



SENATE BILL 00-186

BY SENATORS Anderson, Andrews, Arnold, Blickensderfer, Congrove, Epps, Evans, Hillman, Lacy, Lamborn, Musgrave, Owen, Powers, Tebedo, and Teck;

also REPRESENTATIVES Allen, Berry, Clapp, Dean, Fairbank, Gotlieb, Hefley, Johnson, King, Lawrence, Lee, May, McElhany, McKay, McPherson, Mitchell, Nunez, Paschall, Pfiffner, Scott, Sinclair, Smith, Spence, Spradley, Stengel, Webster, T. Williams, and Young.

CONCERNING EDUCATION REFORM, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 6
SCHOOL REPORT CARDS

22-7-601. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) WHILE SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION DIRECTS THE GENERAL ASSEMBLY TO ESTABLISH AND MAINTAIN A THOROUGH

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

AND UNIFORM SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, THE WIDE VARIETY OF PRACTICES AND CURRICULUM AMONG SCHOOL DISTRICTS AND PUBLIC SCHOOLS THROUGHOUT THE STATE MAKE IT INCREASINGLY DIFFICULT TO MEASURE WHETHER THERE IS A THOROUGH AND UNIFORM SYSTEM OF SCHOOLS THROUGHOUT THE STATE;

(b) IT IS DIFFICULT FOR MOST PARENTS TO DETERMINE WHETHER THE PUBLIC SCHOOLS IN WHICH THEIR CHILDREN ARE ENROLLED ARE PROVIDING QUALITY ACADEMIC INSTRUCTION IN AN ENVIRONMENT THAT IS CONDUCIVE TO LEARNING;

(c) BUSINESS OWNERS AND OTHER TAXPAYERS IN EACH SCHOOL DISTRICT HAVE A RIGHT TO KNOW WHETHER THEIR TAX DOLLARS ARE BEING APPROPRIATELY SPENT BY THE SCHOOL DISTRICT TO PROVIDE STUDENTS WITHIN THE DISTRICT WITH AN OPPORTUNITY FOR A QUALITY EDUCATION;

(d) DIRECTING THE DEPARTMENT OF EDUCATION TO COMPILE OBJECTIVE INDICATORS OF EVERY PUBLIC SCHOOL'S ACADEMIC PERFORMANCE AND MAKING THOSE COMPILATIONS READILY AVAILABLE WILL ASSIST THE GENERAL ASSEMBLY, PARENTS, AND TAXPAYERS IN MAKING CHOICES THAT WILL ENABLE ALL CHILDREN TO HAVE AN OPPORTUNITY FOR A QUALITY EDUCATION;

(e) GIVING EACH PUBLIC SCHOOL A REPORT CARD GRADING ITS PERFORMANCE AND IMPROVEMENT IN ACADEMIC ACHIEVEMENT WILL ASSIST THE GENERAL ASSEMBLY, PARENTS, AND TAXPAYERS IN IDENTIFYING THOSE PUBLIC SCHOOLS THAT ARE PROVIDING STUDENTS WITH AN OPPORTUNITY FOR A QUALITY EDUCATION; AND

(f) BY REQUIRING ANNUAL SCHOOL REPORT CARDS, THE GENERAL ASSEMBLY, PARENTS, AND TAXPAYERS WILL BE ABLE TO MONITOR THE PROGRESS THAT SCHOOLS MAKE TOWARD PROVIDING STUDENTS WITH AN OPPORTUNITY FOR A QUALITY EDUCATION IN A SAFE LEARNING ENVIRONMENT.

(2) THE GENERAL ASSEMBLY RECOGNIZES THAT THE GRADING OF PUBLIC SCHOOLS WILL BE CONTROVERSIAL. THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS IMPORTANT THAT OBJECTIVE INDICATORS BE USED IN A MANNER THAT WILL ENSURE CONSISTENT APPLICATION THROUGHOUT THE STATE. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, IN CALCULATING A SCHOOL'S ACADEMIC PERFORMANCE GRADE, THE

DEPARTMENT OF EDUCATION SHALL USE, EXCEPT FOR LIMITED STATUTORY EXCEPTIONS, THE SCORES AND OTHER OBJECTIVE INDICATORS OF ALL STUDENTS ENROLLED IN THE SCHOOL.

22-7-602. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(2) "BASELINE PERFORMANCE YEAR" MEANS THE 2000-01 SCHOOL YEAR.

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

(4) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT PROGRAM DEVELOPED PURSUANT TO PART 4 OF THIS ARTICLE 7.

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

(6) "DISTRICT SCHOOL BOARD" MEANS THE BOARD OF EDUCATION OF A SCHOOL DISTRICT EXISTING PURSUANT TO LAW.

(7) "PUBLIC SCHOOL" MEANS A SCHOOL THAT RECEIVED A MAJORITY OF ITS FUNDING FROM MONEYS RAISED BY A GENERAL STATE, COUNTY, OR DISTRICT TAX AND WHOSE PROPERTY IS OWNED AND OPERATED BY A POLITICAL SUBDIVISION OF THE STATE.

(8) "SCHOOL LEVEL" MEANS THE LEVEL OF A PUBLIC SCHOOL AS EITHER ELEMENTARY, MIDDLE, OR HIGH SCHOOL. SCHOOLS THAT COVER GRADES ONE THROUGH FIVE OR ONE THROUGH SIX SHALL BE CONSIDERED ELEMENTARY SCHOOLS. SCHOOLS THAT COVER GRADES SIX THROUGH EIGHT OR SEVEN THROUGH NINE SHALL BE CONSIDERED MIDDLE SCHOOLS. SCHOOLS THAT COVER GRADES NINE THROUGH TWELVE OR TEN THROUGH

TWELVE SHALL BE CONSIDERED HIGH SCHOOLS. SCHOOLS THAT COVER OTHER COMBINATIONS OF GRADES SHALL BE CONSIDERED ELEMENTARY, MIDDLE, OR HIGH SCHOOL AS DETERMINED BY THE STATE BOARD BY RULE; EXCEPT THAT, IF A SCHOOL COVERS TWO OR THREE COMPLETE SCHOOL LEVELS, AS DEFINED IN THIS SUBSECTION (8), IT SHALL BE CONSIDERED AS TWO OR THREE SEPARATE SCHOOLS FOR PURPOSES OF ASSIGNING OF ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES PURSUANT TO SECTION 22-7-604 AND ISSUING SCHOOL REPORT CARDS PURSUANT TO SECTION 22-7-605.

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

(10) "STATE DATA REPORTING SYSTEM" MEANS THE COMPREHENSIVE DATA COLLECTION AND REPORTING SYSTEM CREATED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-603.

22-7-603. State data reporting system. (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A COMPREHENSIVE DATA COLLECTION AND REPORTING SYSTEM FOR COLLECTING AND REPORTING PERFORMANCE INDICATORS FROM EACH PUBLIC SCHOOL. ON OR BEFORE SEPTEMBER 1, 2000, THE DEPARTMENT SHALL CONTRACT OUT FOR THE DEVELOPMENT OF THE STATE DATA REPORTING SYSTEM. THE DEPARTMENT SHALL AWARD THE CONTRACT BASED UPON A COMPETITIVE BID; EXCEPT THAT THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL NOT APPLY TO THIS CONTRACT. THE STATE DATA REPORTING SYSTEM SHALL BE DESIGNED TO COLLECT, THROUGH ELECTRONIC TRANSFER WHERE POSSIBLE, ALL STUDENT AND PUBLIC SCHOOL PERFORMANCE DATA REQUIRED TO ASCERTAIN THE DEGREE TO WHICH PUBLIC SCHOOLS AND SCHOOL DISTRICTS ARE MEETING STATE PERFORMANCE STANDARDS AND SHALL BE CAPABLE OF PRODUCING DATA FOR DECISION-MAKING AND FOR THE COMPREHENSIVE ANNUAL REPORT CARDS ON PUBLIC SCHOOL AND DISTRICT PERFORMANCE PURSUANT TO SECTIONS 22-7-604 AND 22-7-605. THE STATE DATA REPORTING SYSTEM SHALL BE DESIGNED TO PROTECT THE PRIVACY OF INDIVIDUAL STUDENTS AND INDIVIDUALLY IDENTIFYING DATA. IN ADDITION, THE STATE DATA REPORTING SYSTEM SHALL BE DESIGNED TO INCLUDE ALL THE INFORMATION AND DATA ELEMENTS NEEDED FOR MEASURING STUDENT AND SCHOOL PERFORMANCE, INCLUDING FISCAL, STUDENT, PROGRAM, PERSONNEL, FACILITY, COMMUNITY, EVALUATION, AND OTHER RELEVANT DATA AND SHALL ALLOW FOR THE ANALYSIS OF THE RELATIONSHIP BETWEEN

SCHOOL DISTRICT AND PUBLIC SCHOOL EXPENDITURES AND EFFECTIVENESS. DATA ELEMENTS COLLECTED AND PROVIDED BY THE DEPARTMENT, SCHOOL DISTRICTS, AND INDIVIDUAL PUBLIC SCHOOLS SHALL BE COMPATIBLE. THE STATE DATA REPORTING SYSTEM SHALL BE MANAGED AND ADMINISTERED BY THE DEPARTMENT. EACH SCHOOL DISTRICT THAT HAS A UNIQUE INFORMATION MANAGEMENT SYSTEM SHALL ASSURE THAT COMPATIBILITY EXISTS BETWEEN ITS UNIQUE SYSTEM AND 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.

(2) 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 DEVELOPMENT OF THE DATA MODEL AND IMPLEMENTATION PLANS FOR THE ELECTRONIC TRANSFER OF DATA BETWEEN SCHOOL DISTRICTS, INDIVIDUAL PUBLIC SCHOOLS, AND THE STATE DATA REPORTING SYSTEM;

(b) TO PROVIDE OPERATIONAL DEFINITIONS FOR THE STATE DATA REPORTING SYSTEM;

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

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

(e) TO DEVELOP AN ELECTRONIC STANDARDIZED TRANSMITTAL FORMAT TO BE USED FOR COLLECTION OF DATA ON THE VARIOUS LEVELS OF THE SYSTEM FROM THE SCHOOL DISTRICTS AND INDIVIDUAL PUBLIC SCHOOL LEVELS;

(f) TO DEVELOP APPROPRIATE COMPUTER APPLICATIONS TO ASSURE THE INTEGRITY AND INTEGRATION OF THE VARIOUS INFORMATION AND SPECIFIC DATA ELEMENTS DEALING WITH STUDENTS, PERSONNEL, FACILITIES,

FISCAL, PROGRAMMATIC, ASSESSMENT, COMMUNITY, AND EVALUATION DATA;

(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 (2) 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 SCHOOL LEVELS;

(h) TO DEVELOP OUTPUT AND REPORTING FORMATS THAT WILL PROVIDE SCHOOL DISTRICTS WITH DIAGNOSTIC INFORMATION FOR MAKING ACADEMIC AND SAFETY ENVIRONMENT DECISIONS AT THE VARIOUS SCHOOL LEVELS;

(i) TO ASSIST SCHOOL DISTRICTS IN ESTABLISHING THEIR STANDARDIZED ELECTRONIC TRANSMITTAL CAPABILITIES, INCLUDING BUT NOT LIMITED TO AWARDING SCHOOLS AND SCHOOL DISTRICTS GRANTS TO ASSIST THEM IN UPGRADING THEIR TRANSMITTAL CAPABILITIES AND ESTABLISHING RULES FOR THE AWARDING OF SUCH GRANTS;

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

(k) TO CONDUCT A DATA REPORTING STUDY TO ASCERTAIN WHETHER DUPLICATION EXISTS IN THE COLLECTION OF DATA AND TO DETERMINE WHETHER FORMS AND REPORTS FOR REPORTING UNDER STATE AND FEDERAL REQUIREMENTS AND OTHER FORMS AND REPORTS ARE PREPARED IN A LOGICAL AND UNCOMPLICATED FORMAT AND RESULT IN A REDUCTION IN THE NUMBER AND COMPLEXITY OF REQUIRED REPORTS, PARTICULARLY FOR EACH INDIVIDUAL PUBLIC SCHOOL; AND

(l) 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.

(3) THE SPECIFIC RESPONSIBILITIES OF EACH SCHOOL DISTRICT 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, INSERVICE TRAINING DEALING WITH 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 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 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.

22-7-604. Academic performance - academic improvement - grading - designation and methodology. (1) BEGINNING WITH THE 2000-01 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER, THE DEPARTMENT SHALL ASSIGN TO EACH PUBLIC SCHOOL A LETTER GRADE OF "A", "B", "C", "D", OR "F" FOR THE PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE AS CALCULATED PURSUANT TO THIS SECTION. THE GRADES SHALL CORRESPOND TO THE FOLLOWING CATEGORIES:

(a) "A": EXCELLENT ACADEMIC PERFORMANCE;

(b) "B": ABOVE AVERAGE ACADEMIC PERFORMANCE;

(c) "C": AVERAGE ACADEMIC PERFORMANCE;

(d) "D": BELOW AVERAGE ACADEMIC PERFORMANCE; AND

(e) "F": FAILING ACADEMIC PERFORMANCE.

(2) GRADES ASSIGNED TO PUBLIC SCHOOLS PURSUANT TO THIS SECTION SHALL BE DETERMINED BY THE LEVELS OF STUDENT ACHIEVEMENT AND IMPROVEMENT ON ALL CSAP ASSESSMENTS AND CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMS ADMINISTERED BY THE PUBLIC SCHOOL IN EACH SCHOOL YEAR PURSUANT TO SECTION 22-7-409. EACH NEW CSAP ASSESSMENT AREA AND GRADE LEVEL SHALL ENTER THE CALCULATIONS OF GRADES PURSUANT TO THIS SECTION AT A WEIGHT EQUIVALENT TO THAT ASSIGNED TO EXISTING ASSESSMENT AREAS AND GRADE LEVELS.

(3) **CSAP assessments.** (a) THE COMMISSIONER SHALL ESTABLISH CRITERIA FOR PLACING INDIVIDUAL STUDENTS AT THE FOLLOWING PROFICIENCY LEVELS FOR EACH ACADEMIC AREA AND FOR EACH GRADE LEVEL: UNSATISFACTORY, PARTIALLY PROFICIENT, PROFICIENT, AND ADVANCED.

(b) (I) FOR EACH ACADEMIC AREA FOR EACH GRADE LEVEL WITHIN A PUBLIC SCHOOL, THE NUMBER OF STUDENTS PERFORMING AT EACH PROFICIENCY LEVEL SHALL BE DIVIDED BY THE TOTAL NUMBER OF STUDENTS ASSESSED IN THAT ACADEMIC AREA AT THAT GRADE LEVEL. THE RESULTING PERCENTAGES OF STUDENTS AT EACH PROFICIENCY LEVEL FOR EACH ACADEMIC AREA FOR EACH GRADE LEVEL SHALL BE MULTIPLIED BY THE FOLLOWING WEIGHTING FACTORS AND ROUNDED TO TWO DECIMAL PLACES:

(A) UNSATISFACTORY -0.5
(B) PARTIALLY PROFICIENT 0.5
(C) PROFICIENT 1.0
(D) ADVANCED 1.5

(II) THE RESULTING WEIGHTED PERCENTAGES FOR EACH PROFICIENCY LEVEL WITHIN EACH ACADEMIC AREA FOR EACH GRADE LEVEL SHALL BE TOTALED, RESULTING IN A WEIGHTED TOTAL SCORE FOR EACH ACADEMIC AREA FOR EACH GRADE LEVEL. NO PUBLIC SCHOOL SHALL BE REMOVED FROM THE CALCULATION REQUIRED BY SUBPARAGRAPH (I) OF THIS

PARAGRAPH (b) FOR ANY REASON, INCLUDING BUT NOT LIMITED TO HAVING A SMALL NUMBER OF ASSESSED STUDENTS. IN THE EVENT THAT THE WEIGHTED PERCENTAGE OR WEIGHTED TOTAL SCORE FOR ANY ONE ACADEMIC AREA IN A GRADE LEVEL IS BASED ON THE SCORES OF FEWER THAN FIVE STUDENTS, ONLY THE SCHOOL'S TOTAL SCORE ACROSS GRADE LEVELS FOR THE ACADEMIC AREA SHALL BE MADE PUBLIC.

(c) IN THE BASELINE ASSESSMENT YEAR FOR EACH ACADEMIC AREA FOR EACH GRADE LEVEL, THE DEPARTMENT SHALL CALCULATE A STANDARD NORMAL DISTRIBUTION WITH A MEAN OF 0.00 AND A STANDARD DEVIATION OF 1.00 USING THE APPROPRIATE WEIGHTED TOTAL SCORES. EACH YEAR, IN ORDER TO ADJUST FOR DIFFERENCES IN DIFFICULTY BETWEEN ACADEMIC AREAS, THE DEPARTMENT SHALL CONVERT THE WEIGHTED TOTAL SCORES FOR EACH ACADEMIC AREA FOR EACH GRADE LEVEL TO STANDARDIZED, WEIGHTED TOTAL SCORES USING THE CONVERSION TABLE CREATED BY THE STANDARD NORMAL DISTRIBUTION CALCULATED IN THE BASELINE ASSESSMENT YEAR.

(d) THE DEPARTMENT SHALL AVERAGE THE STANDARDIZED, WEIGHTED TOTAL SCORES CALCULATED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3) ACROSS ALL GRADE LEVELS WITHIN A PUBLIC SCHOOL FOR EACH ACADEMIC AREA. THE AVERAGE SHALL BE WEIGHTED TO CONTROL FOR DIFFERENCES IN SCHOOL SIZE AND DIFFERENCES IN THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS GRADE LEVELS. THE NUMBER OF STUDENTS WITH VALID SCORES AT A GRADE LEVEL WITHIN AN ACADEMIC AREA, WILL BE MULTIPLIED BY THE STANDARDIZED, WEIGHTED TOTAL FOR THAT ACADEMIC AREA AND GRADE LEVEL. THIS PRODUCT WILL BE SUMMED WITH ALL OTHER PRODUCTS FOR GRADE LEVELS WITHIN THIS ACADEMIC AREA AND DIVIDED BY THE SUM OF THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS ALL GRADE LEVELS WITHIN THIS ACADEMIC AREA. THE RESULTING WEIGHTED AVERAGE, ROUNDED TO TWO DECIMAL PLACES, IS THE CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORE FOR THE PUBLIC SCHOOL.

(4) Curriculum-based, achievement college entrance exams.

(a) THE DEPARTMENT SHALL ANNUALLY CALCULATE FOR EACH PUBLIC HIGH SCHOOL, THE MEAN SCORE IN THE ACADEMIC AREAS OF READING, WRITING, AND MATHEMATICS ON THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM. NO PUBLIC HIGH SCHOOL SHALL BE REMOVED FROM THE CALCULATION REQUIRED BY THIS PARAGRAPH (a) FOR ANY REASON, INCLUDING BUT NOT LIMITED TO HAVING A SMALL NUMBER OF ASSESSED

STUDENTS.

(b) IN THE BASELINE PERFORMANCE YEAR, FOR THE ACADEMIC AREAS OF READING, WRITING, AND MATHEMATICS ON THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM, THE DEPARTMENT SHALL CALCULATE A STANDARD NORMAL DISTRIBUTION WITH A MEAN OF 0.00 AND A STANDARD DEVIATION OF 1.00 USING THE APPROPRIATE MEAN SCORES. EACH YEAR, IN ORDER TO ADJUST FOR DIFFERENCES IN DIFFICULTY BETWEEN ACADEMIC AREAS, THE DEPARTMENT SHALL CONVERT THE PUBLIC SCHOOL'S MEAN SCORE FOR EACH ACADEMIC AREA TO A STANDARD MEAN SCORE USING THE CONVERSION TABLE CREATED BY THE STANDARD NORMAL DISTRIBUTION CALCULATED IN THE BASELINE PERFORMANCE YEAR.

