

PROCEDURES FOR APPLYING FOR A DISTRICT CHARTER SCHOOL IN THE THOMPSON SCHOOL DISTRICT

INTRODUCTION

A person, group or organization may apply for a district charter school in the Thompson School District in accordance with the requirements in state law and the following district procedures. No person, group or organization may submit an application to convert a private school or nonpublic home-based educational program into a charter school or to create a charter school that is a nonpublic home-based educational program.

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

Persons interested in forming a charter school are encouraged to discuss their intentions and plans with district personnel prior to developing a formal application. Such discussions can clarify responsibilities, promote cooperation and collaboration, prevent misunderstandings and save time for both the applicant and the district.

I. APPLICATION PROCEDURE

- A. Filing Deadline:** Applications will be accepted no earlier than August 15 and no later than October 1 for a school to be opened the following fall.
- B. Submission:** The applicant shall provide 10 original copies of the application printed single-sided on white paper (not stapled) to the designated district administrator, who shall review the application for completed content sections
- C. Insufficient Application:** If the application is insufficient, lacking required content sections, the district administrator shall document the application's deficiencies in a written notice to the applicant. Applicants shall be allowed 15 calendar days from the date of receipt of such notification to provide information responsive to the identified deficiencies. The Board shall not accept or consider an insufficient application.
- D. Review by District Accountability Committee:** The accepted application shall be submitted to the District Accountability Committee (DAC) for review and comment. For this purpose, the committee shall include one person, who need not reside in the district, with knowledge of charter schools and one parent/legal guardian of a child enrolled in a charter school in the school district. The DAC will have 60 days to review the application.
- E. Review by a District Committee of Organizational Experts:** A committee of appropriate organizational experts in curriculum, assessment, facilities, finance, nutrition, transportation, and special programming (e.g. special education and/or English language acquisition) will be formed and will have 60 days to review the completed application for specifics in these areas.
- F. Public Meetings:** After giving reasonable notice, the Board will hold at least one community meeting in the affected area or the entire district to obtain information to assist the Board in its decision about the charter school application. In order to preserve a right to appeal the Board's decision, all persons or groups who have an interest in the approval or denial of the charter

school application must present their comments or concerns to the Board in writing in a timely manner or in testimony during a public meeting on the charter application.

- G. Board Decision:** The Board will make a decision on the charter school application in either a regular or special meeting within 75 days following receipt of the application unless the parties have mutually agreed in writing to extend this deadline.
- H. Notifying State of Denial:** If the application is denied or if the Board refuses to review an application, the Board will set forth in writing the grounds for its decision and notify the Colorado Department of Education of the decision and the reasons therefore within 15 days. This deadline may be jointly waived by the charter applicant and the Board.
- I. Notifying State of Approval:** If the application is granted, the Board shall send a copy of the approved charter within 15 days and deliver any requested waivers of state statutes and/or State Board rules to the Department of Education. This deadline may be jointly waived by the charter applicant and the Board.
- J. Negotiations on Charter Contract:** All negotiations between the Board and an approved charter school on the contract terms and agreement shall be completed no later than 90 days following approval of the charter application.

Review Criteria

In reviewing applications, the Board will use the following criteria:

- A.** Does the application fully address the contents listed above and those in state law?
- B.** Has the scheduled deadline been met?
- C.** Would establishment or operation of the proposed charter school violate the Charter Schools Act or any federal or state laws concerning civil rights or any court order; or threaten the health and safety of pupils in the school district?
- D.** Is the application designed to increase the educational opportunities of at-risk students, as defined by law?

II. APPLICATION CONTENTS

In accordance with 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:

A. Cover Page

Provide the name of the applicant(s) and the name, physical address, email address, and telephone number of a contact person(s).

B. Purpose and Need

1. State the purpose for this charter school consistent with the general assembly's declared purpose.
2. Provide a geographic description of the area of intended service.

