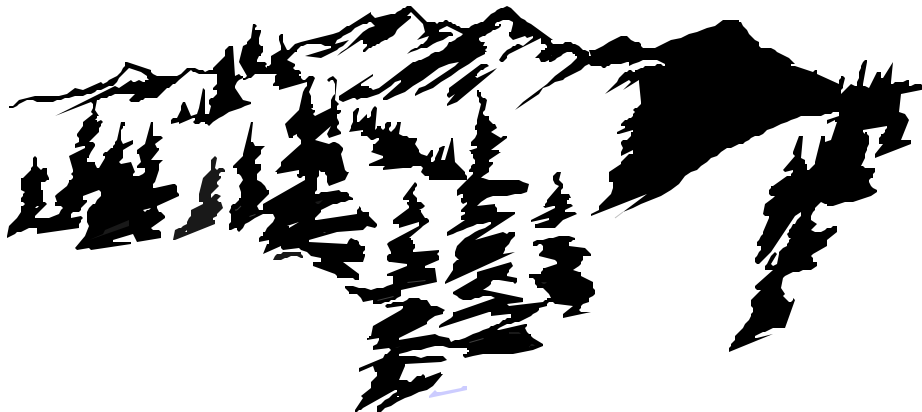




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# Colorado Charter School Information Packet



*The Colorado Charter Schools Act of 1993*

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Colorado Department of Education  
**Organizational Commitment**

The Colorado Department of Education dedicates itself to increasing achievement levels for all students through comprehensive programs of education reform involving three interlocking elements: A) High Standards for what students must know and be able to do; B) Tough Assessments that honestly measure whether or not students meet standards and tell citizens the truth about how well our schools serve children; C) Rigorous Accountability Measures that tie the accreditation of school districts to high student achievement.

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# Introduction: What is a Charter School?

A charter school in Colorado is a public school operated by a group of parents, teachers and/or community members as a semi-autonomous school of choice within a school district, operating under a contract or “charter” contract between the members of the charter school community and the local board of education. The school must be nonsectarian and non-home-based, but may be web based under certain circumstances. Applications may not be submitted to convert an existing private school or non-public home-based educational program into a charter school.

In a charter school, each student, parent and teacher chooses to attend. The “charter,” as defined in the Charter Schools Act, Colorado Revised Statute (C.R.S.) 22-30.5-101 et. seq., describes the school’s goals, standards, education design, governance and operations. The degree of autonomy to be exercised by the charter school on such issues as personnel, curriculum and facilities is negotiated between the charter applicants and the local school district and reflected in the charter. School-centered governance, autonomy, and a clear design for how and what students will learn are the essential characteristics of a charter school. Under Colorado law, a charter school is not a separate legal entity independent of the school district, but rather is a public school defined uniquely by a charter and partially autonomous while remaining within the school district. The approved charter application and accompanying agreements are the charter, which serve as the basis for a contract, or charter, between the charter school and the local board of education.

## Charter School Purpose

In authorizing charter schools, the General Assembly created an avenue for parents, teachers, and community members “to take responsible risks and create new, innovative, more flexible ways of educating all children within the public school system.” A charter school’s program must be consistent with the purposes set forth in C.R.S 22-30.5-102. In summary, all charter schools should:

- Reflect high expectations for all students and create conditions where these expectations can be met;
- Provide situations where education decisions are made by those educators and parents who know the students best and who are responsible for implementing the decisions;
- Be designed to fit the needs of individual pupils;
- Improve academic achievement for students, especially in the basics of reading, writing, and mathematics by creating schools with high, rigorous academic standards for pupil performance;
- Encourage diverse approaches to education and the use of different, proven, or innovative teaching methods based upon reliable research;

- Participate in the Colorado Student Assessment Program (CSAP) and allow for the development of additional forms of measuring individual pupil performance;
- Create new professional opportunities for teachers;
- Provide parents and teachers 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; and
- Provide a method to enhance accountability systems in public schools.

## Planning for the Charter Application

At the heart of the charter is a clear statement of mission, goals, philosophy, values and principles that serve to guide the creation and operation of the learning environment and the school community. A charter school must have a clear purpose. The charter should be developed as the result of effective, research-based methods and strategies. The charter school should implement innovative strategies and proven methods for improving student achievement, such as the Core Knowledge Sequence, which are developed around state and local academic content standards. State (CSAP) and local standards-based assessments also need to be incorporated into the school's program. Educators and the public can find additional information on the most recent research and evaluation of education reform designs, models, and strategies at the National Clearing House for Comprehensive School Reform <http://www.goodschools.gwu.edu>.

Teaching methodologies, school management, and governance should be based on reliable research and effective practices. The charter should embody a comprehensive design for effective school functioning, including data-driven instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development, and finances into an implementation plan.

