

**Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0761.01 Julie Pelegrin x2700

**SENATE BILL 14-167**

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**SENATE SPONSORSHIP**

**Zenzinger,**

**HOUSE SPONSORSHIP**

**Fields,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING AN INITIATIVE TO SUPPORT INNOVATION AMONG**  
102             **ALTERNATIVE EDUCATION CAMPUSES IN SERVING HIGH-RISK**  
103             **STUDENTS.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill creates the opportunity schools pilot initiative (initiative) in the department of education (department). The goal of the initiative is to provide additional funding and support for alternative education campuses that serve populations of 95% high-risk students to enable the

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

campuses to implement research-based, transformative school models that will improve students' postsecondary and career success. The initiative will also result in identification of best practices and models that other schools may replicate.

The commissioner of education must appoint an advisory committee to assist the department in implementing the initiative. Based on recommendations from the department and the advisory committee, the state board of education (state board) must adopt rules to implement the initiative.

Beginning in the 2015-16 school year, the state board will select 2 cohorts of alternative education campuses, for a total of 3 or more alternative education campuses that serve no more than 600 students, to participate in the initiative. The applicants and the school designs that they propose to implement must meet several criteria. Applicants that the state board selects to participate in the initiative are called opportunity schools.

In addition to the funding an opportunity school normally receives, each opportunity school receives an amount equal to 30% of the statewide average per pupil revenues multiplied by the school's pupil enrollment in each budget year in which it participates in the initiative. The extra funding is paid from the opportunity schools pilot initiative fund (fund) created in the bill. The fund consists of a one-time appropriation of moneys and such gifts, grants, and donations as the advisory committee may solicit and receive.

Each opportunity school is subject to the same accountability requirements as other alternative education campuses. In addition, the department must annually collect and publish data concerning the support services that the opportunity schools provide, and the department and the advisory committee will regularly review each opportunity school's performance focusing on indicators that demonstrate that students are successfully obtaining skills needed to achieve postsecondary and workforce success. After at least 2 school years of performance data are available, the department and the advisory committee must determine whether the opportunity school is making adequate progress and, if it is not, may recommend that the state board reduce or discontinue the amount of additional funding the opportunity school receives.

The department and the advisory committee must develop clear measures to evaluate the success of the initiative. After the initiative has been operating for 3 years, and every 3 years thereafter, the department will hire an independent entity to perform a review of the initiative, using the measures, and prepare a report to assist the general assembly in deciding whether to continue funding the initiative. The department will submit the report to the education committees of the general assembly and post the report on its web site.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 15 to title  
3 22 as follows:

4 **ARTICLE 15**

5 **Opportunity Schools Pilot Initiative**

6 **22-15-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 FINDS THAT:

8 (a) THERE ARE SIGNIFICANT NUMBERS OF HIGH SCHOOL STUDENTS  
9 IN THE STATE WHO ARE AT HIGH RISK FOR ACADEMIC FAILURE. MANY,  
10 DESPITE HAVING ATTENDED HIGH SCHOOL FOR FOUR YEARS OR MORE, ARE  
11 UNABLE TO GRADUATE BECAUSE THEY LACK THE NECESSARY NUMBER OF  
12 CREDITS. OTHERS HAVE DROPPED OUT OF SCHOOL OR BEEN EXPELLED AND  
13 DO NOT HAVE A PLAN FOR OBTAINING A HIGH SCHOOL DIPLOMA OR ITS  
14 EQUIVALENT.

15 (b) RESEARCH DEMONSTRATES THAT YOUNG ADULTS AGES  
16 SIXTEEN THROUGH TWENTY-ONE WHO ARE NEITHER IN SCHOOL NOR  
17 WORKING IN STABLE EMPLOYMENT FACE MANY OBSTACLES THAT PREVENT  
18 THEM FROM PURSUING A DIRECT PATH TO POSTSECONDARY EDUCATION  
19 AND CAREERS. HOWEVER, THERE ARE SOME INNOVATIVE HIGH SCHOOL  
20 MODELS THAT HAVE BEEN SUCCESSFUL WITH THIS AGE GROUP, ENABLING  
21 THESE STUDENTS TO FIND INCREASED SUCCESS IN ATTAINING HIGH SCHOOL  
22 CREDENTIALS AND IN ENROLLING AND PERSISTING IN POSTSECONDARY  
23 INSTITUTIONS.

