 For the 2020-21 school year, if a Public School is required to implement a Priority Improvement Plan or a Turnaround Plan, the Local Board or the Institute board shall adopt and submit such plan to the Department by no later than January 15<sup>th</sup>. Beginning with the 2021-22 school year, if a Public School receives an initial school plan type assignment of Priority Improvement Plan or Turnaround Plan, the Local Board or the Institute board shall adopt such plan and submit it to the Department by no later than October 15<sup>th</sup> unless one of the following exceptions applies; if the

District or the Institute submits a request for the Department to reconsider an initial school plan type or has not previously adopted a Priority Improvement Plan or Turnaround Plan for the school, then the Local Board or the Institute Board shall adopt and submit such plan to the Department by no later than January 15<sup>th</sup>,

- (1) For a Priority Improvement Plan, the Commissioner may assign the State Review Panel to critically evaluate the plan, which may include one or more site visits, subject to available appropriations and as described in section 22-11-210(4), C.R.S. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Local Board or Institute board revises the plan, the Local Board or Institute board shall resubmit such updated plan to the Commissioner by a date negotiated between the District or Institute and the Department and no later than three months after receiving recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.
  
- (2) For a Turnaround Plan, the State Review Panel shall critically evaluate the plan, which may include one or more site visits, as described in section 22-11-210(4), C.R.S. The Commissioner may suggest modifications to the plan. If the Commissioner suggests modifications to the plan, the Local Board or Institute board shall revise the plan, if necessary, and resubmit the plan for approval by a date negotiated with the Department and no later than three months after receiving the suggestions from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.  

9.05 For the 2020-21 school year, if a Public School is directed to implement a Performance Plan or Improvement Plan while on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than January 15<sup>th</sup>. Beginning with the 2021-22 school year, if a Public School receives an initial school plan type assignment of Performance Plan or Improvement Plan while on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than October 15<sup>th</sup> unless the District or the Institute has submitted a request for the Department to reconsider an initial school plan type, whereby the Local Board or the Institute Board shall submit such plan to the Department by no later than January 15<sup>th</sup>. The Commissioner may recommend modifications to the plan. If the Commissioner recommends modifications to the plan and the Public School revises the plan, the Local Board or Institute board shall resubmit such updated plan to the Commissioner by a date negotiated between the District or Institute and the Department and no later than three months after receiving the recommendations from the Commissioner. The Department shall post each plan on SchoolView within two weeks of receiving it.

9.06 For the 2020-21 school year, if a Public School is directed to adopt a Performance Plan or an Improvement Plan and is not on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than April 15<sup>th</sup>. Beginning with the 2021-22 school year, if a Public School receives an initial school plan type assignment of Performance Plan or Improvement Plan and is not on Performance Watch, the Local Board or Institute board shall submit such plan to the Department by no later than October 15<sup>th</sup> unless the District or the Institute has submitted a request for the Department to reconsider the initial school plan type, whereby the Local Board or the Institute Board shall submit such plan to the Department by no later than January 15<sup>th</sup>. The Department shall post the plan on SchoolView within two weeks of receiving it.

9.07 So long as a Public School continues to be directed to implement a Performance Plan, the school principal and District superintendent or designee, for a District Public School, or the school principal for an Institute Charter School, may adopt and submit a Performance Plan every two years. This flexibility shall not apply to any Public School on Performance Watch.