

## **CHARTER SCHOOLS**

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

1. Expand learning opportunities for all students;
2. Encourage diverse approaches to learning using different, proven or innovative teaching methods;
3. Provide parents and students with expanded choices in the type of educational opportunities that are available within the public school system;
4. Encourage parental and community involvement with public schools.

A district charter school shall be a public, nonsectarian, nonreligious, and non-home-based school, but may be Web based under certain circumstances, and that 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, gender, sexual orientation, genetic information, age, national origin, religion, ancestry or need for special education services. A district charter school has standing to sue and be sued in its own name for the enforcement of any contract it authorized by law to enter into.

Enrollment shall be open to any child who resides within the school district or in contiguous school districts and who meets the criteria in the district charter application. 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 school district or in contiguous school districts. Students participating in any online program offered by the district charter school are not required to 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 charter school. A charter school shall not charge tuition except as otherwise provided by law.

Each charter school shall be governed by its own governing body in a manner agreed to by the district charter school applicant and the Board. An approved district charter application shall serve as the basis for negotiating a contract between the district charter school and the Board. The contract shall

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**Revised August 2004**  
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reflect all agreements between the district and the district charter school, including the waiver of local district policies and the waiver of statutory requirements or rules by the State Board of Education. A district charter school shall comply with all the state financial and budget rules, regulations and financial reporting requirements with which the school district is required to comply.

A district charter school shall be responsible for its own operation including, but not limited to, preparation of a budget, contracting for services and personnel matters. Services for which a district charter school contracts with the school district shall be negotiated and provided at district cost. No rent shall be charged for use of district facilities that are available for the district charter school. Any moneys received by a district charter school from any source that remain at the end of any budget year shall remain in the district charter school account for use by the district charter school in subsequent years.

A district charter school shall have an educational program with student performance standards and curriculum that meets or exceeds district and state standards.

A district charter school may offer any educational program that may be offered by a school district, including an online program, unless expressly prohibited by its district charter or state law.

A charter school shall begin operations 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 district charter may be approved is a minimum of four academic years. Renewal of a district charter shall be for specified periods of time.

The applicant and the Board of Education may jointly waive the deadlines contained in this policy.

LEGAL REFS:       42 U.S.C. § 2000ff *et seq.*  
                      C.R.S. 13-80-103.9  
                      C.R.S. 19-2-402(3)(c)  
                      C.R.S. 22-2-119  
                      C.R.S. 22-30.5-101 *et seq.*

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C.R.S. 22-30.5-110 (1.3)  
C.R.S. 22-30.5-110 (6)  
C.R.S. 22-30.5-701 *et seq.*  
C.R.S. 22-320120 (5)  
C.R.S. 22-32-124  
1 CCR 301-88

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### **Review by District Accountability Committee**

The District Accountability Committee shall review and comment on an application before submission to the Board. The District Accountability Committee shall include one person with a demonstrated knowledge of district charter schools, regardless of whether that person resides within the school district, and one parent/legal guardian of a child enrolled in a charter school in the school district; except that if there are no charter schools in the school district, the Board of Education shall appoint a parent or legal guardian of a child enrolled in the school district. Such review may be based upon standards for review suggested by district administration. The accountability committee will have at least 15 days to review the 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 district in order to apply for or be granted a charter.

At least 30 days before submitting an application, applicants must file an intent to apply form (LBD\*-E) with the district designated administrator.

#### **I. Application Requirements**

No application fee will be charged by the Board.

The applicant must provide 10 copies of the completed application printed single-sided on white paper, not stapled, collated in notebooks, and an electronic copy of the complete application.

All applications will be formally accepted on a date to be established annually and no later than March 15<sup>th</sup> with the intent the charter school will open no sooner than August of the next calendar year following approval. Applications may be submitted to the district

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designated administrator during the week prior to the established submission date, but they will be formally accepted only on the established submission date.

The district may request additional information during the review period and provide reasonable time for the charter applicant to respond. The district may, but is not required to, accept any additional information the charter provides that the district does not request. Alternatively, the applicant may elect to withdraw the application or submit a complete application in a future year.

**II. 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. An executive summary that outlines the elements of the application and provides an overview of the proposed charter school.
3. The vision and mission statements of the district charter school and a description of the process used to develop the statements.
4. The proposed four-year goals for the district charter school including time lines. Describe the process used to identify the goals. The goals shall address accreditation performance indicators and applicable goals and standards in federal law.
5. 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

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parents/guardians and students support the formation of the district charter school. Where possible, this evidence shall be shown in aggregate (by grade level and school), without disclosing personally identifiable student information. (Such information may be required after a charter contract is signed.) However, the district hereby requests that applicants provide in the application (and periodically at the district's request thereafter) aggregate information concerning the current grade levels and the current schools in which prospective students are enrolled.

