

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0651.01 Julie Pelegrin x2700

HOUSE BILL 18-1197

HOUSE SPONSORSHIP

Young and Wilson,

SENATE SPONSORSHIP

(None),

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING LOCAL EDUCATION PROVIDERS TO**
102 **OPERATE STUDENT-CENTERED ACCOUNTABILITY SYSTEM PILOT**
103 **PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes a school district, board of cooperative services, or charter school (local education provider) or group of local education providers to create local, student-centered pilot accountability systems

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 26, 2018

(pilot accountability system) for measuring the performance of the public school systems operated by the participating local education providers. A pilot accountability system must be designed to assess student learning, professional culture, and resource allocation within a participating local education provider. The bill describes the minimum requirements for a pilot accountability system proposal, including the manner in which the participating local education providers will determine whether the pilot accountability system is successful. A local education provider that participates in a pilot accountability system must continue to comply with the accountability and accreditation statutes.

A local education provider or group of local education providers may receive a grant to operate the pilot accountability system by submitting the proposal to the department of education (department), agreeing to allow the department to monitor implementation of the pilot accountability system, and agreeing to submit to the department its evaluations of the success of the pilot accountability system. Subject to available appropriations, the participating local education provider or group of local education providers will receive an annual grant so long as they comply with the monitoring and reporting requirements. For each year in which the department distributes a grant, the department must prepare a report of the implementation of the pilot accountability systems; submit it to the governor, the state board of education, and the education committees of the general assembly; and post it on the department website.

The authorization for the pilot accountability system grants repeals in 5 years.

Under existing law, at least 50% of a teacher's or principal's performance evaluation must be based on student growth measures. The bill amends the percentage requirement to at least 20% but not more than 50%. The school district, in collaboration with the licensed educators employed by the school district, will determine the specific percentage.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-7-1006.7 as
3 follows:

4 **22-7-1006.7. Student-centered pilot accountability systems -**
5 **grant program - report - legislative declaration - repeal.** (1) (a) THE
6 GENERAL ASSEMBLY FINDS THAT:

7 (I) THE FUNDAMENTAL PURPOSE OF THE PUBLIC SCHOOL

1 ACCOUNTABILITY SYSTEM MUST BE TO ENSURE THE BEST POSSIBLE
2 EDUCATION FOR EVERY INDIVIDUAL STUDENT, AND EVERY ASPECT OF THE
3 ACCOUNTABILITY SYSTEM MUST FOCUS ON IMPROVING EACH STUDENT'S
4 ACADEMIC ACHIEVEMENT;

5 (II) THE EXISTING ACCOUNTABILITY SYSTEM'S OVER-RELIANCE ON
6 A SMALL NUMBER OF STANDARDIZED, STATEWIDE ASSESSMENTS IS TOO
7 LIMITED TO PROVIDE A COMPLETE, ACCURATE PICTURE OF EACH STUDENT'S
8 LEVEL OF ACADEMIC ACHIEVEMENT; AND

9 (III) THE EXISTING ACCOUNTABILITY SYSTEM, RATHER THAN
10 FOCUSING ON STUDENT ACHIEVEMENT, IDENTIFYING THE NEEDS OF
11 INDIVIDUAL STUDENTS, AND CLOSING ACHIEVEMENT GAPS AMONG
12 STUDENTS, ACTUALLY FOCUSES ON EVALUATING THE EFFORTS OF LOCAL
13 EDUCATION PROVIDERS IN A MANNER THAT IS MORE LIKELY TO RESULT IN
14 PUNITIVE MEASURES THAN IN CREATING A POSITIVE CULTURE OF
15 CONTINUOUS IMPROVEMENT.

16 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
17 APPROPRIATE TO PROVIDE GRANTS TO ENCOURAGE LOCAL EDUCATION
18 PROVIDERS TO DESIGN AND PILOT LOCAL, STUDENT-CENTERED
19 ACCOUNTABILITY SYSTEMS THAT FOCUS ON MEASURING AND IMPROVING
20 STUDENT ACADEMIC ACHIEVEMENT BY USING MULTIPLE INPUTS AND
21 MEASURES OF STUDENT SUCCESS FOR EVALUATING THE QUALITY OF,
22 AND IDENTIFYING WAYS TO IMPROVE, THE SYSTEM SUPPORTS FOR STUDENT
23 SUCCESS.