24 (c) THERE ARE NOT ENOUGH HIGH-QUALITY HIGH SCHOOL OPTIONS  
25 AVAILABLE IN THE STATE TO SERVE THESE HIGH-RISK STUDENTS,  
26 RESULTING IN A SERIOUS LOSS IN HUMAN CAPITAL FOR THE STATE'S

1 WORKFORCE AND A GREATER LOSS IN THE POTENTIAL FOR EARNINGS,  
2 QUALITY OF LIFE, AND ACCOMPLISHMENT FOR THESE STUDENTS;

3 (d) CREATING AN INITIATIVE WITHIN THE DEPARTMENT OF  
4 EDUCATION TO ENCOURAGE AND SUPPORT THE CREATION AND  
5 IMPLEMENTATION OF INNOVATIVE SCHOOL MODELS THAT SERVE THIS  
6 POPULATION OF HIGH-RISK STUDENTS AND PREPARE THEM FOR  
7 POSTSECONDARY AND CAREER SUCCESS WILL ESTABLISH MODELS OF  
8 SUCCESS FOR THE STATE THAT CAN BE REPLICATED AND USED TO IDENTIFY  
9 AND PUBLISH PROMISING BEST PRACTICES THAT TRANSFORM SERVICES FOR  
10 HIGH-RISK STUDENTS ACROSS EDUCATIONAL SETTINGS; AND

11 (e) TO BE SUCCESSFUL, THESE INNOVATIVE SCHOOL MODELS  
12 REQUIRE FAVORABLE OPERATING CONDITIONS, INCLUDING INCREASED  
13 LEVELS OF PER PUPIL FUNDING, CLEAR SCHOOL DESIGNS, AND APPROPRIATE  
14 AND RIGOROUS ACCOUNTABILITY REQUIREMENTS.

15 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE  
16 BEST INTERESTS OF THE STATE TO ESTABLISH THE OPPORTUNITY SCHOOLS  
17 INITIATIVE IN THE DEPARTMENT OF EDUCATION TO IDENTIFY, SUPPORT,  
18 AND HOLD ACCOUNTABLE INNOVATIVE DESIGNS FOR HIGH SCHOOLS TO  
19 TRANSFORM EDUCATION FOR HIGH-RISK STUDENTS AND PREPARE THEM  
20 FOR POSTSECONDARY AND CAREER SUCCESS. IN ADDITION, THESE NEW  
21 SCHOOL DESIGNS WILL CREATE MODELS OF SUCCESS THAT CAN BE  
22 REPLICATED ACROSS THE STATE AND WILL DEMONSTRATE BEST PRACTICES  
23 THAT EDUCATORS CAN APPLY IN DIVERSE EDUCATIONAL SETTINGS.

24 (3) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF  
25 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
26 OPPORTUNITY SCHOOLS PILOT INITIATIVE CREATED IN THIS ARTICLE IS A  
27 PROGRAM OF ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE

1 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION  
2 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

3 **22-15-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "ADVISORY COMMITTEE" MEANS THE COMMITTEE CONVENED  
6 BY THE COMMISSIONER PURSUANT TO SECTION 22-15-103 (2) TO ASSIST  
7 THE DEPARTMENT IN IMPLEMENTING THE INITIATIVE.

8 (2) "ALTERNATIVE EDUCATION CAMPUS" MEANS A PUBLIC SCHOOL  
9 THAT THE STATE BOARD DESIGNATES AS AN ALTERNATIVE EDUCATION  
10 CAMPUS PURSUANT TO SECTION 22-7-604.5.

11 (3) "AUTHORIZER" MEANS A SCHOOL DISTRICT OR BOARD OF  
12 COOPERATIVE SERVICES OR THE STATE CHARTER SCHOOL INSTITUTE THAT  
13 OPERATES OR AUTHORIZES A PUBLIC SCHOOL.

