

COLORADO STATE BOARD OF EDUCATION

ADMINISTRATIVE PROCEDURES FOR REVIEW OF LOCAL BOARD DECISIONS ON INNOVATION SCHOOL ZONES WITH ALTERNATIVE GOVERNANCE

A. Applicability

These procedures govern the State Board's jurisdiction under § 22-32.5-110(2)(c), C.R.S., to review and comment on a local board's decision to:

revoke the innovation status of an innovation school zone with alternative governance, or of a school within an innovation school zone with alternative governance, or to remove a school within the innovation school zone with alternative governance from an innovation zone based on insufficient academic progress of the enrolled students.

§ 22-32.5-110(2)(c), C.R.S.

These procedures do not govern designation as a district of innovation or related waivers under §§ 22-32.5-107, -108, and -109, C.R.S. No other types of local board decisions related to innovation school zones or innovation schools are reviewable by the State Board.

All required documents shall be filed via state.board.efilings@cde.state.co.us, with a carbon copy to soc@cde.state.co.us. All filings shall be less than 20 MB and provided in PDF format. Should a required filing exceed 20 MB, the parties may arrange for cloud-based file transfer by jointly contacting the State Board Office. All filings shall include a certificate showing service on the opposing party or, if represented, its counsel.

B. Requesting Review

To initiate State Board review and comment on a local board decision, the innovation school zone with alternative governance must submit a written request. The request must include as an exhibit a copy or screenshot of the local board's resolution or motion with vote at issue. The request must also: (1) provide the names, addresses, and phone numbers of all parties or innovation school zone leadership, and their counsel (if any); and (2) briefly state the grounds for review. The request need not provide any additional argument and shall be limited to two pages (exclusive of the certificate of service).

Any request for State Board review and comment on a local board decision pursuant to these procedures must be made within thirty calendar days of the local board decision.

C. Scheduling Conference

After the filing of a request for review, the State Board Office will initiate a telephonic scheduling conference with the parties to set a public hearing date. The hearing must take place

within sixty days of the innovation school zone with alternative governance's request for review unless the parties agree to waive the sixty-day deadline.

D. Written Copy of Presentation and Conduct of Hearing

Each party shall submit a written copy of its presentation and any supporting documents one week in advance. The written presentation shall not exceed ten pages and supporting documents shall not exceed fifty pages. Parties may file a motion requesting permission to exceed these page limits for good cause.

Parties must appear in person for hearing, but upon motion and for good cause shown, the Board Chair may grant leave to appear by telephone or videoconference.

Each party will have twenty minutes to present information and oral argument without interruption, followed by one hour of Board Members' questions. The Board Chair will control the conduct and decorum of the hearing, issue directives for efficiency, and may interrupt any presentation that strays from the matter under review.

After party presentations and Board Member questions, the Board shall deliberate and issue comments and recommendations regarding the local board's determination for the local board's consideration. The Board may appoint a committee of two Board Members to draft the comments and recommendations. The Board's comments and recommendations are not subject to review, reconsideration, or appeal. They are also not binding on the local board.

E. Subsequent Local Board Discussion

The local board shall include discussion of the State Board's comments and recommendations on the agenda for the local board's regular voting meeting after the comments and recommendations are received or on the agenda for the second regular voting meeting after the comments and recommendations are received, if the local board receives the comments and recommendations less than fifteen days before the next regular voting meeting, as required by § 22-32.5-110(2)(c), C.R.S.

F. Public Comment Prohibited

The State Board does not accept public comment when reviewing the determinations of a local board under § 22-32.5-110(2)(c), C.R.S. The time for the community to be heard on these matters is during the school district's decision-making process. Public comment received by the local board as part of its own process may be referenced by the parties in their written or oral presentations at the State Board hearing.

Adopted October 13, 2022