(5) Overall academic performance grade. (a) THE DEPARTMENT SHALL AVERAGE EACH PUBLIC SCHOOL'S CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORES CALCULATED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND, IN THE CASE OF A PUBLIC HIGH SCHOOL, SHALL AVERAGE ITS CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ITS STANDARDIZED MEAN SCORES FOR THE SAME ACADEMIC AREA CALCULATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE AVERAGE SHALL BE WEIGHTED TO CONTROL FOR DIFFERENCES IN SCHOOL SIZE AND DIFFERENCES IN THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS ACADEMIC AREAS. THE NUMBER OF STUDENTS WITH VALID SCORES WITHIN AN ACADEMIC AREA WILL BE MULTIPLIED BY THE CSAP-AREA OR CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM STANDARD MEAN SCORE FOR THAT ACADEMIC AREA. THIS PRODUCT WILL BE SUMMED WITH ALL OTHER PRODUCTS FOR ACADEMIC AREAS AND DIVIDED BY THE SUM OF THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS ALL ACADEMIC AREAS. THE DEPARTMENT SHALL USE THE RESULTING OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE TO ASSIGN AN ACADEMIC PERFORMANCE GRADE TO EACH PUBLIC SCHOOL.

(b) (I) IN THE BASELINE PERFORMANCE YEAR, THE DEPARTMENT SHALL ASSIGN AN ACADEMIC PERFORMANCE GRADE TO EACH PUBLIC SCHOOL AT EACH SCHOOL LEVEL BASED ON A PUBLIC SCHOOL'S OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE AS FOLLOWS:

(A) AN ACADEMIC PERFORMANCE GRADE OF "A" SHALL BE ASSIGNED TO PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ARE IN THE HIGHEST EIGHT PERCENT OF SCORES RECEIVED BY PUBLIC

SCHOOLS AT THE SAME SCHOOL LEVEL IN THE STATE, INCLUDING PUBLIC SCHOOLS THAT TIE AT THE LOWEST ELIGIBLE SCORE;

(B) AN ACADEMIC PERFORMANCE GRADE OF "B" SHALL BE ASSIGNED TO PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ARE BELOW THE HIGHEST EIGHT PERCENT AND ABOVE THE LOWEST SIXTY-SEVEN PERCENT OF SCORES RECEIVED BY PUBLIC SCHOOLS AT THE SAME SCHOOL LEVEL IN THE STATE, INCLUDING SCHOOLS THAT TIE AT THE LOWEST ELIGIBLE SCORE;

(C) AN ACADEMIC PERFORMANCE GRADE OF "C" SHALL BE ASSIGNED TO PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ARE BELOW THE HIGHEST THIRTY-THREE PERCENT AND ABOVE THE LOWEST TWENTY-SEVEN PERCENT OF SCORES RECEIVED BY PUBLIC SCHOOLS AT THE SAME SCHOOL LEVEL IN THE STATE, INCLUDING SCHOOLS THAT TIE AT THE LOWEST ELIGIBLE SCORE;

(D) AN ACADEMIC PERFORMANCE GRADE OF "D" SHALL BE ASSIGNED TO PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ARE BELOW THE HIGHEST SEVENTY-THREE PERCENT AND ABOVE THE LOWEST TWO PERCENT OF SCORES RECEIVED BY PUBLIC SCHOOLS AT THE SAME SCHOOL LEVEL IN THE STATE, INCLUDING SCHOOLS THAT TIE AT THE LOWEST ELIGIBLE SCORE;

(E) AN ACADEMIC PERFORMANCE GRADE OF "F" SHALL BE ASSIGNED TO PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ARE IN THE LOWEST TWO PERCENT OF SCORES RECEIVED BY PUBLIC SCHOOLS AT THE SAME SCHOOL LEVEL IN THE STATE.

(II) THE GRADES ASSIGNED IN THE BASELINE PERFORMANCE YEAR PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL ESTABLISH WHICH OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ARE ASSIGNED TO WHICH GRADES FOR SUBSEQUENT YEARS, SUBJECT TO PARAGRAPH (c) OF THIS SUBSECTION (5). THE CONVERSION TABLES ESTABLISHED IN THE BASELINE PERFORMANCE YEAR FOR CONVERTING WEIGHTED TOTALS TO STANDARDIZED, WEIGHTED TOTALS SHALL BE USED IN FUTURE YEARS UNTIL SUCH TIME AS A NEW BASELINE YEAR IS ESTABLISHED. IN ADDITION, THE CONVERSION TABLES ESTABLISHED IN THE BASELINE PERFORMANCE YEAR FOR CONVERTING STANDARDIZED, WEIGHTED TOTALS TO LETTER GRADES SHALL BE USED IN FUTURE YEARS UNTIL SUCH TIME AS A NEW BASELINE YEAR IS ESTABLISHED.

(c) AS STUDENT PERFORMANCE IMPROVES, THE STANDARD FOR ASSESSING ACADEMIC PERFORMANCE GRADES SHALL BE RAISED. THE DEPARTMENT SHALL EVALUATE THIS STANDARD ANNUALLY BY REPORTING TO THE STATE BOARD ON THE OVERALL ACADEMIC PERFORMANCE GRADES AND CHANGES IN SUCH GRADES AS DESCRIBED IN SUBSECTIONS (6) AND (7) OF THIS SECTION. IN FEBRUARY, 2005, AND IN FEBRUARY EVERY THREE YEARS THEREAFTER, THE STATE BOARD SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE GOVERNOR ON WHETHER IT BELIEVES THAT A NEW YEAR SHOULD BE USED AS THE BASELINE PERFORMANCE YEAR TO RECALCULATE THE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES ASSIGNED TO EACH ACADEMIC PERFORMANCE GRADE. THE STATE BOARD SHALL NOT ESTABLISH A NEW YEAR AS THE BASELINE PERFORMANCE YEAR UNLESS IT NOTIFIES THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR ON OR BEFORE FEBRUARY 1 OF THE YEAR IN WHICH SCHOOL REPORT CARDS WOULD REFLECT THE NEW BASELINE PERFORMANCE YEAR.

(d) FOR PUBLIC SCHOOLS THAT EXCLUDE FROM ANY CSAP ASSESSMENT AT ANY GRADE LEVEL MORE THAN TEN PERCENT OF THE STUDENTS ENROLLED IN THAT GRADE LEVEL OR EXCLUDE FROM ANY CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM MORE THAN TEN PERCENT OF THE STUDENTS REQUIRED TO TAKE SUCH EXAM, ANY REPRESENTATION OF THAT PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE GRADE SHALL BE QUALIFIED AND FOLLOWED BY THE WORDS "PARTICIPATION NOTED".

(6) School improvement grade - "C" and below schools.

(a) BEGINNING WITH THE 2001-02 SCHOOL YEAR, THE DEPARTMENT SHALL ANNUALLY ASSIGN A LETTER GRADE FOR ACADEMIC IMPROVEMENT TO EACH PUBLIC SCHOOL THAT IN THE IMMEDIATELY PRECEDING SCHOOL YEAR RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "C" OR BELOW AS CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE ACADEMIC IMPROVEMENT GRADES SHALL CORRESPOND TO THE CATEGORIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE ACADEMIC IMPROVEMENT GRADE SHALL BE BASED UPON THE CHANGE IN THE SCHOOL'S STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(b) FOR EACH PUBLIC SCHOOL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE DEPARTMENT SHALL ASSIGN AN ACADEMIC

IMPROVEMENT GRADE AS FOLLOWS:

(I) AN ACADEMIC IMPROVEMENT GRADE OF "A" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(II) AN ACADEMIC IMPROVEMENT GRADE OF "B" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF LESS THAN 0.5 OF A POINT BUT 0.3 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(III) AN ACADEMIC IMPROVEMENT GRADE OF "C" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF LESS THAN 0.3 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE OR THAT SHOW A DECLINE OF LESS THAN -0.3 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(IV) AN ACADEMIC IMPROVEMENT GRADE OF "D" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.3 OF A POINT OR MORE BUT LESS THAN -0.5 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE; AND

(V) AN ACADEMIC IMPROVEMENT GRADE OF "F" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.5 OF A POINT OR MORE FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE.

(7) **School improvement designation - "A" and "B" schools - determination.** (a) BEGINNING WITH THE 2001-02 SCHOOL YEAR, THE DEPARTMENT SHALL ANNUALLY DESIGNATE THE IMPROVEMENT OF EACH PUBLIC SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "A" OR "B", CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE DESIGNATIONS SHALL BE "SIGNIFICANT IMPROVEMENT IN SCHOOL PERFORMANCE", "DECLINE IN SCHOOL PERFORMANCE", OR "SIGNIFICANT DECLINE IN SCHOOL PERFORMANCE". EACH SUCH PUBLIC SCHOOL SHALL BE ASSIGNED SUCH DESIGNATION BASED ON ITS CSAP-AREA STANDARDIZED,

WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(b) THE DEPARTMENT SHALL ASSIGN DESIGNATIONS FOR EACH PUBLIC SCHOOL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7) ACCORDING TO ITS DEMONSTRATION OF THE FOLLOWING:

(I) A SCHOOL IMPROVEMENT DESIGNATION OF "SIGNIFICANT IMPROVEMENT IN SCHOOL PERFORMANCE" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(II) A SCHOOL IMPROVEMENT DESIGNATION OF "DECLINE IN SCHOOL PERFORMANCE" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.3 OF A POINT OR MORE BUT LESS THAN -0.5 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE; AND

(III) A SCHOOL IMPROVEMENT DESIGNATION OF "SIGNIFICANT DECLINE IN SCHOOL PERFORMANCE" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.5 OR MORE OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE.

(8) THE STATE BOARD SHALL HAVE THE AUTHORITY TO ISSUE ANY RULES NECESSARY TO CALCULATE AND ASSIGN ACADEMIC PERFORMANCE GRADES AND DESIGNATIONS PURSUANT TO THIS SECTION.

22-7-605. School report cards - format. (1) STARTING IN THE ACADEMIC YEAR 2000-01, AND FOR EACH ACADEMIC YEAR THEREAFTER, THE DEPARTMENT SHALL ISSUE A REPORT CARD FOR EACH PUBLIC SCHOOL IN THE STATE. THE REPORT CARD SHALL BE ISSUED IN AN EASY-TO-READ FORMAT AND SHALL INCLUDE THE PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE GRADE. THE DEPARTMENT SHALL UTILIZE THE METHODOLOGY DESCRIBED IN SECTION 22-7-604 AND THE STATE DATA REPORTING SYSTEM ESTABLISHED PURSUANT TO SECTION 22-7-603 TO PREPARE A REPORT CARD FOR EVERY PUBLIC SCHOOL.

(2) (a) ON OR BEFORE SEPTEMBER 1, 2000, THE STATE BOARD BY RULE SHALL DEFINE, CONSISTENT WITH THE PROVISIONS OF THIS PART 6, ANY

DATA ELEMENTS INCLUDED ON THE SCHOOL REPORT CARDS AND THE INFORMATION THAT SHALL BE COLLECTED AND REPORTED TO ENSURE THE EXISTENCE, ACCURACY, AND RELEVANCY OF THE DATA ELEMENTS REPORTED ON THE SCHOOL REPORT CARDS DEVELOPED PURSUANT TO THIS SECTION.

(b) EACH PUBLIC SCHOOL AND SCHOOL DISTRICT SHALL REPORT ACCURATELY ANY DATA REQUIRED TO PRODUCE A SCHOOL REPORT CARD FOR EACH PUBLIC SCHOOL, USING WHENEVER POSSIBLE THE STATE DATA REPORTING SYSTEM DESCRIBED IN SECTION 22-7-603. THE STATE BOARD SHALL SEEK TO MINIMIZE AND ELIMINATE THE DUPLICATION OF DATA REPORTING REQUIRED UNDER THIS SECTION AND THAT REQUIRED BY OTHER STATE OR FEDERAL STATUTES OR RULES SO THAT SCHOOL DISTRICTS MAY SATISFY MULTIPLE REPORTING REQUIREMENTS WITHIN A SINGLE REPORTING FRAMEWORK. THE STATE BOARD IN PARTICULAR SHALL NOTE THE DATA COLLECTION AND REPORTING ALREADY REQUIRED AND CONDUCTED BY THE DEPARTMENT, PUBLIC SCHOOLS, AND SCHOOL DISTRICTS IN SECTIONS 22-2-112, 22-7-105, 22-11-104, 22-11-201, 22-30.5-110, 22-32-109, 22-32-110, 22-33-105, 22-44-105, 22-44-111, AND 22-54-112.

(c) EACH PUBLIC SCHOOL AND EACH SCHOOL DISTRICT SHALL MEET DATA SUBMISSION TIMETABLES ADOPTED BY RULE OF THE STATE BOARD IN ORDER TO COMPLY WITH THE SCHEDULE REQUIRED BY THIS SECTION TO PRODUCE REPORT CARDS. IF, AFTER A REASONABLE PERIOD OF TIME, THE DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL OR A SCHOOL DISTRICT HAS FAILED TO COMPLY FULLY AND ACCURATELY WITH THE DATA REPORTING AND COLLECTION REQUIREMENTS OF THIS SECTION, THE STATE BOARD SHALL RESCIND THE ACCREDITATION OF THE SCHOOL DISTRICT PURSUANT TO ARTICLE 11 OF THIS TITLE.

(d) IF THE STATE BOARD DETERMINES THAT A SCHOOL DISTRICT OR ONE OR MORE OF THE PUBLIC SCHOOLS IN A SCHOOL DISTRICT IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE STATE'S SHARE OF THE SCHOOL DISTRICT'S TOTAL PROGRAM, AS DETERMINED BY ARTICLE 54 OF THIS TITLE, SHALL BE SUBJECT TO FORFEITURE UNTIL THE SCHOOL DISTRICT AND EACH PUBLIC SCHOOL IN THE DISTRICT COMPLIES WITH THE PROVISIONS OF THIS SECTION.

(3) (a) THE REPORT CARD PRODUCED FOR EACH PUBLIC SCHOOL PURSUANT TO THIS SECTION SHALL NOT CONTAIN ANY INFORMATION OTHER THAN THE INFORMATION SPECIFIED IN THIS SECTION. THE INFORMATION SPECIFIED IN THIS SECTION SHALL BE ARRANGED ON THE REPORT CARD IN THE

ORDER IT APPEARS IN THIS SECTION.

(b) EACH REPORT CARD SHALL BE PRINTED DOUBLE-SIDED ON PAPER ELEVEN INCHES BY SEVENTEEN INCHES. THE TWO SIDES SHALL CONTAIN THE FOLLOWING:

(I) ONE SIDE SHALL CONTAIN THE FOLLOWING THREE DIVISIONS FROM LEFT TO RIGHT:

(A) "SAFETY AND SCHOOL ENVIRONMENT", AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION;

(B) "TAXPAYERS' REPORT", AS DESCRIBED IN SUBSECTION (9) OF THIS SECTION; AND

(C) THE TITLE PAGE AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION; AND

(II) THE OTHER SIDE OF THE PAPER SHALL CONTAIN THE FOLLOWING THREE DIVISIONS FROM LEFT TO RIGHT:

(A) "STUDENT PERFORMANCE", AS DESCRIBED IN SUBSECTION (7) OF THIS SECTION;

(B) "SCHOOL HISTORY", AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION; AND

(C) "ABOUT OUR STAFF", AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(c) THE REPORT CARD SHALL BE FOLDED IN SUCH A WAY THAT THE ELEVEN-BY-SEVENTEEN-INCH PAPER HAS TWO FOLDS TO COMPRISE SIX PANELS, CORRESPONDING TO THE ABOVE DIVISIONS AND THAT AFTER FOLDING ONLY THE TITLE PAGE AND THE "TAXPAYERS' REPORT" PAGE APPEAR.

(4) **Title page.** INFORMATION DESCRIBED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (4) SHALL APPEAR ON THE FRONT OF THE REPORT CARD:

(a) **Title.** THE REPORT CARD SHALL INCLUDE IN LARGE FONT, SUPERIMPOSED ON A FAINT RENDITION OF THE STATE SEAL, THE NAME OF THE

PUBLIC SCHOOL. IMMEDIATELY UNDERNEATH SHALL BE THE WORDS "SCHOOL REPORT CARD" AND "[YEAR]-[YEAR] SCHOOL YEAR" ON WHICH THE INFORMATION IN THE REPORT CARD IS BASED.

(b) **Grades.** (I) THE REPORT CARD SHALL CONTAIN A HEADING "SCHOOL PERFORMANCE SUMMARY" IMMEDIATELY FOLLOWED IN LARGE FONT BY THE WORDS, "OVERALL ACADEMIC PERFORMANCE" FOLLOWED DIRECTLY BY THE LETTER GRADE CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 FOR THE PUBLIC SCHOOL.

(II) (A) IF THE SCHOOL RECEIVED AN OVERALL ACADEMIC PERFORMANCE GRADE OF "C", "D", OR "F" FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR, IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR IN SMALLER TYPE "ACADEMIC IMPROVEMENT: [LETTER GRADE CALCULATED PURSUANT TO SECTION 22-7-604 (6)]". THE LETTER GRADE SHALL BE IN THE SAME SIZE TYPE AS THE WORDS "ACADEMIC IMPROVEMENT".

(B) IF THE SCHOOL RECEIVED AN OVERALL ACADEMIC PERFORMANCE GRADE OF "A" OR "B" FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR AND QUALIFIED FOR A DESIGNATION PURSUANT TO SECTION 22-7-604 (7), IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR IN SMALLER TYPE "ACADEMIC IMPROVEMENT: [DESIGNATION PURSUANT TO SECTION 22-7-604 (7)]".

(C) IF THE SCHOOL QUALIFIES FOR AN AWARD PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE, IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" OR, IF APPLICABLE, "ACADEMIC IMPROVEMENT" SHALL APPEAR THE WORDS: "WINNER OF A JOHN IRWIN SCHOOL OF EXCELLENCE AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR." OR "WINNER OF A GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR.", WHICHEVER IS APPROPRIATE.

(c) **Comparison.** THE REPORT CARD SHALL CONTAIN THE FOLLOWING SUBTITLE, "HOW [NAME OF THE PUBLIC SCHOOL] COMPARES TO NEARBY [SCHOOL LEVEL] SCHOOLS." BELOW THIS SUBTITLE, THE REPORT CARD SHALL CONTAIN A LIST OF THE TEN SCHOOLS, WHETHER PUBLIC OR PRIVATE, OF THE SAME SCHOOL LEVEL AS THE SUBJECT SCHOOL THAT ARE CLOSEST GEOGRAPHICALLY TO THE SUBJECT PUBLIC SCHOOL AND THAT RECEIVED A REPORT CARD PURSUANT TO THIS PART 6; EXCEPT THAT NO SCHOOL SHALL BE LISTED IF IT IS LOCATED MORE THAN SEVENTY-FIVE MILES

FROM THE SUBJECT PUBLIC SCHOOL. IMMEDIATELY FOLLOWING THE NAME OF EACH SCHOOL SHALL BE THE OVERALL ACADEMIC PERFORMANCE GRADE FOR EACH SCHOOL AS CALCULATED PURSUANT TO SECTION 22-7-604. THE NAMES OF THE TEN SCHOOLS AND THE OVERALL ACADEMIC PERFORMANCE GRADES SHALL FORM TWO COLUMNS, TITLED "SCHOOL" AND "ACADEMIC". IF ANY OF THE TEN SCHOOLS USED FOR COMPARISON FOR THIS PARAGRAPH (c) ARE FROM A DIFFERENT SCHOOL DISTRICT OR ARE NONPUBLIC SCHOOLS, A FOOTNOTE NUMBER SHALL BE INSERTED AFTER THE NAME OF EACH SUCH SCHOOL AND A FOOTNOTE SHALL FOLLOW THE LISTING OF THE TEN SCHOOLS IDENTIFYING THE OTHER SCHOOL DISTRICT OR NONPUBLIC SCHOOLS.