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

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

19 (6) "FUND" MEANS THE OPPORTUNITY SCHOOLS PILOT INITIATIVE  
20 FUND CREATED IN SECTION 22-15-105.

21 (7) "HIGH-RISK STUDENT" HAS THE SAME MEANING AS PROVIDED  
22 IN SECTION 22-7-604.5 (1.5).

23 (8) "INITIATIVE" MEANS THE OPPORTUNITY SCHOOLS PILOT  
24 INITIATIVE CREATED IN SECTION 22-15-103.

25 (9) "OPPORTUNITY SCHOOL" MEANS A PUBLIC SCHOOL THAT IS  
26 SELECTED TO PARTICIPATE IN THE INITIATIVE.

27 (10) "PUBLIC SCHOOL" MEANS A SCHOOL THAT DERIVES ITS

1 SUPPORT, IN WHOLE OR IN PART, FROM MONEYS RAISED BY A GENERAL  
2 STATE, COUNTY, OR SCHOOL DISTRICT TAX, INCLUDING A CHARTER SCHOOL  
3 AUTHORIZED PURSUANT TO ARTICLE 30.5 OF THIS TITLE.

4 (11) "PUPIL ENROLLMENT" HAS THE SAME MEANING AS PROVIDED  
5 IN SECTION 22-54-103 (10).

6 (12) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
7 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

8 (13) "STATEWIDE AVERAGE PER PUPIL REVENUES" HAS THE SAME  
9 MEANING AS PROVIDED IN SECTION 22-54-103 (12).

10 **22-15-103. Opportunity schools pilot initiative - created -**  
11 **advisory committee - rules.** (1) THERE IS CREATED IN THE DEPARTMENT  
12 THE OPPORTUNITY SCHOOLS PILOT INITIATIVE TO IDENTIFY AND SUPPORT  
13 TRANSFORMATIVE DESIGN MODELS FOR HIGH SCHOOLS TO SERVE  
14 HIGH-RISK STUDENTS. THE STATE BOARD, BASED ON RECOMMENDATIONS  
15 FROM THE DEPARTMENT AND THE ADVISORY COMMITTEE AND SUBJECT TO  
16 AVAILABLE APPROPRIATIONS, SHALL SELECT TWO COHORTS OF PUBLIC  
17 SCHOOLS TO PARTICIPATE IN THE INITIATIVE, WHICH COHORTS IN TOTAL  
18 CONSIST OF THREE OR MORE PUBLIC SCHOOLS SERVING NO MORE THAN SIX  
19 HUNDRED STUDENTS IN TOTAL. THE FIRST COHORT OF PUBLIC SCHOOLS  
20 MUST BEGIN PARTICIPATING IN THE INITIATIVE IN THE 2015-16 SCHOOL  
21 YEAR, AND THE SECOND COHORT OF PUBLIC SCHOOLS MUST BEGIN  
22 PARTICIPATING IN THE INITIATIVE IN THE 2016-17 SCHOOL YEAR. A PUBLIC  
23 SCHOOL THAT THE STATE BOARD SELECTS TO PARTICIPATE IN THE  
24 INITIATIVE RECEIVES FUNDING AS PROVIDED IN SECTION 22-15-105 AND  
25 MUST MEET THE ACCOUNTABILITY REQUIREMENTS SPECIFIED IN SECTION  
26 22-15-106.

27 (2) THE COMMISSIONER SHALL CONVENE AN ADVISORY

1 COMMITTEE NO LATER THAN JULY 1, 2014, TO ASSIST THE DEPARTMENT IN  
2 IMPLEMENTING THE INITIATIVE. THE MEMBERS OF THE ADVISORY  
3 COMMITTEE MAY INCLUDE, BUT NEED NOT BE LIMITED TO, SCHOOL  
4 LEADERS AND TEACHERS, REPRESENTATIVES OF CHARTER SCHOOLS,  
5 REPRESENTATIVES OF NONPROFIT EDUCATION ADVOCACY GROUPS,  
6 REPRESENTATIVES FROM COUNTY HUMAN SERVICES OR SOCIAL SERVICES  
7 AGENCIES, NATIONALLY RECOGNIZED EXPERTS IN SERVING HIGH-RISK  
8 STUDENTS AND IN MEASURING POSTSECONDARY AND WORKFORCE  
9 READINESS, AND PHILANTHROPIC LEADERS. THE MEMBERS OF THE  
10 ADVISORY COMMITTEE SERVE WITHOUT COMPENSATION AND WITHOUT  
11 REIMBURSEMENT FOR EXPENSES.

