

RELATIONS WITH CHARTER SCHOOLS

General

Colorado Springs School District 11 (the District) will comply with the requirements provided in the Charter Schools Act C.R.S. §22-30.5-101, et seq. regarding charter applications and renewal proposals. This regulation highlights some of the key aspects of the Act and specifics regarding submissions to the District. Applicants are advised to consult the District's "Charter Schools' Guidelines and Application Procedures" which can be obtained by accessing the District's web site.

Application for Approval of Initial Charter

Submission of New Application ("Application")

At least 90 calendar days before submitting an application, applicants must file an "Intent to Apply" form (LBD-E1) with the District. The applicant must include with the intent to apply form an executive summary of the proposed school with the following information components: (1) name of school, grade levels to be served and growth plan, proposed operating date; (2) vision and mission statements including how they were created; (3) a short explanation of the key programmatic features the school will implement in order to accomplish its vision and mission; (4) how the proposed school will be more effective than the schools currently serving the targeted student population; (5) unique features such as non-traditional school year, longer school day, key partner organizations, multiple campuses, school culture, etc.; (6) student body to be served, such as key demographic data, targeted geographical area, etc.; (7) and evidence of community need of a school of this nature.

The deadline for submission of a new charter school application shall be September 1 of the calendar year prior to the year in which the charter school is to begin operation, or as may be required by statute. Charter applicants may only submit one application, with applicable modifications as may be required, per calendar year.

The potential charter school (applicant) will submit five (5) hard copies of the completed formal application (with ability to produce more, if requested), along with one electronic copy in a version compatible with current district technology requirements, in a format agreed to by the parties, by 4 p.m. local time, September 1 for consideration to open a school the next school year. If the September 1 deadline falls on a weekend, the application must be submitted by 4 p.m. the Friday before the September 1 date. The applicant shall submit the application to the District's designated administrator(s). Within 15 calendar days of receiving the application, the district administrator shall review the application to determine whether all components required by law and policy have been addressed. If the application is deemed incomplete, the district administrator will document the missing components in a written notice to the applicant within the 15 calendar day period. Applicants shall be allowed 15 calendar days of the day of receipt of such notification to provide the missing information.

Applications, and all copies, are to be delivered by to the District 11 Procurement and Contracting Department, 1115 North El Paso Street, Colorado Springs, CO 80903.

Review by District Accountability Committee

Prior to consideration by Colorado Springs School District 11 Board of Education (the Board), each timely and properly submitted new application shall be reviewed by the District Accountability Committee (hereinafter referred to as the DAC) for review and comment. 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 DAC may delegate the review to a subcommittee or ad hoc committee, provided that in all events the reviewing committee shall have a composition which complies with the requirements of Colorado law. The DAC will have 30 calendar days or such time as provided in statute to review the application. In addition, the District Administration will review each timely and properly submitted application and, as requested, may render a recommendation to the Board.

Decision on the New Application ("Application")

The Board shall not accept or consider an incomplete application nor shall the Board take action on an application if the information deemed necessary by district administration to complete the application is not received within the 15 calendar day period allowed by state law.

The Board will make a decision by resolution on a complete district charter school application either in a regular or special meeting within 90 days after deadline for receiving the formal application unless the parties have mutually agreed in writing to extend this deadline, or the timeframe is revised by statute. A charter may be approved for a minimum period of four years, or such time as may be prescribed by statute.

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.

As required by statute the Board will set forth in writing the grounds for the denial of an application.

The Board will send appropriate documentation for approved or denied applications to the Colorado Department of Education within 15 calendar days or such timeframe as may be prescribed for submission.

All negotiations between the Board and an approved district charter school on the district charter agreement (contract) shall be concluded by and all terms agreed upon no later than 90 days after the Board resolution approving the district charter school application.

Contents of the New Application ("Application")

Potential Charter Schools must submit a formal application. In accordance with law, the charter school application will be a proposed agreement and will include the required elements specified within the Charter Schools Act and those considered prudent by the District. The “Colorado Charter School Standard Application, Checklist, and Review Rubric” includes the required application elements. Application section details and current review rubric can be obtained on the District webpage as noted in the “Cross References” below.

Application for Replication of an Existing Charter (“Replication”)

The fundamental difference between an application to open a new charter school and an application to replicate an existing school is that the Replication Application is not about the idea of creating a new charter school. Rather, the Replication Application is an evaluation of the existing school’s success and the capacity of the existing school leadership to create additional school(s) using their proven school model. For additional information see the Charter School Replication Guide on the District webpage as noted in the “Cross References” below.