24 (c) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, FOR
25 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
26 STUDENT-CENTERED ACCOUNTABILITY SYSTEMS ARE AN IMPORTANT
27 ELEMENT IN IMPLEMENTING ACCOUNTABLE EDUCATION REFORM AND

1 ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND
2 MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND
3 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

4 (2) A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL
5 EDUCATION PROVIDERS MAY SUBMIT TO THE DEPARTMENT OF EDUCATION
6 A PROPOSAL FOR PILOTING A LOCAL, STUDENT-CENTERED
7 ACCOUNTABILITY SYSTEM, REFERRED TO IN THIS SECTION AS A "PILOT
8 ACCOUNTABILITY SYSTEM". THE GOAL OF EACH PILOT ACCOUNTABILITY
9 SYSTEM MUST BE TO FAIRLY AND ACCURATELY EVALUATE STUDENT
10 SUCCESS USING MULTIPLE MEASURES TO DEVELOP A MORE
11 COMPREHENSIVE UNDERSTANDING OF EACH STUDENT'S PROGRESS, TO
12 EVALUATE THE CAPACITY OF THE PUBLIC SCHOOL SYSTEMS OPERATED BY
13 THE LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION
14 PROVIDERS TO SUPPORT STUDENT SUCCESS, AND TO USE THE RESULTS
15 OBTAINED FROM MEASURING PERFORMANCE TO ESTABLISH A CYCLE OF
16 CONTINUOUS IMPROVEMENT. A PILOT ACCOUNTABILITY SYSTEM MUST BE
17 DESIGNED TO ASSESS:

18 (a) STUDENT LEARNING, TAKING INTO ACCOUNT ACADEMIC
19 ACHIEVEMENT AND GROWTH AND CHANGES IN AND DEVELOPMENT OF
20 STUDENT ATTITUDE AND DISPOSITION. IN EVALUATING STUDENT
21 LEARNING, A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL
22 EDUCATION PROVIDERS MAY CHOOSE TO CONSIDER CREATION AND
23 ATTAINMENT OF STUDENT LEARNING OBJECTIVES AND LOCAL
24 ASSESSMENTS.

25 (b) THE PROFESSIONAL CULTURE WITHIN THE LOCAL EDUCATION
26 PROVIDER, WHICH MAY INCLUDE EVALUATIONS OF CURRICULUM AND
27 INSTRUCTION, PROFESSIONAL LEARNING, SCHOOL LEADERSHIP, AND THE

1 LEARNING CLIMATE; AND

2 (c) RESOURCE ALLOCATION, WHICH MAY INCLUDE EVALUATIONS
3 OF THE EXISTENCE AND USE OF FINANCIAL RESOURCES, FACILITIES, AND
4 COMMUNITY RESOURCES.

5 (3) A PROPOSAL FOR A PILOT ACCOUNTABILITY SYSTEM, AT A
6 MINIMUM, MUST:

7 (a) EXPLAIN THE MEASURES THAT THE LOCAL EDUCATION
8 PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WILL USE TO
9 MEASURE STUDENT LEARNING, THE PROFESSIONAL CULTURE, AND
10 RESOURCE ALLOCATION;

11 (b) DESCRIBE THE PROCEDURE FOR REVIEWING EACH LOCAL
12 EDUCATION PROVIDER'S PERFORMANCE, WHICH REVIEWS MUST OCCUR AT
13 LEAST ANNUALLY AND MAY INCLUDE ON-SITE REVIEWS BY OTHER
14 PARTICIPATING LOCAL EDUCATION PROVIDERS AND THE DEPARTMENT OF
15 EDUCATION;

16 (c) DESCRIBE THE EXPECTATIONS FOR PROVIDING FEEDBACK AND
17 ANALYSIS CONCERNING A LOCAL EDUCATION PROVIDER'S PERFORMANCE,
18 WHICH MUST INCLUDE REGULAR COMMUNICATIONS WITH THE LOCAL
19 SCHOOL BOARD OF EACH PARTICIPATING SCHOOL DISTRICT AND THE
20 GOVERNING BOARD OF EACH PARTICIPATING DISTRICT CHARTER SCHOOL
21 AND INSTITUTE CHARTER SCHOOL;

22 (d) DESCRIBE THE MANNER IN WHICH EACH PARTICIPATING LOCAL
23 EDUCATION PROVIDER IS EXPECTED TO APPLY THE FEEDBACK RECEIVED TO
24 IMPROVE PERFORMANCE AND STUDENT ACHIEVEMENT;

25 (e) DESCRIBE THE MANNER IN WHICH THE FEEDBACK AND THE
26 RESPONSE TO THE FEEDBACK WILL BE COMMUNICATED TO THE PARENTS OF
27 STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER, THE

1 COMMUNITY SURROUNDING THE LOCAL EDUCATION PROVIDER, THE
2 DEPARTMENT OF EDUCATION, AND THE STATE BOARD; AND

3 (f) DESCRIBE THE MANNER IN WHICH THE PARTICIPATING LOCAL
4 EDUCATION PROVIDERS WILL DETERMINE WHETHER THE PILOT
5 ACCOUNTABILITY SYSTEM IS ACCURATELY MEASURING STUDENT SUCCESS
6 AND WHETHER IT RESULTS IN CONTINUOUS IMPROVEMENT WITHIN THE
7 PUBLIC SCHOOL SYSTEMS OF THE PARTICIPATING LOCAL EDUCATION
8 PROVIDERS.