(d) **Preparation and verification information.** THE REPORT CARD SHALL CONTAIN THE FOLLOWING STATEMENT: "SCHOOL REPORT CARDS PREPARED BY THE COLORADO DEPARTMENT OF EDUCATION ARE INDEPENDENTLY AUDITED AND VERIFIED BY [NAME OF THE CONSULTING FIRM WHOSE SERVICES ARE PROCURED PURSUANT TO SECTION 22-7-606(4)].". AT THE BOTTOM OF THE TITLE PAGE OF THE REPORT CARD SHALL APPEAR THE FOLLOWING STATEMENT, "FOR MORE INFORMATION ON ADDITIONAL SCHOOLS, VISIT WWW.STATE.CO.US/SCHOOLS".

(5) **Safety and school environment.** THE REPORT CARD SHALL CONTAIN A PAGE CLEARLY MARKED AS THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE CONTAINING THE FOLLOWING:

(a) THIS PAGE SHALL CONTAIN THE SUBTITLE, "SAFE AND ORDERLY SCHOOL FEATURES" AND THE WORDS "YOUR SCHOOL". IMMEDIATELY UNDERNEATH THE WORDS "YOUR SCHOOL" SHALL BE A TABLE WITH THE FOLLOWING THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SIX LINES:

(A) "ALLOWS AFTER-SCHOOL PROGRAMS";

(B) "REQUIRES STUDENT UNIFORMS";

(C) "ENCOURAGES COMMUNITY PROGRAMS IN SCHOOL BUILDING";

(D) "CONDUCTS HOME VISITS";

(E) "HAS A CLOSED CAMPUS"; AND

(F) "REQUIRES PARENTAL CONFERENCES".

(II) THE SECOND COLUMN SHALL BE ENTITLED "DOES", THE THIRD COLUMN SHALL BE ENTITLED "DOES NOT". THE TABLE SHALL INDICATE WITH CHECK MARKINGS IN A SMALL BOX IN EITHER THE SECOND OR THIRD COLUMN WHETHER THE PUBLIC SCHOOL DOES OR DOES NOT TAKE THE ACTIONS OR PROVIDE THE CONDITIONS DESCRIBED IN THE FIRST COLUMN.

(b) **Safety and discipline.** THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE SHALL CONTAIN THE SUBTITLE, "SAFETY AND DISCIPLINE" AND THE FOLLOWING EXPLANATION: "SAFE SCHOOLS ARE A TOP PRIORITY FOR PARENTS, TEACHERS, AND COMMUNITIES. YOUR SCHOOL'S SAFETY AND DISCIPLINE RECORD FOR THE [YEAR] - [YEAR] SCHOOL YEAR IS:". IMMEDIATELY UNDERNEATH THIS EXPLANATION SHALL BE A TABLE WITH THE FOLLOWING SEVEN COLUMNS:

(I) THE FIRST COLUMN, ENTITLED "TYPE OF INCIDENT" SHALL CONTAIN THE FOLLOWING SEVEN LINES:

(A) "SUBSTANCE ABUSE";

(B) "CLASSROOM SUSPENSIONS";

(C) "ASSAULTS/FIGHTS";

(D) "HABITUALLY DISRUPTIVE STUDENTS";

(E) "DEADLY WEAPONS";

(F) "OTHER FELONIES AS DEFINED BY STATUTE"; AND

(G) "OTHER VIOLATIONS OF CODE OF CONDUCT".

(II) THE SECOND COLUMN SHALL BE ENTITLED "NUMBER OF INCIDENTS REPORTED". ABOVE THE THIRD, FOURTH, FIFTH, SIXTH, AND SEVENTH COLUMNS SHALL APPEAR THE WORDS "ACTION TAKEN". THESE COLUMNS SHALL BE ENTITLED "IN-SCHOOL SUSPENSION", "OUT-OF-SCHOOL SUSPENSION", "EXPULSION", "REFERRED TO LAW ENFORCEMENT", AND "OTHER". THIS TABLE SHALL REPORT INFORMATION COLLECTED PURSUANT TO RULES PROMULGATED BY THE STATE BOARD.

(c) **Student attendance and time spent in classroom.** THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENT ATTENDANCE AND TIME SPENT IN CLASSROOM". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL APPEAR A TABLE WITH TWO COLUMNS AND A GRAPH AS FOLLOWS:

(I) THE FIRST COLUMN SHALL CONTAIN THE SCHOOL YEAR ON WHICH THE INFORMATION IN THE REPORT CARD IS BASED AND THE FOLLOWING SIX LINES:

(A) "LENGTH OF SCHOOL YEAR";

(B) "ENROLLMENT";

(C) "AVERAGE DAILY ATTENDANCE";

(D) "STUDENT DROPOUTS";

(E) "STUDENTS PER TOTAL STAFF"; AND

(F) "ANNUAL NUMBER OF TEACHER DAYS SCHEDULED WITHOUT STUDENT CONTACT".

(II) THE SECOND COLUMN SHALL BE HEADED "YOUR SCHOOL" AND SHALL CONTAIN THE DATA RELATED TO EACH ITEM IN THE FIRST COLUMN.

(III) IMMEDIATELY TO THE RIGHT OF THE TABLE DESCRIBED IN THIS PARAGRAPH (c), SHALL BE A GRAPH TITLED "DROPOUT RATE". THE GRAPH SHALL HAVE TWO BARS, ONE FOR THE PREVIOUS ACADEMIC YEAR AND ONE FOR THE ACADEMIC YEAR ON WHICH THE REPORT CARD IS BASED. THE BARS SHALL BE LABELED WITH THE YEARLY DATES. THE GRAPH SHALL SHOW THE STUDENT DROPOUT RATE FOR SAID TWO YEARS.

(d) **Student information over time.** THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENT INFORMATION OVER TIME". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH FOUR COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN:

(A) "STUDENT AVERAGE DAILY ATTENDANCE";

(B) "STUDENT DROPOUTS";

(C) "SAFETY AND DISCIPLINE TOTAL INCIDENTS REPORTED";

(II) THE SECOND AND SUBSEQUENT COLUMNS SHALL CONTAIN THE YEAR THAT THE DATA WAS COMPILED, FOR THE CURRENT YEAR AND TWO PREVIOUS YEARS. THE ITEMS IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE REPORTED IN PERCENTAGES AND THE ITEM IN SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE REPORTED AS A WHOLE NUMBER.

(e) **Letter grade key.** DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPH (d) OF THIS SUBSECTION (5) SHALL APPEAR A CHART CONTAINING THE FOLLOWING LINES:

(I) "Key: ACADEMIC PERFORMANCE LETTER GRADES:";

(II) "A = EXCELLENT ACADEMIC PERFORMANCE;"

(III) "B = ABOVE AVERAGE ACADEMIC PERFORMANCE;"

(IV) "C = AVERAGE ACADEMIC PERFORMANCE;"

(V) "D = BELOW AVERAGE ACADEMIC PERFORMANCE;" AND

(VI) "F = FAILING ACADEMIC PERFORMANCE."

(6) **Staff information.** THE REPORT CARD SHALL CONTAIN A PAGE CLEARLY MARKED AS THE "ABOUT OUR STAFF" PAGE IN LARGE FONT WHICH SHALL CONTAIN THE FOLLOWING INFORMATION:

(a) THIS PAGE SHALL CONTAIN THE SUBTITLE, "SCHOOL EMPLOYMENT" AND THE FOLLOWING EXPLANATION: "EACH YEAR, YOUR SCHOOL REPORTS TO THE COLORADO DEPARTMENT OF EDUCATION ON THE NUMBER OF ADULTS WHO WORK IN YOUR SCHOOL, AS WELL AS THE TYPE OF WORK THEY DO. LAST YEAR, YOUR SCHOOL EMPLOYED:". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING FIVE LINES:

(A) "TEACHERS*";

- (B) "PARAPROFESSIONALS";
- (C) "ADMINISTRATORS";
- (D) "OTHER PROFESSIONALS**";
- (E) "SCHOOL SUPPORT";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL" AND THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT".

(III) DIRECTLY BELOW THIS TABLE SHALL APPEAR: "*FULL-TIME AND PART-TIME TEACHERS PERMANENTLY ASSIGNED TO THIS SCHOOL.". IMMEDIATELY UNDERNEATH THIS EXPLANATION SHALL APPEAR THE FOLLOWING SENTENCE: "**SCHOOL COUNSELORS ARE INCLUDED IN THE OTHER PROFESSIONALS CATEGORY. YOUR SCHOOL EMPLOYED [NUMBER] COUNSELOR(S) LAST YEAR.".

(b) **Students-per-teacher ratio.** THE "ABOUT OUR STAFF" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENTS-PER-TEACHER RATIO". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN LINES LISTING EACH GRADE LEVEL IN THE SCHOOL; EXCEPT THAT, FOR ELEMENTARY SCHOOLS, THE COLUMN SHALL BEGIN AT "GRADE 1" AND SHALL NOT LIST PRE-KINDERGARTEN OR KINDERGARTEN.

(II) THE SECOND COLUMN SHALL BE ENTITLED "STUDENT ENROLLMENT" AND THE THIRD COLUMN SHALL BE ENTITLED "STUDENTS PER TEACHER".

(c) **Professional experience of teachers.** THE "ABOUT OUR STAFF" PAGE SHALL ALSO CONTAIN THE SUBTITLE, "PROFESSIONAL EXPERIENCE OF TEACHERS". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SEVEN LINES:

- (A) "AVERAGE YEARS OF TEACHING EXPERIENCE";

(B) "PERCENTAGE OF TEACHERS TEACHING THE SUBJECT IN WHICH THEY RECEIVED THEIR DEGREE(S)";

(C) "TEACHERS' AVERAGE DAYS ABSENT";

(D) "NUMBER OF TEACHERS WHO LEFT THE SCHOOL AND SCHOOL DISTRICT LAST YEAR";

(E) "TEACHERS WITH TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (E), THE DATA USED SHALL DESCRIBE TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(F) "TEACHERS WITHOUT TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (F), THE DATA USED SHALL REFLECT TEACHERS WHO HAVE NOT OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(G) "NUMBER OF PROFESSIONAL DEVELOPMENT DAYS";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL" AND THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT".

(d) **Salaries.** THE "ABOUT OUR STAFF" PAGE SHALL ALSO INCLUDE THE SUBTITLE, "SALARIES". DIRECTLY BELOW THIS SUBTITLE SHALL BE A TABLE WITH FOUR COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING TWO LINES:

(A) "AVERAGE TEACHER SALARY"; AND

(B) "AVERAGE ADMINISTRATOR SALARY";

(II) THE SECOND COLUMN SHALL BE ENTITLED, "YOUR SCHOOL", THE THIRD COLUMN SHALL BE ENTITLED, "DISTRICT", AND THE FOURTH COLUMN SHALL BE ENTITLED, "STATE".

(III) IMMEDIATELY UNDERNEATH THIS TABLE, AT THE BOTTOM OF THE PAGE, SHALL APPEAR THREE LINES. THE FIRST LINE SHALL START "PRINCIPAL:" AND LIST THE SCHOOL PRINCIPAL'S NAME. THE SECOND LINE SHALL BE: "NUMBER OF YEARS AS PRINCIPAL AT THIS SCHOOL:" TO BE

FOLLOWED BY THE APPROPRIATE DATA. THE THIRD LINE SHALL BE: "NUMBER OF YEARS AS PRINCIPAL AT ANY SCHOOL:" TO BE FOLLOWED BY THE APPROPRIATE DATA.

(IV) IMMEDIATELY FOLLOWING SHALL BE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SCHOOL ON WHICH THE REPORT IS PREPARED. FOLLOWING THIS, AT THE BOTTOM OF THE PAGE SHALL BE: "FOR MORE INFORMATION AND FURTHER DETAILS ABOUT THIS REPORT, VISIT: WWW.STATE.CO.US/SCHOOLS". THE LAST LINE OF THE PAGE SHALL BE: "COLORADO DEPARTMENT OF EDUCATION [ADDRESS]".

(7) **Student performance.** (a) THE REPORT CARD SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE FONT AS THE "STUDENT PERFORMANCE" PAGE. THIS PAGE SHALL CONTAIN THE FOLLOWING STATEMENT IMMEDIATELY UNDER THE TITLE: "COLORADO STUDENTS ARE ASSESSED ONCE A YEAR IN ORDER TO MEASURE THEIR PERFORMANCE ON STATE ACADEMIC CONTENT STANDARDS, USING THE COLORADO STUDENT ASSESSMENT PROGRAM (CSAP). THE CHART BELOW SHOWS THE RESULTS FOR GRADES [GRADE]-[GRADE] IN THE SUBJECT AREAS OF READING, WRITING, AND MATH."

(b) (I) FOLLOWING THE TEXT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (7), A SOLID LINE SHALL APPEAR FOLLOWED BY "CSAP [YEAR] SPRING". UNDER THIS HEADING SHALL APPEAR THE CORRECT NUMBER OF COLUMNS CORRESPONDING TO EACH GRADE LEVEL IN THE PUBLIC SCHOOL THAT TOOK AT LEAST ONE TEST THROUGH THE CSAP PROGRAM. EACH COLUMN SHALL BE CLEARLY MARKED AS TO THE CORRESPONDING GRADE LEVEL. UNDERNEATH EACH GRADE LEVEL, THREE ROWS OF PIE CHARTS SHALL APPEAR. THE FIRST ROW SHALL BE CLEARLY MARKED UNDERNEATH EACH PIE CHART AS "READING", THE SECOND ROW SHALL BE CLEARLY MARKED UNDERNEATH EACH PIE CHART AS "WRITING", AND THE THIRD ROW SHALL BE CLEARLY MARKED UNDERNEATH EACH PIE CHART AS "MATH". SUCH PIE CHARTS SHALL REPORT INFORMATION COLLECTED PURSUANT TO SECTION 22-7-409. ON EACH PIE CHART SHALL BE PRINTED THE CORRESPONDING PERCENTAGES. PIE CHARTS SHALL BE PRINTED IN COLOR AND SHALL CLEARLY DELINEATE STUDENT SCORES ON ASSESSMENTS.

(II) WHERE NO INFORMATION IS COLLECTED DUE TO NO TEST HAVING BEEN ADMINISTERED, A GRAY CIRCLE SHALL APPEAR IN PLACE OF THE PIE CHART CLEARLY STATING "NOT TESTED".

(c) AT THE BOTTOM OF THE TABLE ENTITLED "CSAP" THERE SHALL APPEAR A KEY THAT EXPLAINS THE OUTCOME OF THE TESTS PORTRAYED IN THE PIE CHART AS FOLLOWS:

- (I) "[COLOR] % ADVANCED";
- (II) "[COLOR] % PROFICIENT";
- (III) "[COLOR] % PARTIALLY PROFICIENT"; AND
- (IV) "[COLOR] % UNSATISFACTORY".

(d) DIRECTLY BELOW THE "CSAP" KEY SHALL APPEAR A TABLE ENTITLED "PERCENT OF STUDENTS SCORING PROFICIENT AND ADVANCED". THIS TABLE SHALL CONTAIN FOUR COLUMNS AND A PIE CHART:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING THREE LINES:

- (A) "GRADES [GRADE LEVELS] READING";
- (B) "GRADES [GRADE LEVELS] WRITING";
- (C) "GRADES [GRADE LEVELS] MATH";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL", THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT", AND THE FOURTH COLUMN SHALL BE ENTITLED "STATE". THE PIE CHART SHALL BE ENTITLED "PERCENT OF STUDENT TEST SCORES COUNTED".

(III) THE PIE CHART SHALL HAVE AN ANSWER KEY DIRECTLY TO THE RIGHT CONTAINING THE FOLLOWING INFORMATION:

- (A) "TEST SCORES COUNTED [PERCENTAGE]_%";
- (B) "TEST SCORES NOT COUNTED DUE TO
LANGUAGE [PERCENTAGE]_%";
- (C) "TEST SCORES NOT COUNTED DUE TO
SPECIAL ED [PERCENTAGE]_%"; AND
- (D) "TEST SCORES NOT COUNTED DUE TO

NEW STUDENT [PERCENTAGE]_%".

(IV) THIS CHART SHALL REPORT INFORMATION COLLECTED PURSUANT TO SECTION 22-7-409.

(V) IMMEDIATELY UNDERNEATH THE TABLE AND CHART DESCRIBED IN THIS PARAGRAPH (d), THE REPORT CARD SHALL CONTAIN THE FOLLOWING EXPLANATION IN A SMALL POINT SIZE: "EACH SCHOOL IN THE STATE RECEIVED A LETTER GRADE, A, B, C, D, OR F, FOR STUDENT ACADEMIC PERFORMANCE IN SCHOOL YEAR [YEAR]-[YEAR] USING THE CSAP RESULTS PRINTED ABOVE. EVERY STUDENT IN THIS SCHOOL WHO TOOK THESE TESTS WAS INCLUDED IN THE CALCULATION USED TO ASSIGN A LETTER GRADE, EXCEPT FOR STUDENTS WHO DO NOT SPEAK ENGLISH, WHOSE SPECIAL NEEDS REQUIRE THAT THEY SPEND LESS THAN 45% OF THEIR TIME IN A REGULAR CLASSROOM, OR WHO ENROLLED IN THE COLORADO PUBLIC SCHOOL SYSTEM AFTER OCTOBER 1 OF THIS SCHOOL YEAR. YOUR SCHOOL'S GRADE WAS DETERMINED BY THE PERCENTAGE OF STUDENTS PERFORMING IN EACH OF THE ADVANCED, PROFICIENT, PARTIALLY PROFICIENT, AND UNSATISFACTORY LEVELS. THESE PERCENTAGES WERE WEIGHTED AND COMBINED ACROSS GRADE LEVELS AND ACADEMIC AREAS. THESE WEIGHTS REWARD PERFORMANCE AT THE ADVANCED AND PROFICIENT LEVELS OVER PERFORMANCE AT THE PARTIALLY PROFICIENT AND UNSATISFACTORY LEVELS. THE LETTER GRADES WERE ASSIGNED AFTER CALCULATING THE WEIGHTED TOTAL FOR EACH ACADEMIC AREA AND GRADE LEVEL FOR EACH SCHOOL AND COMPARING THIS SCHOOL TO ALL OTHER [SCHOOL LEVEL] SCHOOLS FOR THE [YEAR]-[YEAR] SCHOOL YEAR."

(VI) BELOW THIS EXPLANATION SHALL APPEAR IN A BOLD, LARGE FONT, CLEARLY OUTSTANDING: "OVERALL ACADEMIC PERFORMANCE FOR THE [YEAR]-[YEAR] SCHOOL YEAR", FOLLOWED DIRECTLY BY THE LETTER GRADE CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 (5) FOR THE SCHOOL.

(8) **School history.** (a) THE REPORT CARD SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE FONT AS THE "SCHOOL HISTORY" PAGE. BELOW THE TITLE "SCHOOL HISTORY" SHALL APPEAR THE WORDS "OVERALL ACADEMIC PERFORMANCE" FOLLOWED BY THE GRADES RECEIVED BY THE SCHOOL PURSUANT TO SECTION 22-7-604 (5) IN THE CURRENT YEAR, THE IMMEDIATELY PRECEDING YEAR, AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING YEAR. THE THREE GRADES SHALL FORM THREE COLUMNS. THE COLUMNS SHALL BE LABELED BY THE APPROPRIATE SCHOOL YEAR.

(b) IF THE PUBLIC SCHOOL HAS RECEIVED IN THE CURRENT YEAR OR THE TWO PRECEDING YEARS A GRADE FOR SCHOOL IMPROVEMENT PURSUANT TO SECTION 22-7-604 (6), THERE SHALL APPEAR A SECOND ROW ENTITLED "SCHOOL IMPROVEMENT". THE WORDS "SCHOOL IMPROVEMENT" SHALL BE FOLLOWED BY THE GRADE THE PUBLIC SCHOOL RECEIVED PURSUANT TO SECTION 22-7-604 (6), WHEN APPLICABLE, IN THE CURRENT YEAR, THE IMMEDIATELY PRECEDING YEAR, AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING YEAR.