12 (3) BEGINNING JULY 1, 2014, THE ADVISORY COMMITTEE AND THE  
13 DEPARTMENT SHALL CREATE AND RECOMMEND TO THE STATE BOARD THE  
14 PARAMETERS FOR THE INITIATIVE IN ACCORDANCE WITH THIS ARTICLE,  
15 INCLUDING APPLICATION PROCEDURES AND REQUIREMENTS, MINIMUM  
16 SCHOOL DESIGN REQUIREMENTS, CRITERIA FOR SELECTING INITIATIVE  
17 PARTICIPANTS, REPORTING AND ACCOUNTABILITY REQUIREMENTS, AND  
18 THE METHODS AND INDICATORS FOR MEASURING THE SUCCESS OF THE  
19 INITIATIVE. THE ADVISORY COMMITTEE SHALL SOLICIT GIFTS, GRANTS,  
20 AND DONATIONS TO PROVIDE FUNDING FOR THE INITIATIVE, WHICH GIFTS,  
21 GRANTS, AND DONATIONS THE STATE TREASURER SHALL CREDIT TO THE  
22 OPPORTUNITY SCHOOLS PILOT INITIATIVE FUND CREATED IN SECTION  
23 22-15-105.

24 (4) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO  
25 THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
26 C.R.S., TO IMPLEMENT THE INITIATIVE. THE STATE BOARD SHALL BASE  
27 THE RULES ON THE RECOMMENDATIONS OF THE DEPARTMENT AND THE

1 ADVISORY COMMITTEE.

2 **22-15-104. Opportunity schools pilot initiative - applications**

3 **- eligibility - program design requirements.** (1) THE DEPARTMENT,  
4 WITH ADVICE FROM THE ADVISORY COMMITTEE, SHALL ISSUE A REQUEST  
5 FOR APPLICANTS TO PARTICIPATE IN THE INITIATIVE. A PUBLIC SCHOOL  
6 THAT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS  
7 SECTION MAY SUBMIT AN APPLICATION IN ACCORDANCE WITH THE RULES  
8 OF THE STATE BOARD. THE DEPARTMENT, WORKING WITH THE ADVISORY  
9 COMMITTEE, SHALL REVIEW THE APPLICATIONS AND RECOMMEND TO THE  
10 STATE BOARD THE PUBLIC SCHOOLS THAT SHOULD PARTICIPATE IN THE  
11 INITIATIVE, TAKING INTO ACCOUNT THE PRIORITIES SPECIFIED IN  
12 SUBSECTION (4) OF THIS SECTION AND THE CRITERIA SPECIFIED IN RULES  
13 OF THE STATE BOARD. NO LATER THAN JANUARY 15, 2015, THE STATE  
14 BOARD SHALL SELECT THE FIRST COHORT OF PUBLIC SCHOOLS THAT  
15 PARTICIPATE IN THE INITIATIVE, AND NO LATER THAN JANUARY 15, 2016,  
16 THE STATE BOARD SHALL SELECT THE SECOND COHORT OF PUBLIC  
17 SCHOOLS THAT PARTICIPATE IN THE INITIATIVE.

