

RELATIONS WITH CHARTER SCHOOLS

It is the policy of the Colorado Springs School District 11 Board of Education (the Board) to facilitate efforts by parents/guardians, teachers and other interested persons to submit proposals for the establishment of charter schools within Colorado Springs School District 11 (the District). This policy is also intended to comply with, but not duplicate in its entirety, the Charter Schools Act (the "Act"), C.R.S. §22-30.5-101, *et seq.* The Board directs the Administration to further develop regulations and procedures that are consistent with and further the intent of this policy and the Act.

State law provides that, among other things, charter schools are intended to:

Improve pupil learning by creating schools with high, rigorous standards for pupil performance;

Increase learning opportunities for all students with special emphasis on expanded learning experiences for students identified as academically low achieving;

Encourage diverse approaches to learning through the use of different, innovative, research-based or proven teaching methods;

Provide parents/guardians and students with expanded choices in the types of educational opportunities that are available within the public school system; and,

Encourage family and community involvement with public schools.

A District charter school shall be a public, nonsectarian, nonreligious, non-home-based school, which operates within the school district and is accountable to the Board. The District and Charter School operations are subject to the following laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates.

Enrollment shall be open to any child who resides within the District or in contiguous school districts and who meets the criteria in the District charter application; such students must comprise at least 50% of the charter school's enrollment. Charter schools may also accept additional students from districts that do not share a boundary with the District. However, no District charter school shall be required to make alterations in the structure of its facility or the arrangement or function of rooms within the facility except as may be required by state or federal law. The majority of the District charter school's students, other than online students, must reside in the District or contiguous districts and there shall be no restriction on the

number of online students that may enroll in any online program offered by the District's charter school. A District charter school shall not charge tuition except as otherwise provided by law.

A District charter school has standing to sue and be sued in its own name for the enforcement of any contract it is authorized by law to enter into. However, each charter school shall maintain its own insurance coverage that specifically indemnifies the District from liability.

Each charter school authorized by the Board shall be governed by its own governing body and may operate free from specified Board policies and state regulations in a manner agreed to in a contract between the charter school and the Board and, as required, by the state.

A charter school shall comply with all the state financial and budget rules, regulations, and financial reporting requirements with which the District is required to comply.

For all purposes, including decisions relating to charter school initial and renewal applications, charter schools authorized by the District shall be held to the same requirements as the District and its schools in areas such as, but not limited to, financial condition, public accountability, and accreditation. Consequently, the likelihood of being accredited under the Educational Accreditation Act of 2009, C.R.S. §22-11-101, *et seq.*, and remaining accredited there under, shall be a major consideration in decisions relating to initial and renewal applications. Among other things, each charter school application shall, therefore, provide for an educational program with student performance standards and curriculum that meet or exceed District content standards. The curriculum will align directly to the standards in all content areas as measured by State mandated assessments, District assessments, and other recognized measures.

Law provides that, subject to a statutory minimum, the level of per pupil funding that a local board provides an approved charter school is a contractual matter to be negotiated between the parties only after an application has been approved. Likewise, Colorado law provides that a local board is not required to assume liability for any financial obligation of a charter school, unless it expressly agrees to do so. Accordingly, the Colorado legislature has recognized that charter school applicants are not entitled to rely on financial support beyond the statutory minimum in the application process. Further, the District Board has determined that charter schools are more likely to be successful if they are prepared to proceed based on the minimum authorized level of funding. As a result, in addition to all other requirements, applicants are required to submit applications that: (i) are based on the statutory minimum level of support (both monetary and in-kind) from the District, (ii) expressly state that all leases, debts and other financial obligations of the charter school shall not constitute a debt, liability, or financial obligation of the District, and (iii) contain proposed balanced budgets that account for all expenses identified in the application, are based on the minimum funding and in-kind support from the District, and include no unverified revenue or in-kind support from any other source (grants, gifts, etc.). The District will consider deviations from the above requirements, if at all, only in connection with the negotiation of a definitive contract relating to an approved application.

A new (initial) charter school application may be approved for a minimum of four academic years and a maximum of five academic years, or such time as may be required in accordance

with applicable state statute. A charter may be renewed for successive periods of time by the charter authorizer for such periods as are applicable in accordance with statute and determination of the authorizer.