(c) IF THE PUBLIC SCHOOL RECEIVED A DESIGNATION IN THE CURRENT YEAR PURSUANT TO SECTION 22-7-604 (7), THEN IMMEDIATELY BELOW THE ONE OR TWO ROWS DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (8), WHICHEVER IS APPLICABLE, THE FOLLOWING WORDS SHALL APPEAR: "DURING THE [CURRENT SCHOOL YEAR] [NAME OF SCHOOL] WAS NOTED FOR ["IMPROVEMENT IN SCHOOL PERFORMANCE", "DECLINE IN SCHOOL PERFORMANCE", OR "SIGNIFICANT DECLINE IN SCHOOL PERFORMANCE", WHICHEVER IS APPLICABLE PURSUANT TO SECTION 22-7-604 (7)].".

(d) DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPHS (a) TO (c) OF THIS SUBSECTION (8) SHALL APPEAR A PARAGRAPH IN SMALL POINT SIZE THAT STATES: "A SCHOOL THAT RECEIVED A GRADE OF "C", "D", OR "F" FOR ACADEMIC PERFORMANCE IS GRADED FOR SCHOOL IMPROVEMENT FROM THE PREVIOUS YEAR. A SCHOOL THAT RECEIVED A GRADE OF "A" OR "B" FOR ACADEMIC PERFORMANCE MAY BE DESIGNATED FOR IMPROVEMENT OR DECLINE IN PERFORMANCE IF ITS OVERALL ACADEMIC PERFORMANCE IMPROVES OR DECLINES NOTABLY. EACH SCHOOL RECEIVING A GRADE OF EITHER "B", "C", "D", OR "F" CAN IMPROVE ITS LETTER GRADE NEXT YEAR BY IMPROVING STUDENT PERFORMANCE ON THE [YEAR]-[YEAR] [NEXT ACADEMIC YEAR] CSAP."

(e) BELOW THE PARAGRAPH SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (8) SHALL APPEAR THREE CHARTS. EACH OF THE THREE CHARTS SHALL REPRESENT ONE OF THE THREE SUBJECT AREAS TESTED BY THE CSAP, "READING", "WRITING", AND "MATH". EACH CHART SHALL CONTAIN ON THE LEFT THE FOLLOWING LINES: "[SUBJECT MATTER TESTED] PROFICIENCY LEVELS GRADES __-__ PERCENT PROFICIENT AND ADVANCED". IT SHALL THEN LIST ON SEPARATE LINES THE THREE MOST RECENT YEARS AND THE COMBINED ADVANCED AND PROFICIENT SCORES AS A PERCENTAGE FOR EACH YEAR ON THE ASSESSMENT GIVEN PURSUANT TO SECTION 22-7-409. TO THE RIGHT OF THIS TEXT SHALL BE GRAPHS WITH THREE BARS THAT SHOW

AVERAGES, FIGURED PURSUANT TO SECTION 22-7-409, IN 100% STACKED COLUMNS FOR EACH OF THE IMMEDIATELY PRECEDING THREE YEARS. SUCH YEARS SHALL APPEAR ON THE HORIZONTAL AXIS OF THE CHART. THE CHARTS SHALL BE CLEARLY DELINEATED BY COLOR OR SHADING. FROM TOP TO BOTTOM, THE CHARTS SHALL SHOW THE AREA REPRESENTING "ADVANCED", "PROFICIENT", "PARTIALLY PROFICIENT", AND "UNSATISFACTORY", RESPECTIVELY.

(9) **Taxpayers' report.** (a) THE REPORT CARD SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE-SIZE FONT AS THE "TAXPAYERS'REPORT" PAGE. FINANCIAL DATA FROM THIS PAGE SHALL BE FROM THE MOST RECENTLY AUDITED FISCAL YEAR.

(b) (I) THE PAGE SHALL CONTAIN, DIRECTLY UNDER THE TITLE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (9), A TWO-COLUMN TABLE ON THE LEFT SIDE OF THE PAGE WITH THE TITLE: "SOURCES OF SCHOOL DISTRICT REVENUE".

(II) THE FIRST COLUMN OF THE TABLE SHALL CONTAIN THE FOLLOWING SEVEN ROWS:

- (A) "LOCAL TAX CONTRIBUTION";
- (B) "STATE TAX CONTRIBUTION";
- (C) "FEDERAL GRANTS";
- (D) "STATE GRANTS";
- (E) "PRIVATE/PARTNERSHIP GRANTS";
- (F) "OTHER DISCRETIONARY INCOME"; AND
- (G) "TOTAL SCHOOL DISTRICT REVENUE".

(III) THE SECOND COLUMN OF THE TABLE SHALL CONTAIN DATA FROM THE MOST RECENTLY COMPLETED FISCAL YEAR BEING REPORTED AND THE FOLLOWING ROWS IN THE COLUMN SHALL REPORT THE DATA CORRESPONDING TO COLUMN ONE. THE BOTTOM ROW SHALL SUM THE ABOVE ROWS.

(IV) DIRECTLY BELOW THE LAST ROW IN THE TABLE SHALL APPEAR THE FOLLOWING LANGUAGE IN BOLD FONT: "TOTAL [YEAR] DISTRICT REVENUE PER PUPIL = \$[AMOUNT OF TOTAL SCHOOL DISTRICT REVENUE LISTED IN CHART DIVIDED BY TOTAL DISTRICT PUPIL ENROLLMENT FROM THAT FISCAL YEAR]".

(V) IMMEDIATELY ADJACENT TO THIS TABLE ON THE RIGHT SIDE OF THE PAGE SHALL BE A PIE CHART ENTITLED "DISTRICT SOURCE OF FUNDS – [YEAR]" THAT GRAPHICALLY REPRESENTS WITH PERCENT LABELS THE INFORMATION IN THE TABLE TO THE LEFT.

(VI) BELOW THE TABLE AND CHART DESCRIBED IN SUBPARAGRAPHS (II) THROUGH (V) OF THIS PARAGRAPH (b) SHALL APPEAR ANOTHER TABLE AND CHART. THE TABLE ON THE LEFT SIDE OF THE PAGE SHALL BE TITLED "DISTRICT USE OF FUNDS". THE TABLE SHALL BE IN TWO COLUMNS. THE ROWS IN THE FIRST COLUMN SHALL BE:

- (A) "TEACHERS";
- (B) "ADMINISTRATION";
- (C) "BUILDING & FACILITIES MAINTENANCE";
- (D) "OPERATIONAL EXPENSES";
- (E) "TEXTBOOKS & MATERIALS"; AND
- (F) "TOTAL".

(VII) THE SECOND COLUMN SHALL BE HEADED WITH THE FISCAL YEAR FOR WHICH THE DATA IS BEING REPORTED, AND IT SHALL INCLUDE THE CORRESPONDING DATA FOR THE CATEGORIES IN COLUMN ONE.

(VIII) IMMEDIATELY ADJACENT TO THE TABLE, ON THE RIGHT SIDE OF THE PAGE, SHALL APPEAR A PIE CHART ENTITLED "DISTRICT USE OF FUNDS – [YEAR]" THAT GRAPHICALLY REPRESENTS WITH PERCENT LABELS THE INFORMATION IN THE TABLE TO THE LEFT.

(IX) IMMEDIATELY BELOW THE CHART AND TABLE DESCRIBED IN SUBPARAGRAPHS (VI) THROUGH (VIII) OF THIS PARAGRAPH (b) SHALL APPEAR A TABLE ENTITLED: "DISTRICT DEBT AND FACILITY

CONSTRUCTION". THE TABLE SHALL HAVE TWO COLUMNS, THE FIRST COLUMN WITH THE FOLLOWING ROWS:

(A) "TOTAL OUTSTANDING BONDED DEBT";

(B) "AVERAGE ANNUAL PERCENTAGE INTEREST RATE ON DEBT";

(C) "AMOUNT RAISED FROM MOST RECENT BOND";

(D) "AMOUNT SPENT ON NEW SCHOOL BUILDINGS DURING LAST TWO YEARS";

(X) THE SECOND COLUMN OF THE TABLE SHALL INCLUDE THE CORRESPONDING FIGURES FOR COLUMN ONE.

(c) **Voter-approved funding changes.** "THE TAXPAYERS' REPORT" PAGE SHALL CONTAIN THE SUBTITLE, "VOTER-APPROVED FUNDING CHANGES", ACCOMPANIED BY A TABLE WITH THE FOLLOWING LINES: "YOUR COMMUNITY DID ☐ / DID NOT ☐ HOLD AN ELECTION LAST NOVEMBER. THE FOLLOWING ITEMS HAVE BEEN APPROVED BY VOTERS:". THE CENTER ROW SHALL INCLUDE THE TERMS "TABOR OVERRIDE", "BOND", AND "MILL LEVY INCREASE". EACH OF THESE THREE TERMS SHALL BE ATTACHED TO A CORRESPONDING CHECK BOX ABOVE THEM; THE APPROPRIATE BOXES SHALL BE CHECKED BASED ON ELECTION RESULTS. UNDERNEATH EACH OF THE THREE LINES SHALL BE THE APPROVED DOLLAR AMOUNT, IF ANY, THAT WAS RAISED FOR THE CATEGORY.

(d) THE BOTTOM OF THE PAGE DESCRIBED IN THIS SUBSECTION (9) SHALL LIST IN BOLD FONT THE NAME OF THE PUBLIC SCHOOL THAT THE SCHOOL REPORT CARD IS DETAILING AND ITS ADDRESS. THE SECOND FROM LAST LINE OF THE PAGE SHALL STATE: "FOR MORE INFORMATION AND FURTHER DETAILS ABOUT THIS REPORT, VISIT: WWW.STATE.CO.US/SCHOOLS". THE LAST LINE OF THE PAGE SHALL STATE: "COLORADO DEPARTMENT OF EDUCATION [ADDRESS]".

(10) THE DEPARTMENT SHALL MAKE ONLY THE NECESSARY MODIFICATIONS TO THE REPORT CARD TO ENSURE THAT A PUBLIC SCHOOL'S REPORT CARD IS FORMATTED WITH THE APPROPRIATE INFORMATION FOR ELEMENTARY SCHOOLS, MIDDLE SCHOOLS, JUNIOR HIGH SCHOOLS, AND SENIOR HIGH SCHOOLS. THE DEPARTMENT SHALL EMPLOY SUCH LAYOUT, DESIGN, COLOR, AND GRAPHICAL ELEMENTS NECESSARY FOR THE REPORT

CARD TO BE PARENT-FRIENDLY AND EASY TO READ AND TO ENHANCE RATHER THAN DETRACT FROM THE DATA TO BE REPORTED.

22-7-606. School report cards - delivery web site - repeal.

(1) (a) THE DEPARTMENT SHALL DELIVER EACH PUBLIC SCHOOL'S ANNUAL REPORT CARD TO THE PUBLIC SCHOOL BY AUGUST 15, 2001, AND BY AUGUST 15 EACH YEAR THEREAFTER. THE DEPARTMENT SHALL PRINT AND PROVIDE TO THE PUBLIC SCHOOL COPIES OF THE REPORT CARDS IN THE AMOUNT OF: TOTAL PUPIL ENROLLMENT AT LAST ANNUAL COUNT, PLUS THE TOTAL NUMBER OF TEACHERS AS LISTED ON THE SCHOOL REPORT CARD, PLUS AN ADDITIONAL TWENTY-FIVE PERCENT.

(b) ON OR BEFORE JANUARY 1, 2001, THE DEPARTMENT SHALL ENTER INTO A CONTRACT FOR THE PRODUCTION OF THE SCHOOL REPORT CARDS. THE DEPARTMENT SHALL AWARD THE CONTRACT BASED UPON A COMPETITIVE BID; EXCEPT THAT THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL NOT APPLY TO THIS CONTRACT.

(2) THE PUBLIC SCHOOL SHALL DISTRIBUTE ITS ANNUAL REPORT CARD TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN THE PUBLIC SCHOOL AND TO ANY MEMBERS OF THE PUBLIC WHO REQUEST A COPY.

(3) THE DEPARTMENT SHALL DEVELOP AN INTERNET WEBSITE, WHICH HOMEPAGE ADDRESS SHALL BE "WWW.STATE.CO.US/SCHOOLS", SPECIFICALLY TO PLACE EACH PUBLIC SCHOOL'S REPORT CARD ON THE INTERNET. THE DEPARTMENT SHALL DESIGN THE WEBSITE SO THAT USERS MAY SEARCH FOR A PARTICULAR SCHOOL'S REPORT CARD THROUGH A NUMBER OF SORTING FUNCTIONS, INCLUDING BUT NOT LIMITED TO SCHOOL DISTRICT, COUNTY, CITY, AND ZIP CODE. THE DEPARTMENT SHALL ANNUALLY UPDATE THE WEBSITE TO INCLUDE EACH SCHOOL REPORT CARD PREPARED BY THE DEPARTMENT AND SHALL MAINTAIN AT THE WEBSITE AN ARCHIVE ACCESSIBLE BY INTERNET USERS OF THE THREE PREVIOUS YEARS' SCHOOL REPORT CARDS. THE WEBSITE SHALL ALLOW USERS TO EASILY COMPARE SCHOOLS' OVERALL ACADEMIC PERFORMANCE GRADES AS DETERMINED PURSUANT TO SECTION 22-7-604. SUCH COMPARISON SHALL BE FACILITATED BY SEARCH TOOLS THAT ALLOW A USER, AT A MINIMUM, TO FIND SCHOOLS WITHIN DIFFERENT GEOGRAPHIC RANGES OF ANOTHER SCHOOL AND TO FIND SCHOOLS WITHIN DIFFERENT GEOGRAPHIC AREAS AND ZIP CODES. ON OR BEFORE JANUARY 1, 2001, THE STATE BOARD SHALL

CONTRACT WITH A PRIVATE ENTITY FOR THE DESIGN, INCLUDING THE SEARCH AND SORT FUNCTIONS, OF THE SCHOOL REPORT CARD WEBSITE. THE DEPARTMENT SHALL AWARD THE CONTRACT BASED UPON A COMPETITIVE BID; EXCEPT THAT BUT THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL NOT APPLY TO THIS CONTRACT.

(4) ON OR BEFORE JANUARY 1, 2001, AND EACH JANUARY 1 THEREAFTER, THE STATE BOARD SHALL CONTRACT WITH A NATIONALLY RECOGNIZED, INDEPENDENT AUDITING FIRM TO ANNUALLY AUDIT THE PROCESS OF PREPARING THE REPORT CARDS DEVELOPED PURSUANT TO SECTION 22-7-605 TO ENSURE DATA AND REPORTING INTEGRITY AND QUALITY CONTROL. THE DEPARTMENT SHALL AWARD THE CONTRACT BASED UPON A COMPETITIVE BID; EXCEPT THAT THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL NOT APPLY TO THIS CONTRACT. THE NAME OF THE INDEPENDENT AUDITING FIRM SHALL APPEAR ON ALL REPORT CARDS PRINTED PURSUANT TO THIS SECTION.

(5) (a) DURING FEBRUARY, 2005, THE STATE BOARD SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON ALL ASPECTS OF THE SCHOOL REPORT CARDS ISSUED PURSUANT TO THIS PART 6. SUCH REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) WHETHER THE SCORES OF STUDENTS HAVE IMPROVED SINCE THE REPORT CARDS WERE ISSUED;

(II) DATA ON SAFETY INCIDENTS INVOLVING STUDENTS;

(III) WHETHER THE FORMAT OF THE SCHOOL REPORT CARDS COULD BE IMPROVED;

(IV) WHETHER THE STATE BOARD OR DEPARTMENT HAS BEEN INFORMED OF PROBLEMS WITH THE REPORT CARDS; AND

(V) WHETHER THE STATE BOARD RECOMMENDS THAT THE SCHOOL REPORT CARDS SHOULD BE CONTINUED.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2005.

22-7-607. School report cards - nonpublic schools. THE STATE BOARD SHALL PROMULGATE RULES AND PROCEDURES BY WHICH ANY NONPUBLIC SCHOOL IN COLORADO MAY OPT TO HAVE THE STATE COMPLETE A SCHOOL REPORT CARD ON ITS SCHOOL. THE STATE BOARD SHALL ENSURE THAT THE NONPUBLIC SCHOOL REPORTS THE ASSESSMENT AND SAFETY DATA NECESSARY TO PREPARE THE REPORT CARD PURSUANT TO THIS PART 6. FURTHERMORE, THE STATE BOARD SHALL CHARGE A FEE TO THE NONPUBLIC SCHOOL FOR THE COST OF PREPARING AND PRINTING THE SCHOOL REPORT CARD. ANY REPORT CARD PREPARED FOR A NONPUBLIC SCHOOL SHALL BE INCLUDED IN ALL LISTINGS AND COMPARISONS OF SCHOOL PERFORMANCE AND SHALL BE MADE AVAILABLE TO THE GENERAL PUBLIC. THE INFORMATION SHALL BE PLACED ON THE SCHOOL REPORT CARD WEBSITE ALONG WITH ALL OTHER PUBLIC SCHOOL REPORT CARDS AND SHALL BE INTEGRATED INTO THE SEARCH AND SORT FUNCTIONS OF THE WEBSITE.

22-7-608. Low-graded schools. (1) IF A PUBLIC SCHOOL RECEIVES AN ACADEMIC PERFORMANCE GRADE OF "D" ON THE SCHOOL REPORT CARD, THE STATE BOARD MAY DETERMINE THAT THE SCHOOL DISTRICT OR PUBLIC SCHOOL HAS NOT TAKEN STEPS SUFFICIENT FOR STUDENTS IN THE PUBLIC SCHOOL TO BE ACADEMICALLY WELL SERVED. THE STATE BOARD SHALL INSTRUCT THE COMMISSIONER TO ESTABLISH A VOLUNTARY ASSESSMENT TEAM FOR EACH PUBLIC SCHOOL THAT RECEIVES A PERFORMANCE GRADE OF "D" TO REVIEW THE SCHOOL PERFORMANCE DATA AND DETERMINE CAUSES FOR THE LOW PERFORMANCE. MEMBERS OF THE TEAM SHALL NOT BE PAID OR REIMBURSED FOR EXPENSES. THE TEAM SHALL HAVE ACCESS TO PUBLIC SCHOOL AND SCHOOL DISTRICT DATA AS DEEMED APPROPRIATE BY THE COMMISSIONER. THE TEAM SHALL MAKE RECOMMENDATIONS TO THE COMMISSIONER FOR IMPLEMENTING AN ASSISTANCE AND INTERVENTION PLAN THAT WILL ADDRESS THE CAUSES OF THE SCHOOL'S LOW PERFORMANCE. THE ASSESSMENT TEAM SHALL BE APPOINTED BY THE COMMISSIONER WITH THE APPROVAL OF THE STATE BOARD AND CONSIST OF: A PRINCIPAL AND A TEACHER FROM A PUBLIC SCHOOL THAT RECEIVED AN OVERALL ACADEMIC PERFORMANCE GRADE OF "A" OR "B" PURSUANT TO SECTION 22-7-604 AND THAT IS AT THE SAME SCHOOL LEVEL AS THE PUBLIC SCHOOL THAT IS UNDER REVIEW; A PARENT FROM THE SCHOOL ADVISORY COUNCIL AT THE PUBLIC SCHOOL THAT IS UNDER REVIEW; A REPRESENTATIVE OF THE BUSINESS COMMUNITY; AND AN EXPERT ON EDUCATION REFORM.