As stated in Board policy LBD, replication is when a charter school seeks to establish one or more additional schools using the same educational model and where there will be an ongoing relationship between the original and the replicated schools. The definition is meant to be fairly broad and include a range of practices, some of which are described below:

- One governing board overseeing two or more schools;
- An educational service provider contracting for services with two or more schools; and
- Shared services between schools.

Application for Request to Relinquish Exclusive Chartering Authority

If an applicant is requesting to the District Board to relinquish exclusive chartering authority, they must submit their notification that they intend to request relinquishment by June 1 and a completed application no earlier than August 1 and no later than September 1, as specified in policy LBD. The application “Request to Relinquish Exclusive Chartering Authority Guide” is on the District webpage as noted in the “Cross References” below. The related “Request to Relinquish Exclusive Chartering Authority” form, that must be submitted with the application, is included in Policy LBD as Exhibit LBD-E2, and is also on the District webpage noted in the “Cross References” below.

Application for Renewal of an Existing District Charter

Introduction

Per C.R.S. §22-30.5-110, a charter may be renewed for successive periods. Renewal periods shall be for no less than three years, or such timeframe as specified by statute.

Submission of Renewal Application ("Renewal")

The Renewal Application must be submitted to the District Board no later than 4:00 p.m. local time November 1 of the year prior to the year in which the charter expires, or such date as

may be set by statute. If the November 1 deadline falls on a weekend, the application must be submitted by 4 p.m. the Friday before the November 1 date. The Board must rule by resolution on the renewal application no later than February 1 of the year in which the charter expires or by a mutually agreed upon date, or such date as may be required by statute.

Five (5) hard copies of the Renewal Application, along with one electronic copy in a version compatible with current district technology requirements, are due by 4 p.m. local time, November 1 during the final year of the current contract period. Applications should be in a format agreed to by the parties.

The Renewal Application, plus all required additional copies of same, must be delivered to District 11 Procurement and Contracting Department, 1115 North El Paso Street, Colorado Springs, CO 80903.

Review of Renewal Application

The Renewal Application, the cumulative Annual Performance Review (APR) document, and results of the Renewal Site Visit will be evaluated by the District Administrative Charter School Review team hereafter referred to as the “Administrative Review Team” or “the Team.” The Administrative Review Team shall report its findings and recommendation relating to renewal of the charter to the Superintendent. The Superintendent shall make the Administration’s recommendation to the Board. For additional APR information, see Policy LBD and APR document located on District webpage as noted in “Cross References” below.

Should the application be found incomplete, applicants may be provided the opportunity to provide additional information for review by the Board.

Renewal Site Visit

In the final year of a charter school contract, the Administrative Review Team shall visit the charter school. The Team may include representatives from at least one other charter school and from the District Departments that align to the charter school’s identified emphasis or area of need. The Team shall minimally review the following general areas of their operations: school governance, educational service provider (if applicable), academic progress, learning environment, mission statement, and accountability process. The Team shall conduct focused interviews with the Board, Administration, School Accountability Committee, parents, staff and students of the charter school as a part of the on-site evaluation.

Decision

Following receipt of the Administration's recommendation, the Board shall, by February 1 of the final year of a school's charter, or such date as may be set by statute, render its decision as to whether or not it will approve or deny the charter's request for renewal of its charter, or extend the existing charter contract for a probationary period. A decision to approve a request to renew shall include required contractual changes.

Grounds for Non-renewal or Revocation of a Charter

A charter may be revoked or not renewed by the Board, in accordance with the provisions of

C.R.S. §22-30.5-110, if the charter has done one of the following:

1. Committed a material violation of any of the conditions, standards or procedures in the application.
2. Failed to meet or make reasonable progress toward achievement of student performance standards, applicable federal requirements, or other terms identified in the charter contract.
3. Failed to meet generally accepted standards of fiscal management.
4. Violated any provision of law for which the charter school is not specifically exempted.

If the Board revokes or does not renew a charter, the Board will state its reasons for the revocation or non-renewal.

Contents of Renewal Application ("Renewal")

The District will notify the Charter School of specific required renewal application elements, based on the results of the Charter's Annual Performance Reviews (APRs). This notification will be made by June of the Charter's next to last contract year. Further details can be found in the Charter School Renewal Application Guide located on the District webpage as noted below in the "Cross References".