The relationship between the District and the charter school shall be established by a contract, which shall incorporate the approved application ("application"). The contract shall also reflect all agreements between the District and the charter school including, but not limited to, the release of the charter school from Board policies, all requests for release from state regulations which the Board and the charter school shall jointly request from the State Board of Education, and a third-party dispute resolution process to resolve disputes that may arise concerning implementation of the charter contract. Unless otherwise expressly agreed by the District, a charter school shall be a separate entity responsible for its own operation including but not limited to preparation of a budget, contracting for services, and personnel matters in a manner agreed to between the charter school and the District. As provided for by the Act, a charter school shall be considered a separate governmental entity for purposes of tax exempt financing. Services for which a charter school contracts with the District shall be negotiated and provided at an amount equal to the allocable direct and indirect costs attributable to providing the service. No rent shall be charged for use of District facilities which may be available for the charter school. Unless otherwise expressly assumed by the District by separate contract with the charter school, direct leases and financial obligations of a charter school shall not constitute a debt, liability, or financial obligation of the District.

Colorado law provides that charter school applications seeking authorization through the local District, must be filed with the local board of education by September 1 to be eligible for consideration for the following school year. The District will accept applications for new charter schools no earlier than August 1 of each year. The Colorado legislature has thereby acknowledged that charter school applicants and sponsoring school districts need a substantial amount of lead-time to properly prepare for successful commencement of school. The Board also believes that early assistance in the application process may substantially increase the chances of success for the charter school. Potential charter school applicants are strongly encouraged to participate in informal application reviews through the Colorado League of Charter Schools, or the Colorado Department of Education Choice and Innovations Unit or subsequent department title.

In regards to relations with charter schools located within the District area authorized by other legal authorizing entities, the District shall comply with applicable provisions of statute as contained in the Act and requirements that may be established by the state.

Regardless of whether or not an applicant has availed itself of feedback and assistance available from the League of Charter Schools or by the Colorado Department of Education (CDE), to be eligible for consideration, an initial application to operate a charter school shall be received by the Board not later than September 1 or such date as set by statute, of the calendar year prior to the year in which the charter school wishes to begin operation.

District charter schools that desire to have their charters renewed shall apply for renewal not later than November 1 or such date as set by statute, of the calendar year prior to the calendar year in which its term expires. Any such application, plus all required additional copies of same, must be delivered to the District's Procurement and Contracting Department,

1115 N. El Paso St., Colorado Springs, CO 80903, and is required to meet all requirements as specified in the document "Charter Schools' Guidelines and Application Procedures" available from the Board office and Board Regulation LBD-R.

In accordance with statute, prior to Board consideration of a timely and properly filed charter school application for consideration of an initial charter, such application shall be reviewed by the District Accountability Committee (DAC). For purposes of reviewing a charter school application, the DAC shall include at least one person with a demonstrated knowledge of charter schools, regardless of whether that person resides within the District, and shall include one parent or legal guardian of a child enrolled in a District charter school.

The Board shall rule by resolution on each timely and properly filed charter school initial application in a public hearing, upon reasonable public notice, within ninety calendar (90) days after receiving such application, unless mutually agreed to otherwise by the Board and the charter school or as may be required by statute. The Board shall rule by resolution on each timely and properly filed charter school renewal application by February 1 of the year in which the charter expires, unless a later date is mutually agreed to otherwise by the Board and the charter school or as may be required by statute. If approved, all negotiations between the Board and the charter school on an initial application shall be concluded, and all terms of the contract agreed upon, not later than ninety calendar (90) days after Board approval, unless mutually agreed to otherwise by the Board and the charter school or as may be required by statute. An approved charter school shall begin in the fall of the school year following Board approval, unless another starting time is mutually agreed upon by the Board and the applicant.

Waiver of Statutes and Policies

Several state statutes and District policies are not applicable to the autonomous structure and purpose of charter schools. Charter schools must request specific waivers from each statute and policy they feel does not apply to their program or structure. Each time a charter school applies for a new school contract or for a charter renewal, they must present their rationale for each waiver request and their related alternative plans.

Annual Performance Review (APR)

As a charter school authorizer, the District has the responsibility to evaluate the quality of its charter schools annually over the period of their contract. The overall use of the APR is to streamline the Renewal process and support decisions to renew, non-renew, or revoke a charter school contract. This will be done on a schedule coordinated with each charter school using criteria and procedures in the Board approved APR document located on the District webpage as noted in the "Cross References" below. The APR summarizes the charter school's cumulative performance, compliance data and provides a means to differentiate among charter schools by performance in the following areas: (1) academic performance and accreditation status, (2) financial accountability, (3) governance, and (4) school operations. In the event a charter school's overall score is 90% or higher, they are eligible for a one-year extension, subject to Board approval by resolution. The contract plus extensions will not exceed 10 years before a contract renewal is required.