(2) BASED ON THE RECOMMENDATIONS OF THE ASSESSMENT TEAM AND THOSE OF THE COMMISSIONER, THE STATE BOARD SHALL RECOMMEND ACTION TO A DISTRICT SCHOOL BOARD INTENDED TO IMPROVE EDUCATIONAL

SERVICES TO STUDENTS IN THE PUBLIC SCHOOL THAT IS UNDER REVIEW. THE STATE BOARD IS SPECIFICALLY AUTHORIZED TO RECOMMEND ONE OR MORE OF THE FOLLOWING STRATEGIES TO A DISTRICT SCHOOL BOARD TO ENABLE STUDENTS IN THE PUBLIC SCHOOL UNDER REVIEW TO BE ACADEMICALLY WELL SERVED BY THE PUBLIC SCHOOL SYSTEM:

(a) UTILIZE RESOURCES MORE EFFECTIVELY, ESPECIALLY FEDERAL FUNDS, IMPLEMENT PROVEN CURRICULUM AND LEARNING STRATEGIES, CHANGE CERTAIN PRACTICES, AND PROVIDE TECHNICAL ADVICE IF THE STATE BOARD DETERMINES THAT THE CAUSES OF INADEQUATE PROGRESS ARE RELATED TO A SCHOOL DISTRICT MANAGEMENT POLICY OR PRACTICE;

(b) REORGANIZE THE PUBLIC SCHOOL AT THE END OF THE SCHOOL YEAR UNDER A NEW PRINCIPAL WHO IS AUTHORIZED TO HIRE NEW STAFF AND IMPLEMENT A PLAN THAT ADDRESSES THE CAUSES OF INADEQUATE PROGRESS; OR

(c) OTHER APPROPRIATE ACTION, INCLUDING INCREASED FUNDING FROM THE STATE OR SCHOOL DISTRICT, TO IMPROVE THE PUBLIC SCHOOL'S PERFORMANCE.

(3) IN ADDITION TO ANY OTHER ASSISTANCE OFFERED TO PUBLIC SCHOOLS THAT RECEIVE AN ACADEMIC PERFORMANCE GRADE OF "D" OR "F" ON THE SCHOOL REPORT CARD, THE DEPARTMENT SHALL WORK WITH OTHER STATE DEPARTMENTS AND AGENCIES TO COORDINATE THE PROVISION OF SERVICES TO SUCH SCHOOLS. SUCH SERVICES SHOULD BE DESIGNED TO ASSIST LOW-PERFORMING STUDENTS IN IMPROVING THEIR BASIC SKILLS IN READING, WRITING, AND MATHEMATICS AND MAY ADDRESS SOCIAL, ECONOMIC, OR OTHER NEEDS OF THE STUDENTS. ALL STATE DEPARTMENTS AND AGENCIES SHALL COOPERATE AND ASSIST PUBLIC SCHOOLS RECEIVING ACADEMIC PERFORMANCE GRADES OF "D" OR "F" ON THE SCHOOL REPORT CARD.

22-7-609. School improvement plans. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "LOCAL BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT FOR A PUBLIC SCHOOL.

(2) ON OR BEFORE JUNE 15, 2001, AND ON OR BEFORE EACH JUNE 15 THEREAFTER, THE STATE BOARD SHALL NOTIFY A LOCAL BOARD OF EDUCATION WHAT SCHOOL, IF ANY, IN ITS DISTRICT WILL RECEIVE AN

ACADEMIC PERFORMANCE GRADE OF "F", PURSUANT TO SECTION 22-7-604 (5), ON THE SCHOOL REPORT CARD BEING PREPARED FOR THAT ACADEMIC YEAR. THE STATE BOARD SHALL NOTIFY THE LOCAL BOARD OF EDUCATION THAT IT MUST SUBMIT A SCHOOL IMPROVEMENT PLAN PURSUANT TO THIS SECTION OR THE STATE BOARD SHALL RECOMMEND AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE. THE LOCAL BOARD OF EDUCATION SHALL HAVE THE OPTION OF DEVELOPING AND IMPLEMENTING A SCHOOL IMPROVEMENT PLAN PURSUANT TO THIS SECTION OR HAVING THE STATE BOARD RECOMMEND AN INDEPENDENT CHARTER SCHOOL.

(3) (a) IF THE LOCAL BOARD OF EDUCATION CHOOSES TO DEVELOP AND IMPLEMENT A SCHOOL IMPROVEMENT PLAN, WITHIN NINETY DAYS AFTER RECEIVING THE NOTIFICATION FROM THE STATE BOARD IN SUBSECTION (2) OF THIS SECTION, THE LOCAL BOARD OF EDUCATION SHALL SUBMIT TO THE STATE BOARD A SCHOOL IMPROVEMENT PLAN. THE PLAN MUST BE ADOPTED BY THE LOCAL BOARD OF EDUCATION AFTER A PUBLIC HEARING ON THE PROPOSED PLAN.

(b) THE STATE BOARD SHALL ADOPT RULES SPECIFYING THE INFORMATION REQUIRED TO BE CONTAINED IN A SCHOOL IMPROVEMENT PLAN. SUCH INFORMATION SHALL INCLUDE BUT IS NOT LIMITED TO:

(I) A DETERMINATION OF THE CAUSES FOR THE PUBLIC SCHOOL'S LOW ACADEMIC PERFORMANCE;

(II) CURRICULUM, MANAGERIAL, OR OTHER PRACTICES THAT HINDER STUDENT ACHIEVEMENT AT THE PUBLIC SCHOOL;

(III) PROPOSED CHANGES IN STAFFING, CURRICULUM, OR DISTRICT POLICIES TO IMPROVE STUDENT ACHIEVEMENT AT THE PUBLIC SCHOOL; AND

(IV) PROPOSED CHANGES IN RESOURCE ALLOCATIONS, INCLUDING GRANTS AND FEDERAL TITLE I MONEYS TO TARGET RESOURCES ON IMPROVING STUDENT ACHIEVEMENT AT THE PUBLIC SCHOOL.

(c) WITHIN FORTY-FIVE DAYS AFTER THE STATE BOARD'S RECEIPT OF A SCHOOL IMPROVEMENT PLAN UNDER THIS SECTION, THE DEPARTMENT SHALL FORWARD BACK TO THE LOCAL BOARD OF EDUCATION COMMENTS AND SUGGESTIONS ON THE PLAN. THE COMMENTS AND SUGGESTIONS OF THE DEPARTMENT SHALL BE ADVISORY. IF THE LOCAL BOARD OF EDUCATION

ADOPTS ANY OF THE SUGGESTIONS AND COMMENTS, THE LOCAL BOARD OF EDUCATION SHALL SUBMIT TO THE STATE BOARD AN AMENDED SCHOOL IMPROVEMENT PLAN ADOPTED BY THE LOCAL BOARD OF EDUCATION AFTER A PUBLIC HEARING ON THE PROPOSED AMENDED PLAN.

(4) IF A SCHOOL IMPROVEMENT PLAN PROPOSES THE RESTRUCTURING OF FEDERAL TITLE I MONEYS, TO THE EXTENT PERMISSIBLE UNDER FEDERAL LAW, THE STATE BOARD SHALL AUTOMATICALLY WAIVE REQUIREMENTS FOR THE USE OF SUCH MONEYS.

(5) (a) IF, UPON COMPLETION OF THE FIRST SCHOOL YEAR OF OPERATION UNDER A SCHOOL IMPROVEMENT PLAN PURSUANT TO THIS SECTION, A PUBLIC SCHOOL RECEIVES AN OVERALL ACADEMIC PERFORMANCE GRADE OF "F" PURSUANT TO SECTION 22-7-604 (5), THE STATE BOARD SHALL PROCEED WITH THE RECOMMENDATION FOR THE CONVERSION TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE; EXCEPT THAT THE STATE BOARD SHALL NOT PROCEED WITH THE RECOMMENDATION IF THE PUBLIC SCHOOL HAD AN IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE PURSUANT TO 22-7-604 (6), AND THE SCHOOL DISTRICT SHALL BE ALLOWED TO CONTINUE TO OPERATE THAT SCHOOL UNDER THE SCHOOL IMPROVEMENT PLAN FOR ANOTHER YEAR.

(b) IF, UPON COMPLETION OF THE SECOND SCHOOL YEAR OF OPERATION UNDER A SCHOOL IMPROVEMENT PLAN PURSUANT TO THIS SECTION, A PUBLIC SCHOOL RECEIVES AN OVERALL ACADEMIC PERFORMANCE GRADE OF "F" PURSUANT TO SECTION 22-7-604 (5), THE STATE BOARD SHALL PROCEED WITH THE RECOMMENDATION FOR THE CONVERSION TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE.

22-7-610. High-graded or improved school. (1) THE GENERAL ASSEMBLY RECOGNIZES THAT IF SOME PUBLIC SCHOOLS ARE SINGLED OUT FOR POOR PERFORMANCE, OTHER PUBLIC SCHOOLS THAT RECEIVE ACADEMIC PERFORMANCE GRADES PURSUANT TO SECTION 22-7-604 OF "A" OR THAT SHOW SUBSTANTIAL IMPROVEMENT IN THEIR ACADEMIC PERFORMANCE GRADE SHOULD BE ACKNOWLEDGED AND REWARDED.

(2) AT THE TIME THAT THE ACADEMIC PERFORMANCE GRADES ARE GIVEN TO PUBLIC SCHOOLS PURSUANT TO SECTION 22-7-604, THE STATE

BOARD SHALL PROVIDE NOTICE TO EACH DISTRICT SCHOOL BOARD OF EACH PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT THAT IS ELIGIBLE FOR A MONETARY AWARD PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE.

SECTION 2. 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, ~~and to maintain a continuous research program to stimulate improvements in education,~~ INCLUDING RECORDS REQUIRED BY SECTIONS 22-7-604 AND 605;

SECTION 3. 22-2-117, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-2-117. Additional power - state board - waiver of requirements. (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 OF THIS TITLE OR SECTIONS 22-7-409, 22-32-105, 22-32-109(1)(w), (1)(bb)(I), AND(2), AND 22-33-104 (4).

SECTION 4. 22-30.5-104 (6), Colorado Revised Statutes, is amended to read:

22-30.5-104. Charter school - requirements - authority. (6) Pursuant to contract, a charter school may operate free from specified school district policies and state regulations. Pursuant to contract, a local board of education may waive locally imposed school district requirements, without seeking approval of the state board. The state board may waive state statutory requirements or rules promulgated by the state board; EXCEPT THAT THE STATE BOARD MAY NOT WAIVE ANY STATUTE OR RULE RELATING TO THE ASSESSMENTS REQUIRED TO BE ADMINISTERED PURSUANT TO SECTION 22-7-409 OR NECESSARY TO PREPARE THE SCHOOL REPORT CARDS PURSUANT TO PART 6 OF ARTICLE 7 OF THIS TITLE. Upon request of the charter applicant, the state board and the local board of education shall provide

summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. Any waiver of state or local school district regulations made pursuant to this subsection (6) shall be for the term of the charter for which the waiver is made; except that a waiver of state statutes or regulations by the state board shall be subject to review every two years and may be revoked if the waiver is deemed no longer necessary by the state board.

SECTION 5. 22-11-104 (2) (a), Colorado Revised Statutes, is amended to read:

22-11-104. Accreditation indicators. (2) Contents. The accreditation indicators shall include but shall not be limited to the following:

(a) (I) Results on statewide assessment instruments administered pursuant to section 22-7-409, including but not limited to the reading assessments implemented pursuant to part 5 of article 7 of this title, and the assessment administered pursuant to section 22-7-409 (1.5). All assessment results shall be aggregated by grade level and subject area.

(II) ALL ACCREDITATION INDICATORS RELATING TO THE STATEWIDE ASSESSMENTS SHALL BE CONSISTENT WITH THE METHODOLOGY FOR DETERMINING ACADEMIC PERFORMANCE GRADES PURSUANT TO SECTION 22-7-604. THE BASELINE YEAR FOR THE ACCREDITATION INDICATORS SHALL BE THE 2000 - 2001 SCHOOL YEAR.

SECTION 6. 22-11-201 (6) (a), Colorado Revised Statutes, is amended to read:

22-11-201. Accreditation contract. (6) Term. (a) The term of the accreditation contract shall be six years. THE INITIAL ACCREDITATION CONTRACTS SHALL TAKE EFFECT JULY 1, 2001.

SECTION 7. 22-30.5-204, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-204. Charter school districts - creation requirements. (1.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS

SECTION, ALL CHARTER SCHOOL DISTRICTS SHALL BE SUBJECT TO THE COLORADO STATEWIDE ASSESSMENT PROGRAM ESTABLISHED IN PART 4 OF ARTICLE 7 OF THIS TITLE AND SHALL SUPPLY TO THE DEPARTMENT ALL INFORMATION REQUIRED TO PREPARE THE SCHOOL REPORT CARDS PURSUANT TO PART 6 OF ARTICLE 7 OF THIS TITLE.

SECTION 8. Article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 3
INDEPENDENT CHARTER SCHOOLS

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, 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.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS IT NECESSARY TO ESTABLISH A SYSTEM FOR INDEPENDENT CHARTER SCHOOLS TO OPERATE WITHIN LOCAL SCHOOL BUILDINGS WHEN SCHOOL DISTRICTS HAVE FAILED TO PROVIDE ADEQUATE EDUCATIONAL OPPORTUNITIES.

22-30.5-302. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPLICANT" MEANS THE PERSON OR GROUP OF PERSONS SUBMITTING A PROPOSAL FOR AN INDEPENDENT CHARTER TO OPERATE AN INDEPENDENT CHARTER SCHOOL PURSUANT TO THE PROVISIONS OF THIS PART 3. AN "APPLICANT" MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, AN INDIVIDUAL, A GROUP OF INDIVIDUALS, A NONPROFIT OR FOR-PROFIT COMPANY, AN EXISTING PUBLIC SCHOOL, A SCHOOL DISTRICT, OR AN INSTITUTION OF HIGHER EDUCATION.

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION APPOINTED PURSUANT TO SECTION 22-2-110.

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

(4) "INDEPENDENT CHARTER" MEANS THE AGREEMENT BETWEEN A LOCAL BOARD OF EDUCATION AND AN INDEPENDENT CHARTER SCHOOL GOVERNING THE EXISTENCE AND OPERATION OF THE INDEPENDENT CHARTER SCHOOL.

(5) "INDEPENDENT CHARTER PROPOSAL" MEANS A PROPOSAL FOR THE OPERATION OF AN INDEPENDENT CHARTER SCHOOL SUBMITTED IN RESPONSE TO A REQUEST FOR PROPOSALS PURSUANT TO THE PROVISIONS OF THIS PART 3.

(6) "INDEPENDENT CHARTER SCHOOL" MEANS A CHARTER SCHOOL APPROVED PURSUANT TO THIS PART 3 THAT IS A PUBLIC SCHOOL OF A SCHOOL DISTRICT.

(7) "LOCAL BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE INDEPENDENT CHARTER SCHOOL IS OR IS PROPOSED TO BE LOCATED.

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

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), 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) (a) IF AN INDEPENDENT CHARTER SCHOOL IS TO BE ORGANIZED, THE STATE BOARD, ON OR BEFORE AUGUST 30 OF THE YEAR PRECEDING THE OPENING OF SUCH A SCHOOL, SHALL CAUSE TO BE ISSUED A REQUEST FOR PROPOSALS. THE REQUEST FOR PROPOSALS SHALL SOLICIT PROPOSALS FROM

INTERESTED PARTIES, INCLUDING BUT NOT LIMITED TO INDIVIDUALS, PERSONS, NONPROFIT OR FOR-PROFIT COMPANIES, EXISTING PUBLIC SCHOOLS OR SCHOOL DISTRICTS, AND INSTITUTIONS OF HIGHER EDUCATION, FOR THE OPERATION OF AN INDEPENDENT CHARTER SCHOOL WITHIN A BUILDING THAT CURRENTLY HOUSES A PUBLIC SCHOOL OF A SCHOOL DISTRICT. RESPONSES TO THE REQUEST FOR PROPOSALS SHALL BE DUE NO LATER THAN DECEMBER 31 OF THE YEAR PRECEDING THE OPENING OF SUCH A SCHOOL. THE STATE BOARD SHALL ISSUE THE REQUEST FOR PROPOSALS WITHOUT REGARD TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(b) THE STATE BOARD SHALL ADOPT RULES SPECIFYING 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:

(I) DEMONSTRABLE EVIDENCE THAT THE APPLICANT FOR THE INDEPENDENT CHARTER HAS PRIOR EXPERIENCE IN IMPROVING THE ACADEMIC PERFORMANCE OF STUDENTS;

(II) THE GOALS, OBJECTIVES, AND STUDENT PERFORMANCE STANDARDS TO BE ACHIEVED BY THE INDEPENDENT CHARTER SCHOOL;

(III) A DESCRIPTION OF THE INDEPENDENT CHARTER SCHOOL'S EDUCATIONAL PROGRAM, STUDENT PERFORMANCE STANDARDS, AND CURRICULUM, WHICH SHALL MEET OR EXCEED THE STATE MODEL CONTENT STANDARDS ADOPTED PURSUANT TO PART 4 OF ARTICLE 7 OF THIS TITLE AND SHALL BE DESIGNED TO ENABLE EACH STUDENT TO ACHIEVE SUCH STANDARDS;

(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, 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 PROCEDURES FOR TAKING CORRECTIVE ACTION IN THE EVENT THAT STUDENT PERFORMANCE AT THE INDEPENDENT CHARTER SCHOOL FAILS TO MEET SUCH STANDARDS;

(V) EVIDENCE THAT THE APPLICANT IS ECONOMICALLY SOUND, INCLUDING BALANCE SHEETS AND OPERATING STATEMENTS FOR RECENT YEARS OF OPERATION WHEN APPROPRIATE, A PROPOSED BUDGET FOR THE TERM OF THE INDEPENDENT CHARTER, AND A DESCRIPTION OF THE MANNER IN WHICH AN ANNUAL AUDIT OF THE FINANCIAL AND ADMINISTRATIVE OPERATIONS OF THE INDEPENDENT CHARTER SCHOOL IS TO BE CONDUCTED;

(VI) A LIST OF THE RULES AND STATUTORY REQUIREMENTS FOR WHICH THE INDEPENDENT CHARTER SCHOOL IS REQUESTING A WAIVER AND AN EXPLANATION OF THE MANNER IN WHICH THE INDEPENDENT CHARTER SCHOOL SHALL COMPLY WITH THE INTENT OF ANY RULE OR STATUTORY REQUIREMENT THAT IS WAIVED;

(VII) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE INDEPENDENT CHARTER SCHOOL;

(VIII) AN EXPLANATION OF THE RELATIONSHIP THAT WILL EXIST BETWEEN THE INDEPENDENT CHARTER SCHOOL AND ITS EMPLOYEES;

(IX) THE EMPLOYMENT POLICIES OF THE INDEPENDENT CHARTER SCHOOL;

(X) HOW THE INDEPENDENT CHARTER SCHOOL WILL HANDLE LEGAL LIABILITY BETWEEN THE SCHOOL AND THE SCHOOL DISTRICT AND ANY APPLICABLE INSURANCE COVERAGE;

(XI) A DESCRIPTION OF HOW THE INDEPENDENT CHARTER SCHOOL PLANS TO MEET THE TRANSPORTATION NEEDS OF ITS STUDENTS AND, IF THE INDEPENDENT CHARTER SCHOOL PLANS TO PROVIDE TRANSPORTATION FOR ITS STUDENTS, A PLAN FOR ADDRESSING THE TRANSPORTATION NEEDS OF LOW-INCOME STUDENTS;

(XII) A DESCRIPTION OF THE INDEPENDENT CHARTER SCHOOL'S ENROLLMENT POLICY, CONSISTENT WITH THE REQUIREMENTS OF SECTION 22-30.5-104 (3), AND THE CRITERIA FOR ENROLLMENT DECISIONS, WHICH SHALL INCLUDE OFFERING ENROLLMENT TO STUDENTS ALREADY ENROLLED IN THE SCHOOL AND STUDENTS WHO WOULD BE ASSIGNED TO THE SCHOOL UNDER SCHOOL DISTRICT POLICY.

(c) IF THE COMMISSIONER FINDS THAT THE INFORMATION IN ANY INDEPENDENT CHARTER PROPOSAL IS INCOMPLETE, THE COMMISSIONER

SHALL REQUEST THE INFORMATION NECESSARY TO COMPLETE THE MINIMUM REQUIREMENTS FOR THE PROPOSAL.