18 (2) A PUBLIC SCHOOL MAY APPLY TO PARTICIPATE IN THE  
19 INITIATIVE IF THE PUBLIC SCHOOL:

20 (a) IS OPERATING AS OF THE EFFECTIVE DATE OF THIS ARTICLE OR  
21 IS A NEW SCHOOL AND SERVES OR WILL SERVE STUDENTS WHO ARE AT  
22 LEAST SIXTEEN BUT LESS THAN TWENTY-ONE YEARS OF AGE;

23 (b) IS DESIGNATED BY JULY 1, 2015, FOR THE FIRST COHORT OR  
24 JULY 1, 2016, FOR THE SECOND COHORT AS AN ALTERNATIVE EDUCATION  
25 CAMPUS BECAUSE AT LEAST NINETY-FIVE PERCENT OF THE STUDENTS IT  
26 SERVES OR WILL SERVE MEET THE DEFINITION OF A HIGH-RISK STUDENT  
27 AND THE PUBLIC SCHOOL MEETS THE OTHER CRITERIA FOR DESIGNATION



1 AS AN ALTERNATIVE EDUCATION CAMPUS SPECIFIED IN SECTION  
2 22-7-604.5 (1) (a) (I) TO (1) (a) (V);

3 (c) IS AUTHORIZED TO GRANT HIGH SCHOOL DIPLOMAS THROUGH  
4 ITS AUTHORIZER OR OFFERS A GENERAL EDUCATION DEVELOPMENT  
5 PROGRAM THAT INCLUDES ADDITIONAL SKILLS TRAINING TO ENSURE A  
6 STUDENT ACHIEVES POSTSECONDARY AND WORKFORCE READINESS, AS  
7 DEFINED IN SECTION 22-7-1003 (15);

8 (d) DEMONSTRATES THAT THE PUBLIC SCHOOL'S AUTHORIZER HAS  
9 NOTICE OF THE PUBLIC SCHOOL'S PARTICIPATION IN THE INITIATIVE; AND

10 (e) IS NOT AN ON-LINE SCHOOL AS DEFINED IN SECTION  
11 22-30.7-102(9.5); EXCEPT THAT A MULTI-DISTRICT ON-LINE SCHOOL THAT  
12 OPERATES ONE OR MORE LEARNING CENTERS AS PROVIDED IN SECTION  
13 22-30.7-111 MAY APPLY TO PARTICIPATE IN THE INITIATIVE.

14 (3) A PUBLIC SCHOOL THAT APPLIES TO PARTICIPATE IN THE  
15 INITIATIVE MUST DESCRIBE THE TRANSFORMATIVE, RESEARCH-BASED  
16 MODEL THAT IT WILL IMPLEMENT TO SERVE HIGH-RISK STUDENTS. IN ITS  
17 APPLICATION, THE PUBLIC SCHOOL MUST DEMONSTRATE THAT THE MODEL  
18 IS REPLICABLE, SCALABLE, MEASURABLE, AND SUSTAINABLE. IN ADDITION,  
19 THE MODEL MUST INCLUDE AT LEAST TWO OF THE FOLLOWING THREE  
20 ELEMENTS:

21 (a) HIGH-QUALITY COLLEGE AND CAREER-READY INSTRUCTION  
22 THAT INCLUDES STRONG ACADEMIC AND SOCIAL SUPPORT SERVICES;

23 (b) PROGRAMS TO BUILD COLLEGE AND CAREER-READY SKILLS  
24 AND TO PROVIDE INFORMED COUNSELING TO ASSIST STUDENTS IN THE  
25 TRANSITION FROM HIGH SCHOOL TO POSTSECONDARY ENROLLMENT; AND

26 (c) APPROPRIATE SUPPORTS FOR STUDENTS IN THE FIRST YEAR OF  
27 POSTSECONDARY ENROLLMENT TO ENSURE POSTSECONDARY PERSISTENCE

1 AND SUCCESS.

2 (4) IN RECOMMENDING APPLICANTS TO THE STATE BOARD, THE  
3 DEPARTMENT AND THE ADVISORY COMMITTEE SHALL GIVE PRIORITY TO  
4 APPLICANTS THAT:

5 (a) DESIGN A PROGRAM TO SERVE SPECIFIC SEGMENTS OF THE  
6 STUDENT POPULATION;

