

CHARTER SCHOOL GUIDELINES AND APPLICATION PROCEDURES

I. PURPOSES AND INTENT

The General Assembly declared the following purposes of the Charter Schools Act C.R.S. s22-30.5-101:

- * to improve pupil learning by creating schools with high, rigorous standards for pupil performance;
- * to increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achievers;
- * to encourage diverse approaches to learning and education and the use of different and innovative teaching methods;
- * to allow the development of different and innovative forms of measuring pupil learning and achievement;
- * to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- * to provide parents and pupils with expanded choices in the types of education opportunities that are available within the public-school system;
- * to encourage parental and community involvement with public schools; and
- * to hold Charter Schools accountable for meeting state board and school district content standards and to provide such schools with a method to change accountability systems.

The intent of the Charter Schools Act is to create an avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public-school system. It seeks to provide an atmosphere in Colorado's public-school systems where research and development in creating different learning opportunities is actively pursued.

II. GUIDELINES

1. A Charter School is a public, nonsectarian, nonreligious, non-home-based school which operates within the School District and is accountable to the 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, national origin, religion, ancestry or need for special education services.

2. An approved charter application and accompanying agreements will serve as the contract between the Charter School and the School District's Board of Education.
3. The Charter School must comply with all provisions of the charter application and must comply with all federal and state laws and regulations, except that the Charter School may be exempt from certain state regulations waived in the charter as agreed upon by the School District's Board of Education and approved by the State Board of Education. The Charter School must also comply with all School District policies and regulations, except that the Charter School will be exempt from specific School District policies and regulations as agreed upon by the Board of Education.
4. A Charter School must be non-sectarian, nonreligious, and non-home-based. An application may not be submitted to convert an existing private school or non-public home-based educational program into a Charter School.
5. Any group of parents, teachers, and/or community members may develop a charter application. There must be evidence that an adequate number (related to size and scope of proposed school) of parents, teachers, pupils, or any combination thereof, support the formation of the proposed Charter School.
6. The Charter School must be open and tuition-free to any pupil who resides within School District Fremont RE-1. A Charter School is subject to court orders affecting the District and to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services. The selection process which will be followed when applications exceed the space available should be described.
7. The Charter School will receive at least eighty percent of the Per Pupil Operating Revenue of the School District as defined by the state funding formula and as agreed upon by the School District Fremont RE-1 Board of Education. If a student withdraws from the Charter School and re-enters another School District Fremont RE-1 school, the prorated amount of funds will follow the student.
8. The Charter School may purchase services from a third party or from the School District. Services provided by the District will be provided at cost.
9. The Charter School must comply with all federally funded program guidelines and the Single Assurance Form for State Administered Federal Education Program. State and federal resources under categorical programs (special education, Chapter I, etc.) will be directed by the District to the Charter School serving students eligible for such aid. A Charter School does not receive state funds directly; the funds flow through the School District. The Charter School may collect fees which will be retained by the Charter School to the extent permitted by School District policy and state law or otherwise permitted in the charter.
10. A Charter School shall be administered and governed by a school-based governing body as agreed upon by the applicant(s) and the School District Board of Education.
11. A Charter School shall be responsible for its own operating including, but not limited to, preparation of a budget, contracting for services, and personnel matters.