9 (4) IN CREATING A PILOT ACCOUNTABILITY SYSTEM, A LOCAL
10 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS SHALL,
11 AT A MINIMUM, WORK WITH THE EDUCATION PROFESSIONALS EMPLOYED
12 BY EACH PARTICIPATING LOCAL EDUCATION PROVIDER, INCLUDING THE
13 COLLECTIVE BARGAINING UNITS, IF ANY, FOR EMPLOYEES OF THE LOCAL
14 EDUCATION PROVIDERS; THE PARENTS OF STUDENTS ENROLLED IN EACH
15 PARTICIPATING LOCAL EDUCATION PROVIDER; AND REPRESENTATIVES OF
16 BUSINESSES IN THE COMMUNITY SURROUNDING EACH PARTICIPATING
17 LOCAL EDUCATION PROVIDER.

18 (5) A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL
19 EDUCATION PROVIDERS THAT CHOOSES TO IMPLEMENT A PILOT
20 ACCOUNTABILITY SYSTEM MUST CONTINUE TO COMPLY WITH THE
21 REQUIREMENTS OF THIS PART 10 AND ARTICLE 11 OF THIS TITLE 22 AND
22 THE RULES IMPLEMENTING THIS PART 10 AND ARTICLE 11 OF THIS TITLE 22
23 DURING THE TIME THAT IT IMPLEMENTS THE PILOT ACCOUNTABILITY
24 SYSTEM.

25 (6) TO OBTAIN A GRANT FOR IMPLEMENTING A PILOT
26 ACCOUNTABILITY SYSTEM, A LOCAL EDUCATION PROVIDER OR GROUP OF
27 LOCAL EDUCATION PROVIDERS MUST:

1 (a) SUBMIT THE PROPOSAL FOR THE PILOT ACCOUNTABILITY
2 SYSTEM TO THE DEPARTMENT OF EDUCATION IN ACCORDANCE WITH RULES
3 PROMULGATED BY THE STATE BOARD PURSUANT TO THE "STATE
4 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24;

5 (b) AGREE TO ALLOW THE DEPARTMENT OF EDUCATION TO
6 MONITOR THE IMPLEMENTATION OF THE PILOT ACCOUNTABILITY SYSTEM,
7 INCLUDING SUBMITTING DATA TO THE DEPARTMENT UPON REQUEST
8 CONCERNING THE MEASURES OF STUDENT PERFORMANCE, PROFESSIONAL
9 CULTURE, AND RESOURCE ALLOCATION AND CONCERNING MEASURES
10 IMPLEMENTED IN RESPONSE TO FEEDBACK RECEIVED; AND

11 (c) AGREE TO SUBMIT, AT LEAST ANNUALLY, EVALUATIONS OF THE
12 SUCCESS OF THE PILOT ACCOUNTABILITY SYSTEM, MEASURED AS
13 DESCRIBED IN SUBSECTION (3)(f) OF THIS SECTION.

14 (7) (a) TO THE EXTENT POSSIBLE, THE DEPARTMENT OF EDUCATION
15 SHALL ALLOW A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL
16 EDUCATION PROVIDERS THAT CHOOSES TO CREATE A PILOT
17 ACCOUNTABILITY SYSTEM TO USE THE ACCREDITATION PROCESS
18 ESTABLISHED TO IMPLEMENT ARTICLE 11 OF THIS TITLE 22 TO SUBMIT ANY
19 DATA REQUESTED BY THE DEPARTMENT CONCERNING IMPLEMENTATION
20 OF THE PILOT ACCOUNTABILITY SYSTEM.

21 (b) THE DEPARTMENT OF EDUCATION SHALL DESIGNATE AT LEAST
22 ONE EMPLOYEE WITHIN THE DEPARTMENTAL DIVISION THAT IS
23 RESPONSIBLE FOR ACCOUNTABILITY TO ACT AS A LIAISON FOR LOCAL
24 EDUCATION PROVIDERS AND GROUPS OF LOCAL EDUCATION PROVIDERS
25 THAT CHOOSE TO CREATE A PILOT ACCOUNTABILITY SYSTEM.

