

## **LBD\*(2024) - Relations with District Charter Schools**

**IMPORTANT NOTICE:** THIS SAMPLE POLICY SHOULD BE ADOPTED THROUGH 2024, PURSUANT TO HB23-1025. FOR MORE INFORMATION, REVIEW THIS COMMUNICATION FROM CASB.

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

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 following paragraph is optional. The Board can tailor this statement to address specific needs of the district.]

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.

(Adoption date)

LEGAL REFS.: 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)

C.R.S. 13-80-103.9 (liability for failure to perform an education employment required background check)

C.R.S. 19-2-402 (3)(c) (charter schools pay the proportionate share of educational expense of students in juvenile detention facilities)

C.R.S. 22-2-119 (inquiries prior to hiring)

C.R.S. 22-30.5-101 et seq. (Charter Schools Act)

C.R.S. 22-30.5-110 (1.3) (district must adopt procedures and timelines for the charter renewal process)

C.R.S. 22-30.5-110 (6) (district must adopt procedures for closing a charter)

C.R.S. 22-30.5-701 et seq. (Charter School Emergency Powers Act)

C.R.S. 22-32-109 (1)(pp) (district must annually distribute to district charter schools informational materials relating to federal student loan repayment programs and student loan forgiveness programs)

C.R.S. 22-32-120 (5) (district charter school may apply to the Colorado Department of Education for authorization as a school food authority)

C.R.S. 22-32-124 (pursuant to section 104 of the Charter Schools Act, all decisions regarding the planning, siting, and inspection of charter schools must be made in accordance with the same statute that applies to school districts)

1 CCR 301-88 (State Board of Education's rules establishing guiding principles for charter schools and charter school authorizers)

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

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

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

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

*NOTE 5: The district charter school and the school district must negotiate prior to the beginning of each fiscal year for the payment to the school district of any direct costs incurred by the school district. The*

*school district must provide an itemized accounting of these costs. For this purpose, "direct costs" means the direct costs incurred by the school district solely for the purpose of reviewing charter applications, negotiating the charter contract and providing direct oversight to charter schools. See C.R.S. 22-30.5-112 (2)(b.5). Direct costs does not include legal or other costs attributable to litigation or dispute resolution.*

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

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

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

*NOTE 9: Any district charter school that contracts with an education management provider (EMP), as defined by C.R.S. 22-30.5-103 (3.5), must maintain a governing Board that is independent of the EMP.*

*NOTE 10: Additional resources for district authorizers, including a standard application form for charter schools as well as sample contract language and attachments can be found on the Colorado Department of Education's website [www.cde.state.co.us/cdechart/DistAuthInfo.htm](http://www.cde.state.co.us/cdechart/DistAuthInfo.htm).*

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

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

- *“Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. 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).*
- *“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).*
- *“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).*

ADOPTED: January 9, 2024