12. A Charter School must locate a site for the school geographically within the School District. A Charter School will not be required to pay rent for space in a School District facility when it is deemed available by the School District Board of Education. When a District facility is used, any proposed change in the condition of the facility must be reported to the District. The costs of maintaining, cleaning, utilities, insurance, etc., must be included in proposed charter budget information. Federal, state, and local zoning, planning, health and life-safety codes apply to rented or contributed facilities.
13. The Charter School Application procedure, as outlined below, must be followed. Ten typed copies of the application must be submitted to the School District Board of Education by September 30 for the proposed Charter School to open the following academic year.
14. If it is approved by the Board of Education, a Charter Application shall constitute an agreement, and the terms thereof shall be the terms of a contract between the Charter School and the School District. A material revision of the terms of the contract may be made only with the approval of School District Board of Education and the governing body of the Charter School.
15. The contract between the Charter School and the School District shall reflect all approved requests for release from school district policies. All requests for release of a Charter School from state regulations shall be listed in the application. If such release is approved by the Board, the Charter School and the School District shall jointly request such release from the State Board of Education. Copies of all contracts which will be used by the Charter School should be attached to the Charter School Application.
16. The Charter School must develop a statement of mission, goals, and philosophy which will guide its educational program. The Charter School's curriculum, content standards, and student performance levels must meet or exceed those adopted by the School District Board of Education and must be designed to enable each pupil to achieve such standards and levels.
17. The Charter School shall be expected to follow the same accountability procedures as the other School District schools. The Charter School is a part of the School District and is accountable to the School District Board of Education. The Charter School will establish an Accountability Committee following Colorado statutory guidelines.
18. The Charter School Act requires priority of consideration be given to Charter School applications designed to increase the educational opportunities of at-risk pupils, as defined in C.R.S. s22-30.5-103. These are students who, because of physical, emotional, socioeconomic or cultural factors, are less likely to succeed in a conventional educational environment.
19. A current employee of the District who is selected for a position in a Charter School will be granted a year's leave of absence from the District. Upon the employee's request, the year's leave of absence may be renewed for up to two additional one-year periods upon the mutual agreement of the employee and the District. At the end of the three years, the employee shall be informed of his or her status. District leave of absence procedures must be followed. At the end of the third year of employment with the Charter School, the employee must choose between returning to employment at the District or resign his or her position. Employees of the Charter School are not employees of the School

District. A new employee hired initially by the Charter School will not have an employment right to a position in the School District upon leaving the Charter School.

20. Employees of the Charter School shall be members of the Public Employees' Retirement Association. The Charter School and the employee shall contribute the appropriate respective amounts required by the funds of the Public Employees Retirement Association.

III. APPLICATION PROCEDURES

1. Any group of parents, teachers, and/or community members may develop a Charter School application.
2. Charter School applicants are strongly encouraged to work closely with School District representatives in the application process and to informally submit a proposed application to the School District for review, comments, and revision prior to submission of the formal application to the Board of Education.
3. The Charter School Application (see Application Requirements) must be submitted to the Board of Education by September 30 for the proposed Charter School to open the following academic year.
4. The application will be reviewed by the District Advisory Accountability Committee prior to consideration by the Board of Education. If the Board of Education considers a charter application incomplete, the Board will request additional information from the applicant. The additional information must be submitted by the next regularly scheduled meeting of the Board of Education. An application must be complete before the Board of Education will act on it.
5. After public notice, the Board of Education will hold a public hearing to obtain information to assist in its decision to grant or deny the Charter School request. After public notice, the Board of Education will review and act on each application within sixty days of receiving a completed application. The School District administration will perform an analysis of each application. This will include the financial impact on the District.
6. The School District Board of Education will deny the charter application if the proposed Charter School would:
 - a. Violate any federal or state civil rights laws;
 - b. Violate any court order;
 - c. Threaten the health and safety of the pupils of the School District;
 - d. Be inconsistent with equitable distribution of Charter Schools among the districts of Colorado;
 - e. Be economically unsound for either or both the School District or the proposed Charter School; or
 - f. Otherwise be contrary, in the sole discretion of the Board, to the best interests of the School District, its pupils, or the community, subject only to the appeal rights of the applicant set forth hereinafter.

7. If the Charter School application is denied, the Charter applicant may appeal the denial to the State Board of Education. The local Board of Education will report its decision to the State Board of Education. The report will include whether the Charter School is designed to increase educational opportunities of at-risk pupils.
8. A charter application may be approved for up to five academic years, and may be renewed for a period of five academic years. The application shall state the requested term of the agreement. The Board of Education shall have the power to grant the application for a shorter term than requested.
9. The approved Charter School will provide on an annual basis a written accountability report to the Board of Education. The report is similar to that requested of all District schools. The Charter School will submit an annual financial report to the School District by September 30 of each year for the prior year, or such earlier time as the School Board shall reasonably determine is necessary to permit the School District to meet its financial reporting responsibilities.
10. The School District's auditor will conduct an annual financial audit of the Charter School. The members of the governing body of the Charter School and employees should be available, provide documents, and cooperate in the auditing process. The Charter School shall be assessed a proportionate share of the cost of such audits.
11. The Charter School must use Generally Accepted Accounting Procedures and comply with the Colorado Department of Education Financial Policies and Procedures Handbook, unless otherwise provided in the Charter.
12. Any application shall meet all of the requirements imposed by the Charter School Act.

