

STATE OF COLORADO BOARD OF EDUCATION 201 E. Colfax Avenue #506 Denver, CO 80203	BOARD USE
In Re: Accountability Recommendations Heroes Middle School and Risley International Academy of Innovation Pueblo City Schools	CASE NUMBERS: 17-AR-06
ORDER	

This matter came back before the Colorado State Board of Education (“State Board”) pursuant to the Board’s June 16, 2017 Final Written Determinations regarding the above-referenced schools (“Determinations”) and in accordance with the Education Accountability Act of 2009 (as amended), §§ 22-11-101 et. seq., C.R.S., (2018). Based on the record of materials submitted to the Board, the information adduced at hearing, the comments of stakeholders, and being duly advised in premises, the State Board ORDERS as follows:

Procedural History

1. Heroes Middle School (“Heroes”) and Risley International Academy of Innovation (“Risley”) first came before the board for proceedings on Monday, April 24, 2017, pursuant to 22-11-210(5)(b), C.R.S., (2016) and the Colorado State Board of Education’s Procedures for State Board Accountability Actions.¹

2. Heroes came before the board with a significant history of failing to provide a quality education to its students, including school plan types as follows: 2010 – Turnaround, 2011 – Turnaround, 2012 – Turnaround, 2013 –

¹ Case 17-AR-06 originally involved a third school, Bessemer Elementary School. Since the initial proceedings herein, Bessemer achieved a rating of Improvement and therefore is not subject to further proceedings at this time.

Turnaround, 2014 – Turnaround, and 2016 – Priority Improvement.

3. Risley also came before the board with a significant history of failing to provide a quality education to its students, including school plan types as follows: 2010 – Turnaround, 2011 – Turnaround, 2012 – Turnaround, 2013 – Priority Improvement, 2014 – Turnaround, and 2016 – Turnaround.

4. At that time, the State Board reviewed and fully considered the accountability recommendations of the Commissioner, the State Review Panel (“SRP”), and the reports submitted by Pueblo City Schools (“District”), and heard and considered the presentation of the District.

5. On June 16, 2017, the State Board issued its Determinations, finding that Heroes should seek innovation status, Risley should retain innovation status, and that both must engage The Achievement Network (“ANet”) as an external management partner. The Order directed that ANet be given “formal, decision-making authority” in a number of specific areas:

instructional strategies and schedule; assessment choice and schedule; performance management metrics and routines; data-driven practices; school leadership coaching; and staff professional development content, schedules and training.

Heroes Determination p. 4; Risley Determination p. 4. The State Board also ordered that the contract require the strengthening of school leadership and community engagement.

6. The Determinations provided that if either school earned a rating of Priority Improvement or Turnaround in 2018 or thereafter and failed to make adequate progress, “the Commissioner shall assign the state review panel to critically evaluate the School’s performance, revisit its recommendations, and report back to the State Board consistent with C.R.S. § 22-11-210(5)(a).”

7. The Determinations were not appealed.

Factual Findings

8. On July 1, 2017, Risley and Heroes both entered their 6th year with a Priority Improvement Plan or lower. Since then, their performance history has

been as follows:

Heroes Middle School

- a. 2017 – Priority Improvement
- b. 2018 (Preliminary) – Priority Improvement

Risley International Academy of Innovation

- a. 2017 – Turnaround
- b. 2018 (Preliminary) – Turnaround

9. Both Heroes and Risley serve vulnerable student populations, as demonstrated by the following chart:

2016	Heroes	Risley	State Average (MS)
% Minority	71	82	46
% IEP	22	20	11
% FRL	88	98	43

Average daily attendance for both schools is consistently below the state average.