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 JANUARY 15 OF THE YEAR IN WHICH THE INDEPENDENT CHARTER SCHOOL IS TO OPEN, THE COMMISSIONER SHALL CAUSE A REVIEW COMMITTEE TO BE FORMED. THE REVIEW COMMITTEE SHALL CONSIST OF:

(a) THE COMMISSIONER OR A DESIGNEE OF THE COMMISSIONER, WHO SHALL CHAIR THE REVIEW COMMITTEE BUT SHALL BE A NONVOTING MEMBER OF THE COMMITTEE;

(b) A MEMBER OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE SCHOOL IS GEOGRAPHICALLY LOCATED WHO SHALL BE THE MEMBER ELECTED FROM THE DIRECTOR DISTRICT IN WHICH THE SCHOOL IS GEOGRAPHICALLY LOCATED, IF MEMBERS OF THE BOARD ARE ELECTED FROM DIRECTOR DISTRICTS, OR THE MEMBER WHO RESIDES CLOSEST TO THE SCHOOL, IF MEMBERS ARE NOT ELECTED FROM DIRECTOR DISTRICTS;

(c) (I) A LICENSED PROFESSIONAL EMPLOYED AT THE SCHOOL WHO IS ELECTED BY A VOTE OF ALL LICENSED PROFESSIONALS WHO PROVIDE INSTRUCTION AT THE SCHOOL OR HAVE AN OFFICE IN THE SCHOOL;

(II) THE ELECTION REQUIRED BY THIS PARAGRAPH (c) SHALL BE CONDUCTED DURING OCTOBER OF THE YEAR PRIOR TO THE OPENING OF THE INDEPENDENT CHARTER SCHOOL.

(d) (I) TWO PARENTS OF STUDENTS ENROLLED IN THE SCHOOL WHO ARE MEMBERS OF THE SCHOOL ADVISORY COUNCIL AND ARE ELECTED BY A VOTE OF THE MEMBERS OF THE SCHOOL ADVISORY COUNCIL.

(II) THE ELECTION REQUIRED BY THIS PARAGRAPH (d) SHALL BE CONDUCTED DURING OCTOBER OF THE YEAR PRIOR TO THE OPENING OF THE INDEPENDENT CHARTER SCHOOL;

(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 GRADE OF "A", PURSUANT TO SECTION 22-7-604, 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 GRADE OF "A", PURSUANT TO SECTION 22-7-604; AND

(g) A BUSINESS REPRESENTATIVE, APPOINTED BY THE GOVERNOR, WHO RESIDES IN THE NEIGHBORHOOD OF THE SCHOOL.

(2) THE COMMITTEE SHALL MEET BY CALL OF THE CHAIR OF THE REVIEW COMMITTEE AS NEEDED TO REVIEW THE PROPOSALS RECEIVED IN RESPONSE TO THE REQUEST FOR PROPOSALS ISSUED PURSUANT TO SECTION 22-30.5-303. THE COMMITTEE SHALL EVALUATE THE PROPOSALS AND ON OR BEFORE MARCH 1 OF THE YEAR IN WHICH THE INDEPENDENT CHARTER SCHOOL IS TO OPEN, SHALL FORWARD TO THE STATE BOARD ALL PROPOSALS AND ITS RECOMMENDATIONS ON EACH PROPOSAL. THE COMMITTEE MAY MAKE RECOMMENDATIONS ON APPLICANTS WITHOUT REGARD TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

22-30.5-305. Independent charter schools - selection. (1) ON OR BEFORE MARCH 30 OF THE YEAR IN WHICH THE INDEPENDENT CHARTER SCHOOL IS TO OPEN, THE STATE BOARD SHALL SELECT AN APPLICANT TO RECOMMEND TO THE LOCAL BOARD OF EDUCATION. THE STATE BOARD MAY SELECT THE APPLICANT WITHOUT REGARD TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(2) ON OR BEFORE APRIL 15 OF THE YEAR IN WHICH THE INDEPENDENT CHARTER SCHOOL IS TO OPEN, THE COMMISSIONER SHALL FORWARD TO THE LOCAL BOARD OF EDUCATION A COPY OF THE SELECTED APPLICANT'S RESPONSE TO THE REQUEST FOR PROPOSALS.

(3) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL

ASSIST THE SELECTED APPLICANT IN NEGOTIATING AN INDEPENDENT CHARTER WITH THE LOCAL BOARD OF EDUCATION PURSUANT TO SECTION 22-30.5-306.

22-30.5-306. Independent charter school - charter - term.

(1) THE RESPONSE TO THE REQUEST FOR PROPOSALS FORWARDED BY THE COMMISSIONER PURSUANT TO SECTION 22-30.5-305 (2) SHALL CONSTITUTE THE APPLICATION FOR A CHARTER PURSUANT TO SECTION 22-30.5-106. NOTWITHSTANDING THE TIME LIMIT ESTABLISHED IN SECTION 22-30.5-107 (1), THE LOCAL BOARD OF EDUCATION SHALL CONSIDER THE APPLICATION FOR THE UPCOMING SCHOOL YEAR.

(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 GRADE OF "F" 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

(b) THE TERM OF THE INDEPENDENT CHARTER SCHOOL'S CHARTER SHALL BE FOUR YEARS.

(3) (a) ON OR BEFORE MAY 30 OF THE YEAR IN WHICH THE INDEPENDENT CHARTER SCHOOL IS TO OPEN, ALL NEGOTIATIONS BETWEEN THE SELECTED APPLICANT AND THE LOCAL BOARD OF EDUCATION SHALL BE CONCLUDED AND THE LOCAL BOARD OF EDUCATION SHALL ACCEPT THE APPLICATION FOLLOWING A PUBLIC HEARING HELD UPON PUBLIC NOTICE.

(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 GRADE OF "D" OR BETTER, 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.

(4) EXCEPT AS SPECIFICALLY PROVIDED IN THIS PART 3, AN INDEPENDENT CHARTER SCHOOL SHALL BE ENTITLED TO ALL OF THE RIGHTS GRANTED BY AND SUBJECT TO THE OBLIGATIONS IMPOSED BY SECTION 22-30.5-104.

(5) (a) IF, DURING THE FIRST TWO YEARS OF AN INDEPENDENT CHARTER, AN INDEPENDENT CHARTER SCHOOL RECEIVES AN ACADEMIC PERFORMANCE GRADE OF "F" PURSUANT TO SECTION 22-7-604, 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.

(b) IF, DURING THE FIRST TWO YEARS OF THE INDEPENDENT CHARTER, THE INDEPENDENT CHARTER SCHOOL RECEIVES AN ACADEMIC PERFORMANCE GRADE OF "D" PURSUANT TO SECTION 22-7-604, THE INDEPENDENT CHARTER SCHOOL SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 22-7-608 THAT REQUIRE APPOINTMENT OF AN ASSESSMENT TEAM FOR LOW-PERFORMING SCHOOLS.

22-30.5-307. Independent charter schools - expiration - renewal - conversion. (1) IF THE ACADEMIC PERFORMANCE GRADE OF AN INDEPENDENT CHARTER SCHOOL IS A "D" OR AN "F", AS DETERMINED PURSUANT TO SECTION 22-7-604, 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 GRADE OF AN INDEPENDENT CHARTER SCHOOL IS HIGHER THAN A "D", AS DETERMINED PURSUANT TO SECTION 22-7-604, 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.

(3) THE INDEPENDENT CHARTER SCHOOL SHALL ARRANGE FOR AN ELECTION TO DECIDE WHICH OF THE OPTIONS SPECIFIED IN SUBSECTION (2)

OF THIS SECTION THE SCHOOL SHALL PURSUE. THE ELECTION SHALL BE CONDUCTED DURING THE MONTH OF SEPTEMBER OF THE FOURTH SCHOOL YEAR OF THE INDEPENDENT CHARTER. ALL PARENTS AND LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE INDEPENDENT CHARTER SCHOOL ON THE DATE OF THE ELECTION AND FOR AT LEAST THIRTY DAYS PRIOR TO THE ELECTION SHALL BE ELIGIBLE TO VOTE IN THE ELECTION CONDUCTED PURSUANT TO THIS SUBSECTION (3).

(4) IF A MAJORITY OF THE PARENTS AND LEGAL GUARDIANS VOTE IN FAVOR OF RENEWING THE INDEPENDENT CHARTER APPLICATION, THE RENEWAL PROCESS SHALL BE GOVERNED BY SECTION 22-30.5-110. IF A MAJORITY OF THE PARENTS AND LEGAL GUARDIANS VOTE IN FAVOR OF BECOMING A REGULAR SCHOOL OF THE SCHOOL DISTRICT, THE INDEPENDENT CHARTER SCHOOL'S CHARTER SHALL NOT BE RENEWED, AND THE OPERATION OF THE SCHOOL SHALL RETURN TO THE LOCAL BOARD OF EDUCATION.

22-30.5-308. Independent charter schools - employee options - financing options - guidelines. (1) THE PROVISIONS OF SECTION 22-30.5-111 SHALL APPLY TO EMPLOYEES OF AN INDEPENDENT CHARTER SCHOOL.

(2) THE PROVISIONS OF SECTION 22-30.5-112 SHALL GOVERN THE FINANCING OF INDEPENDENT CHARTER SCHOOLS.

SECTION 9. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION 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 GRADE OF "D" OR "F" ISSUED PURSUANT TO SECTION 22-7-604. 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.

(b) IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF EDUCATION PURSUE ALL OTHER SOURCES OF MONEYS FOR THE TRANSPORTATION TOKEN PROGRAM CREATED IN THIS SECTION, INCLUDING BUT NOT LIMITED TO FEDERAL GRANTS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(b) "ELIGIBLE STUDENT" MEANS A STUDENT:

(I) WHO IS ENROLLED IN A PUBLIC SCHOOL IN ANY OF THE FIRST THROUGH EIGHTH GRADES;

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

(III) (A) WHO IS ENROLLED IN A NEIGHBORHOOD SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "D" OR "F", PURSUANT TO SECTION 22-7-604, FOR THE PRECEDING SCHOOL YEAR; 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 GRADE OF "D" OR "F", PURSUANT TO SECTION 22-7-604, FOR THE PRECEDING SCHOOL YEAR; AND

(IV) WHO, WHILE ENROLLED IN THE NEIGHBORHOOD SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "D" OR "F" PURSUANT TO SECTION 22-7-604, MET THE ATTENDANCE POLICIES OF THE SCHOOL DISTRICT OF THE NEIGHBORHOOD SCHOOL, ADOPTED PURSUANT TO SECTION 22-33-104 (4).

(c) "NEIGHBORHOOD SCHOOL" MEANS A PUBLIC SCHOOL TO WHICH THE SCHOOL DISTRICT PROVIDES TRANSPORTATION FOR THE STUDENT OR WHICH IS LOCATED SO CLOSE TO THE RESIDENCE OF THE STUDENT THAT THE SCHOOL DISTRICT DOES NOT PROVIDE TRANSPORTATION FOR THE STUDENT.

(d) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(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. 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 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 GRADE OF "C" OR HIGHER 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 GRADE OF "D" OR "F", PURSUANT TO SECTION 22-7-604. 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.

(5) THE STATE BOARD SHALL ADOPT RULES GOVERNING THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

(a) A PROCEDURE FOR PARENTS AND LEGAL GUARDIANS OF ELIGIBLE STUDENTS TO APPLY TO THE DEPARTMENT FOR TRANSPORTATION TOKENS;

(b) A PROCEDURE TO ESTABLISH THE VALUE OF THE TRANSPORTATION TOKENS ISSUED AT EACH PUBLIC SCHOOL; AND

(c) A PROCEDURE FOR TRANSPORTATION PROVIDERS TO RECEIVE REIMBURSEMENT FOR TRANSPORTATION TOKENS RECEIVED IN PROVIDING TRANSPORTATION TO ELIGIBLE STUDENTS.

(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 GRADE OF "D" OR "F", PURSUANT TO SECTION 22-7-604; AND

(II) OFFER EACH ELIGIBLE STUDENT'S PARENT OR LEGAL GUARDIAN AN OPPORTUNITY TO ENROLL THE STUDENT IN ANOTHER PUBLIC SCHOOL WITHIN THE DISTRICT.

(b) SO LONG AS AN ELIGIBLE STUDENT IS ENROLLED BEFORE OCTOBER 1, THE PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE STUDENT MAY CHOOSE TO ENROLL THE ELIGIBLE STUDENT IN AND TRANSPORT THE ELIGIBLE STUDENT TO A PUBLIC SCHOOL IN ANOTHER SCHOOL DISTRICT THAT HAS AVAILABLE SPACE. SUCH SCHOOL DISTRICT SHALL ENROLL THE ELIGIBLE STUDENT AND INCLUDE THE ELIGIBLE STUDENT IN THE DISTRICT'S PUPIL ENROLLMENT FOR PURPOSES OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994".

(c) THE PUBLIC SCHOOL IN WHICH AN ELIGIBLE STUDENT ENROLLS

SHALL CERTIFY TO THE STATE BOARD THE ATTENDANCE OF THE ELIGIBLE STUDENT.

(7) THERE IS HEREBY CREATED IN THE STATE TREASURY THE TRANSPORTATION TOKEN FUND, REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND". THE FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY AND ALL OTHER GIFTS, GRANTS, DONATIONS, AND OTHER MONEYS OBTAINED BY THE DEPARTMENT TO PROVIDE TRANSPORTATION ASSISTANCE TO PARENTS AND LEGAL GUARDIANS OF ELIGIBLE STUDENTS. MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE DEPARTMENT TO PROVIDE TRANSPORTATION ASSISTANCE TO PARENTS AND LEGAL GUARDIANS OF ELIGIBLE STUDENTS PURSUANT TO THIS SECTION. 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. HOWEVER, IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ANY INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE GENERAL FUND.

SECTION 10. 22-11-301, Colorado Revised Statutes, is amended to read:

22-11-301. Colorado school awards program - created - rules.

(1) There is hereby established the ~~excellent schools~~ COLORADO SCHOOL AWARDS program, referred to in this part 3 as the "program", to be administered by the department. The state board shall promulgate reasonable rules for the administration of this part 3 and the program. Such rules shall include but need not be limited to procedures for ~~applying for~~ TRANSMITTING the financial awards to schools that demonstrate outstanding performance OR IMPROVEMENT as indicated by ~~student achievement and other factors as set forth in this part 3~~ THE ACADEMIC PERFORMANCE GRADES ISSUED TO PUBLIC SCHOOLS PURSUANT TO SECTION 22-7-604.

(2) For purposes of this part 3, "PUBLIC school" means a public school of a school district in this state.

SECTION 11. 22-11-302, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-11-302. Colorado school awards program - John Irwin schools of excellence awards - governor's distinguished improvement awards - repeal. (1) THE STATE BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO THE HIGHEST PERFORMING AND TO THE MOST IMPROVED PUBLIC SCHOOLS IN THE STATE BASED ON THE ACADEMIC PERFORMANCE GRADES PURSUANT TO SECTION 22-7-604.

(2) (a) OF THE MONEYS AVAILABLE FOR AWARDS PURSUANT TO THIS PART 3, ONE-THIRD SHALL BE AWARDED TO THE PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE FOR ACADEMIC PERFORMANCE IS WITHIN THE TOP EIGHT PERCENT OF ALL PUBLIC SCHOOLS PURSUANT TO SECTION 22-7-604. AWARDS ISSUED PURSUANT TO THIS SUBSECTION (2) SHALL BE KNOWN AS "JOHN IRWIN SCHOOLS OF EXCELLENCE AWARDS".

(b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2) AND SUBSECTION (3) OF THIS SECTION, FOR THE FIRST SCHOOL YEAR THAT SCHOOL PERFORMANCE GRADES ARE ISSUED, ALL OF THE MONEYS AVAILABLE FOR AWARDS UNDER THIS PART 3 SHALL BE AWARDED TO THE PUBLIC SCHOOLS THAT RECEIVE AN ACADEMIC PERFORMANCE GRADE OF "A" ISSUED PURSUANT TO SECTION 22-7-604.

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

(3) (a) OF THE MONEYS AVAILABLE FOR AWARDS PURSUANT TO THIS PART 3, TWO-THIRDS SHALL BE AWARDED PURSUANT TO THIS SUBSECTION (3).

(b) OF THE MONEYS AVAILABLE FOR AWARDS PURSUANT TO THIS SUBSECTION (3), AWARDS SHALL FIRST BE MADE TO SCHOOLS THAT IN THE PREVIOUS SCHOOL YEAR RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "D" OR "F" PURSUANT TO SECTION 22-7-604 AND THAT RECEIVED AN ACADEMIC IMPROVEMENT GRADE OF "A", PURSUANT TO SECTION 22-7-604 (6).

(c) AFTER THE AWARDS HAVE BEEN ISSUED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3), ANY MONEYS REMAINING FOR AWARDS PURSUANT TO THIS SUBSECTION (3) SHALL BE AWARDED TO THE PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE FOR ACADEMIC PERFORMANCE IMPROVED THE MOST AS COMPARED TO THE PREVIOUS SCHOOL YEAR; EXCEPT THAT TO BE ELIGIBLE FOR AN AWARD

PURSUANT TO THIS PARAGRAPH (c), A SCHOOL MUST BE IN THE TOP EIGHT PERCENT OF ALL PUBLIC SCHOOLS WITH REGARD TO IMPROVEMENT IN OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES AS COMPARED TO THE PREVIOUS SCHOOL YEAR AND THE SCHOOL MUST NOT HAVE RECEIVED AN AWARD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).

(d) AWARDS ISSUED PURSUANT TO THIS SUBSECTION (3) SHALL BE KNOWN AS THE "GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARDS".

(4) 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 (4), 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.

SECTION 12. 22-11-303, Colorado Revised Statutes, is amended to read:

22-11-303. Colorado school awards program - distribution of award. (1) Any award presented by the state board pursuant to section 22-11-302 shall be spent or distributed FOR USE WITHIN THE PUBLIC SCHOOL as the PRINCIPAL OF THE PUBLIC SCHOOL, AFTER CONSULTATION WITH THE SCHOOL advisory ~~accountability committee~~ COUNCIL for the PUBLIC school, deems appropriate.

(2) Any moneys made available to a PUBLIC school in the form of an award pursuant to the provisions of this part 3 shall not supplant moneys made available to such 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.

SECTION 13. 22-11-304, Colorado Revised Statutes, is amended to read:

22-11-304. School awards program fund - creation - contributions. The department is hereby authorized to receive grants, gifts,

and donations from any source, public or private, to fund financial awards to PUBLIC schools pursuant to the program established in this part 3. All public and private grants, gifts, and donations received by the department pursuant to this section shall be transmitted to the state treasurer who shall credit the same, in addition to any appropriations made by the general assembly, to the ~~excellent schools~~ SCHOOL AWARDS program fund, which is hereby created in the state treasury. Moneys in the ~~excellent schools~~ SCHOOL AWARDS program fund shall be subject to ~~appropriations~~ APPROPRIATION by the general assembly to the department of education for purposes of making financial awards pursuant to the provisions of this part 3. At the end of any fiscal year, all unexpended and unencumbered moneys in the ~~excellent schools~~ SCHOOL AWARDS program fund shall remain therein 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 ~~excellent schools~~ SCHOOL AWARDS program 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 3.

SECTION 14. 22-7-409 (1) and (1.5), Colorado Revised Statutes, are amended, and the said 22-7-409 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-7-409. Assessments - repeal. (1) Beginning in the spring semester 1997, the department shall implement the Colorado student assessment program under which the department shall administer statewide assessments adopted by the board pursuant to section 22-7-406 in the first priority areas of reading, writing, mathematics, and science. THE DEPARTMENT SHALL ADMINISTER THE ENGLISH VERSIONS OF THE STATE ASSESSMENTS AND MAY ADMINISTER ANY ASSESSMENTS ADOPTED BY THE BOARD IN LANGUAGES OTHER THAN ENGLISH, AS MAY BE APPROPRIATE FOR STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH; EXCEPT THAT ANY STUDENT WHO HAS PARTICIPATED IN THE ENGLISH LANGUAGE PROFICIENCY PROGRAM, CREATED PURSUANT TO SECTION 22-24-104, FOR MORE THAN A TOTAL OF THREE SCHOOL YEARS SHALL BE INELIGIBLE TO TAKE THE ASSESSMENTS IN A LANGUAGE OTHER THAN ENGLISH. THE STATEWIDE ASSESSMENTS SHALL BE ADMINISTERED according to the following implementation schedule:

(a) Beginning in the spring semester 1997, and each spring semester

thereafter, the department shall administer a statewide assessment in reading and writing to all students enrolled in fourth grade in public schools throughout the state.

