

Relations with District Charter Schools

(Procedures for Establishment, Renewal, Revocation and Waivers)

A. Establishment of a district charter school

Review by district accountability committee

Prior to submission of an application to the Board of Education, the district charter school applicant must submit the application to the district accountability committee for review and comment. 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(s). The accountability committee will have 30 days to review the proposal.

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.

Date for submission of application

To allow sufficient time for an approved district charter school to begin operations at the beginning of the next academic school year, the application must be officially submitted to the Board or its designee by August 15. However, the Board and the applicant may mutually waive this deadline. *[Note: If the date for submitting applications is changed, the Board must notify each charter applicant of the change by certified letter.]*

Prior to submission of a formal application, persons preparing applications may submit a preliminary draft of the application to the Board or its designee for review and comment prior to formal submission.

Negotiations must be concluded and the terms of the district charter agreed upon, no later than 90 days after the Board rules by resolution on the application.]

An administrative team will be designated to provide information to an applicant about matters subject to negotiation between the applicant and the district and to begin the negotiation process.

Contents of the application

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 and will include:

1. Cover page

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

2. Purpose

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

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

3. Mission and goals

Provide a copy of the mission statement of the district charter school including the process used to develop this statement. The mission statement of the proposed district charter school must be consistent with the declared purposes set forth in the law.

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.

4. Student achievement and curriculum

Describe the district charter school's research-based educational program that has proven to be effective and the student performance standards to be achieved by the proposed sc

Detail the plan for academic accountability, including a description of measurable annual achievement goals that are based on the state accreditation indicators.

Provide a description of the curriculum to be used in the school. It should list the objectives and means of measuring student performance for each subject and each grade level.

Present a description of the district charter school's procedures for taking corrective action in the event that student performance at the district charter school falls below the specified achievement goals.

Present a description of 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.

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.

5. Criteria for enrollment decisions

Describe the enrollment policy and the criteria for enrollment decisions 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.

6. Governance and decision-making

Describe the governing body. This should include a detailed description of the relationship between the proposed school and the school district.

Describe the types and extent of parental and community involvement in the operation of the proposed school.

Provide information on how the district 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 commit
 - d. Reporting procedures to the Board and school community.
7. Employment plan and practices

Describe the employment policies of the school including a description of the qualifications for licensed 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 district charter school and its employees.

8. Financial data, facilities and transportation

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

Include a proposed budget for the term of the district charter and a description of the manner in which an annual audit of the financial and administrative operations of the district 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.

Detail the plan for fiscal accountability.

Describe the services the charter school plans to purchase from the school district.

Provide a detailed summary of all insurance coverage and a proposal regarding the parties' respective legal liabilities.

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

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 district charter school, include a plan for addressing the transportation needs of low income and academically low-achieving students.

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.

9. Requested waivers

List the local 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.

10. Additional information

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

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.

Applications will be accepted prior to August 15 for schools beginning in August. Applications are to be submitted to Superintendent of Schools.

Incomplete application

If the application is incomplete, the Board will request additional information from the applicant and give the charter applicant a reasonable opportunity to provide additional information to the Board for review. The parties may mutually agree to waive any deadlines during the application process, including extending the deadline for Board consideration of the application.

Public meetings

After giving reasonable notice, the Board will 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. All persons or groups who have an interest in the approval or denial of the district 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 district charter application to preserve a right to appeal the Board's decision on the district charter application.

Decision on the district charter application

The Board will make a decision by resolution on the district charter school application either in a regular or special meeting within 75 days after receipt of the official application unless the parties have mutually agreed in writing to extend this deadline.

A new district charter may be approved for a period of at least three academic years. A district charter may not be approved unless a majority of the charter school's pupils will reside in the chartering school district or in contiguous school districts.

If the application is denied or if the Board does not review a proposed 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 granted, the Board will send a copy of the approved charter to the Department of Education within 15 days after 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 resolution approving the district charter application.

Appeal process

The applicant may appeal the denial of its application or the imposition of conditions it finds unacceptable by filing a notice of appeal to the State Board of Education and the Board within 30 days of the Board's initial decision. Within

60 days, the State Board of Education will issue written instructions and recommendations to the Board. The Board will reconsider its initial decision and make a final decision within 30 days. If the final decision is still to deny the application, the applicant may file a second notice of appeal with the State Board of Education.

Facilitation

In lieu of filing an appeal to the State Board of Education concerning the denial of a district charter application, nonrenewal or revocation of a district charter, or the unilateral imposition of conditions on a district charter applicant, the parties may agree to facilitation by filing a notice of facilitation with the State Board of Education within 30 days of the Board's initial decision. The parties may continue in facilitation as long as they agree to do so. After a seven-day cooling-off period, if one party rejects facilitation, the Board will reconsider its initial action and make a final decision. The applicant has 30 days from the final decision to appeal to the State Board of Education.

B. Renewal of a charter

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 the district charter expires. The Board of Education 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.

The renewal application must contain a complete report on the progress of the school in achieving the goals, objectives, student performance standards, content standards and other terms of the district charter contract and the results achieved by the district charter school students on state assessments.

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

C. Revocation of a charter

A district charter may be revoked or not renewed by the Board if the Board determines following a hearing 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 towards achievement of student performance standards, applicable federal requirements or other goals set forth 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.

If the Board revokes or does not renew a charter, the Board will state its reasons for doing so.

D. Waivers

A waiver of state rules or local district regulations is for the term of the charter.

Waiver of receipt of funds

The Board shall not grant any waiver to forego receipt of any amount of operational or capital construction funds provided to the district charter school under state or federal law.

Request for waiver of state statute or regulation

Within ten days after the contract between the district charter school and the Board of Education is approved by the Board, any request for release from state statutes or regulations shall be delivered by the Board to the State Board of Education. If the State

Board of Education grants the request, it will notify the local Board and the district charter school of its decision. If the State Board of Education denies the request, it will notify the local Board and the district charter school in writing that the request is denied and specify the reasons for denial. If notification is not received within 45 days (or 90 days, if the State Board of Education has extended the time for review of the request), the request shall be deemed by state law to be granted.

Review of waiver of state statute or regulation

A waiver of state statutes or rules by the State Board of Education is subject to review periodically as provided by State Board rule and may be revoked if it is deemed no longer necessary.