10. Because both Heroes and Risley have continued to earn ratings of Priority Improvement or Turnaround, the SRP was assigned to critically evaluate the schools’ performance and make recommendations, as ordered by the Board in 2017. On October 11, 2018, the SRP issued reports regarding Heroes and Risley as follows:

A. The SRP recommended that innovation status be continued at Heroes and Risley because participation in the Innovation Zone has provided professional development for teachers, leadership support, and additional time in the school day for recovery/enrichment classes. The SRP found that Risley’s innovation plan has not been fully leveraged to affect significant improvements in student achievement or growth. For example, the innovation plan has the potential to provide the school

waivers that offer flexibility with recruiting and retaining high-quality teachers, support with collective bargaining, and selecting curricula to support the school's unique needs. Accordingly, the SRP recommended that moving forward the school utilize all opportunities available through the innovation plan to maximize its impact.

B. In its report regarding Heroes, the SRP found that “[w]hile the partnership with ANet has been effective in some areas, it has not fulfilled the directive of the State Board.” Specifically, instructional support through ANet is only provided to teachers in two content areas (language arts and math), a coach is provided only for a half-day once a week, and leadership development in the areas of turnaround, performance management, and community outreach is not being addressed. Accordingly, the SRP found that the support of another management entity is needed to support leadership development and additional improvement in instruction. The SRP stated the management entity “should have full decision-making authority over scheduling, hiring, performance management, coaching, and supervision of teachers and instructional coaches and responsibility for community outreach and communications.”

C. With regard to Risley, the SRP found that ANet does not have full decision-making authority in areas such as school schedules, leadership coaching, and other school operations. The SRP noted that “ANet acknowledged they are not a management partner; their role is specific to providing instructional leadership supports.” Accordingly, the SRP recommended that the school be run by “a management entity that has full decision-making authority over all school operations, including (but not limited to): recruiting and retaining high quality staff and leaders; curriculum and instruction; staff supervision; and finances.”

D. The SRP did not recommend converting Heroes to a charter school. The SRP strongly considered converting Risley to a charter school, but did not recommend this option because it is not clear that it would result in increased achievement and growth, and because they were recommending full external management. The SRP did not recommend closure of either school because it did not appear to them that there were

better options for middle school students within a reasonable distance.

11. The SRP carefully considered the factors set forth in § 22-11-210(4), C.R.S.

12. Heroes and Risley received substantial extra support in recent years while attempting to improve performance. For example:

A. Heroes was awarded a federally-funded Tiered Intervention Grant (TIG) in 2010 for two academic years for a total amount of \$1,190,000. Risley was awarded a TIG for four academic years in a total amount of \$2,115,866.

B. Both schools were part of the CDE Turnaround Network from SY16 through SY18. The Turnaround Network is a three-year engagement designed to support schools in Priority Improvement and Turnaround. Schools collaborate with CDE staff to develop a robust improvement plan, engage in intensive professional development, and receive on-going coaching and support. Heroes received \$112,000 and Risley received \$95,000.

C. CDE staff visited the schools regularly as a part of the Turnaround Network program.

D. The District was awarded a \$30,000 Pathways Grant for the 2016-17 and 2017-18 school years to support planning and implementation of the accountability pathways at Heroes.

Despite this support, the schools have been unable to make meaningful improvements for their student populations without further state intervention.

13. While ANet supported the schools in a majority of the areas specified in the Determinations, the SRP found that ANet was not granted formal decision-making authority over performance management, school leadership coaching, and community engagement. Further, as stated in the 2018 SRP progress monitoring recommendation form for Risley, "ANet acknowledged they are not a management partner; their role is specific to providing instructional

leadership supports.”

2018 Proceedings

14. Heroes and Risley came back before the board for proceedings on Wednesday, November 14, 2018.

15. As part of its revised process for accountability actions, the State Board accepted and considered public comment. The Board received written comment which included approximately 28 emails from students (and former students), parents, teachers, other district employees, non-profit and community organizations supporting children and families in the communities. One email included names of 141 people supporting it, which focused on a Community School model. The following table shows the breakdown of commenters:

	Risley	Heroes	Both	Pueblo Education Coalition (Community School Letter)
Community Partners	1	3		
Staff	6	4		26
Parents	6			15
Pueblo Education Association			1	
Community Member			1	31
Students (current and previous)	10			66
District Leaders			5	
Unified Improvement Plan Feedback	9			

Although the comments were diverse, several consistent themes emerged.