(b) Beginning in the spring semester 1998, and each spring semester thereafter, the department shall administer a statewide assessment in reading to all students enrolled in the third grade in public schools throughout the state.

(c) (I) Beginning in the fall semester 1999, ~~and each fall semester thereafter,~~ the department shall administer a statewide assessment in mathematics to all students enrolled in the fifth grade in public schools throughout the state.

(II) BEGINNING IN THE SPRING SEMESTER 2001, AND EACH SPRING SEMESTER THEREAFTER, THE DEPARTMENT SHALL ADMINISTER A STATEWIDE ASSESSMENT IN MATHEMATICS TO ALL STUDENTS ENROLLED IN THE FIFTH GRADE IN PUBLIC SCHOOLS THROUGHOUT THE STATE.

(d) Beginning in the spring semester 1999, and each spring semester thereafter, the department shall administer a statewide assessment in reading and writing to all students enrolled in the seventh grade in public schools throughout the state.

(d.5) Beginning in the spring semester 2000, and each spring semester thereafter, the department shall administer a statewide assessment in mathematics and science to all students enrolled in the eighth grade in public schools throughout the state.

(e) Beginning in the spring semester 2001, and each spring semester thereafter, the department shall administer a statewide assessment IN READING TO ALL STUDENTS ENROLLED IN THE FIFTH, SIXTH, EIGHTH, AND NINTH GRADES IN PUBLIC SCHOOLS THROUGHOUT THE STATE AND in reading, writing, and mathematics to all students enrolled in the tenth grade in public schools throughout the state.

(f) BEGINNING IN THE SPRING SEMESTER 2002, AND EACH SPRING SEMESTER THEREAFTER, THE DEPARTMENT SHALL ADMINISTER A STATEWIDE ASSESSMENT IN WRITING TO ALL STUDENTS ENROLLED IN THE THIRD, FIFTH, SIXTH, EIGHTH, AND NINTH GRADES IN PUBLIC SCHOOLS THROUGHOUT THE STATE AND IN MATHEMATICS TO ALL STUDENTS ENROLLED IN THE SIXTH,

SEVENTH, AND NINTH GRADES IN PUBLIC SCHOOLS THROUGHOUT THE STATE.

(1.2) (a) (I) THE ASSESSMENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL BE ALIGNED WITH THE MODEL CONTENT STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-406. THE ASSESSMENTS SHALL BE CONDUCTED DURING THE PERIOD BEGINNING THE SECOND MONDAY IN MARCH AND ENDING ON THE THIRD MONDAY IN APRIL OF EACH YEAR. NO LATER THAN JUNE 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE TO EACH PUBLIC SCHOOL RESULTS OF ALL ASSESSMENTS ADMINISTERED. FOR REPORTING PURPOSES ONLY, RESULTS SHALL INCLUDE DIAGNOSTIC REPORTING FOR EACH STUDENT'S PERFORMANCE ON EACH ASSESSMENT, INCLUDING BUT NOT LIMITED TO CONTENT-BASED SUB-TEST SCORES FOR SEVERAL COMPONENTS OF EACH OF THE STANDARDS ASSESSED PURSUANT TO THIS SECTION.

(II) THE DEPARTMENT SHALL MAKE AVAILABLE TO SCHOOL DISTRICTS THE ASSESSMENT DATA OF INDIVIDUAL STUDENTS REQUIRED TO MEASURE ACADEMIC PROGRESS OVER TIME. THE STATE BOARD SHALL ENSURE THAT THE ASSESSMENTS ADMINISTERED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE A COMBINATION OF CONSTRUCTED RESPONSE AND SELECTED RESPONSE TASKS THAT REQUIRE THE STUDENT TO PRODUCE INFORMATION OR PERFORM TASKS IN A WAY THAT THE STUDENT'S SKILLS AND COMPETENCIES CAN BE MEASURED.

(b) STARTING WITH THE ASSESSMENTS TO BE GIVEN IN THE SPRING OF 2002, THE ASSESSMENTS SHALL BE DESIGNED SO THAT EACH ASSESSMENT TEST SHALL TAKE NO MORE THAN FOUR HOURS TO COMPLETE; EXCEPT THAT THIS LIMITATION SHALL NOT APPLY TO THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMINATION.

(c) (I) FOR THE NEW ASSESSMENTS REQUIRED TO BE GIVEN IN 2001 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE SAME VENDOR THAT WAS AWARDED THE CONTRACT ON A COMPETITIVE BASIS TO PRODUCE THE OTHER ASSESSMENTS TO BE GIVEN IN THAT YEAR. SUCH CONTRACT OR CONTRACT AMENDMENT OR MODIFICATION MAY BE ISSUED WITHOUT COMPLIANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2002.

(d) (I) EVERY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL BE REQUIRED TO TAKE THE ASSESSMENTS ADMINISTERED PURSUANT TO SUBSECTION (1) OF THIS SECTION; 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 GRADES PURSUANT TO SECTION 22-7-604 OR FOR ACCREDITATION PURSUANT TO ARTICLE 11 OF THIS TITLE:

(A) ANY STUDENT WHO IS ELIGIBLE FOR THE STATE'S ALTERNATIVE ASSESSMENT FOR STUDENTS WITH DISABILITIES AS STATED IN THE STUDENT'S INDIVIDUAL EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108; EXCEPT THAT THE RESULTS OF ANY ALTERNATIVE ASSESSMENT SHALL BE REPORTED TO THE DEPARTMENT;

(B) ANY STUDENT WHO TRANSFERS INTO THE SCHOOL FROM ANOTHER STATE 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). HOWEVER, IF SUCH STUDENT IS ENROLLED IN THIRD GRADE, THAT STUDENT'S SCORES SHALL BE USED FOR CALCULATING ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES AND FOR ACCREDITATION PURPOSES AFTER THE STUDENT HAS BEEN ENROLLED IN ANY PUBLIC SCHOOL IN THE STATE FOR TWO YEARS. IN ADDITION, IF SUCH STUDENT IS ENROLLED IN ONE OF GRADES FOUR THROUGH TEN, THAT STUDENT'S SCORES SHALL BE USED FOR CALCULATING ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES AND FOR ACCREDITATION PURPOSES AFTER THE STUDENT HAS BEEN ENROLLED IN ANY PUBLIC SCHOOL IN THE STATE FOR THREE YEARS.

(II) ANY STUDENT WITH A DISABILITY WHO IS NOT ELIGIBLE FOR THE STATE'S ALTERNATIVE ASSESSMENT BUT WHO HAS AN INDIVIDUAL EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-20-108 SHALL BE ASSESSED IN EACH CSAP AREA AT THE APPROPRIATE GRADE LEVEL, AS DETERMINED BY THE STUDENT'S INDIVIDUAL EDUCATIONAL PROGRAM. TO THE EXTENT APPLICABLE FOR THE PUBLIC SCHOOL'S SCHOOL LEVEL, AS DEFINED IN SECTION 22-7-602, THE SCORES OF ASSESSMENTS ADMINISTERED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE USED AT THE GRADE LEVEL

SPECIFIED IN THE STUDENT'S INDIVIDUAL EDUCATION PLAN FOR PURPOSES OF CALCULATING ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES PURSUANT TO SECTION 22-7-604 AND FOR ACCREDITATION PURSUANT TO ARTICLE 11 OF THIS TITLE.

(III) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING A CHILD PARTICIPATING IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-33-104.5 TO TAKE AN ASSESSMENT OR EXAM ADMINISTERED PURSUANT TO THIS SECTION.

(1.3) (a) THE DEPARTMENT SHALL PERMIT A NONPUBLIC SCHOOL TO ADMINISTER THE ASSESSMENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION AND SHALL PROVIDE TO THE NONPUBLIC SCHOOL THE RESULTS OF ANY ASSESSMENTS ADMINISTERED, INCLUDING DIAGNOSTIC REPORTING FOR EACH STUDENT'S PERFORMANCE ON EACH ASSESSMENT. THE NONPUBLIC SCHOOL SHALL BE REQUIRED TO PAY ALL COSTS ASSOCIATED WITH ADMINISTERING AND PROVIDING RESULTS FOR SUCH ASSESSMENTS.

(b) A SCHOOL DISTRICT, UPON THE REQUEST OF THE PARENT OR LEGAL GUARDIAN OF A CHILD WHO IS PARTICIPATING IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-30-104.5, SHALL PERMIT SUCH CHILD TO TAKE ANY ASSESSMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION AND SHALL PROVIDE TO THE PARENT OR LEGAL GUARDIAN OF THE CHILD THE RESULTS OF ANY ASSESSMENTS ADMINISTERED, INCLUDING DIAGNOSTIC REPORTING FOR SUCH CHILD'S PERFORMANCE ON EACH ASSESSMENT. THE PARENT OR LEGAL GUARDIAN OF SUCH A CHILD SHALL BE REQUIRED TO PAY ALL COSTS ASSOCIATED WITH ADMINISTERING AND PROVIDING RESULTS FOR SUCH ASSESSMENTS.

(1.5) Beginning in the spring semester ~~2003~~ 2001, and each spring semester thereafter, all students enrolled in the ~~twelfth~~ ELEVENTH grade in public schools throughout the state ~~who scored below proficient in the statewide assessment administered pursuant to paragraph (e) of subsection (1) of this section~~ shall be required to take ~~the assessment administered pursuant to paragraph (e) of subsection (1) of this section~~ A STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION SELECTED BY THE DEPARTMENT, ADMINISTERED THROUGHOUT THE UNITED STATES, AND RELIED UPON BY INSTITUTIONS OF HIGHER EDUCATION THAT, AT A MINIMUM, TESTS IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE, REFERRED TO IN THIS SECTION AS THE "CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM". The department shall ~~maintain~~

~~the results of the assessments administered pursuant to the provisions of this subsection (1.5) and shall consider such results as accreditation indicators pursuant to the provisions of section 22-11-104 (2) (a)~~ PAY ALL COSTS ASSOCIATED WITH ADMINISTERING THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM AND SHALL SCHEDULE A DAY DURING WHICH THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM SHALL BE ADMINISTERED TO ALL ELEVENTH GRADE STUDENTS ENROLLED IN PUBLIC SCHOOLS THROUGHOUT THE STATE. THE STATE BOARD SHALL ADOPT RULES TO ENSURE THAT ANY REQUIREMENTS OF THE ADMINISTRATOR OF THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM, SUCH AS A SECURE ENVIRONMENT, ARE MET.

(1.9) THE RESULTS OF THE ASSESSMENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL BE INCLUDED ON EACH STUDENT'S FINAL REPORT CARD FOR THAT SCHOOL YEAR AND SHALL BE PART OF THE STUDENT'S PERMANENT ACADEMIC RECORD. THE RESULTS OF THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM CONDUCTED PURSUANT TO SUBSECTION (1.5) OF THIS SECTION SHALL BE INCLUDED ON EACH STUDENT'S TRANSCRIPT; EXCEPT THAT, IF THE STUDENT RETAKES THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM AT A LATER TIME AT THE STUDENT'S EXPENSE, THE STUDENT MAY REQUEST THAT THE LATER RESULTS BE PLACED ON THE STUDENT'S TRANSCRIPT INSTEAD OF THE RESULTS OF THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM ADMINISTERED PURSUANT TO SUBSECTION (1.5) OF THIS SECTION.

SECTION 15. 22-7-102 (1), the introductory portion to 22-7-102 (2), and 22-7-102 (2) (d) and (2) (e), Colorado Revised Statutes, are amended to read:

22-7-102. Legislative declaration. (1) The general assembly declares that the purpose of this part 1 is to institute an accountability AND PARENTAL AND COMMUNITY INVOLVEMENT program to define and measure ACADEMIC AND SAFETY quality in education and thus to help the public schools of Colorado to achieve such quality and to expand the life opportunities and options of the students of this state; further, the purpose is to provide to local school boards AND LOCAL SCHOOLS assistance in helping their school patrons to determine the relative value of their school program as compared to its cost.

(2) The general assembly further declares that the educational accountability program developed under this part 1 should be designed to

measure objectively the ~~adequacy~~ QUALITY and efficiency of the educational programs offered by the public schools. The program should begin by developing broad goals and specific performance objectives for the educational process and by identifying the activities of schools ~~which~~ THAT can advance students toward these goals and objectives. The program should then develop a means for evaluating the achievements and performance of students. It is the belief of the general assembly that, in developing the evaluation mechanism, the following approaches, as a minimum, should be explored:

(d) Reporting to students, parents, boards of education, educators, and the general public on the educational AND SAFETY performance of the public schools and providing data for the appraisal of such performance; and

(e) THE COLLECTION AND provision of PERFORMANCE information ~~which~~ THAT could help school districts to increase their efficiency in using available financial resources.

SECTION 16. 22-7-104 (1), Colorado Revised Statutes, is amended, and the said 22-7-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-7-104. School district accountability committees. (1) The board of education of each school district in the state shall adopt a plan for a local accountability program designed to measure the adequacy and efficiency of educational programs offered by the district. EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, the board shall appoint ~~an advisory~~ OR CREATE A PROCESS FOR THE ELECTION OF A SCHOOL DISTRICT accountability committee ~~which~~ THAT shall make recommendations to the board relative to the program of accountability, but it shall be the responsibility of the board to implement the provisions of this section. The areas of study by the district accountability committee and other appropriate accountability committees shall be cooperatively determined at least annually by the committee and the board of education. The ~~advisory~~ SCHOOL DISTRICT accountability committee shall consist of at least ~~one parent~~ THREE PARENTS OF STUDENTS ENROLLED IN A PUBLIC SCHOOL IN THE SCHOOL DISTRICT WHO ARE NOT EMPLOYEES OR RELATED TO EMPLOYEES OF THE DISTRICT, one teacher, one school administrator, and ~~a taxpayer from the district~~ ONE PERSON FROM THE COMMUNITY WHO IS INVOLVED IN BUSINESS.

(1.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "RELATED" OR "RELATIVE" MEANS A PERSON'S SPOUSE, SON, DAUGHTER, SISTER, OR BROTHER.

(4) ANY SCHOOL DISTRICT THAT DEMONSTRATES THAT, PRIOR TO JANUARY 1, 2000, THE SCHOOL DISTRICT HAD IN PLACE A COMMITTEE OR COUNCIL THAT PERFORMED AT LEAST THE DUTIES SPECIFIED FOR A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE IN THIS SECTION AND SECTION 22-7-105 IS NOT REQUIRED TO APPOINT OR ELECT A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE PURSUANT TO SUBSECTION (1) OF THIS SECTION.

SECTION 17. 22-7-105, Colorado Revised Statutes, is amended to read:

22-7-105. School district accountability committee - recommendations - prioritization of district expenditures. In addition to any other duties and powers provided for by law, the ~~advisory~~ SCHOOL DISTRICT accountability committee of each school district shall make recommendations to the board of education of such school district relative to the prioritization of expenditures of school district moneys. WHENEVER THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE MAKES RECOMMENDATIONS, IT SHALL ATTEMPT TO CONSULT WITH THE SCHOOL ADVISORY COUNCILS IN THE SCHOOL DISTRICT. The board of education shall consider such recommendations made by the SCHOOL district accountability committee in adopting the budget of the school district for any fiscal year pursuant to article 44 of this title.

SECTION 18. Part 1 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

22-7-106. School advisory councils - creation - qualifications - elections. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, THERE SHALL BE A SCHOOL ADVISORY COUNCIL AT EACH PUBLIC SCHOOL IN EACH SCHOOL DISTRICT. A SCHOOL ADVISORY COUNCIL SHALL CONSIST OF SEVEN MEMBERS DESIGNATED, APPOINTED, OR ELECTED AS FOLLOWS:

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

(II) ONE TEACHER WHO PROVIDES INSTRUCTION AT THE SCHOOL ELECTED BY A VOTE OF ALL LICENSED PROFESSIONALS WHO PROVIDE INSTRUCTION AT THE SCHOOL OR HAVE AN OFFICE IN THE SCHOOL;

(III) THREE PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL WHO ARE ELECTED BY A VOTE OF THE PARENTS AND LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL;

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

(V) A PERSON FROM THE COMMUNITY WHO IS INVOLVED IN BUSINESS AND WHO IS APPOINTED BY THE PRINCIPAL.

(b) NO MORE THAN THREE MEMBERS OF A SCHOOL ADVISORY COUNCIL SHALL BE EMPLOYED BY OR RELATIVES OF AN EMPLOYEE OF THE SCHOOL DISTRICT. IF AN ELECTION WOULD RESULT IN MORE THAN THREE SCHOOL DISTRICT EMPLOYEES OR PERSONS RELATED TO SCHOOL DISTRICT EMPLOYEES SERVING ON THE COUNCIL, ONLY THE NUMBER OF CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES THAT WILL RESULT IN THREE SCHOOL DISTRICT EMPLOYEES OR PERSONS RELATED TO SCHOOL DISTRICT EMPLOYEES SERVING ON THE COUNCIL SHALL BECOME MEMBERS OF THE COUNCIL AND OTHER EMPLOYEES OR PERSONS RELATED TO EMPLOYEES SHALL BE DISQUALIFIED.

(c) ANY APPOINTMENT OR DESIGNATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE MADE BY SEPTEMBER 1, 2001, AND BY SEPTEMBER 1 OF EVERY ODD-NUMBERED YEAR THEREAFTER. ANY ELECTION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE CONDUCTED ON OR BEFORE OCTOBER 31, 2001, OCTOBER 31, 2003, AND ON OR BEFORE OCTOBER 31 OF EVERY YEAR THEREAFTER.

(2) MEMBERS OF THE COUNCIL SHALL SERVE TERMS OF TWO YEARS; EXCEPT THAT, OF THE MEMBERS FIRST ELECTED, THE MEMBER ELECTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND THE TWO MEMBERS WITH THE HIGHEST NUMBER OF VOTES CAST IN THE ELECTION CONDUCTED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL SERVE TERMS OF THREE YEARS.

(3) ANY VACANCIES THAT MAY ARISE ON THE COUNCIL BY REASON

OF A MEMBER'S RESIGNATION OR DISQUALIFICATION OR FOR ANY OTHER REASON SHALL BE FILLED BY MAJORITY ACTION OF THE REMAINING MEMBERS OF THE COUNCIL. EXCEPT FOR THE PRINCIPAL, NO MEMBER OF THE COUNCIL SHALL SERVE MORE THAN TWO CONSECUTIVE, FULL TERMS, PLUS ANY BALANCE REMAINING ON AN UNEXPIRED TERM IF THE INITIAL APPOINTMENT WAS TO FILL A VACANCY.

(4) THE SCHOOL ADVISORY COUNCIL REQUIRED BY THIS SECTION SHALL NOT BE REQUIRED IN ANY SCHOOL OR SCHOOL DISTRICT THAT DEMONSTRATES THAT PRIOR TO JANUARY 1, 2000, THE SCHOOL OR SCHOOL DISTRICT HAD IN PLACE A COMMITTEE OR COUNCIL THAT PERFORMED AT LEAST THE DUTIES SPECIFIED FOR SCHOOL ADVISORY COUNCILS IN THIS SECTION AND SECTION 22-7-107.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "RELATED" OR "RELATIVE" MEANS A PERSON'S SPOUSE, SON, DAUGHTER, SISTER, OR BROTHER.

22-7-107. School advisory council recommendations - meetings.