Charter School Replication

Replication is when a high performing charter school or a charter network (i.e., Educational Management Provider (EMP), Charter Management Provider (CMP) or Charter Collaborative) seeks to establish one or more additional schools using the same educational model and where there will be an ongoing relationship between schools. A high performing replication school should have been operating for at least five years, serving all grade levels that are indicated in its original charter and have a minimum of four years of academic outcomes for each grade level. The school should be awarded a School Performance Framework rating/plan assignment of Performance in the last three years of their current contract, meet or exceed standards in all three or four (elementary, middle or high school) Colorado performance indicators—academic achievement, academic growth, academic growth gaps, and postsecondary and workforce readiness (high school only) or consistently exceed standards for academic growth or academic growth gaps. Additionally, the school must exceed the performance of comparable schools and be achieving its unique charter school objectives. A high performing replication school should also exhibit efficient, effective, and compliant operations; effective governance and leadership; and capacity to execute a quality replication plan. The school must also have received approval for charter contract renewal from their original authorizer. Further guidance on developing a charter replication plan for submission to the Board is contained in regulation LBD-R and on the District webpage as noted in the “Cross References” below. In the event that a charter applicant does not meet this replication criterion and desires to submit an application for consideration, they must complete a “New Application” as outlined in regulation LBD-R and the “Charter School New Application Guide” found on the District webpage as noted in the “Cross References” below.

Exclusive Chartering Authority

The Board of Education, as a district charter school authorizer, maintains its exclusive chartering authority and, therefore, all new charter school applications within the District’s boundaries must first be filed with the District.

Request for Release of Exclusive Chartering Authority

In the event that a new charter school applicant wishes to apply to the Board for approval to be allowed to submit their new charter application to the Colorado Charter School Institute (CSI), the applicant must:

1. Submit a notice of intent to request relinquishment no later than June 1 of any given year; and
2. Submit a completed charter application and Request to Relinquish Application form (see Cross References Exhibit LBD-E2) no earlier than August 1 and no later than September 1 of any given year.

The Board, upon receiving the application, will have up to 90 working days to consider the request and make a final decision to either maintain or relinquish exclusive chartering authority. If the Board relinquishes exclusive chartering authority, they agree to allow the charter school applicant to apply to CSI.

Adopted: February 1994
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Revised: January 10, 2018
Revised: June 13, 2018

LEGAL REFS: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 104
34 C.F.R. Part 106
Fair Labor Standards Act, 29 U.S.C. §201
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.
§ 621
Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.
Exceptional Children's Education Act, C.R.S. 22-20-101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act
of 2008)
C.R.S. 2-4-401
C.R.S. 18-9-121
C.R.S. 22-30.5-101 et seq. (Charter Schools Act)
C.R.S. 22-30.7-101, et seq.
C.R.S. 22-32-110(1)(k)
C.R.S. 22-33-105(2)(c)
C.R.S. 22-61-101
C.R.S. 22-93-101, et seq.
C.R.S. 24-34-301 through 24-34-308
C.R.S. 24-34-401 through 24-34-406
3 CCR 708-1

CROSS REFS: AC, Nondiscrimination/Equal Opportunity
AC-R, Regulation to Policy AC, Nondiscrimination/Equal Opportunity
EHC, Technology Resources and Internet Safety Responsible Use
Policy
GBA, Open Hiring/Equal Employment Opportunity and Affirmative
Action
GBAA, Employee Sexual and Racial Harassment/Discrimination
GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
JB, Equal Educational Opportunities
JBB, Sexual, Racial or Disability Harassment/Discrimination

toward Students

JBB-R, Sexual, Racial or Disability Harassment/Discrimination toward Students (Reporting & Investigation Procedures)

JK, Student Discipline

JK-R, Student Discipline Regulations

LBD-R, Regulation to Policy LBD, Relations with Charter Schools

Exhibit LBD-E1 "Intent to Apply"

Exhibit LBD-E2 "Request to Relinquish Exclusive Chartering Authority"

Charter School Application for Request to Relinquish Exclusive

Chartering Authority located at

<https://www.d11.org/site/handlers/filedownload.ashx?moduleinstanceid=425&dataid=173&FileName=Charter%20Guide%20Request%20to%20Relinquish%20Exclusive%20Chartering%20Authority%20Application.pdf>

School District 11 Charter School New Application Guide located at

<https://www.d11.org/site/handlers/filedownload.ashx?moduleinstanceid=425&dataid=170&FileName=Charter%20Guide%20New%20Application.pdf>

School District 11 Charter School Renewal Guide located at

<https://www.d11.org/site/handlers/filedownload.ashx?moduleinstanceid=425&dataid=171&FileName=Charter%20Guide%20Renewal%20Application.pdf>

School District 11 Charter School Replication Guide located at

<https://www.d11.org/site/handlers/filedownload.ashx?moduleinstanceid=425&dataid=172&FileName=Charter%20Guide%20Replication%20Application.pdf>

Annual Performance Review document as approved by the Board located at

<https://www.d11.org/site/handlers/filedownload.ashx?moduleinstanceid=425&dataid=167&FileName=Annual%20Performance%20Review%20Framework%202016.pdf>