

## **Relations with District Charter Schools**

(Procedures for Establishment, Renewal, Revocation and Waivers)

*NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects basic legal requirements school districts must follow. This sample regulation does not contain all of the requirements set forth in law. The district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs. In addition, district personnel are advised to consult the statutes when negotiating a charter contract.*

***This regulation was substantially revised in July 2010. Due to the extensive revisions, the regulation is presented as all new language.***

### **A. Application requirements**

#### **Prerequisite for filing application**

A district charter school applicant must demonstrate that a majority of the proposed district charter school's pupils will reside in the chartering school district or in contiguous school districts in order to apply for or be granted a charter.

#### **Intent to apply**

At least 30 days before submitting an application, applicants must file an intent to apply form (LBD\*-E) with the district. *[Note: The district may establish a reasonable time period in which to require an "intent to apply" form before the deadline for submission of an application.]*

#### **Timeline for submission of application**

In accordance with this regulation, a district charter school applicant shall submit an application to the district by August 15 of the year preceding the proposed opening of the district charter school. This allows time for district administrator(s) to review the application for completeness and a review by the district accountability committee before the application is officially submitted to the Board. However, the Board and the applicant may jointly waive this deadline. *[Note: The Board can establish a deadline date that falls any time between August 15 and October 1. C.R.S. 22-30.5-107(1). If the date for submitting applications is changed, the Board must notify each charter applicant of the change by certified letter.]*

#### **Contents of the application**

**1. Intent to apply form (exhibit [LBD\\*-E](#))**

**2. Executive summary**

Provide an executive summary that outlines the elements of the application and provides an overview of the proposed charter school.

**3. Vision and mission**

Provide a copy of the vision and mission statements of the district charter school and a description of the process used to develop the statements.

#### **4. Goals, objectives and student performance standards**

State the proposed four-year goals for the district charter school including timelines. Describe the process used to identify the goals. The goals shall address accreditation performance indicators and applicable goals and standards in federal law.

#### **5. Purpose and evidence of support**

State the purpose for the district charter school and a geographic description of the area of intended service.

Provide evidence that an adequate number of parents/guardians and students support the formation of the district charter school. Where possible, this evidence shall be shown in aggregate (by grade level and school), without disclosing personally identifiable student information.

#### **6. Student achievement and curriculum**

Describe the district charter school's educational program, student performance standards and curriculum that shall provide students with the educational experiences necessary to achieve the standards.

Detail the plan for academic accountability, including a description of measurable annual targets for the measures used to determine the levels of attainment of the accreditation performance indicators.

Describe the curriculum to be used in the district charter school, including a list of the objectives and means of measuring student performance for each subject and each grade level.

Describe the district charter school's procedures for taking corrective action in the event that student performance at the school falls below the specified targets for the measures used to determine the levels of attainment of the accreditation performance indicators.

Describe the policies regarding student discipline, expulsion and suspension that are consistent with the intents and purposes of state and federal law.

Describe the plan for addressing the needs of students with special needs, including budget and staff requirements. The plan shall include identifying and meeting the learning needs of at-risk students, students with disabilities, gifted students and English language learners.

*[Optional: Describe the manner in which the district charter school will collect and use longitudinal assessment data in determining and improving the academic progress achieved by district charter school students.]*

#### **7. Criteria for enrollment decisions**

Consistent with state and federal law, describe the enrollment policy and the criteria for enrollment decisions.

#### **8. Governance and decisionmaking**

Describe the governing body, including a detailed description of the relationship between the district charter school and the school district.

Consistent with state law, describe the types and extent of parental, professional educator and community involvement in the governance and operation of the district charter school. Provide information on how the district charter school will be accountable to the public.

Describe expectations and plans for ongoing parent and community involvement.

*[Optional: Provide draft bylaws for the district charter school.]*

## **9. Employment plan and practices**

Describe the employment policies of the district charter school including a description of the qualifications for licensed and classified employees, employee compensation schedule(s), recruitment and selection procedures, plan(s) for resolving employee relation problems, and the relationship that will exist between the district charter school and its employees.

## **10. Financial data, facilities and transportation**

Provide necessary evidence that the plan for the district charter school is economically sound.