A charter application also contains elements similar to a small business plan. The application describes the school's design and delineates mutual agreements among the charter applicants, the school board and other parties regarding such issues as: budget, employment, contracted services, governance, facilities, special education, content standards, curriculum, and assessment of students.

The application process should consist of a series of meetings, dialogues and negotiations between the applicants and appropriate district staff and school board members. The open sharing of information and ideas between all parties is essential to the process and the development of a successful charter school. Early, informal discussions between the applicant and the school district are highly encouraged before the official application is submitted to the local board. This may help in the development of a quality and successful application. In the best case scenario, most issues can be informally resolved before the official application is submitted

to the district and the 75 days statutory review process and timeline begin. All new charter schools must be approved for at least three years, but not more than five years.

## Charter Application Process

A school district may establish local procedures for submitting and reviewing applications. It is the charter applicant's responsibility to obtain a copy of the district's application procedures from the administrative office of the school district. C.R.S. 22-30.5-107 provides specific statutes in assisting charter applicants and districts in understanding application deadlines for submission, district review, public notice, approval or denial, and appeals to the State Board of Education. In summary:

- A charter applicant cannot apply to, or be granted a charter by, a school district unless a majority of the charter school's pupils will reside in the chartering district or in school districts contiguous thereto.
- The local board of education shall receive and review all applications for charter schools.
- Applications must be filed with the local board of education between August 15 and October 1, according to each school district's policy, to be eligible for consideration for the following school year.
- The charter applicant and local school board may jointly waive any timelines set forth in the Colorado Charter Schools Act.
- For purposes of reviewing a charter school application, a district accountability committee shall include at least:
  - One person with a demonstrated knowledge of charter schools, regardless of whether that person resides within the school district or not; and
  - One parent or 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 local board of education shall appoint a parent or legal guardian of child enrolled in the school district.
- After giving reasonable public notice, the local board of education shall hold community meetings in the affected areas or the entire school district to obtain information to assist the local board of education in its decision to grant a charter school application.
- The local board of education, within 75 days after receiving the formal application and in a public hearing, shall rule by resolution on the application as to whether or not a charter will be granted.
- The approved charter application shall serve as the basis for contract negotiations. All negotiations between the charter school and local board of education on the contract shall be concluded by, and all terms of the contract agreed upon, no later than ninety days after the local board of education rules by resolution on the application for a charter school unless the parties mutually agree to waive this deadline.
- If a local board of education denies a charter school application or unilaterally imposes conditions that are unacceptable to the charter applicant, the charter applicant may appeal the decision to the State Board of Education pursuant to C.R.S. 22-30.5-108.
- If a local board of education denies a charter application, it shall state its reasons for the denial in a resolution.

- If a local board of education grants a charter, it shall send a copy of the approved charter to the Colorado Department of Education within fifteen days after granting the charter.

Whether the charter is denied or approved, an appeal process to the State Board of Education is provided pursuant to C.R.S. 22-30.5-108. The State Board may also, upon its own motion, decide to review any charter decision of a local board of education. Under the Act, the State Board has the authority to direct the local board to grant, deny, or revoke the charter. The timelines for the consideration and appeal processes are built into the act. The full Charter Schools Act can be found on the web: [www.cde.state.co.us/cdechart/chact.htm](http://www.cde.state.co.us/cdechart/chact.htm).

## Required Elements of a Charter Application

A charter application must clearly articulate its program and how it will monitor progress and achieve results. Information for each of the charter application's required elements can be found at CDE's Colorado Charter Schools web site: [www.cde.state.co.us/cdechart/chact.htm](http://www.cde.state.co.us/cdechart/chact.htm). The following elements must be in the charter application pursuant to C.R.S. 22-30.5-106 of the Charter Schools Act:

- (a) Mission Statement:** A mission statement is a statement of purpose. It is the primary means for clearly communicating the schools goals and must be consistent with principles of the General Assembly's declared purposes as set forth in section C.R.S. 22-30.5-102 (2) and (3).
- (b) Goals, Objectives, and Standards:** The application should include goals and objectives that are specific and measurable to the extent possible for the school and for the pupil performance standards to be achieved. These are broad and measurable goals, revised yearly according to the student performance measurements specified which must include CSAP. A description of how baseline data will be gathered for measurement and evaluation of the school's progress needs to be included. Baseline data is generally updated on an annual basis and reviews the school's implementation strategies, curriculum, instructional practices, and governance/financial operations. The baseline data collected needs to address all CDE Accreditation Indicators. CDE's Accreditation Indicators can be found at: [www.cde.state.co.us/index\\_accredit.htm](http://www.cde.state.co.us/index_accredit.htm). The roles of students, parents, teachers, charter school governance, and accountability committees should be clearly delineated in setting goals, monitoring progress, and analyzing progress to satisfy annual accountability and accreditation requirements and reporting progress to the local board of education.
- (c) Evidence of Support:** Evidence that an adequate number of parents, teachers, pupils, or any combination thereof support the formation of a charter school.
- (d) Repealed**
- (e) Educational Program and Standards:** A description of the school's educational program, pupil performance standards, and curriculum, which must meet or exceed any content standards adopted by the school district in which the charter school has applied for a charter and must be designed to enable each pupil to achieve such standards. Content standards are specific statements of what a student should know or be able to do relative to a particular academic area or areas. Instruction and assessment, in a standards based system, should be aligned with Colorado's content standards. Colorado model content standards and suggested grade level expectations are available on CD-ROM from the