3. Provide evidence that a substantive number of parents, teachers, and students support the formation of the proposed charter school.
4. Describe how this program differs from current programs and other charter schools.

C. Mission and Goals

1. Provide a copy of the mission statement of the charter school including the process used to develop this statement. The mission statement of the proposed charter school must be consistent with the declared purposes set forth in the law.
2. State the proposed three-year goals for the school including timelines. The applicant also should describe the process used to identify the goals. The goals will address accreditation standards and applicable goals and standards in federal law. Was this once a private school or a nonpublic home-based educational program?

D. Student Achievement and Curriculum

1. Describe the proposed school's effective, research-based educational program and how it has been effective. Describe student performance standards to be achieved. Standards must meet or exceed any content standards adopted by the district.
2. Describe the plan for academic accountability, including the measurable annual achievement goals based on the state accreditation and accountability indicators and the manner in which the school will collect and use longitudinal assessment data to determine and improve the academic progress achieved by its students. Explain how these performance outcomes will be reported to the public and how the school will receive public response to those accomplishments.
3. Provide a copy of the curriculum to be used in the school. It should list the objectives, methods of instruction and means of measuring student outcomes for each subject and each grade level.
4. Present a description of the charter school's plan for evaluating student performance including types of assessments that will be used to measure student performance toward achievement of the school's performance standards and timelines for achievement of such standards.
5. Present a description of the charter school's procedures for taking corrective action in the event that student performance at the charter school falls below its specified achievement goals.
6. Describe any objectives and means for increasing the educational opportunities for at-risk students, meaning those students who because of physical, emotional socioeconomic or cultural factors are less likely to succeed in school.

E. Enrollment and Discipline Policies

1. Define the enrollment policy including a description of the proposed school's plan to include academically low-achieving students and to promote diversity, and the plans for educational programs for exceptional students as well as students with special needs. Enrollment shall at a minimum reflect the district's demographics and/or target enrollment populations that are at-risk.

2. Provide evidence that an adequate number of parents, teachers and students support formation of the proposed charter school. This evidence shall be shown in aggregate (by grade level and school), without personal identifying information.
3. Provide evidence that the majority of the prospective charter school students will reside within the boundaries of the Thompson School District or in contiguous school districts.
4. Define the plan to be used to select students if applications received exceed spaces available.
5. Provide a description of the school's discipline procedures.

F. Governance and Decision Making

1. Describe the governing body. This should include a detailed description of the relationship between the proposed school and the district.
2. Describe the types and extent of parental and community involvement in the operation of the proposed school. Provide information on how the charter school will be accountable to the public. Specifically include how the following areas will be addressed:
 - a) Provisions for a representative school accountability committee
 - b) Development of an annual school improvement plan with supporting profile information
 - c) Representation on the district accountability committee
 - d) Reporting procedures to the Board and school community

G. Employment Plan and Policies

1. Describe the employment policies of the school including a description of the qualifications for certificated and classified employees, employee compensation schedule, recruitment and selection procedures, plan for resolving employee relation problems and a description of the relationship that will exist between the charter school and its employees. A copy of the employee handbook will be sent to the district department of human resources prior to the start of each school calendar year. Employee information regarding "highly qualified" status will be made available to the district department of human resources upon request.

H. Financial Data, Facilities and Transportation

1. Provide necessary evidence that the plan for the charter school is economically sound.
2. Include a proposed budget for the term of the charter and assumptions that were used to develop the budget. Provide a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the state, the district or a third party, is to be conducted. A student fee schedule should be included in addition to a proposed schedule of cash flow, as appropriate.
3. Detail the plan for fiscal accountability.
4. Describe the services the charter school plans to purchase from the school district.
5. Provide a detailed summary of all insurance coverage and a proposal regarding the parties' respective legal liabilities.
6. Describe the facilities to be used and the way they will be obtained and maintained. Include

any contracted services and the proposed contractor.

