

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.

Relations with District Charter Schools (Procedures for Establishment, Renewal and Revocation)

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

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:

1. Intent to apply form (exhibit LBD*-E)
2. Mission and goals

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

State the proposed three-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.

3. 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, teachers and students support the formation of the district charter school. This evidence shall be shown in aggregate (by grade level and school), without disclosing personally identifiable student information.

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 school.

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 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 the plan for addressing expulsion, suspension and education of expelled or suspended students in a manner consistent with the intents and purposes of state and federal law.

Describe the plan for addressing the needs of exceptional students, including students with disabilities.

5. Criteria for enrollment decisions

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

6. Governance and decision making

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

Describe the types and extent of parental and community involvement in the operation of the district charter school. Provide information on how the district charter school will be accountable to the public.

Provide draft bylaws for the district charter school.

7. 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.

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. 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.

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.

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

Describe how the district charter school plans to meet student nutritional needs.

9. Requested waivers

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.

10. Additional information

Provide any additional information that might be helpful in supporting the application 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, 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.

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.

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 75 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.

B. 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; or
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 district charter, the Board shall state its reasons for doing so in writing.

Adopted: September, 2010

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