6. 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.
7. A description of the district charter school's educational program, student performance standards, and curriculum that shall provide students with the educational experiences necessary to achieve the standards. 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.
8. A description of the curriculum to be used in the charter school including a list of the objectives and means of measuring student performance for each subject and each grade level.
9. A description of the manner in which the charter school will collect and use longitudinal assessment data in determining and improving the academic progress

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achieved by the students enrolled in the charter school.

10. A description of the charter school's procedures for taking corrective action in the event that pupil performance at the charter school falls below the specified targets for the measures used to determine the levels of attainment of the accreditation performance indicators.
11. Evidence that the plan for the charter school is economically sound, including a proposed budget for the term of at least five years, (which must include the number of students to be enrolled), and a description of the manner in which an annual audit of the financial and administrative operations of the charter school is to be conducted, consistent with state and federal law, including any services provided by the state, a school district, or a third party. The proposed budget shall include all information and data necessary for the district and the Board to understand how the district charter school will fund all its operations during the term of the charter. A student fee schedule should be included in addition to a proposed schedule of cash flow.
12. If the 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.
13. Describe the services the district charter school plans to purchase from the district.
14. Describe the governing body, including a detailed description of the relationship between the district charter school and the school district. Consistent with state law, describe the types and extent of parent, professional educator and community involvement in the governance and operation of the district charter school (including a description of the governing body and how decisions would be made.)

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15. Describe expectations and plans for ongoing parent and community involvement.
16. The application must provide information on how the charter school will be accountable to the public, including specific information as to development of an annual school improvement plan with supporting profile information, and reporting procedures to the Board and school community.
17. Provide draft bylaws for the charter school.
18. Provide a detailed summary of all insurance coverage, which shall include workers' compensation, liability insurance, and insurance for the facility and its contents, and a proposal regarding the parties' respective legal liabilities.
19. Describe the facilities to be used, the reasonable costs of the facilities, and the way they will be obtained and maintained. Include any contracted services and the proposed contractor.
20. Describe the proposed student transportation system and food services program, including the contract if services will be provided by a second party. Include a plan for addressing the transportation needs of low-income and academically low-achieving pupils, complying with insurance and liability issues and complying with state and federal law. To the extent not specified in the budget, state the expected cost for any transportation services to be provided and also specify anticipated bus pick-up points and schedule. 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.
21. Provide an answer to the following question: Was the proposed school previously a



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private school or a non-public, home-based education program, or did it or any of the persons who are part of the effort to establish the charter school have any role in the operation or management of such a school? If so, provide details.

22. Provide an affirmation that the applicant recognizes that, by law, a majority of the charter school's pupils (other than online pupils) must reside in the chartering school district or contiguous school districts.
23. Provide a description of the charter school's enrollment policy consistent with the requirements of state and federal law, and the criteria for enrollment decisions. If there is a plan to include academically low-achieving students or to promote diversity, such a plan should also be described. State whether the student selection process will be random or whether certain groups of students will be given a preference in admissions (such as children of persons who work in support of the school prior to its being chartered, or siblings of charter school students) and if so, specifically how that process would work.
24. Describe the plan to address the needs of students with special needs, including the budget and staff requirements. The plan shall include identifying and meeting the learning needs of at-risk students, students with disabilities, gifted students and English language learners. Plans must be in compliance with any OCR agreements.
25. Describe the policies regarding the school's student discipline, expulsion and suspension that are consistent with the intents and purposes of state and federal law.
26. State whether a site has been identified for the proposed school and, if so, state its location, describe the status of negotiations with the landlord, and specify the expected rental cost.

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27. Provide a list of the state laws and regulations included in the State Board of Education's list of "automatic waivers" that the charter school requests. Provide a rationale for why a waiver is necessary, and a detailed replacement plan for the state law or regulation.
28. Provide a list of the state laws and regulations that are not "automatic waivers" for which waivers are requested. Include a detailed rationale and replacement plan for each.
29. Provide a list of district policies for which waivers are requested. Include a detailed rationale and replacement plan for each.
30. Describe the process consistent with state law that will be used to resolve disputes that may arise between the district and the district charter school.
31. Include the following information if the district charter school intends to contract with an education management provider (EMP):
  - A summary of the performance data for all current schools of the EMP, including documentation of academic achievement and school management success
  - An explanation and evidence of EMP's capacity for successful expansion
  - An explanation of existing or potential conflicts of interest between the governing board of the district charter school and the EMP
  - A copy of the actual or proposed performance contract between the district charter school board and the EMP that specifies performance evaluation measures, methods of contract oversight and enforcement, compensation structure and fees, and conditions for contract renewal and termination.

