

Maramba, Angela

From: Haniford, Rhonda
Sent: Thursday, March 17, 2022 12:48 PM
To: Maramba, Angela
Cc: Julie Tolleson
Subject: FW: April Hearing Clarification
Attachments: 2022-2-7 Tolleson to Salazar - response letter.pdf

Rhonda Haniford
Associate Commissioner
School Quality and Support



COLORADO
Department of Education

P 303-909-7242
201 East Colfax Ave, Room 405, Denver, CO 80203
Haniford_r@cde.state.co.us | www.cde.state.co.us
Pronouns: She/her/hers



Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.

From: Haniford, Rhonda <Haniford_r@cde.state.co.us>
Sent: Friday, February 25, 2022 2:16 PM
To: Lewis, Ramona <rlewis@adams14.org>; Renee Lovato <rlovato@adams14.org>; 'mdzubia.boe@adams14.org' <mdzubia.boe@adams14.org>; 'jestrada.boe@adams14.org' <jestrada.boe@adams14.org>; 'jamador.boe@adams14.org' <jamador.boe@adams14.org>; Burke, Shelagh <saburke@adams14.org>; kloria@adams14.org
Cc: Liljengren, Johann <Liljengren_J@cde.state.co.us>
Subject: April Hearing Clarification

Hello Board President Lewis, Board Vice President Lovato, Board member Zubia, Board member Estrada, Board member Amador, Dr. Loria, and Ms. Burke,

Johann and I watched your February 22 work session. You certainly covered a lot of ground! Having listened to your conversation about preparations for the State Board's April accountability hearings, we wanted to provide this letter clarifying the process going forward. Although the process remains relatively unchanged from 2017 and 2018, we know that the local board and many district staff are new to the process. We remain committed to supporting Adams 14 in advance of the hearing and are happy to come spend time with you all in a work session or support district staff further. We also attached a February 7, 2022, letter from the State Board's counsel to Mr. Salazar that touched on some of these topics.

First, know that you are not **required** to do anything in advance of the April hearing. Nothing in the Accountability Act or its rules require a district to make a proposal regarding its preferred course of

directed action. But as part of the first “end of clock” hearings in 2017, CDE and the State Board of Education designed a collaborative process in which schools and districts could propose which of the statutory options it believed could best assist in turnaround, presenting a plan that explained their theory of action. Adams 14’s “pathway plans” (as we called them then) in both [2017 concept paper](#) and [2018 district presentation](#) are on Board Docs and may be a helpful reference point.

We have crafted the process because we firmly believe—as does the state board—that directed action has the best chance of success when it has local community buy-in. That may not always be possible, but it is why we invite district proposals. The state board has always wanted to hear what a district believes it needs to improve, directly from the district. So, in its [procedures for accountability hearings](#), the state board offers a district the opportunity to submit any materials it wishes for the hearing (see Section C(II)(b) on page 10). The state board’s [February 4, 2022 Order](#) made this clear: “The District may propose a course of action at the rehearing” (Paragraph B(b) on page 12) and this proposal could include one or more of the statutory options. But submitting materials—such as a proposal—is *completely optional*.

We understand the district may be interested in continuing with external management. We heard confusion in comments at your work session as to whether you must have completed a selection process prior to the April hearing. The answer is no. You are not required to issue an RFQ on a certain timeline—or at all. You are not required to name an external management partner. If it is helpful to see, in Adams 14’s [2018 district presentation](#) (slide 26) to the state board, an external management RFQ timeline was set to begin after the 2018 hearing direction.

In 2017 and 2018, your district opted to submit detailed proposals to the state board. And every district that has come before the state board for an accountability hearing has done the same. To support districts in crafting proposals, CDE has created [guidance and rubrics](#) on each of the statutory options (see bottom of that webpage, “Accountability Pathways Resources” section). We’ve previously shared those documents with district leaders. CDE uses these rubrics to assess any district proposal for the state board and provides that feedback to the board as part of the hearing materials. So, if you choose to submit a proposal, we encourage you to incorporate these resources.

In addition to that standard guidance from CDE, state board members have identified other topics they would like addressed in any district proposal—if you choose to submit one. These are listed in the [February 18, 2022 Scheduling Notice](#) (see “State Board Requested Plan Components” section on pages 3-4). Setting out those requests in the scheduling order is intended to assist your preparations. As the notice says, the state board “encourages” you to address these subjects because its members believe that such information will assist their decision making.

I want to specifically address comments I heard at the work session about the process for selecting a Lead Partner. Again, it is completely up to you to decide if you want to submit a proposal for external management (or any proposal at all) and what that proposal might include. If you propose continuing external management, the state board’s [February 4 Order](#) asks that your process “reflect the same *scope of work and rigor*” that it did in 2018-19 (Paragraph B(b) on page 12). This suggestion aligns with CDE’s [rubric for the management pathway](#), which includes as criteria three bullet points about the selection process (page 4). Again, *none of this is required*. It is just what the state board and CDE suggest for having the strongest possible proposal.