Include a proposed budget for a term of at least five years and a description of the manner in which an independent annual audit of the financial statements is to be obtained, consistent with state and federal law. The proposed budget shall include all information and data necessary for the district and Board to understand how the district charter school will fund all of its operations during the term of the charter. A student fee schedule should be included in addition to a proposed schedule of cash flow.

*[Optional: If the district charter school intends to seek grants or donations, the application shall include an explanation of the contingency plan if the school is unsuccessful in securing such funding.]*

Detail the plan for fiscal accountability.

*[Optional: Describe the services the district charter school plans to purchase from the district.]*

Provide a detailed summary of all insurance coverage, which shall include workers' compensation, liability insurance, and insurance for the facility and its contents, and a proposal regarding the parties' respective legal liabilities.

Describe the facilities to be used, the reasonable costs of the facilities, and the way they will be obtained and maintained. Include any contracted services and the proposed contractor.

Describe the proposed student transportation system and food services program, including the contract if services will be provided by a second party. If transportation or food services are to be provided by the district charter school, include a plan for addressing the needs of low income students, complying with insurance and liability issues and complying with state and federal law.

Address whether the district charter school seeks authority to impose a transportation fee on enrolled students and if so, describe the circumstances and procedures by which the district charter school will impose such a transportation fee.

## **11. Dispute resolution**

Describe the process consistent with state law that will be used to resolve disputes that may arise between the district and the district charter school.

## **12. Requested "automatic waivers" under state law**

List the state laws and regulations included in the State Board of Education's list of "automatic waivers" that the district charter school requests.

**13. Requested waivers that are not "automatic waivers" under state law**

List the district policies for which waivers are requested. Include the reasons for each request.

List the state laws and regulations for which waivers are requested. Include the reasons for each request.

Include a statement saying how the district charter school plans to comply with the intent of the statutes, rules and policies that are waived.

**14. Education management provider, if applicable**

Include the following information if the district charter school intends to contract with an education management provider (EMP):

- a summary of the performance data for all current schools of the EMP, including documentation of academic achievement and school management success
- an explanation and evidence of EMP's capacity for successful expansion
- an explanation of existing or potential conflicts of interest between the governing board of the district charter school and the EMP
- a copy of the actual or proposed performance contract between the district charter school board and the EMP that specifies performance evaluation measures, methods of contract oversight and enforcement, compensation structure and fees, and conditions for contract renewal and termination.

**15. Additional information**

Provide any additional information that might be helpful in supporting the application to establish a district charter school.

In accordance with state law, the approved district charter school application will be the basis for negotiating a contract between the district and the district charter school. At a minimum, the application shall include the following:

**Submission procedures**

No application fee will be charged by the Board.

The applicant must provide two original copies of the completed application printed single-sided on white paper, not stapled, and an electronic copy of the application on a disk.

At least 30 days prior to submitting an application, the applicant shall complete the intent to apply form (exhibit LBD\*-E) and provide the completed form to the district's designated administrator(s).

On or before August 15 of the year preceding the proposed opening of the district charter school, the applicant shall submit the application to the district's designated administrator(s), who shall review the application for completeness.

If the application is deemed complete, the district administrator will indicate the date of receipt and forward the application to the district accountability committee. If the application is deemed incomplete, the district administrator will document the application's deficiencies in a written notice to the applicant. Applicants shall be allowed 20 calendar days from the date of receipt of such notification to provide information responsive to the identified deficiencies. *[Note: The district must allow a reasonable time period for the applicant to correct deficiencies. C.R.S. 22-30.5-107(1).]* Alternatively, the applicant may elect to withdraw the application or submit a complete application in a future year.

If the application is deemed complete, the district administrator will indicate the date the applicant filed the initial application and forward the application to the district accountability committee.

*[Optional: Applicants are encouraged to submit applications before the August 15 deadline so there will be sufficient time for review by the district's administration and the district accountability committee prior to submission of an official application to the Board.]*

#### **Review by district accountability committee**

The district accountability committee shall review an application before submission to the Board. The committee shall include one person, who need not reside in the district, with knowledge of district charter schools and one parent of a student in the district. The parent must be a district charter school parent if the district has a district charter school. The district accountability committee will have 20 calendar days to review the application. *[Note: The district may establish a reasonable period of time for the district accountability committee to review the application.]* Upon the committee's completion of its review, the designated district administrator(s) shall forward the application to the Board for review at the next regular Board meeting.

