

NOTE: Colorado school districts are required by law to adopt a policy on this subject. Some content in this policy reflects legal requirements school districts must follow. This sample policy contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Relations with Charter Schools

The Board of Education supports efforts by parents/guardians, teachers or other interested persons or organizations interested in establishing charter schools within the district. In accordance with state law, charter schools are intended to:

- Expand learning opportunities for all students
- Encourage diverse approaches to learning through the use of different, proven or innovative teaching methods
- Provide parents/guardians and students with expanded choices in the types of educational opportunities that are available within the public school system
- Encourage parental and community involvement with public schools

A charter school is a public, nonsectarian, nonreligious, non-home-based school which operates within the school district and is accountable to the district's Board of Education. It is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, age, genetic information, need for special education services, or conditions related to pregnancy or childbirth. A 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.

The majority of the charter school's students must reside in the school district or in contiguous school districts.

Enrollment is open to any child who resides within the school district or in contiguous school districts and who meets the criteria in the charter application. Students participating in any on-line program offered by the charter school are not required to reside in the district or contiguous districts. There is no restriction on the number of on-line students that may enroll in any on-line program offered by the charter school. No charter school is 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. A charter school will not charge tuition except as otherwise provided by law.

Each charter school is governed by its own governing body in a manner agreed to by the charter school applicant and the Board. An approved charter application will serve as the basis for a contract between the charter school and the district. The contract must reflect all agreements between the district and the charter school including the waiver of local district policies and the waiver of statutory requirements or rules by the State Board of Education.

A charter school is responsible for its own operation including but not limited to preparation of a budget, contracting for services, and personnel matters.

Services for which a charter school contracts with the school district will be negotiated and provided at district cost. No rent will be charged for use of district facilities which may be available for the charter school. Any moneys received by a charter school from any source that remain at the end of any budget year will remain in the charter school account for use by the charter school in subsequent years.

A charter school may offer any educational program that may be offered by a school district, including an on-line program, unless expressly prohibited by its charter or by state law. Each charter school shall have an educational program designed to enable students to meet or exceed state and district content standards.

A charter school will begin in the fall following the date the application is approved, unless another starting time is agreed upon by the Board and the applicant.

The period for which a new charter may be approved is a minimum of three academic years and a maximum of five academic years except that a charter school and the local Board may agree to extend the charter beyond five years for the purpose of enhancing the terms of any lease or financial obligation. Renewal of a charter must be for a period of not more than five years.

Adopted: 02/26/01

Revised: 10/28/02, 9/24/07 (Legal Ref.), 5/27/09, 3/22/10 (legal ref), 11/10 (legal ref/note), 08/27/12, 11/19 (Legal Ref/Note), 08/10/20, 11/29/21, 04/24/23 (Legal Ref/Note)

LEGAL REFS.: 42 U.S.C. 2000ff *et seq.* (*Genetic Information Nondiscrimination Act of 2008*)
C.R.S. 13-80-103.9 (*liability for failure to perform an education employment required background check*)
C.R.S. 19-2-402 (3)(c) (*charter schools pay the proportionate share of educational expense of students in juvenile detention facilities*)
C.R.S. 22-2-119 (*inquiries prior to hiring*)
C.R.S. 22-30.5-101 *et seq.* (*Charter Schools Act*)

C.R.S. 22-30.5-110 (1.3) (district must adopt procedures and timelines for the charter renewal process)
C.R.S. 22-30.5-110 (6) (district must adopt procedures for closing a charter)
C.R.S. 22-30.5-701 et seq. (Charter School Emergency Powers Act)
C.R.S. 22-32-109 (1)(pp) (district must annually distribute to district charter schools informational materials relating to federal student loan repayment programs and student loan forgiveness programs)
C.R.S. 22-32-120 (5) (district charter school may apply to the Colorado Department of Education for authorization as a school food authority)
C.R.S. 22-32-124 (pursuant to section 104 of the Charter Schools Act, all decisions regarding the planning, siting, and inspection of charter schools must be made in accordance with the same statute that applies to school districts)
1 CCR 301-88 (State Board of Education's rules establishing guiding principles for charter schools and charter school authorizers)

NOTE 1: Colorado law provides for the establishment of independent charter schools distinct from the charter schools described in this policy. See C.R.S. 22-30.5-301 et seq.