7. Describe the proposed student transportation system, including the contract, if services will be provided by a second party. If transportation is to be provided by the charter school, include a plan for addressing the transportation needs of low income and academically low-achieving students.
8. Address whether the charter school seeks authority to impose a transportation fee on enrolled students and, if so, describe the circumstances and procedures by which it will impose such a fee.

I. Requested Waivers

1. List any requested waivers to Thompson School District Board policies. Include the rationale, replacement plan, expected outcome, a description of how the replacement plan will be evaluated, and how the charter school plans to comply with the intent of the policy whose waiver is requested.
2. List any requested waivers to state statute and/or State Board rules as outlined in Colorado code of regulations 301-35. . Include the rationale, replacement plan, expected outcome, a description of how the replacement plan will be evaluated, and how the charter school plans to comply with the intent of the statute and/or rule whose waiver is requested.
3. No waivers to federal statutes, including provisions of the Elementary/Secondary Education Act or the Children's Internet Protection Act, are allowed.

J. Support for Charter School

Provide a listing of parents and community members who support the application and have made a commitment to enroll their children, together with a listing of possible employees.

K. Additional Information

Provide any additional information that might be helpful in supporting this request to establish a district charter school. (See also Section IV, Additional Statutory and Regulatory Restraints on Charter Schools.)

III. DECISION, APPEAL AND RENEWAL PROCEDURES

A. Decision on Charter School Application

The Board will make a decision on the charter school application either in a regular or special meeting within 75 days following receipt of the official application unless the parties have mutually agreed in writing to extend this deadline. A charter may be approved for at least three but not more than five academic years.

If the charter application is approved, the Board shall send a copy of the approved charter and deliver any requested waivers of state statutes and/or State Board rules to the Department of Education within 15 days. This deadline may be jointly waived by the charter applicant and the Board. The charter approval will be pending notification of contract approval between the district and the charter school. An administrative team will be appointed to provide information to the applicant about contract matters subject to negotiation between the applicant and the district and to begin the negotiation process. All terms of the contract shall be agreed upon no later than 90 days after approval of the charter and in accordance with statute, unless a different time schedule is agreed upon by both parties.

If the application is denied, the Board will set forth in writing the grounds for its decision and notify the Colorado Department of Education of the decision and the reasons therefore within 15 days. This deadline may be jointly waived by the charter applicant and the Board.

B. Appeal Process

A charter applicant or other qualified person who wishes to contest the Board approval, denial, or refusal to consider a charter application or any Board-imposed conditions deemed unacceptable may appeal that decision as described below. A charter applicant may select either an appeal or a facilitation process.

1. Within 30 days of the district Board decision, the appellant shall provide the State Board and the district Board with a notice of appeal of the district Board's decision, including reasons why the decision was not acceptable.
2. Within 60 days after receiving notice of appeal, the State Board shall conduct a hearing to review the decision. If the State Board finds that the district Board's decision was contrary to the best interests of the pupils, school district or community, the State Board shall remand such decision to the district Board with written instructions for reconsideration thereof.
3. Within 30 days following such a remand, the district Board, at a public hearing, shall reconsider its decision and make a final decision.
4. Within 30 days of the district Board's decision on remand to deny, refuse to renew or revoke a charter, the appellant may file a second notice of appeal with the State Board.
5. Within 30 days of a second notice of appeal, the State Board, at a public hearing, shall make a final determination, which shall not be subject to appeal.

Nothing in this section shall be construed to alter the requirement that a school district charter school be part of the school district in which it is located and accountable to the local board of education.

C. Facilitation Process

1. In lieu of filing an appeal to the State Board concerning the denial, non-renewal or revocation of a district charter application or the unilateral imposition of conditions by the district board, the parties may jointly file a notice of facilitation with the State Board within 30 days of the district Board decision.
2. Facilitation may continue as long as both parties agree.
3. If one party rejects facilitation and does not reconsider this action within 7 days, the district Board shall make a final decision. The applicant will then have 30 days to appeal the final decision to the State Board, following the process described in III B above.