26 (8) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE
27 DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH LOCAL

1 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS THAT
2 COMPLIES WITH SUBSECTION (6) OF THIS SECTION AN ANNUAL GRANT OF
3 UP TO FIFTY THOUSAND DOLLARS FOR EACH LOCAL EDUCATION PROVIDER
4 THAT IMPLEMENTS A PILOT ACCOUNTABILITY SYSTEM ON AN INDIVIDUAL
5 BASIS OR UP TO ONE HUNDRED THOUSAND DOLLARS FOR EACH GROUP OF
6 LOCAL EDUCATION PROVIDERS THAT IMPLEMENTS A PILOT
7 ACCOUNTABILITY SYSTEM. IN ANY YEAR IN WHICH THE GENERAL
8 ASSEMBLY DOES NOT APPROPRIATE A SUFFICIENT AMOUNT TO FULLY FUND
9 THE GRANTS DESCRIBED IN THIS SUBSECTION (8)(a), THE DEPARTMENT
10 SHALL REDUCE THE AMOUNT OF EACH GRANT BY THE SAME PERCENTAGE
11 THAT THE DEFICIT BEARS TO THE AMOUNT REQUIRED TO FULLY FUND THE
12 GRANTS.

13 (b) BEFORE DISTRIBUTING A GRANT IN A BUDGET YEAR TO A LOCAL
14 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS, THE
15 DEPARTMENT OF EDUCATION SHALL CONFIRM THAT THE LOCAL EDUCATION
16 PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS IS IN COMPLIANCE
17 WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (6) OF THIS SECTION
18 BY FULLY COOPERATING WITH THE DEPARTMENT IN MONITORING
19 IMPLEMENTATION OF THE PILOT ACCOUNTABILITY SYSTEM, AND IS
20 SUBMITTING ANNUAL EVALUATIONS OF THE SUCCESS OF THE PILOT
21 ACCOUNTABILITY SYSTEM. THE DEPARTMENT SHALL NOT DISTRIBUTE A
22 GRANT TO A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION
23 PROVIDERS THAT IS NOT IN COMPLIANCE, AS DETERMINED BY THE STATE
24 BOARD.

25 (9) FOR EACH YEAR THAT A LOCAL EDUCATION PROVIDER OR
26 GROUP OF LOCAL EDUCATION PROVIDERS RECEIVES A GRANT PURSUANT TO
27 THIS SECTION, THE DEPARTMENT OF EDUCATION, WITH THE ASSISTANCE OF

1 THE PARTICIPATING LOCAL EDUCATION PROVIDERS, SHALL PREPARE A
2 SUMMARY REPORT OF THE IMPLEMENTATION OF THE PILOT
3 ACCOUNTABILITY SYSTEMS, INCLUDING AT A MINIMUM, AN EVALUATION
4 OF THE SUCCESS OF EACH PILOT ACCOUNTABILITY SYSTEM IN FAIRLY AND
5 ACCURATELY EVALUATING STUDENT SUCCESS, EVALUATING THE
6 CAPACITY OF THE PUBLIC SCHOOL SYSTEMS OPERATED BY THE
7 PARTICIPATING LOCAL EDUCATION PROVIDERS TO SUPPORT STUDENT
8 SUCCESS, AND ESTABLISHING A CYCLE OF CONTINUOUS IMPROVEMENT
9 WITHIN THE PUBLIC SCHOOL SYSTEMS OF EACH OF THE PARTICIPATING
10 LOCAL EDUCATION PROVIDERS. FOR EACH PILOT ACCOUNTABILITY
11 SYSTEM, THE SUMMARY REPORT SHALL INCLUDE THE SCORES ACHIEVED BY
12 STUDENTS ENROLLED IN THE PARTICIPATING LOCAL EDUCATION
13 PROVIDERS ON THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO
14 SECTION 22-7-1006.3, REPORTED IN AGGREGATE BY GRADE LEVEL AND BY
15 STUDENT GROUP. THE DEPARTMENT SHALL INCLUDE THE INFORMATION
16 ONLY TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW. THE
17 DEPARTMENT SHALL PROVIDE A COPY OF THE REPORT TO THE STATE
18 BOARD, THE GOVERNOR'S OFFICE, AND THE EDUCATION COMMITTEES OF
19 THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
20 COMMITTEES. THE DEPARTMENT SHALL ALSO POST A COPY OF THE REPORT
21 ON ITS WEBSITE FOR PUBLIC ACCESS. NOTWITHSTANDING SECTION
22 24-1-136 (11)(a)(I), THE DEPARTMENT SHALL PREPARE AND SUBMIT THE
23 REPORT ANNUALLY.

24 (10) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

25

26 **SECTION 2. Appropriation.** For the 2018-19 state fiscal year,
27 \$375,155 is appropriated to the department of education. This

1 appropriation is from the state education fund created in section 17 (4)(a)
2 of article IX of the state constitution and is based on an assumption that
3 the department will require an additional 0.7 FTE. To implement this act,
4 the department may use this appropriation for the student-centered pilot
5 accountability systems grant program pursuant to section 22-7-1006.7,
6 C.R.S.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.