NOTE 2: The State Charter School Institute is authorized to approve and monitor institute charter schools. See C.R.S. 22-30.5-501 et seq. This policy applies only to charter schools authorized by the Board of Education.

NOTE 3: A school board may include a statement in this policy encouraging charter applicants to address specified school district needs. See C.R.S. 22-30.5-107(3.5). The General Assembly intends that school districts give greater consideration to charter school applications designed to increase educational opportunities of at-risk students. See C.R.S. 22-30.5-109(3).

NOTE 4: The Board is prohibited from imposing a moratorium on the approval of charger applications. See C.R.S. 22-30.5-109(8). Any existing policy language limiting the number of charter schools in the district should be removed from policy. The school district may not restrict the number of pupils a charger school may enroll unless one of the exceptions applies. The parties may negotiate a limit on enrollment in the school's ability to achieve other objectives or ensure that enrollment does not exceed the capacity of the charter school facility. See C.R.S. 22-30.5-109(7).

NOTE 5: The charter school and the school district must negotiate prior to the beginning of each fiscal year for the payment to the school district of any direct costs incurred by the school district. The school district must provide an itemized accounting of these costs. For this purpose "direct costs" means the direct costs incurred by the school district solely for the purpose of reviewing charger applications, negotiation the charger contract and providing direct oversight to charter schools. See C.R.S. 22-30.5-112(2)(b.5). Direct costs does not include legal or other costs attributable to litigation or dispute resolution.

NOTE 6: The "Charter School Emergency Powers Act," C.R.S. 22-30.5-701 et seq. (the Act) permits the Board to seek an order from the Commissioner of Education when a district charter school is in an "emergency." The Act defines an "emergency" as situations that present a significant threat to health or safety of students, staff or others involved with the charter school or to the substantial property rights of the charter school authorizer; a significant risk to the charter school's solvency; a substantial diversion of charter school moneys; or other situations that justify the Commissioner's intervention, as defined by the State Board of Education. The Act authorizes the Commissioner to issue orders requiring external control over certain functions of a charter school, including an "order of reorganization." Expenses incurred in pursuing the action must be paid by the Board; expenses incurred in defending the action must be paid by the district charter school. The costs incurred by the Colorado Department of Education as a result of any requested action must be shared equally between the Board and the district charter school.

NOTE 7: A district authorizer must notify the state treasurer and commissioner of the Colorado Department of Education after taking action to nonrenew or revoke the charter of a school that has outstanding bonded indebtedness issued by the Colorado Education and Cultural Facilities Authority (CECFA) C.R.S. 22-30.5-110.3. The authorizer will then participate in discussions with the commissioner, the treasurer, CECFA and the school to pursue options for avoiding a default on the bond.

NOTE 8: The State Charter School Institute (CSI) may act as the LEA for a district charter school that wishes to apply for a competitive grant under any federal or state statute, except the IDEA C.R.S. 22-30.5-104. The law requires a charter to attempt to collaborate with their district authorizer on any grant that the district also intends to pursue. The charter school may apply for the grant through CSI only if the attempt to collaborate with its authorizer fails.

Note 9: Additional resources for district authorizers, including a standard application form for charter schools as well as sample contract language and attachments can be found on the Colorado Department of Education's website www.cde.state.co.us/cdechart/DistAuthInfo.htm.

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NOTE 11: State law requires school districts to annually distribute to each district charter school “informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education.” C.R.S. 22-32-109 (1)(pp

NOTE 12: For purposes of this policy, these terms have the following meanings:

- *“Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.*
- *“Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps.*
- *“Sexual Orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof.*