(1) IN ADDITION TO ANY OTHER DUTIES AND POWERS PROVIDED FOR BY LAW, THE SCHOOL ADVISORY COUNCIL OF EACH PUBLIC SCHOOL SHALL MAKE RECOMMENDATIONS TO THE PRINCIPAL OF THE SCHOOL REGARDING THE PRIORITIZATION OF EXPENDITURES OF SCHOOL MONEYS. THE PRINCIPAL SHALL CONSIDER SUCH RECOMMENDATIONS MADE BY THE SCHOOL ADVISORY COUNCIL REGARDING THE EXPENDITURE OF ANY STATE, FEDERAL, LOCAL, OR PRIVATE GRANTS AND ANY OTHER DISCRETIONARY FUNDS.

(2) EACH SCHOOL ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY TO DISCUSS:

(a) MEANS FOR DETERMINING WHETHER DECISIONS AFFECTING THE EDUCATIONAL PROCESS ARE ADVANCING OR IMPEDING STUDENT ACHIEVEMENT;

(b) REPORTING TO STUDENTS, PARENTS, BOARDS OF EDUCATION, EDUCATORS, AND THE SCHOOL DISTRICT BOARD OF EDUCATION ON THE EDUCATIONAL PERFORMANCE OF THE SCHOOL AND PROVIDING DATA FOR THE APPRAISAL OF SUCH PERFORMANCE;

(c) RECOMMENDATIONS TO THE PRINCIPAL ON THE EXPENDITURE OF ALL SCHOOL GRANTS; AND

(d) SAFETY ISSUES RELATED TO THE SCHOOL ENVIRONMENT.

SECTION 19. The introductory portion to 22-7-202 (1), Colorado Revised Statutes, is amended to read:

22-7-202. Pilot programs. (1) The state board may identify areas ~~of major educational policy concern~~ in which it wishes to encourage school districts to conduct pilot programs. Such programs shall be conducted in order to develop recommendations and proposals for the general assembly and the department of education in addressing educational policy on a statewide basis. ~~Areas of major educational policy concern may include, but need not be limited to~~ PILOT PROGRAMS SHALL FOCUS ON TEACHING BASIC SKILLS IN READING, WRITING, AND MATHEMATICS, BUT MAY INVOLVE:

SECTION 20. 22-2-117 (1), Colorado Revised Statutes, is amended to read:

22-2-117. Additional power - state board - waiver of requirements. (1) EXCEPT AS PROHIBITED IN SUBSECTION (1.5) OF THIS SECTION, upon application of the board of education of any school district a majority of the appropriate accountability committee OR ADVISORY COUNCIL, a majority of the affected certified administrators, and a majority of the teachers of the affected school or district concurring therein, the state board may waive any requirements imposed by this title subject to standards providing for educational achievement, and enhancement of educational opportunity, giving due regard to the costs of providing such services or by rule ~~and regulation~~ promulgated by the state board for such school district, or portion thereof, ~~which~~ THAT, in its discretion, it deems necessary to accomplish the purposes of sections 22-7-201 to 22-7-206 relating to educational achievement. The burden of proof shall be on such school district to demonstrate that the waiver requested, if granted, would result in the accomplishment of the purposes of said sections.

SECTION 21. 22-32-110 (3.5) (a), Colorado Revised Statutes, is amended to read:

22-32-110. Board of education - specific powers. (3.5) (a) At the end of every school year, the ~~accountability advisory committee~~ SCHOOL ADVISORY COUNCIL of each school in a school district shall submit a written report to the board of education of such school district, with copies of such

report to be sent to the SCHOOL district accountability committee and the superintendent of such school district, concerning the learning environment in the school during that school year. Such report shall include specific information on conduct and discipline actions taken during the school year. The report for a school building shall be made available to the parents and to the general public.

SECTION 22. 22-33-104.5 (3) (b), (3) (e), (3) (f), (3) (g), (4), (5), (6) (a), and (6) (b), Colorado Revised Statutes, are amended to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (3) The following guidelines shall apply to a non-public home-based educational program:

(b) A child who is participating in a non-public home-based educational program shall not be subject to compulsory school attendance as provided in this article; except that any child who is habitually truant, as defined in section 22-33-107 (3), at any time during the last six months that the child attended school before proposed enrollment in a non-public home-based educational program may not be enrolled in the program unless the child's parents first submit a written description of the curricula to be used in the program along with the written notification of establishment of the program required in paragraph (e) of subsection (2) of this section to the superintendent of ~~the child's~~ A school district of residence WITHIN THE STATE.

(e) Any parent establishing a non-public home-based educational program shall provide written notification of the establishment of said program to ~~the local~~ A school district of residence WITHIN THE STATE fourteen days prior to the establishment of said program and each year thereafter if the program is maintained. The parent in charge and in control of a non-public home-based educational program shall certify, in writing, only a statement containing the name, age, place of residence, and number of hours of attendance of each child enrolled in said program.

(f) Each child participating in a non-public 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 local~~ THE school district ~~of residence~~ 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 ~~local~~ school district ~~of residence~~ 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 NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM SHALL BE CONSIDERED FOR AWARDING ACADEMIC PERFORMANCE GRADES PURSUANT TO SECTION 22-7-604 OR FOR ACCREDITATION PURSUANT TO ARTICLE 11 OF THIS TITLE.

(g) The records of each child participating in a non-public home-based educational program shall be maintained on a permanent basis by the parent in charge and in control of said program. The records shall include, but need not be limited to, attendance data, test and evaluation results, and immunization records, as required by sections 25-4-901, 25-4-902, and 25-4-903, C.R.S. Such records shall be produced to the ~~local~~ school district ~~of residence~~ THAT RECEIVED THE NOTIFICATION REQUIRED BY PARAGRAPH (e) OF THIS SUBSECTION (3) upon fourteen days' written notice if the superintendent of said school district has probable cause to believe that said program is not in compliance with the guidelines established in this subsection (3).

(4) Any child who has participated in a non-public home-based educational program and who subsequently enrolls in the public school system may be tested by the school district for the purpose of placing the child in the proper grade and shall then be placed at the grade level deemed most appropriate by the ~~local~~ school district ~~of residence~~ WITH THE CONSENT OF THE CHILD'S PARENT OR LEGAL GUARDIAN. THE SCHOOL DISTRICT SHALL ACCEPT THE TRANSCRIPTS FROM THE NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM FOR ANY SUCH CHILD.

(5) (a) (I) If test results submitted to the ~~local~~ APPROPRIATE school district ~~of residence~~ pursuant to the provisions of paragraph (f) of subsection (3) of this section show that a child participating in a non-public home-based educational program received a composite score on said test which was above the thirteenth percentile, such child shall continue to be exempt from the compulsory school attendance requirement of this article. If the child's composite score on said test is at or below the thirteenth

percentile, the ~~local~~ school district ~~of residence~~ shall require the parents to place said child in a public or independent or parochial school until the next testing period; except that no action shall be taken until the child is given the opportunity to be retested using an alternate version of the same test or a different nationally standardized achievement test selected by the parent from a list of approved tests supplied by the state board.

(II) If evaluation results submitted to the ~~local~~ APPROPRIATE school district ~~of residence~~ pursuant to the provisions of paragraph (f) of subsection (3) of this section show that the child is making sufficient academic progress according to the child's ability, the child will continue to be exempt from the compulsory school attendance requirement of this article. If the evaluation results show that the child is not making sufficient academic progress, the ~~local~~ school district ~~of residence~~ shall require the child's parents to place the child in a public or independent or parochial school until the next testing period.

(b) If the child's test or evaluation results are submitted to an independent or parochial school, said school shall notify the ~~local~~ school district ~~of residence~~ THAT RECEIVED THE NOTIFICATION PURSUANT TO PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION if the composite score on said test was at or below the thirteenth percentile or if the evaluation results show that the child is not making sufficient academic progress. The ~~local~~ school district ~~of residence~~ shall then require the parents to proceed in the manner specified in paragraph (a) of this subsection (5).

(6) (a) If a child is participating in a non-public home-based educational program but also attending ~~his local~~ A PUBLIC school ~~district of residence~~ for a portion of the school day, the ~~local~~ school district ~~of residence~~ OF THE PUBLIC SCHOOL shall be entitled to count such child in accordance with the provisions of section 22-54-103 (10) for purposes of determining pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title.

(b) (I) For purposes of this subsection (6), a child who is participating in a non-public home-based educational program ~~may~~ SHALL HAVE THE SAME RIGHTS AS A STUDENT ENROLLED IN A PUBLIC OR PRIVATE SCHOOL TO participate on an equal basis in any extracurricular or interscholastic activity offered by a public school or offered by a private school, at the private school's discretion, as provided in section 22-32-116.5 AND IS SUBJECT TO THE SAME RULES OF ANY INTERSCHOLASTIC

ORGANIZATION OR ASSOCIATION OF WHICH THE STUDENT'S SCHOOL OF PARTICIPATION IS A MEMBER.

(II) (A) EXCEPT AS PROVIDED FOR IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), FOR PURPOSES OF SECTION 22-32-116.5, THE SCHOOL DISTRICT OF ATTENDANCE FOR A CHILD WHO IS PARTICIPATING IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM SHALL BE DEEMED TO BE THE SCHOOL DISTRICT THAT RECEIVED THE NOTIFICATION PURSUANT TO PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION.

(B) FOR PURPOSES OF SECTION 22-32-116.5, THE SCHOOL DISTRICT OF ATTENDANCE FOR A CHILD WHO WITHDRAWS FROM A PUBLIC OR PRIVATE SCHOOL MORE THAN FIFTEEN DAYS AFTER THE START OF THE SCHOOL YEAR AND ENTERS A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM SHALL BE THE SCHOOL DISTRICT OR PRIVATE SCHOOL FROM WHICH THE CHILD WITHDREW FOR THE REMAINDER OF THAT SCHOOL YEAR. IF, DURING THE REMAINDER OF THAT ACADEMIC YEAR, THE CHILD CHOOSES TO PARTICIPATE IN EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES AT THE SAME SCHOOL AND WAS ELIGIBLE FOR PARTICIPATION PRIOR TO WITHDRAWING FROM THE SCHOOL, THE CHILD REMAINS ELIGIBLE TO PARTICIPATE AT SUCH SCHOOL.

SECTION 23. 22-32-116.5 (10) (g), Colorado Revised Statutes, is amended to read:

22-32-116.5. Extracurricular and interscholastic activities.
(10) As used in this section, unless the context otherwise requires:

(g) "School district of attendance" means the school district in which a student is enrolled and attends classes or, if the student is participating in a nonpublic home-based educational program, EXCEPT AS PROVIDED FOR IN SECTION 22-33-104.5 (6) (b) (II) (B), the school district in which the student participates in said program.

SECTION 24. 22-25-104 (6), Colorado Revised Statutes, is amended to read:

22-25-104. Colorado comprehensive health education program
- role of department of education - recommended curriculum guidelines
- allocation of funds - rules and regulations. (6) Any curriculum and

materials developed and used in teaching sexuality and human reproduction shall include values and responsibility and shall ~~emphasize~~ GIVE PRIMARY EMPHASIS TO abstinence by school aged children. SCHOOL OFFICIALS SHALL RECEIVE PRIOR WRITTEN APPROVAL FROM A PARENT OR GUARDIAN BEFORE HIS OR HER CHILD MAY PARTICIPATE IN ANY PROGRAM DISCUSSING OR TEACHING SEXUALITY AND HUMAN REPRODUCTION. PARENTS MUST RECEIVE, WITH THE WRITTEN PERMISSION SLIP, AN OVERVIEW OF THE TOPICS AND MATERIALS TO BE PRESENTED IN THE CURRICULUM.

SECTION 25. The introductory portion to 22-25-104.5 (2) (b) and 22-25-104.5 (2) (c), Colorado Revised Statutes, are amended to read:

22-25-104.5. Law-related education program - creation.

(2) (b) The topics for instruction in a law-related education program implemented by a school district SHALL INCLUDE INSTRUCTION ON THE UNITED STATES CONSTITUTION AND THE DECLARATION OF INDEPENDENCE AND may include, but need not be limited to, the following:

~~(c) Schools are encouraged to seek the cooperation of and use the expertise of available state and local law-related education programs such as the Drug Abuse Resistance Education (D.A.R.E.) program.~~

SECTION 26. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-124. Commission directive - sophomore assessments.

(1) (a) THE COMMISSION SHALL ADOPT THE NECESSARY POLICIES TO ENSURE THAT DURING THE SPRING SEMESTERS OF 2000 AND 2001, AT ONE OR MORE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, A STANDARDIZED, COLLEGE-LEVEL ASSESSMENT EXAMINATION IS ADMINISTERED TO STUDENTS ENROLLED IN THEIR SECOND YEAR. ON OR BEFORE DECEMBER 15, 2000, THE COMMISSION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE GOVERNOR ON ALL ASPECTS OF THE EXAMINATIONS. THE REPORT SHALL INCLUDE AN EVALUATION OF THE INCENTIVES PROPOSED BY THE INSTITUTIONS TO ENCOURAGE STUDENTS TO DO WELL ON THE EXAMINATIONS AND WHETHER SUFFICIENT INFORMATION COULD BE OBTAINED THROUGH A SAMPLING OF STUDENTS. THIS PARAGRAPH (a) SHALL BE CONDUCTED WITH FUNDS OBTAINED FROM GIFTS, GRANTS, AND DONATIONS.

(b) THE COMMISSION SHALL ADOPT THE NECESSARY POLICIES TO ENSURE THAT, STARTING WITH THE SPRING SEMESTER IN 2002, AND EACH SPRING SEMESTER THEREAFTER, THE EXAMINATION IS ADMINISTERED TO SECOND-YEAR STUDENTS AT EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION. THIS PARAGRAPH (b) SHALL BE IMPLEMENTED ONLY IN FISCAL YEARS, BEGINNING IN FISCAL YEAR 2001-02, IN WHICH THE COMMISSION SUBMITS A DECISION ITEM THAT IS APPROVED FOR THAT FISCAL YEAR AND REPORTS PURSUANT TO THIS SECTION.

(2) THE RESULTS OF THE ASSESSMENTS SHALL BE USED BY THE COMMISSION AND THE GOVERNING BOARDS TO EVALUATE INSTITUTIONS OF HIGHER EDUCATION AND AGGREGATED BY HIGH SCHOOL AND PROVIDED TO THE LOCAL BOARDS OF EDUCATION.

SECTION 27. Repeal. 22-7-408, Colorado Revised Statutes, is repealed as follows:

22-7-408. Temporary waiver of regulatory requirements.

~~(1) The board shall temporarily waive those regulatory requirements which are imposed on districts which it determines are appropriate for waiver, including but not limited to all statewide testing requirements, in order to allow districts to concentrate their energies and resources on the development of content standards, programs of instruction, assessments, and programs for professional educator development in standards-based education as required by this part 4. Such waiver shall apply for all districts and shall be in place as long as is deemed necessary by the board.~~

~~(2) On or before February 1, 1994, the department shall submit to the education committees of the house of representatives and the senate a list of the activities of the department and the regulatory requirements which it recommends be reduced or eliminated to allow for the implementation of this part 4 within existing resources. It is the intent of the general assembly that other activities of lesser priority be reduced or eliminated in order to implement this part 4 within the existing resources of the department. Any legislation which may be necessary to implement such list shall be considered during the second regular session of the Fifty-ninth general assembly.~~

SECTION 28. Repeal. Article 43.5 of title 22, Colorado Revised Statutes, is repealed.

SECTION 29. Repeal. 22-7-201 (1) (c), (1) (d), and (1) (e), Colorado Revised Statutes, are repealed as follows:

22-7-201. Educational achievement - powers and duties of state board. (1) The state board shall have the following powers and duties relating to educational achievement:

~~(c) To analyze how the system of public education in Colorado might maximize the use of technology, including telecommunications, to enhance educational opportunity including but not limited to the following:~~

~~(I) A survey of school districts regarding their needs for additional telecommunication services, and the nature of the desired additional service;~~

~~(II) A survey of school districts to quantify the number of districts, and the number of students in each, which use alternative forms of educational telecommunications, including those commonly known as interactive programs;~~

~~(III) Costs of systems currently in use and those desired, including but not limited to capital investment required, ongoing program costs, and coordination costs. This analysis shall include but not be limited to a comparison of costs of systems which are available or potentially available within Colorado and those available from sources outside Colorado.~~

~~(IV) Recommendations for future use of technology in education, including an estimate of costs as well as the number and location of children to be served;~~

~~(V) In cooperation with the public television stations in the state, an evaluation of currently available educational television services, including but not limited to the number of hours and types of programs used each week and geographical distribution of school districts which use such services;~~

~~(d) To analyze whether the educational system addresses the diverse learning needs of various student populations, including but not limited to the gifted and to students with disabilities;~~

(e) ~~To recommend to the general assembly, no later than December 1, 1988, methods of implementing a program to provide financial and other incentives to school districts to achieve educational excellence, including, as a minimum, incentives for improvements in achievement as indicated by nationally accepted measures of student achievement and in graduation rates.~~

SECTION 30. Repeal. 22-7-410, Colorado Revised Statutes, is repealed as follows:

22-7-410. Annual public meeting. ~~The board shall hold an annual public meeting in conjunction with the council and the department to discuss the effectiveness of standards-based education as implemented by this part 4 and the annual report of assessments prepared by the department pursuant to section 22-7-409. Notice of such meeting shall be posted in every public school in the state no later than thirty days prior to such meeting. Members of the general public shall have opportunity to present testimony at such hearing regarding the annual report and the effectiveness of standards-based education as implemented by the districts, the board, and the department.~~

SECTION 31. Repeal. Article 21 of title 22, Colorado Revised Statutes, is repealed.

SECTION 32. 22-32-109 (1) (n) (II) (A), Colorado Revised Statutes, is amended 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:

(n) (II) (A) The actual hours of teacher-pupil instruction and teacher-pupil contact specified in subparagraph (I) of this paragraph (n) may be reduced to no less than one thousand fifty-six hours for secondary school pupils, no less than nine hundred sixty-eight hours for elementary school pupils, or no less than four hundred thirty-five hours for kindergarten pupils for parent-teacher conferences, staff in-service programs, and closing deemed by the board to be necessary for the health, safety, or welfare of students. ~~except that not more than twenty-four hours per school year may be used for parent-teacher conferences or staff~~

~~in-service programs.~~

SECTION 33. 22-2-117 (1) (b), Colorado Revised Statutes, as repealed and reenacted in House Bill 00-1040, enacted in the Second Regular Session of the Sixty-second General Assembly, is 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:

(I) The "Public School Finance Act of 1994", article 54 of this title;
or

(II) The "Exceptional Children's Educational Act", article 20 of this title; OR

(III) ANY PROVISION OF PART 6 OF ARTICLE 7 OF THIS TITLE PERTAINING TO THE DATA NECESSARY FOR SCHOOL REPORT CARDS.

SECTION 34. Appropriation. (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, for the fiscal year beginning July 1, 2000, the sum of eleven million seven hundred sixty-nine thousand one hundred twenty dollars (\$11,769,120), and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be allocated as follows:

(a) Three million seven hundred fifty-two thousand nine hundred seventy-eight dollars (\$3,752,978) and 2.0 FTE shall be for the implementation of section 22-7-603, Colorado Revised Statutes;

(b) Two million four hundred ninety-seven thousand one hundred sixty-nine dollars (\$2,497,169) and 1.0 FTE shall be for the implementation of sections 22-7-604 through 22-7-608, Colorado Revised Statutes; and

(c) Five million five hundred eighteen thousand nine hundred seventy-three dollars (\$5,518,973) and 1.0 FTE shall be for the implementation of sections 22-7-409 (1) (c) (II), (1) (e), (1) (f), (1.2), (1.3), (1.5), and (1.9), Colorado Revised Statutes.

SECTION 35. Effective date. This act shall take effect upon passage; except that section 33 of this act shall take effect on the same date that House Bill 00-1040, enacted in the Second Regular Session of the Sixty-second General Assembly takes effect and only if House Bill 00-1040 becomes law.

SECTION 36. 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.

Ray Powers
PRESIDENT OF
THE SENATE

Russell George
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Patricia K. Dicks
SECRETARY OF
THE SENATE

Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO