

Policy Parameters

★ MEMBERS AREA



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A benefit of membership in the Colorado Association of School Boards

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To access the revised CASB sample policies, regulations and exhibits discussed in this issue of *Policy Parameters*, [click here](#).

Accreditation policy important for local boards and local control

As school officials are well aware, the new accountability system in Colorado is a reality after years of development, fine-tuning and debate. The Education Accountability Act of 2009, *C.R.S. 22-11-101 et seq.* (the Act), overhauled the accountability process into a single system that is intended to better support ongoing system improvement. Some would say it also significantly changes the relationships between the state (through the Colorado Department of Education), school districts and district schools.

By August 15, the Colorado Department of Education (CDE) will provide performance framework results for each school district that will include an initial district accreditation category and initial recommendations for school plan types for each school in the district. After that, there is a timeline for revision and changes before academic performance information about each school district and school is posted on the SchoolView® website for accountability purposes.

As with many major education reform issues, the statutory framework is complex and technical. Because of this, school board policy on the subject does not need to be complicated. Although the CASB sample policy, **AED***, **Accreditation** was extensively revised and is presented with all new language, it was actually simplified compared to the prior policy on the subject. In essence, the new sample policy addresses the basic elements of the accreditation contract between the State Board of Education and the local board and provides that it is the responsibility of the local board to accredit schools within the district, including district charter schools.

The revisions to **AED*** were delayed until the State Board of Education completed the rules to implement the Act. The final rules took effect May 31, 2010. CASB was actively involved during the rule-making process, offering testimony and written comments as the rules were drafted and revised. "We are still feeling our way," said CASB Executive Director Ken DeLay, who noted that further adjustments to statute or state regulations might be necessary as implementation begins.

A key issue embedded in the new accountability process is how it can be implemented in a manner that is consistent with a

locally elected school board's constitutional authority to control instruction. Differences of interpretation on local control create a healthy tension as the roles and responsibilities of various stakeholders continue to be refined. It is incumbent upon local boards to use the extensive data and information provided by CDE through the new accreditation process and then chart a course that makes sense for each local district and each school within the district.

Local boards are encouraged to give serious consideration to how local schools are accredited when they consider the accreditation policy. The Act requires boards to consider four key performance indicators: academic achievement, academic growth, growth gaps and postsecondary and workforce readiness. However, the local board may adopt additional accreditation indicators and measures for district schools that meet or exceed the state standards for district accreditation. CASB's sample policy can be revised to incorporate these additional local indicators.

The Board will also want to be involved in reviewing and approving all school plans prior to submission to the CDE. This involvement is at the heart of the local board's constitutional responsibilities and should be reflected in local board policy. Another good reason to approve school plans is that it is the board's responsibility to allocate resources, which is closely tied to the planning process.

The August 2009 issue of *Policy Parameters* summarized the basic elements of the Act and discussed in more detail how Colorado's new accountability system affected other CASB sample policies. An excellent source for more detailed information about Colorado's accountability process is CDE's online data portal, SchoolView®.

Another CASB sample policy that was revised in 2009 with the caveat that further revisions might be necessary after the State Board rules on accreditation were adopted is **AE, Accountability/Commitment to Accomplishment**. A sentence was added at the end of this policy stating that the board and the district accountability committee shall, at least annually, cooperatively determine the areas and issues for the committee to study. This revision simply reflects how the district accountability committee and the board work together based on the law that has been in place for some time.

We elected *not* to include the full list of powers and duties of the district and school accountability committees in the policy, as a new note added to the policy indicates. Persons who are directly involved in the district/school accountability process should be aware that the district accountability committee is to provide input and recommendations on an advisory basis to principals concerning assessment tools used for teacher evaluation. This new responsibility was included in the educator effectiveness law (SB 10-191). The school accountability committees will be giving input on the principal's evaluation. The role of the accountability committees in the evaluation process will be part of the discussion as SB 10-191 is implemented over the next three years.

We also revised **AE** and sample regulation **AE-R, Accountability/Commitment to Accomplishment** for reasons that are not directly related to recent changes in law. State law allows members of both the district and school accountability committees to be appointed or elected. We clarified this in the policy, and revised the sample regulation to indicate that members will be appointed instead of the more nebulous approach offering both options. It is still perfectly okay to elect members if that is the preferred method of selection. Just make the regulation conform to local practice, whichever it is.

- [AED*, Accreditation](#)
- [AE, Accountability/Commitment to Accomplishment](#)
- [AE-R, Accountability/Commitment to Accomplishment](#)
- [Education Accountability Act of 2009](#)
- [State Board rules for the Administration of Statewide Accountability Measures](#)
- [School View®](#)
- [SB 10-191, Educator effectiveness law](#)

Implementation plans required for student individual career and academic plans

With the passage of SB 09-256 last year and the adoption of State Board of Education (SBE) rules governing standards for individual career and academic plans (ICAPs) this past January, the legal framework is in place for students to create and manage their own ICAPs. The ICAP will assist the student and the student's parent/guardian in exploring the postsecondary career and education opportunities available to the student, aligning course work and curriculum, applying to postsecondary education institutions, securing financial aid, and ultimately entering the workforce. State law and the SBE rules require

districts to ensure that beginning in 9th grade, students and their parents or legal guardians have access to and assistance in the development of an ICAP. Some districts, however, are electing to provide students with ICAP access beginning in earlier grades.

By September 30 of this year, each school district must develop an ICAP implementation plan that meets or exceeds the requirements of the SBE's rules. The plan must be developed based on recommendations from school counselors, administrators and other school personnel, as well as approved postsecondary service providers. The plan shall include "policies and procedures" that provide a clear designation of the roles and responsibilities of the student, parents and district staff and provide for an evaluation process. To the extent feasible, the plan must address professional development for plan implementation. District personnel must then implement the district's ICAP plan no later than September 30, 2011.

CASB revised sample policy **IHA, Basic Instructional Program** and created new sample regulation **IHA-R, Basic Instructional Program (Implementation Plan for Student Individual Career and Academic Plans)** to meet the SBE rules' requirements. We added notes throughout the new sample regulation to explain, in plain language, what the SBE rules require districts to consider when developing an ICAP implementation plan. Again, pursuant to the SBE's rules, the policy, regulation and plan must be adopted by September 30, 2010, and implementation of the plan must occur no later than September 30, 2011.

Prior to developing new sample **IHA-R**, CASB convened a meeting of stakeholders to receive feedback on our approach. The stakeholders, including the Colorado Department of Education, College in Colorado and others, were also given the opportunity to review the new sample regulation. The CDE representative indicated that the new sample regulation meets the requirements of the SBE's rules and also provides districts with the necessary flexibility to develop their own ICAP implementation plans.

Based upon the stakeholder discussion about ICAPs, CASB decided to create a new sample policy regarding accelerated learning opportunities to encompass ICAPs, concurrent enrollment and other accelerated learning options. That sample policy will be developed and provided to our members at a later date.

- [IHA, Basic Instructional Program](#)
- [IHA-R, Basic Instructional Program \(Implementation Plan for Student Individual Career and Academic Plans\)](#)
- [SB 09-256, school finance bill \(see Section 16\)](#)
- [State Board rules governing standards for ICAPs](#)

Arts education must be considered in student ICAPs

HB 10-1273, a new law concerning improved workforce development through increased participation in arts education, requires a student's progress in visual arts and performing arts courses to be included in the student's ICAP. The State Board must revise its rules in the near future to include the arts in the ICAP standards. No change will be required to the CASB samples because they do not list the required ICAP standards, but those involved in the ICAP planning process should take this new requirement into account.

- [HB 10-1273, Arts Education in Public Schools](#)

New charter school laws have minimal impact on board policy

There were several new laws enacted this legislative session addressing various charter school issues. While the impact of these laws could be significant, the impact on school board policy at this point in time is minimal.

One new law authorizes the Commissioner of Education to exercise external control of a charter school when requested to do so by a local school board or by the state Charter School Institute (CSI). Under the Charter School Emergency Powers Act, *C.R.S. 22-30.5-701 et seq.* (HB 10-1345), a local board of education may seek an order from the Commissioner when a district charter school is in an "emergency." The Act defines an "emergency" as a situation that presents a significant threat to health or safety of students, staff or others involved with the charter school or to the substantial property rights of the charter school authorizer; a significant risk to the charter school's solvency; a substantial diversion of charter school moneys; or other situations that justify the Commissioner's intervention, as defined by the State Board of Education. A note referencing this new law and a new legal reference were added to sample policy **LBD***, **Relations with District Charter**

Schools.

A new group was established to consider issues related to charter schools and to recommend standards for charter schools and charter school authorizers. By August 1, 2011, the Charter School and Charter Authorizer Standards Review Committee is to make recommendations to the legislature regarding, among other things, the application process for charter schools, ongoing oversight and evaluation and ethical issues such as excess benefits, executive compensation, nepotism and conflicts of interest in charter school governance. *C.R.S. 22-30.5-104.5 (3)*. (HB 10-1412) By January 15, 2012, the State Board of Education is to adopt by rule standards for charter school and charter school authorizers based on these recommendations. There may be policy implications for local board policy once this work is completed. A note was added to **LBD*** about this review committee.

Another new law, the Charter School Collaborative Act, *C.R.S. 22-30-5-601 et seq.*, (SB 10-161) authorizes two or more charter schools to contract with one another to form a charter school collaborative that may provide any function, service or facility that each of the schools is legally authorized to do on its own. A charter school does not have to obtain approval of its authorizer to create or participate in a collaborative. This new law also authorizes a board of cooperative services to contract with a district charter school or an institute charter for the use of a school building, the operation and maintenance of buildings and grounds or the provision of services. There were no changes to the sample policy as a result of this legislation.

Charter school approval procedures extensively revised

Based on feedback we received from the Colorado Department of Education and district charter authorizers, as well as issues raised when one charter school applicant virtually blanketed the state with its charter application, we extensively revised CASB sample regulation **LBD*-R, Relations with District Charter Schools (Procedures for Establishment, Renewal and Revocation)**. The administrative procedures that guide the charter school application process are important because of the time and effort that goes into the charter approval process. It is important that district officials continually monitor these procedures based on their own experiences to develop a timeline and process that is in accordance with state law and also works and is fair to all parties.

Our revisions to sample **LBD*-R** are intended to streamline the review process and save district administrators and local boards time and effort when an incomplete application is submitted. Although these are administrative procedures and, therefore, do not require Board approval, we recommend district administrators and boards work together with their legal counsel to update these procedures because of the legal significance of the process and the timelines.

A key revision to sample **LBD*-R** designates an administrator to review a charter application to determine whether the application is complete. If the administrator determines the application is incomplete, the applicant must be given notice of deficiencies and a reasonable opportunity to correct them. *C.R.S. 22-30.5-107(1)*. The determination that an application is incomplete is not appealable to the State Board of Education.

We also revised sample **LBD*-R** to address changes in terminology made by the Education Accountability Act of 2009 (SB 09-163). In accordance with this law, we updated the language referring to "student achievement goals" to emphasize that district charter schools must provide "targets for the measures used to determine the level of attainment of the accreditation performance indicators."

We deleted all references to the appeal and waiver process for district charter schools from **LBD*-R** as these are dictated by state law and not within the district's control. The regulation now focuses upon applications, renewals and revocations.

We also added new sample exhibit **LBD*-E, Intent to Apply to Become a District Charter School**. This exhibit is a sample form for charter applicants to submit before officially submitting a charter application. The form requests basic information from the applicant and also asks whether the applicant is filing an application with any other charter authorizer.

Additional resources for district authorizers, including a standard application form for charter schools as well as sample contract language and attachments can be found on the Colorado Department of Education's website.

- [LBD*, Relations with District Charter Schools](#)
- [LBD*-R, Relations with District Charter Schools \(Procedures for Establishment, Renewal and Revocation\)](#)
- [LBD*-E, Intent to Apply to Become a District Charter School](#)

- [HB 10-1345, Charter School Emergency Powers Act](#)
 - [HB 10-1412, Charter School and Charter Authorizer Standards Review Committee](#)
 - [SB 10-161, Charter School Collaborative Act](#)
 - [SB 09-163, Education Accountability Act of 2009 \(see Sections 26-30\)](#)
 - [Colorado Charter Schools - District & Authorizer Information](#)
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Institute charter schools also affected by legislation

Another charter school bill enacted this session addressed several issues affecting the State Charter School Institute (CSI) and institute charter schools. (SB 10-111) One change permits a board of cooperative educational services (BOCES) to contract with an institute charter school for the provision of services. Another requires the CSI to study the feasibility and effect of identifying individual institute charter schools as local education agencies under federal law and to report their findings to the legislature by January 15, 2011. CASB will have a representative on the study group.

- [SB 10-111, State Charter School Institute](#)
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Policy and procedures on administering medications at school updated

An extremely important health and safety issue for school districts is how school personnel will respond to requests from parents to administer medication to children at school. As part of a periodic review of CASB sample policies, we updated and revised sample policy **JLCD, Administering Medications to Students** so that the policy is consistent with state guidelines on the subject.

The revised policy takes a conservative approach, as suggested by the state guidelines for responding to requests for administration of medication. It provides that school personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours and the student's parent/guardian is not available to administer the medication at school.

School personnel whom a registered nurse has trained and delegated the task of administering such medication may administer medication to students. "Medication" is defined in the revised policy to include both prescription and nonprescription medication. Nonprescription medication includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements.