7 (b) DEMONSTRATE A RECORD OF ACHIEVING ACADEMIC GROWTH  
8 WITH STUDENTS IF THE APPLICANT HAS BEEN OPERATING FOR AT LEAST  
9 TWO SCHOOL YEARS, ESPECIALLY WITH REGARD TO RE-ENGAGING  
10 STUDENTS WHO HAVE DROPPED OUT OF SCHOOL OR BEEN EXPELLED;

11 (c) PRESENT PROGRAMS THAT ARE BASED ON CLEAR DESIGN  
12 PRINCIPLES THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

13 (I) A STUDENT-CENTERED FOCUS IN WHICH EDUCATIONAL  
14 SERVICES ARE DESIGNED SPECIFICALLY TO MEET THE NEEDS OF INDIVIDUAL  
15 STUDENTS, INCLUDING FLEXIBLE PROGRAMMING, COMPETENCY-BASED  
16 AND APPLIED-LEARNING APPROACHES, AND THE USE OF ACCOUNTABILITY  
17 INDICATORS THAT TAKE INTO ACCOUNT STUDENT ACADEMIC PROGRESS  
18 OVER TIME AND RELATIVE ACADEMIC GAINS;

19 (II) A COLLEGE AND CAREER READINESS FOCUS THAT INCLUDES  
20 MULTIPLE PATHWAYS TO POSTSECONDARY ENROLLMENT, TRANSITION  
21 SERVICES TO SUPPORT STUDENTS WHO ARE MOVING FROM HIGH SCHOOL TO  
22 POSTSECONDARY ENROLLMENT, WORK-BASED LEARNING, CONCURRENT  
23 ENROLLMENT INCLUDING FIFTH-YEAR CONCURRENT ENROLLMENT  
24 PROGRAMS, AND OTHER ACCELERATED LEARNING OPTIONS; AND

25 (III) A FOCUS ON PROVIDING WRAPAROUND SUPPORT SERVICES FOR  
26 STUDENTS THROUGH PARTNERSHIPS WITH MULTIPLE PUBLIC AGENCIES AND  
27 PRIVATE ENTITIES. SUPPORT SERVICES MAY INCLUDE, BUT NEED NOT BE

1 LIMITED TO, DRUG AND ALCOHOL TREATMENT, HEALTH CARE, MENTAL  
2 HEALTH CARE, CHILD CARE, BEHAVIORAL SUPPORTS, AND CAREER  
3 OPPORTUNITIES;

4 (d) IMPLEMENT EFFECTIVE ENROLLMENT STABILIZATION POLICIES;

5 (e) ENROLL A SUFFICIENTLY LARGE NUMBER OF STUDENTS TO BE  
6 ABLE TO REPORT, AND TO ENABLE THE DEPARTMENT TO EFFECTIVELY  
7 ANALYZE, ACCOUNTABILITY MEASURES; AND

8 (f) DEMONSTRATE EFFECTIVE STRATEGIES FOR SUSTAINING THE  
9 MODEL BEYOND THE DURATION OF THE INITIATIVE.

10 **22-15-105. Opportunity school pilot initiative fund - created**

11 **- funding for opportunity schools.** (1) (a) THERE IS CREATED IN THE  
12 STATE TREASURY THE OPPORTUNITY SCHOOL PILOT INITIATIVE FUND TO  
13 PROVIDE ADDITIONAL MONEYS FOR OPPORTUNITY SCHOOLS AND TO OFFSET  
14 THE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THIS  
15 ARTICLE. THE FUND CONSISTS OF THE MONEYS THE GENERAL ASSEMBLY  
16 APPROPRIATES DURING THE 2014 REGULAR LEGISLATIVE SESSION TO THE  
17 FUND AND ANY AMOUNTS CREDITED TO THE FUND PURSUANT TO SECTION  
18 22-15-103 (3).