D. Renewal Application

1. The governing body of a district charter school shall submit a renewal application to the Board of Education no later than December 1 of the year prior to the year in which its charter expires. The Board shall rule by resolution on the renewal application no later than the following February 1, unless the parties mutually agree to a different date.

2. An application for renewal shall contain the following:
 - a) A complete report on the progress of the school in achieving the goals, objectives, pupil performance standards, content standards and other terms of the charter contract, as well as the results achieved by its students on state assessments.
 - b) A financial statement, understandable to the general public, that discloses the costs of administration, instruction and other spending categories for the charter school and that will allow comparison of such costs to other schools or other comparable organizations, in a format required by the State Board.
 - c) A parent satisfaction survey and complete analysis from the charter school community.

E. Revocation and Non-Renewal

1. A charter may be revoked or non-renewed by the Board if the Board determines that the school did any of the following:
 - a) Committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;
 - b) Failed to meet or make reasonable progress toward achievement of the student performance standards, applicable federal requirements or other goals set forth in the charter contract;
 - c) Failed to meet generally accepted standards of fiscal management; or
 - d) Violated any provision of law from which the charter school was not specifically exempted.
2. If the Board revokes or does not renew a charter, it will state its reasons for doing so.
3. A decision to revoke or not to renew a charter may be appealed in the manner prescribed in the appeal process above.

**IV. ADDITIONAL REGULATORY AND STATUTORY
CONSTRAINTS ON SCHOOL CHARTERS**

A. Employee Information

1. Current district employees accepting employment with a charter school shall submit a letter or resignation for Board of Education approval.
2. Employees of a charter school shall be members of the Public Employees' Retirement Association. The charter school and the teacher shall contribute the appropriate respective amounts as required by the funds of such association.

B. Financial Guidelines

Students enrolled in a charter school shall be included in the pupil enrollment of the district within which they reside. The following financial guidelines shall be followed:

1. The district of residence shall report to the Department of Education the number of pupils included in the district of residence's pupil enrollment that are actually enrolled in each charter school.
2. As part of the charter school contract, the school and the district shall agree on funding and any services to be provided by the district to the school. The funding discussion shall begin using one hundred percent of the district per pupil operating revenues as defined in C.R.S.

22-53-103.

3. All services provided by the district including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries and warehousing shall be subject to negotiation between the school and the district and paid for out of the revenues in 2 above.
4. In no event shall the amount of funding negotiated be less than one hundred percent of the district per pupil operating revenues (less up to five percent for district central administrative operating costs, if so negotiated) multiplied by the number of pupils enrolled in the school.
5. It is intended that funding and service agreements pursuant to these guidelines shall be neither a financial incentive nor a disincentive to the establishment of a charter school.
6. Fees collected from students enrolled at a charter school shall be retained by such charter school.
7. The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be directed to charter schools enrolling such students. The proportionate share of moneys generated under other federal or state categorical aid programs shall be directed to charter schools serving students eligible for such aid.
8. The governing body of a charter school is authorized to accept gifts, donations or grants of any kind made to the charter school and to expend or use said gifts, donations or grants in accordance with the conditions prescribed by the donor unless the gifts, donations or grants are subject to any condition contrary to law or the terms of the contract between the school and the Board.
9. The Board shall not grant any waiver to forego receipt of any amount of operational or capital construction funds provided to the charter school under state or federal law.

C. Waivers

1. Any approved waiver of state statute, or State Board rules and/or local district regulations will be granted for the term of the charter.
2. The State Board will notify the Board and the charter applicant whether it will grant or deny waiver requests and specify the reasons for any denials. If the State Board does not send notification of approval or denial within 45 days (or 90 days if it has extended the review time), the request(s) shall be deemed to be granted.
3. The State Board will review waivers of state statutes or rules periodically and may revoke any that it deems no longer necessary.

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