

Relations with District Charter Schools

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

- Expand learning opportunities for all students
- Encourage diverse approaches to learning through the use of different, innovative, research-based or proven 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 district 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 district 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.

Enrollment is 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 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. 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 is no restriction on the number of online students that may enroll in any online program offered by the district charter school. A district charter school will not charge tuition except as otherwise provided by law.

Each district charter school is 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 will serve as the basis for negotiating a contract between the district charter school and the Board. The contract must 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 must 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 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 district 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 district charter school. Any moneys received by a district charter school from any source that remain at the end of any budget year will remain in the district charter school account for use by the district charter school in subsequent years.

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 by state law.

The Board encourages district charter applicants to develop an educational program to serve the needs of students considered “at-risk” academically as evidenced by poor performance on the state assessments, among other things.

A district 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 district charter may be approved is a minimum of four academic years. Renewal of a district charter must be for specified periods of time.

Adopted: prior to August 26, 2015

Revised: August 26, 2015

Revised and recoded by the Board: July 17, 2019

Revised: August 12, 2020, November 10, 2021

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: 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. C.R.S. 22-32-110 (1)(k).*
- *“Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id.*
- *“Sexual Orientation” means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5) and C.R.S. 24-34-301 (7).*
- *“Gender Expression” means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4) and C.R.S. 24-34-301 (3.3).*
- *“Gender Identity” means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth. C.R.S. 2-4-401 (3.5) and C.R.S. 24-34-301 (3.5).*

Weld County School District Re-3J, Hudson, Colorado

Relations with District Charter Schools

(Procedures for Establishment, Review, Renewal, Revocation and Closure)

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.

Timeline for submission of application

In accordance with this regulation, a district charter school applicant shall submit an application to the district only on August 1 between 7:00 a.m. and 4:00 p.m. or by 4:00 p.m. the first business day following August 1 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.

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. Executive summary

Provide an executive summary that outlines the elements of the application and provides an overview of the proposed charter school.

3. Vision and mission

Provide a copy of the vision and mission statements of the district charter school and a description of the process used to develop the statements.

4. Goals, objectives and student performance standards

State the proposed four-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.

5. 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 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.

6. Student achievement and curriculum

Describe 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.

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 policies regarding student discipline, expulsion and suspension that are consistent with the intents and purposes of state and federal law.

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

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.

7. Criteria for enrollment decisions

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

8. Governance and decisionmaking

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 parental, professional educator and community involvement in the governance and

operation of the district charter school. Provide information on how the district charter school will be accountable to the public.

Describe expectations and plans for ongoing parent and community involvement.

Specifically include how the following areas will be addressed:

- Provisions for a representative school accountability committee
- Development of an annual school improvement plan with supporting profile information
- Representation on the district accountability committee

Provide draft bylaws for the district charter school.

9. 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.

10. Financial data, facilities and transportation

Provide necessary evidence that the plan for the district charter school is economically sound.

Include a proposed budget for a term of at least five years and a description of the manner in which an independent annual audit of the financial statements is to be obtained, consistent with state and federal law. 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, which shall include workers' compensation, liability insurance, and insurance for the facility and its contents, and a proposal regarding the parties' respective legal liabilities.

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.

Describe the proposed student transportation system and food services program, including the contract if services will be provided by a second party. If transportation or food services are to be provided by the district charter school, include a plan for addressing the needs of low income students, complying with insurance and liability issues and complying with state and federal law.

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.

11. Dispute resolution

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.

12. Requested “automatic waivers” under state law

List the state laws and regulations included in the State Board of Education’s list of “automatic waivers” that the district charter school requests.

13. Requested waivers that are not “automatic waivers” under state law

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.

14. Education management provider, if applicable

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.

15. 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, or an electronic copy of the application.

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).

Only on August 1 between 7:30 a.m. and 4:00 p.m. or by 4:00 p.m. on the first business day following August 1 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). Within 15 days after receiving the application, the district administrator shall review the application to determine whether all components required by law and policy have been addressed and if the 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 provide the missing information. Alternatively, the applicant may elect to withdraw the application or submit a complete application in a future year.

NOTE: 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.

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.

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 at least 15 days, if possible, to review the application prior to review by the Board. 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.

Review by the Board

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 day period allowed by state law. Statutory timelines for Board action upon a complete district charter application shall commence when the district's designated administrator(s) receives the initial charter application from the charter applicant. 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 a complete district charter school application by resolution in a regular or special Board meeting within 90 days after receiving the initial charter application from the charter applicant 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 four 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. Annual performance review of district charter

The district's administration shall annually review 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.

C. Renewal of a district charter

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

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, academic 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; and any information or materials resulting from the district's annual review of the district charter 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.

D. 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 adequate progress toward achievement of the goals, objectives, academic 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;
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.

E. Closure of a district charter school

Following nonrenewal or revocation of a district 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 that the district charter school is concluding its operations.

Adopted: prior to August 26, 2015

Revised: August 26, 2015

Revised and recoded by the Board: July 17, 2019

Revised: August 2022

Intent to Apply to Become a District Charter School

Instructions: All district charter school applicants must file this intent to apply form with the district at least _____ days before submitting an application to the Board of Education. The intent to apply form may be returned by fax to _____ or email to _____. The form should also be the first document included in the district charter school application.

Date: _____

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: _____

Please respond to the following:

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, the proposed district charter school will be located in _____.

File: L-1-E (LBD*-E)

Issued: August 26, 2015

Reviewed and recoded by the superintendent: July 17, 2019

Weld County School District Re-3J, Hudson, Colorado