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### **III. Review of Applications**

Applications will be reviewed for completeness in the 15 days after submission. District administration shall review the application to determine whether all components required by law and policy have been addressed and if an application is deemed incomplete, the district administrator will document the missing components in a written notice to the applicant within the 15-day period. Applicants shall be allowed 15 days from the date of receipt of such notification to supply the information that was omitted.

If the application is deemed complete, the district administrator will indicate the date the applicant filed the initial application, and forward the application to the District Accountability Committee.

If an application is substantially amended after its initial submission, the district reserves the right to find that the application differs so significantly from that originally submitted that the amended application in its then-current form has not been reviewed by the accountability committee as required by law, and the Board of Education has not had the full time period set forth in statute to review the application. If the Board makes such a finding and finds that sufficient time remains to process the application without causing undue burden or disruption to the district or its schools and without being unfair to other applicants, then:

1. The application must then be submitted for consideration by the district; and
2. The Board of Education review period shall run from the date the completed application is resubmitted.

Applicants whose applications have been denied, and those whose applications have been found to be incomplete who do not promptly supply the omitted information under this procedure, must wait until the following school year to submit another charter school

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application.

### **IV. Public Meetings**

After giving reasonable notice, the Board will schedule and hold community meetings in the affected areas of the entire district to obtain information to assist the Board in making a decision about the charter school application.

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 a timely manner, either in writing or in testimony during a public meeting on the charter application to preserve a right to appeal the Board's decision on the charter application.

### **V. Decision on the Charter Application**

The Board will make a decision on a complete charter school application either in a regular or special Board meeting by resolution within 90 days after the official application has been deemed complete, unless the parties have mutually agreed, in writing, to extend this deadline.

A charter may be approved for a period of at least four years and will generally not be approved for a period of more than five academic years. However, the Board may extend the term beyond five years where doing so would enhance the terms of any lease or financial obligation. A charter may be approved with stated conditions to be fulfilled by certain dates (e.g., securing an acceptable site, obtaining commitments to enroll from students, entering into a contract with the district.) In such a case, the Board minutes shall reflect the specific conditions which must be met for the school to begin operations and the deadlines for meeting the conditions, which shall be no later than March 15, except in unusual circumstances. A contract between the school and the district shall be entered into prior to the school beginning operation.

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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 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 the Board approval of the application.

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.

#### **VI. Appeal Process**

The charter applicant or any other person who wishes to appeal the Board's decision concerning a charter school to the state Board of Education must provide the state Board of Education and the Aurora Public Schools Board of Education with a notice of appeal within 30 days of the local board's decision. Instead of an appeal, the parties may also agree to facilitation of their dispute pursuant to the procedures set forth in the Colorado Charter Schools Act.

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**VII. Annual Performance Review of District Charter**

The district's administration shall create a process for and ensure an annual review of the district charter school's performance.

At a minimum, the review shall include the district charter school's progress toward meeting the objectives of its accreditation plan and the results of the district charter school's most recent annual financial audit.

If the district charter school is required to implement a turnaround plan for a second consecutive school year, it shall also present the turnaround plan, a summary of changes made to improve its performance, and evidence that it is making sufficient improvement to attain a higher accreditation category within two school years or sooner.

The district charter school shall receive written feedback from the annual review and a copy shall be given to the Board for consideration in any decision to renew, revoke, or renegotiate the district charter.

**VIII. Renewal of Charter**

Each district charter school shall be provided with a copy of the renewal procedures and timelines and receive a copy of any subsequent revisions to the procedures or timelines.

A district charter may be renewed for a period not to exceed five academic years. The governing body of a district charter school shall submit a renewal application to the Board, no later than October 1 of the year prior to the year in which the district charter expires. The application must 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

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other terms of the district charter contract and the results achieved by the district charter school students on state assessments.

The renewal application must also include a financial statement that discloses the costs of administration, instruction and other spending categories for the school, and any information or materials resulting from the district's annual review of the district charter school.

The Board may refuse to renew a charter upon determining that it is not in the best interests of students residing within the district to continue the operation of the charter school. The Board shall rule by resolution upon the renewal application by February 1 of the year in which the charter expires, or by a date mutually agreed to by the charter school and the Board.