A. Many of the respondents expressed support for their schools, community and students. A strong sense of community pride in the schools emerged from the comments. It was clear from the comments that there are also many community organizations supporting the holistic needs of students and broader community, beyond the academic needs, especially for Heroes. Many people commented about the music and athletic offerings at Risley.

B. A group of education leaders in the district submitted similar letters supporting the continued work of the Innovation Zone and the involvement of Heroes and Risley in the Zone.

C. Many expressed the desire to keep the schools open and not convert them to charter schools.

D. There was agreement around the need for improvements in both schools, but different opinions about how. There was some support for the work of the Achievement Network, but others voiced concerns, including students who shared their opinions of the regular assessments involved. The email signed by 141 individuals supported the idea of the Community Schools model.

16. The District's submitted materials proposed, among other things, the selection and engagement of a new external manager to address continuing challenges at Heroes and Risley. The District's presentation asked the State Board to "[a]uthorize a more comprehensive management partnership for each school."

17. At the hearing, the District proposed that its board would delegate decision-making authority in the areas identified by the SRP to the management entity. The District also indicated that its local board would be willing to adopt the personnel and staffing recommendations of the external manager. The District, school leadership, and CDE concur that ANet supports are valuable in supporting data-driven instruction, especially in math and language arts, but

that the supports are not enough to satisfy the holistic improvement needs at the schools.

18. After deliberation, the State Board unanimously voted to direct the Office of the Attorney General and Department of Education (“Department”) staff to prepare orders for the Board’s consideration directing the District to enter into contracts with entities to wholly manage Heroes and Risley for a period of not less than four years.

Legal Conclusions

19. The Board is authorized to take additional action pursuant to the terms of its Written Determinations in 2017. In addition, § 22-11-210(5.5), C.R.S. permits the Board to direct an additional or different action if a public school continues to perform at a priority improvement or turnaround level after the State Board has originally directed an action.

20. Section 22-11-210(5)(a), C.R.S. authorizes the State Board to direct one or more of the following actions concerning Heroes or Risley:

- A. That the school be partially or wholly managed by a private or public entity other than the school district;
- B. That the school be converted to a charter school;
- C. That the school be granted status as an innovation school pursuant to section 22-32.5-104; or
- D. That the school be closed.

21. Pursuant to § 22-11-210(5.5), C.R.S., the State Board has considered the statutory criteria in § 22-11-210(4), the recommendations of the SRP, the District’s proposed pathway, the actions that the District was previously directed to take, the fidelity with which the District has implemented the directed actions, and whether the amount of time that the District has had to implement the actions is reasonably sufficient to achieve results.

ORDER

WHEREFORE, the State Board orders that the District take action under § 22-11-210(5)(a), C.R.S. with regard to Heroes and Risley as follows:

A. Within 90 days of this Order, the local school board shall use an appropriate selection process to identify, for each school, a public or private entity, other than the District, to wholly manage the schools. The local board shall submit appropriate information regarding its proposed manager to the State Board for approval.

B. At each step in its selection process, the local board shall confer with the Department to ensure that:

- the scope of work for which proposals are solicited aligns to this order;
- the selected manager uses research-based strategies and has a proven track record of success working with schools under similar circumstances; and
- the selected manager is qualified and willing to fulfill the duties identified in the scope of work and in this Order.

The State Board shall vote to approve the District's selected manager(s) based on these factors.

C. Within 30 days of State Board approval of the selected manager(s), the local board shall execute a contract authorizing the selected and approved manager to administer the affairs and programs of the school beginning no later than July 1, 2019, and continuing for a term of not less than four years. At the end of this term, the district board shall have authority to determine whether to renew the management contract.