IV. RENEWAL OF CHARTER

1. At least six months prior to the expiration of the Charter School contract, if renewal is desired, a renewal application will be submitted to the School District Board of Education.
2. The renewal application shall contain:
 - a. A report on the progress of the Charter School in achieving the goals, objectives, pupil performance levels, content standards, and other terms of the initial approved charter application.
 - b. A financial statement that disclosed the costs of administration, instruction, and other spending categories for the Charter School in a format required by the State Board of Education.
3. Pursuant to C.R.S. s22-30.5-110(3), a charter may be revoked or not renewed by the District Board of Education if the Board of Education determines that the Charter School did any of the following:
 - a. committed a material violation of any of the conditions, standards, or procedures set forth in the charter application;

- b. failed to meet or make reasonable progress toward achievement of the content standards of pupil performance levels identified in the charter application;
 - c. failed to meet generally accepted standards of fiscal management; or
 - d. violated any provisions of law from which the Charter School was not specifically exempted.
4. In addition, a Charter School may not be renewed upon a determination by the Board of Education that it is not in the interest of the pupils residing in the School District to continue operation of the Charter School.
5. A decision to revoke or not to renew a charter may be appealed pursuant to the provisions of the Charter School Act (outlined in Charter Appeals Procedures).

V. CHARTER APPEALS PROCEDURES

1. Pursuant to C.R.S. s22-30.5-108, the State Board of Education, upon receipt of a notice of appeal or upon its own motion, may review decisions of any local board of education concerning charter schools.
2. Within thirty days of the decision of the School District Board of Education, a charter applicant or any other person who wishes to appeal a decision concerning a Charter School shall provide the State Board and the School District Fremont RE-1 Board of Education with a notice of appeal.
3. If the notice of appeal, or motion to review by the State Board, relates to the local board's decision to deny, refuse to renew, or revoke a charter, the appeal and review process is as follows:
- a. Within thirty days after receipt of notice of appeal or motion to review by the State Board and after public notice, the State Board at a public hearing shall review the decision and make its findings. If the State Board determines that the School District Fremont RE-1 Board's decision was not in the best interests of the pupils, the School District, or the community, the State Board shall remand the decision to the School District Fremont RE-1 Board of Education with written instructions for reconsideration. Otherwise, the decision of School District Fremont RE-1 Board of Education to deny, refuse to renew, or revoke a charter shall be final.
 - b. Within thirty days following the remand and after public notice, the School District Fremont RE-1 Board of Education at a public hearing shall reconsider its decision and make a final decision.
 - c. If the decision of the School District Fremont RE-1 Board of Education is still to deny, refuse to renew, or revoke a charter, a second notice of appeal may be filed with the State Board within thirty days.
 - d. Within thirty days following receipt of the second notice of appeal or making of a motion for a second review by the State Board and after public notice, the State Board, at a public hearing, shall determine whether the final decision of the School District Fremont RE-1 Board of Education was contrary to the best interests of the pupils, school district,

or community. If such a finding is made, the State Board shall remand such final decision to the School District Fremont RE-1 Board of Education with instructions to approve the charter application. The decision of the State Board on second appeal shall be final and not subject to appeal.

4. If the notice of appeal, or motion to review by the State Board, relates to the local board's decision to grant a charter, the appeal and review process shall be as follows:
 - a. Within thirty days after receipt of the notice of appeal or the making of a motion to review by the State Board and after public notice, the State Board, at a public hearing, shall review the decision of School District Fremont RE-1 Board of Education and determine whether such decision was arbitrary and capricious or whether the establishment or operation of the proposed Charter School would:
 - i) violate federal or state laws concerning civil rights, violate any court order;
 - ii) threaten the health and safety of pupils in the school district;
 - iii) violate the provisions of C.R.S. 22-30.5-109(2), prescribing the permissible number of charter schools; or
 - iv) be inconsistent with the equitable distribution of Charter Schools among school districts.
 - b. If such a determination is made, the State Board shall remand such decision to the School District Fremont RE-1 Board of Education with instructions to deny the charter application. Otherwise, the decision of the School District Board of Education to grant the Charter shall stand. The decision of the State Board shall be final and not subject to appeal.