### **IX. Revocation of a Charter**

A charter may be revoked or not renewed by the Board if the Board determines, following a hearing, that the charter school did any of the following:

1. Committed a material violation of any of the conditions, standards, or procedures in the contract or the approved application.
2. Failed to meet or make adequate 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 make sufficient improvement to attain an accreditation category higher than turnaround status within two school years or if the district charter school is required to implement a turnaround plan for a third consecutive school year.

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4. Failed to meet generally accepted standards of fiscal management; or
5. Violated any provision of law from which the district charter school is not specifically exempt.

The school district administration shall provide the Board and district charter school a written recommendation concerning whether to revoke or renew the district charter, including reasons supporting the recommendation. The recommendation shall be submitted at least 15 days prior to the date the Board will consider action to revoke or renew the district charter.

If the Board revokes or does not renew a district charter, the Board shall state its reasons for doing so in writing.

**X. Closure of a District Charter School**

Following nonrenewal or revocation of a district's charter school's charter, the school district shall, when practicable, allow the district charter school to continue to operate through the end of the school year. However, if the Board determines it is necessary to close the district charter school prior to the end of the school year, the school district shall work with the district charter school to determine an earlier closure date.

The school district shall work with the parents of students enrolled in the district charter school to ensure that students are enrolled in schools that meet their educational needs, whether such enrollment need happen mid-year or at the end of a school year.

The school district shall also work with the district charter school to ensure the district charter school meets its financial, legal and reporting obligations during the period of time



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that the district charter school is concluding its operations.

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**(Intent to Apply to Become a District Charter School)**

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**Instructions:** All district charter school applicants must file this intent to apply form with the district at least 30 days before submitting an application to the Board of Education. The intent to apply form may be returned to the Division of Accountability and Research, 15701 E. 1<sup>st</sup> Ave., Suite 112 Aurora 80011. The form should also be the first document included in the district charter school application.

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Today's Date: \_\_\_\_\_  
Date when you intend to submit your application: \_\_\_\_\_  
Name of proposed district charter school: \_\_\_\_\_  
Name of education management provider (EMP), if applicable: \_\_\_\_\_  
  
Contact person: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

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Please respond to the following; attach separate sheets as necessary.

1. Applicant(s) has/will file an application to charter this school or a substantially similar school with other authorizers:  
 Yes     No  
If yes, please list the other authorizer(s):  
\_\_\_\_\_
  
2. Applicant(s) submitting this form: (Check appropriate statement)  
 is incorporated in Colorado as a nonprofit  
 has filed application to become a Colorado nonprofit  
 (state type of entity, if other than above): \_\_\_\_\_
  
3. If applicant intends to contract with an EMP, the corporate status of the EMP is:  
 incorporated in Colorado as a nonprofit  
 has filed application to become a Colorado nonprofit  
 (state type of entity, if other than above): \_\_\_\_\_
  
4. The proposed district charter school will be located within the boundaries of the school district in which this intent to apply form is submitted:     Yes     No

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If no, the proposed district charter school will be located in \_\_\_\_\_.

5. Does the school expect to contract with a charter management organization or company for school management or operation?  
 Yes       No

If yes, identify the charter management organization:

\_\_\_\_\_

6. Proposed principal or lead administrator information  
Name of proposed principal candidate:

\_\_\_\_\_

Current employment:

\_\_\_\_\_

\_\_\_\_\_

Phone (day)

\_\_\_\_\_

Phone (evening)

\_\_\_\_\_

Email address

7. Model or focus of proposed school: (ex. Arts, College Prep, Dual Language, etc.)

\_\_\_\_\_

8. Grade levels to be served:

\_\_\_\_\_

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9. Projected enrollment and demographics chart

	<b>K</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>Total</b>
School Year 1														
School Year 2														
School Year 3														
School Year 4														
School Year 5														

	<b>% ELL</b>	<b>% SPED</b>	<b>% FRL</b>
School Year 1			
School Year 2			
School Year 3			
School Year 4			
School Year 5			

10. Name of applicant team or founding entity:

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A. Names, roles, and current employment of all persons on the applicant team:

B. Does the applicant team or any members of the team currently operate any other schools?

Yes  No

C. Explain the individual and collective qualifications of the applicant team members to establish a high-quality charter school, in particular the capacity to assume responsibility for public funds, administration and governance.

D. Include as attachments resumes for each individual on the applicant team.

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- E. Explain the circumstances and motivations that brought the applicant team together to propose this charter school.
  - F. Which applicant team members will become founding board members?
11. Identify any organizations, agencies, consultants or institutions of higher education that are partners in planning and establishing this charter school, along with a brief description of their current and planned role and any resources they have contributed or plan to contribute to the school's development.