D. During the term of the contract, the manager shall manage the school(s) in a full-time capacity, and shall report directly to the local board. Through the contract, the local board shall delegate to the manager all authority needed to fully manage each school, subject to the limits of statute and the Colorado Constitution, and applicable case law. This authority shall include, but

not be limited to, the following areas:

1. Building-level personnel/staffing. The manager shall have authority over recruitment, selection of staff and assignments of all personnel required to maintain the operations and carry out the educational program of the school.

2. Professional development and training. This authority should include selecting and scheduling teacher professional development and mentoring administrators, including by providing coaching around instructional observation and feedback.

3. Implementing an instructional program. This authority should include adopting/revising curriculum and assessment systems;

4. Identifying needs for consulting and professional services. This authority includes determining whether to retain ANet as a partner;

5. Revising innovation plans. The manager shall be responsible for implementation of the schools' innovation plans, including fully leveraging the plans as currently approved and recommending any further waivers needed to optimize student outcomes;

6. School climate and culture. The manager shall be authorized to create, change, and guide systems including student referral and discipline, multi-tiered systems of support, PBIS, restorative practice, and training regarding the same;

7. Budgetary discretion. The manager shall have authority to manage the school's budget adopted by the local board, including state and federal grant dollars that are

allocated to the school by the local board; and

8. Other authority. Such further authority as the manager reasonably needs to create systemic improvement in teaching and learning.

E. Within the 30-day period following State Board approval of the selected management entity (or entities), the local board shall provide a copy of the contract to the Commissioner or her designee, who shall advise the State Board in the event that the contract fails to satisfy the terms of this Order.

F. The State Board understands that the contract may require a provision allowing the local board to terminate the relationship for good cause shown. In the event the local board believes it should terminate its contract with the manager, it must advise the State Board and seek appropriate amendments to this Order, consistent with the State Board's authority under the Accountability Act.

G. For those actions requiring formal action by the local board, the board shall give appropriate consideration to the recommendations of the manager and not unreasonably withhold its approval. If the local board rejects the manager's recommendation, it shall issue a reasoned, written explanation for its action in the form of a board resolution and shall provide CDE with a copy of said resolution within 14 calendar days of board action. If, after reviewing the local board's resolution and supporting materials, CDE believes the local board unreasonably withheld its approval, CDE shall provide notice in writing to the local board of its reasons for that determination and provide the local board 14 calendar days to reconsider. Unreasonable rejection of the manager's recommendations, or a pattern or practice of rejecting the manager's reasonable recommendations, may constitute evidence of noncompliance with this Order.

H. In the event that the local board fails to faithfully and timely comply with this Order, the State Board will promptly reconvene and may take further actions as permitted by law, including conversion of Heroes and/or Risley to a charter school or closing one or both schools.

I. Heroes and Risley shall remain subject to ongoing performance monitoring under § 22-11-210(5.5), C.R.S. The manager should provide regular updates to the State Board regarding the schools' progress. Department staff shall continue monitoring implementation of this Order, including by making unannounced site visits. Department staff will also provide a report on the schools' progress to the local board on a bi-annual basis.

J. In the event that one or both schools improves performance to an plan type of Improvement or higher for two or more consecutive years, or based on the recommendation of the State Review Panel as part of statutory monitoring, or for other good cause shown, the District may apply to the State Board for a modification of this Order, including transitioning certain operational authority back to the local board or otherwise accommodating modification of the management partner contract.

K. This is a final agency action.

Dated this 27th day of November, 2018.



Dr. Angelika Schroeder, Chair
Colorado State Board of Education

CERTIFICATION OF MAILING

I hereby certify that I have provided a true and correct copy of the foregoing **ORDER** this 27th day of November, 2018 via e-mail addressed to the following parties:

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