Appeal Process

An applicant may appeal the denial of an initial charter application, non-renewal or revocation of an existing charter or the imposition of unilateral conditions it finds unacceptable in accordance with the procedures outlined at 22-30.5-108(2)(a). Alternative dispute resolution approaches are available to the parties. In lieu of a first appeal to the State Board of Education, the parties may agree to facilitation by jointly filing 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. If one party subsequently rejects facilitation, and such rejection is not reconsidered within seven days, the Board shall reconsider its denial (or non-renewal or revocation) and make a final decision relating to the charter school application. The applicant may, within 30 calendar days of the Board's final decision, appeal to the State Board of Education.

School Closure Procedure

School closure procedures will be initiated for: any non-voluntary decision which includes non-renewal decision of an existing charter school; revocation of an existing school; or for a voluntary decision by the charter school to surrender their contract. Closure can present many challenges and will require a carefully developed, detailed and implemented school closure plan. In the event that a decision is made for closure, the following actions will be required, as outlined in the Colorado Charter Schools Sample Closure Framework.

1. Notify parents/guardians of closure decision

Within one day of the District 11 Board of Education decision to close the charter school, the District's charter school team, along with charter school staff and charter school board will meet to collaborate to ensure that parents/guardians are notified regarding the closure. Such notifications shall include:

- (a) If applicable, an explanation of the process for an appeal to the Colorado State Board of Education and possible litigation, including the implications for families.
- (b) Assurance that instruction will continue through the end of the school year or the date when instruction will cease.
- (c) Assurance that after a final decision is reached, parents/guardians will be assisted in the reassignment process.
- (d) Frequently Asked Questions (FAQ) document, including answers, about the charter closure process.
- (e) Contact information for parents/guardians with questions.

2. Notify district materially impacted

Within two days of the authorizer's decision to close the charter school, notify districts materially impacted by the closure decision including:

- (a) Possible appeals and timeline for final decision.
- (b) Copy of the letter sent to parents.
- (c) Closure FAQ document.
- (d) Information about the plan being developed to ensure the orderly closure process.
- (e) Contact information for questions.

3. Review budget

- (a) Review budget to ensure that funds are sufficient to operate the school through the end of the school year, if applicable.
- (b) Emphasize the legal requirement to limit expenditures to only those in the approved budget, while delaying approved expenditures that might no longer be necessary until a revised budget is approved.
- (c) Acknowledge that there are unique expenditures associated with closure for both the authorizer and the school and that the parties will meet to identify these expenditures and funding sources.
- (d) Ensure that the school continues to collect revenues included in the school's budget if applicable.

4. Meet with the charter school faculty and staff

Principal and charter board chair meet with the faculty and staff to:

- (a) Discuss reasons for closure, the status of appeals/legal action and likely timeline for a final decision.
- (b) Emphasize importance of maintaining continuity of instruction through the end of the school year.
- (c) Discuss plans for helping students find new schools.
- (d) Identify the dates when last salary check will be issued, the last day of work, and when benefits terminate.
- (e) Describe assistance, if any, that will be provided for faculty and staff to find new positions.

5. Send additional and final notifications

Provide written notification to parents and affected school districts after key events (e.g., denial of appeal) and after closure decision is final, including information on:

- (a) The last day of instruction.
- (b) Any end-of-the-year activities that are planned to make the transition easier for parents and students.
- (c) Assistance that will be provided for families in identifying new schools. This may include a list of school options, choice fairs, individual meetings with families, and prospective school visitations.

6. Establish transition team, develop closure plan, and assign tasks

Transition team includes:

- (a) Lead person from authorizer staff
- (b) Charter school board chair
- (c) Lead administrator from the charter school
- (d) Lead finance persons from the charter school and authorizer
- (e) Representative from the District's Multilingual office
- (f) Representative from the District's Special Education office

7. Establish a schedule for meetings and interim status reports

Agree on a meeting schedule to review progress and interim, written status reports to include:

- (a) Reassignment of students.
- (b) Return or distribution of assets (property inventory clarifying district-owned vs. charter owned).
- (c) Transfer of student records.
- (d) Notification of entities doing business with the school.
- (e) The status of the school's finances.
- (f) Submission of all required reports and data to the authorizer and state.

8. Submit a final report

Submit a final report to the authorizer detailing the completion of the closure plan.

Approved: March 1997
Revised: October 1999
Revised: January 2002
Revised: December 2003
Revised: May 2006
Revised: May 2007
Revised: May 1, 2012
Revised: June 11, 2014
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, 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%20Applicatio>

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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>