Second, I heard some questions about how long any directed action might last. The February 4 Order explained: “The State Board will direct the District to either continue the previously directed action or undertake additional or different statutory actions, as the Accountability Act requires” (Paragraph B,

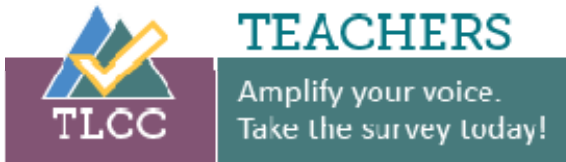
pages 11-12). As you all noted, the 2018 Order contemplated external management for at least four years, knowing that district-wide turnaround does not happen overnight. If you opt to submit a proposal, we encourage you to think deeply about what sort of timeframe will be necessary to ensure district turnaround.

And finally, let me restate that we are here to support you. When you have questions about the hearings, what the state board might find useful in a proposal, or anything else, please reach out. Our regular progress monitoring meetings with district leadership would be a great opportunity to discuss this, and we're happy to jump on the phone or email at other times too.

As I know personally from my time in Greeley, preparing for an accountability hearing is stressful and a *lot* of work, especially if you choose to propose a specific course of action. But such work can be useful as the state board determines what directed action will best support Adams 14's students in getting the world-class education they deserve. We appreciate that you share that goal.

Best,
Rhonda

Rhonda Haniford
Associate Commissioner
School Quality and Support



P 303-909-7242
201 East Colfax Ave, Room 405, Denver, CO 80203
Haniford_r@cde.state.co.us | www.cde.state.co.us
Pronouns: She/her/hers



Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.

PHIL WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General
ERIC T. MEYER
Chief Operating Officer



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000
State Services Section

February 07, 2022

Joe Salazar, Esq.
P. O. Box 370
Eastlake, CO 80614
via electronic mail

RE: Adams 14 School District

Dear Joe:

I was surprised to receive your letter denominated as a “Notice of Complaint.” It starts with questions that can easily be answered in a telephone call. A simple phone call (either from you to us or District leadership to the CDE team) is what I recommended when you served the Request for Clarification last month. In addition, CDE staff meet regularly with District leaders precisely to assist with questions such as these.

I’d also ask you to consider whether litigation-style pleadings are the best mechanism for moving forward. It is true that the State Board is acting quasi-judicially, that it will hold a hearing on this matter, and that its decision will be subject to judicial review. The Board generally meets only monthly and can only make decisions in quorum, making motions unhelpful where, as here, you are simply seeking information about next steps in the hearing process.

I turn next to your objections about the State Review Panel. As the State Board explained in its February 4th order, the SRP is to conduct its standard, objective analysis—no more, no less—as provided in the Accountability Act. Neither the State Board nor CDE designates who serves on any particular panel. This SRP autonomy is by design. The panel is independent, with a membership drawn from those with experience in K-12 education and specifically in school and district turnaround. *See* § 22-11-205. An independent contractor, SchoolWorks, coordinates panelists. The panel’s general scope of work is enumerated at § 22-11-208(3), and you can find the list of actions it may recommend at § 22-11-209(2)(a).

Who the State Review Panel interviews, and how it goes about its process, is entrusted to the panel's discretion, with guidance from SchoolWorks. The District should not be attempting to manipulate the panel makeup or direct the process it uses. If the District objects to the panel's findings and recommendation, it may do so at hearing.

The State Review Panel has evaluated the District at least twice before. The rubric it will use, and the structure of its report and recommendation, will be fundamentally unchanged from 2018. That report is still online at <https://tinyurl.com/2018-A14-SRP>. You can find additional helpful background on the panel's process and methodology at <https://tinyurl.com/SRPProtocols>.

You are right to note the importance of community feedback. In fact, the State Board's accountability procedures invite it. *See Accountability Procedures of 2020*, Part C(II), at <https://tinyurl.com/SBEAcctProcedures>. Your client is no doubt familiar with that process because we used it in 2018. The public comment process is separate from the SRP, which is evaluating district leadership, infrastructure, capacity, and readiness.

I am saddened that the District chooses to see statutorily-mandated intervention and support as driven by racial animus. I see CDE staff as a team of career educators determined to help Adams 14 students get the quality of education they deserve. We can all agree that they have not been receiving that and that something should be done about it.

CDE has energetically supported the District and will continue to do so. Since 2019-20, Adams 14 has received \$5.2 million in discretionary, competitive grants to assist in turnaround. In no other district is CDE providing comprehensive help to reverse past failures to serve English Learners. And CDE has reached out to Superintendent Loria with an offer to pay for school-based support through the end of the school year.

The timing and degree of state intervention under the Accountability Act flows from statutory requirements, not State Board preferences. That legal reality makes comparisons to Douglas County School District unavailing. DCSD is not on the accountability clock; there is no legal authority for sending the State Review Panel to evaluate it. Nor is there any jurisdictional basis for the State Board to intervene in DCSD's personnel actions or arbitrate its Open Meeting Law compliance. As a historical note, though, the State Board ordered DCSD to close an online charter elementary school after a 2020 accountability hearing.

I believe that the Board office is looking at an April hearing date, and a scheduling order will issue within a few days. My hope remains that Adams 14 will devote the next two months to developing a robust proposal, as it did in 2018.

If instead the Local Board chooses to invest its resources in litigation instead of a cooperative path towards turnaround, I am authorized to accept service on behalf of the State Board or CDE.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/

Julie C. Tolleson
First Assistant Attorney General
Julie.Tolleson@coag.gov

cc: CDE leadership