*[Note: Some districts require the district accountability committee to review the application for completeness instead of designating district administrators to do this part of the process.]*

#### **Review by the Board**

The Board shall not accept or consider an incomplete application. Statutory timelines for Board action upon the district charter application shall commence upon the Board's adoption of a resolution accepting the completed application at a Board meeting. The parties may mutually agree to waive any deadlines during the application process, including extending the deadline for Board consideration of the application.

*[Optional: Once a complete application has been accepted by the Board, the Board will interview the district charter applicant. Interviewing the applicant does not preclude the Board from requiring the applicant to submit additional information or documentation.]*

#### **Public meetings**

After giving reasonable notice, the Board shall schedule and hold community meetings in the affected areas or the entire district to obtain information to assist the Board to make a decision about the district charter school application.

#### **Decision on the district charter application**

The Board shall make a decision on the district charter school application by resolution in a regular or special Board meeting within 90 days of accepting the complete application or such deadline as may be mutually agreed upon by the Board and the applicant. The Board may approve, approve with conditions, or deny the district charter application.

The Board may unilaterally impose conditions on a district charter school applicant only through adoption of a Board resolution. Such resolution shall, at a minimum, state the Board's reasons for imposing the conditions unilaterally.

If the application is approved with conditions, the applicant must satisfy all conditions before the Board may approve the application. An applicant's failure to satisfy all of the Board's conditions shall result in the Board's denial of the application.

If the application is approved, the district charter shall be granted for a period of at least three academic years.

If the application is denied or if the Board does not review the application, the Board will set forth in writing the grounds for denial or refusal to review. The Board shall notify the Colorado Department of Education of the denial and the reasons within 15 days after it makes this decision. If the application is approved, the Board will send a copy of the approved district charter to the Department of Education within 15 days after Board approval of the application.

### **Negotiations**

All negotiations between the Board and an approved district charter school on the district charter agreement shall be concluded by and all terms agreed upon no later than 90 days after the Board resolution approving the district charter application.

### **Annual performance review of district charter**

The district's administration shall create a process for and ensure an annual review of the district charter school's performance.

At a minimum, the review shall include the district charter school's progress toward meeting the objectives of its accreditation plan and the results of the district charter school's most recent annual financial audit.

If the district charter school is required to implement a turnaround plan for a second consecutive school year, it shall also present the turnaround plan, a summary of changes made to improve its performance, and evidence that it is making sufficient improvement to attain a higher accreditation category within two school years or sooner.

The district charter school shall receive written feedback from the annual review and a copy shall be given to the Board for consideration in any decision to renew, revoke, or renegotiate the district charter.

**Renewal of a district charter**

The governing body of a district charter school shall submit a renewal application to the Board no later than December 1 of the year prior to the year in which the district charter expires.

The renewal application shall contain a complete report on the progress of the school in achieving the goals, objectives, student performance standards, content standards, targets for the measures used to determine the levels of attainment of the accreditation performance indicators, and other terms of the district charter contract and the results achieved by the district charter school students on state assessments.

The renewal application shall also include a financial statement that discloses the costs of administration, instruction and other spending categories for the school.

The Board shall rule by resolution on the renewal application no later than February 1 of the year in which the district charter expires or by a mutually agreed upon date.

**C. Revocation of a district charter**

A district charter may be revoked or not renewed by the Board if the Board determines that the district charter school did any of the following:

1. Committed a material violation of any of the conditions, standards or procedures in the contract;
2. Failed to meet or make reasonable progress toward achievement of the goals, objectives, content standards, pupil performance standards, targets for the measures used to determine the levels of attainment of the student performance indicators, applicable federal requirements, or other terms identified in the contract;
3. Failed to meet generally accepted standards of fiscal management
4. Violated any provision of law from which the district charter school is not specifically exempt
5. Failed to make sufficient improvement to attain an accreditation category higher than turnaround status within two school years or if the district charter school is required to implement a turnaround plan for a third consecutive year

If the Board revokes or does not renew a district charter, the Board shall state its reasons for doing so in writing.

*Adopted December 2004  
San Juan County School District #1, Silverton, Colorado  
Modified 03/2011; July 2019*