19 (b) THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED  
20 TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS INCURRED IN  
21 IMPLEMENTING THIS ARTICLE. THE STATE TREASURER MAY INVEST ANY  
22 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE  
23 AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST  
24 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS  
25 IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED  
26 MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR MUST  
27 REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO

1 THE GENERAL FUND OR ANOTHER FUND.

2 (2) FOR THE 2015-16 BUDGET YEAR AND EACH BUDGET YEAR  
3 THEREAFTER, EACH OPPORTUNITY SCHOOL RECEIVES AN AMOUNT EQUAL  
4 TO THIRTY PERCENT OF THE STATEWIDE AVERAGE PER PUPIL REVENUES  
5 FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE OPPORTUNITY  
6 SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR. THE  
7 DEPARTMENT SHALL DISTRIBUTE THE AMOUNT FOR EACH OPPORTUNITY  
8 SCHOOL TO THE SCHOOL'S AUTHORIZER, AND THE AUTHORIZER SHALL  
9 FORWARD THE ENTIRE AMOUNT TO THE OPPORTUNITY SCHOOL. THE  
10 AMOUNT THAT THE OPPORTUNITY SCHOOL RECEIVES PURSUANT TO THIS  
11 SUBSECTION (2) IS IN ADDITION TO THE AMOUNT THAT THE OPPORTUNITY  
12 SCHOOL OTHERWISE RECEIVES FROM THE AUTHORIZER FOR EACH BUDGET  
13 YEAR.

14 (3) THE DEPARTMENT MAY USE UP TO THREE PERCENT OF THE  
15 MONEYS CREDITED AND APPROPRIATED TO THE FUND TO OFFSET THE  
16 DIRECT AND INDIRECT COSTS INCURRED IN IMPLEMENTING THIS ARTICLE  
17 AND TO PROVIDE TECHNICAL SUPPORT TO OPPORTUNITY SCHOOLS.

18 **22-15-106. Accountability - opportunity schools.** (1) AN  
19 OPPORTUNITY SCHOOL IS SUBJECT TO THE SAME ACCOUNTABILITY  
20 REQUIREMENTS THAT APPLY TO OTHER ALTERNATIVE EDUCATION  
21 CAMPUSES AS SPECIFIED IN ARTICLE 11 OF THIS TITLE AND IN RULES OF THE  
22 STATE BOARD. IN ADDITION, EACH OPPORTUNITY SCHOOL SHALL PROPOSE  
23 ADDITIONAL PERFORMANCE MEASURES THAT ARE RELATED TO THE  
24 PERFORMANCE INDICATORS SPECIFIED IN SECTION 22-11-204 AND THAT  
25 ARE VALID, RELIABLE, AND MEASURABLE AND SPECIFICALLY TAILORED TO  
26 MEASURE PERFORMANCE UNDER THE OPPORTUNITY SCHOOL'S UNIQUE  
27 DESIGN AND MISSION. THE DEPARTMENT, WITH ADVICE FROM THE

1 ADVISORY COMMITTEE, SHALL REVIEW THE OPTIONAL MEASURES TO  
2 ENSURE THEY MEET THE REQUIREMENTS OF THIS SUBSECTION (1).

3 (2) THE DEPARTMENT SHALL ANNUALLY COLLECT AND PUBLICLY  
4 REPORT ON THE DEPARTMENT WEB SITE DATA CONCERNING THE SUPPORT  
5 SERVICES PROVIDED THROUGH OPPORTUNITY SCHOOLS TO STUDENTS  
6 ENROLLED IN THE OPPORTUNITY SCHOOLS. THE DEPARTMENT SHALL  
7 COMPLY WITH FEDERAL AND STATE PRIVACY LAWS IN COLLECTING AND  
8 PUBLISHING DATA PURSUANT TO THIS SUBSECTION (2).

9 (3) THE DEPARTMENT AND THE ADVISORY COMMITTEE SHALL  
10 REGULARLY REVIEW THE PERFORMANCE OF EACH OPPORTUNITY SCHOOL,  
11 FOCUSING ON THE SCHOOL'S LEVEL OF STUDENT ACHIEVEMENT, ACADEMIC  
12 GROWTH, STUDENT ENGAGEMENT, AND OTHER INDICATORS THAT  
13 DEMONSTRATE THAT STUDENTS ARE SUCCESSFULLY OBTAINING SKILLS  
14 NEEDED TO ACHIEVE POSTSECONDARY AND WORKFORCE SUCCESS.