Districts are advised to consult with their own legal counsel if they wish to take a less conservative approach in policy and allow school personnel to administer nonprescription medication.

The section in the policy on self-administration of medication was updated to recognize that some students with certain life-threatening conditions such as food allergies are allowed to self-administer medication. Self-administration of medication must be in accordance with the Colorado School Children's Food Allergy and Anaphylaxis Management Act, *C.R.S. 22-2-135* (the Act).

Language was added to this revised sample policy to clarify that violation of the policy regarding distribution, possession or being under the influence of medication inconsistent with policy **JLCD** is a violation of the district's drug and alcohol use policy and may subject the student to disciplinary consequences.

Sample regulation **JLCD-R, Administering Medications to Students** and sample exhibit **JLCD-E, Permission for Medication** were revised to be consistent with the sample policy. Both now refer to "health care practitioner" in place of physician, which is a revision based on member input. Also, language was removed from the sample regulation that set out procedures school personnel should follow to administer medication. Alternatively, we recommend referring to the state guidelines to ensure consistency with the guidelines.

The section on self-administration included in the regulation was also updated to include allergies in accordance with the Act on food allergies and anaphylaxis management.

Update on food allergy policy

CASB distributed a new sample policy **JLCDA*, Students with Food Allergies** in a *Special Policy Update* in April 2010

alerting school boards to the fact they were required to have a policy on this subject in place by July 1, 2010. The requirements for the policy are found in the Act and the State Board of Education's revised rules.

The Act requires districts to provide notice of the food allergy policy to a parent or legal guardian of each student enrolled in district schools prior to the beginning of each school year. The notice must encourage parents to provide the school nurse or other administrator with a supply of the student's medication, unless the student has a plan authorizing the student to self-administer the medication. The notice must also include the standard form allowing parents to provide the school with information about their child's food allergies. As indicated in the revised note on sample policy **JLCDA***, the standard allergy and anaphylaxis form is now available on the websites of the Colorado Department of Education and the Colorado Department of Public Health and Environment.

- [JLCD, Administering Medications to Students](#)
- [JLCD-R, Administering Medications to Students](#)
- [JLCD-E, Permission for Medication](#)
- [JLCDA*, Students with Food Allergies](#)
- [Medication Administration in the School Setting: Guidelines, Colorado Department of Education Exceptional Student Services Unit, May 2010](#)
- [Standard allergy and anaphylaxis form](#)

Standardized immunization document becomes requirement July 2011

SB 10-56 requires the Colorado Department of Public Health and Environment, by March 1, 2011, to provide the Colorado Department of Education with a standardized childhood immunization document that lists all required and recommended immunizations and the age at which each immunization should be given. CDE must make the document available to school districts by posting the document on its website.

By July 1, 2011, school districts must provide the parent or legal guardian of each enrolled student a copy of the standardized immunization document. District's can determine the method of distribution. However, solely posting the document on the school district's website is not sufficient to satisfy the notice requirement. We have made no policy revisions regarding this requirement at this time. We plan to do so once the standardized document is available, and will also update our list of policies covering information required by law to be distributed to students and parents annually to reflect this new requirement.

- [SB 10-56, Standardized Immunization Information to Parents](#)

Attention CASB Core Policy Online Subscribers

CASB Core Policy Online will be updated in the next few weeks to reflect the policy revisions from this issue of *Policy Parameters*. In the meantime, please use the links provided herein to access the revised samples discussed in this newsletter.

Attention CASB Miller Manual users

Revisions to the Miller Manual and Miller BOCES Manual sample policies made pursuant to this issue of *Policy Parameters* will be posted on the CASB website in the coming weeks.

For additional policy implications from 2010 legislation, refer to these *CASB Special Policy Updates*:

[Special Policy Update - June 24, 2010](#): Public School Financial Transparency Act (HB 10-1036)

[Special Policy Update - July 13, 2010](#): Educator effectiveness law (SB 10-191)

Look for a future issue of *Policy Parameters* where we will continue to address 2010 legislation - coming soon!

Is your Board Policy Manual up to date?

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The materials contained herein, and in CASB sample policies, regulations and exhibits, are provided for general information only and as a resource to assist school boards with policy development. Boards should consult with legal counsel and revise all sample policies, regulations and exhibits to address local facts and circumstances.

This issue of *Policy Parameters* was sent via electronic mail to Board presidents, superintendents, assistants to the Board/superintendent, BOCES Executive Directors, and members of the Colorado Council of School Board Attorneys supporting CASB members. Please share this information with your Board and other district staff who have an interest in policy development. Thank you.

For more information, contact us at: 303-832-1000 or 800-530-8430.