

22-7-604.5. Alternative education campuses - criteria - application - rule-making - definition.

(1) A public school may apply to the state board for designation as an alternative education campus. The state board shall adopt rules specifying the criteria and application process for a public school to be designated an alternative education campus. The rules must include but need not be limited to:

(a) Criteria that a public school must meet to be designated an alternative education campus, including but not limited to the following:

(I) Having a specialized mission and serving a special needs or at-risk population;

(II) Being an autonomous public school;

(III) Having an administrator who is not under the supervision of an administrator at another public school;

(IV) Having a budget separate from any other public school;

(V) Having nontraditional methods of instruction delivery; and

(VI) (A) Serving students who have severe limitations that preclude appropriate administration of the assessments administered pursuant to section 22-7-1006.3;

(B) Serving a student population in which more than ninety percent of the students have an individualized education program pursuant to section 22-20-108 or meet the definition of a high-risk student contained in subsection (1.5) of this section, or any combination of these two criteria that equals at least ninety percent of the student population; or

(C) Serving students who attend on a part-time basis and who come from other public schools where the part-time students are counted in the enrollment of the other public school; except that the results of the assessments administered pursuant to section 22-7-1006.3 to all part-time students and high-risk students as defined in subsection (1.5) of this section must be used in determining the levels of attainment on the performance indicators for the public school for which the student is counted for enrollment purposes;

(D) (Deleted by amendment, L. 2010, (SB 10-154), ch. 157, p. 541, § 1, effective April 21, 2010.)

(b) A procedure for a district school board to request that the state board designate a public school of the school district as an alternative education campus; and

(c) (Deleted by amendment, L. 2009, (SB 09-163), ch. 293, p. 1520, § 2, effective May 21, 2009.)

(d) A procedure for a district school board to appeal to the state board a denial of a request for designation.

(1.5) As used in this section, unless the context otherwise requires, a "high-risk student" means a student enrolled in a public school who:

(a) Has been committed to the department of human services following adjudication as a juvenile delinquent or is in detention awaiting disposition of charges that may result in commitment to the department of human services;

(b) Has dropped out of school or has four excused or unexcused absences from public school in any one month or ten excused or unexcused absences from public school during any school year. Absences due to suspension or expulsion of a student are considered absences for purposes of this paragraph (b).

(c) Has been expelled from school or engaged in behavior that would justify expulsion;

(d) Has a documented history of personal drug or alcohol use or has a parent or guardian with a documented substance use disorder;

(e) Has a documented history of personal street gang involvement or has an immediate family member with a documented history of street gang involvement;

(f) Has a documented history of child abuse or neglect, has been adjudicated a ward of the court, or has been involved in the foster care system;

(g) Has a parent or guardian in prison or on parole or probation or has experienced the loss of a parent or sibling;

(h) Has a documented history of domestic violence in the immediate family;

(i) Has a documented history of repeated school suspensions;

(j) Is a parent or pregnant woman under the age of twenty years;

(k) Is a migrant child, as defined in section 22-23-103 (2);

(l) Is a homeless child, as defined in section 22-1-102.5 (2)(a);

(m) Has a documented history of a mental health disorder or behavioral issue or has experienced significant trauma; or

(n) Is over traditional school age for his or her grade level and lacks adequate credit hours for his or her grade level.

(2) (a) A district school board for a public school that desires to be considered an alternative education campus pursuant to this section shall file with the state board a request for designation

as an alternative education campus. The request shall be in a form approved by the state board and shall contain sufficient information to establish that the public school meets the requirements of the rules adopted pursuant to paragraph (a) of subsection (1) of this section. The state board shall approve the designation of alternative education campus for any public school for which a request is filed pursuant to this subsection (2) that is found by the state board to meet the requirements of the rules adopted pursuant to paragraph (a) of subsection (1) of this section.

(b) Repealed.

(2.5) (a) The department shall annually review the performance of each alternative education campus based on the criteria specified by rule of the state board pursuant to section 22-11-210 (1)(b) and shall recommend to the commissioner and the state board whether the alternative education campus shall adopt a performance, improvement, priority improvement, or turnaround plan, as said plans are described in sections 22-11-403 to 22-11-406. Based on the recommendations, the state board, pursuant to section 22-11-210 (2), shall notify each alternative education campus and its district school board, or the institute if the alternative education campus is an institute charter school, of the type of plan the alternative education campus shall adopt. In adopting its plan, each alternative education campus shall comply with the provisions of sections 22-11-403 to 22-11-406, as applicable.

(b) The district school board for an alternative education campus or the institute, if the alternative education campus is an institute charter school, shall specify the accreditation category for the alternative education campus in accordance with the accreditation process adopted by the district school board or the institute pursuant to section 22-11-307.

(c) Notwithstanding the provisions of section 22-11-503, the school performance report for an alternative education campus shall include the information specified by rule of the state board that will effectively communicate to the parents of students enrolled in the alternative education campus and to the public the performance of the alternative education campus and the performance of students enrolled in the alternative education campus.

(d) (Deleted by amendment, L. 2009, (SB 09-163), ch. 293, p. 1520, § 2, effective May 21, 2009.)

(e) Repealed.

(3) (a) Except as excluded pursuant to section 22-7-1006.3, the results of the assessments administered pursuant to section 22-7-1006.3 to all part-time students attending a school or a program that is designated an alternative education campus pursuant to this section must be included in determining the levels of attainment on the performance indicators achieved by the school to which the student is assigned for enrollment purposes.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), for a part-time student with an individualized education program pursuant to section 22-20-108, the school district in which the student is enrolled, or, in the case of a board of cooperative services, the

administrative unit, may designate either the school of residency or the school of attendance as the school to which the student's scores shall be assigned to determine levels of attainment on the performance indicators.

Source: **L. 2002:** Entire section added, p. 465, § 2, effective May 24. **L. 2004:** IP(1), (1)(a)(VI)(B), and (1)(a)(VI)(C) amended and (1)(a)(VI)(D), (1.5), and (2.5) added, p. 488, §§ 2, 3, effective April 20. **L. 2005:** (3) amended, p. 491, § 2, effective May 10. **L. 2006:** (2.5)(c)(I) amended, p. 432, § 8, effective April 13. **L. 2009:** Entire section amended, (SB 09-163), ch. 293, p. 1520, § 2, effective May 21. **L. 2010:** (1)(a)(VI) and (1.5)(i) amended and (1.5)(k), (1.5)(l), and (1.5)(m) added, (SB 10-154), ch. 157, pp. 541, 542, §§ 1, 2, effective April 21. **L. 2011:** (1)(a)(VI)(B), IP(1.5), (1.5)(l), (1.5)(m), and (2)(a) amended and (1.5)(n) added, (HB 11-1277), ch. 306, p. 1473, § 2, effective August 10. **L. 2015:** IP(1), (1)(a)(VI)(A), (1)(a)(VI)(C), and (3)(a) amended, (HB 15-1323), ch. 204, p. 721, § 24, effective May 20. **L. 2016:** (1)(a)(VI)(B), (1.5)(b), (1.5)(f), (1.5)(g), and (1.5)(m) amended, (HB 16-1429), ch. 249, p. 1020, § 1, effective June 8. **L. 2017:** (1.5)(d) and (1.5)(m) amended, (SB 17-242), ch. 263, p. 1319, § 170, effective May 25. **L. 2021:** (2.5)(e) added, (HB 21-1161), ch. 10, p. 58, § 4, effective March 16.