15 (4) AFTER AT LEAST TWO SCHOOL YEARS OF PERFORMANCE DATA  
16 ARE AVAILABLE AFTER AN OPPORTUNITY SCHOOL BEGINS PARTICIPATING  
17 IN THE INITIATIVE, IF THE OPPORTUNITY SCHOOL IS NOT MEETING THE  
18 EXPECTATIONS ESTABLISHED BY THE OPPORTUNITY SCHOOL AND BY THE  
19 DEPARTMENT FOR THE INITIATIVE, THE DEPARTMENT, WITH THE ADVICE OF  
20 THE ADVISORY COMMITTEE, MAY RECOMMEND THAT THE STATE BOARD  
21 REDUCE OR DISCONTINUE THE AMOUNT OF ADDITIONAL FUNDING THE  
22 OPPORTUNITY SCHOOL RECEIVES.

23 (5) THE AUTHORIZER OF AN OPPORTUNITY SCHOOL RETAINS THE  
24 AUTHORITY TO OVERSEE AND, IF DEEMED NECESSARY, CLOSE AN  
25 OPPORTUNITY SCHOOL, REGARDLESS OF THE SCHOOL'S STATUS AS AN  
26 OPPORTUNITY SCHOOL.

27 **22-15-107. Opportunity school pilot initiative - reporting -**

1 **evaluation.** (1) THE DEPARTMENT, WITH THE ADVICE OF THE ADVISORY  
2 COMMITTEE, SHALL ESTABLISH CLEAR MEASURES TO EVALUATE THE  
3 SUCCESS OF THE INITIATIVE. THE MEASURES MAY INCLUDE, BUT NEED NOT  
4 BE LIMITED TO:

5 (a) OVERALL OPPORTUNITY SCHOOL PERFORMANCE, ACADEMIC  
6 GROWTH OF STUDENTS ENROLLED IN OPPORTUNITY SCHOOLS, AND OTHER  
7 MEASURES OF STUDENT GAINS ESTABLISHED SPECIFICALLY FOR THE  
8 OPPORTUNITY SCHOOLS;

9 (b) EVIDENCE THAT THE ACCOUNTABILITY MEASURES THAT THE  
10 OPPORTUNITY SCHOOLS ADOPT ARE IMPACTING THE DEPARTMENT'S  
11 OVERSIGHT OF OTHER PUBLIC SCHOOLS AND IMPACTING THE  
12 ACCOUNTABILITY MEASURES THAT OTHER SCHOOLS ADOPT;

13 (c) EVIDENCE THAT THE INCREASED LEVEL OF FUNDING THAT  
14 OPPORTUNITY SCHOOLS RECEIVE PURSUANT TO SECTION 22-15-105 (2) IS  
15 POSITIVELY IMPACTING THE OPPORTUNITY SCHOOLS' PERFORMANCE; AND

16 (d) EVIDENCE THAT OTHER ALTERNATIVE EDUCATION CAMPUSES  
17 AND OTHER PUBLIC SCHOOLS ARE REPLICATING THE MODELS AND  
18 PRACTICES IMPLEMENTED BY THE OPPORTUNITY SCHOOLS.

19 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT  
20 ENTITY TO EVALUATE THE INITIATIVE IN THE THIRD YEAR OF OPERATIONS  
21 AND EVERY THIRD YEAR THEREAFTER. THE ENTITY SHALL PREPARE A  
22 QUALITATIVE AND QUANTITATIVE REPORT OF THE INITIATIVE THAT THE  
23 GENERAL ASSEMBLY MAY USE IN DETERMINING WHETHER TO CONTINUE  
24 FUNDING THE INITIATIVE. THE QUALITATIVE REPORT MAY INCLUDE  
25 RECOMMENDATIONS FOR CHANGES IN POLICY AND PRACTICE IN  
26 IMPLEMENTING THE INITIATIVE. THE DEPARTMENT SHALL SUBMIT THE  
27 REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF

1 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,  
2 AND PUBLISH THE REPORT ON THE DEPARTMENT'S WEB SITE.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.