Colorado Department of Education, phone 303-866-6618 to order a copy. The same information is also available on the CDE website at: [www.cde.state.co.us/index\\_stdn.htm](http://www.cde.state.co.us/index_stdn.htm). District content standards and are available in each school district's administration office and also available at: [www.cde.state.co.us/action/standards.htm](http://www.cde.state.co.us/action/standards.htm). Information on the most recent research and evaluation of education reform designs, models, and strategies can be found at the National Clearing House for Comprehensive School Reform, [www.goodschools.gue.edu](http://www.goodschools.gue.edu).

**(f) Evaluating Pupil Performance:** A description of the charter school's plan for evaluating pupil performance, the types of assessments that will be used to measure pupil progress towards achievement of the school's pupil performance standards, the timeline for achievement of such standards, and the procedures for taking corrective action in the event that pupil performance at the charter school falls below such standards. In describing how pupil performance will be evaluated, including the types of assessments to be used and timelines, please be reminded of the following:

a. **Colorado Student Assessment Program (CSAP)-** All Colorado public schools, including charter schools, are subject to the Colorado Student Assessment Program, which is aligned with the model state content standards. Contact the Colorado Department of Education's Assessment office at 303-866-6664 or use the CDE website, [www.cde.state.co.us/index\\_assess.htm](http://www.cde.state.co.us/index_assess.htm), for detailed information regarding this program.

b. **Colorado Basic Literacy Act (CBLA)-** In addition, all Colorado public schools, including charter schools are subject to the Colorado Basic Literacy Act (CBLA) which mandates that all students will be reading on the third grade level by the end of the third grade before they can move on to a fourth grade reading class. This law requires that the reading growth of all students be monitored carefully from kindergarten through third grade. Students not reading on that grade level must be placed on Individual Literacy Plans (ILP). CSAP is an integral part of this process and all third graders are required to participate in the state reading program and test, which is a part of CSAP. Further information about CBLA is also available on the CDE website at: [www.cde.state.co.us/cdeassess/download/pdf/asimp\\_cbla.pdf](http://www.cde.state.co.us/cdeassess/download/pdf/asimp_cbla.pdf).

**(g) Proposed Budget:** Evidence that the plan for the charter school is economically sound for both the charter school and the school district. In accordance with C.R.S. 22-30.5-112(2)(a)(III), each charter school and its authorizing school district, "Shall negotiate funding under the contract at a minimum of ninety-five percent of the district per pupil revenues (PPR) for each pupil enrolled in the charter school. The school district may choose to retain up to five percent of the district per pupil revenues for each pupil enrolled in the charter school as payment for the charter school's portion of central administrative overhead costs incurred by the school district." A district that enrolls five hundred or fewer students may fund a charter school at eighty-five percent of the district per pupil revenues for each pupil enrolled in the charter school. Additional information for understanding Colorado school finance can be found at CDE's web site, [www.cde.state.co.us/index\\_finance.htm](http://www.cde.state.co.us/index_finance.htm). Included in the financial plan is:

- a. A proposed budget for the term of the charter;
- b. A description of the manner in which an annual audit of the financial and administrative operations of the school, including any services provided by the school district, is to be conducted; and



- c. In converting a public school to charter school status, a plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the charter school.

Article X, Section 20 of the Colorado Constitution limits both the non-federal revenues and the non-federal expenditures of school districts and other governmental organizations. As a public school within the district, the charter school will contribute to the district's revenue and expenditure limitations. Therefore, all anticipated revenues and expenditures must be included in the charter school budget approved by the local board of education.

**(h) Governance and Operation:** A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter schools. The amount of authority conveyed to the charter school's governing body is negotiated between the charter applicants and the school district. Waivers from state statute and local board policies are generally necessary to create unique or unusual educational programs, employee agreements and charter school authority. Best practices regarding charter school governance and operations have been compiled and are available on the CDE website at: [www.cde.state.co.us/cdechart/guidebook/index.htm](http://www.cde.state.co.us/cdechart/guidebook/index.htm). In describing the charter school's governance and operation, the following must be in compliance:

- a. **Colorado Sunshine Law (C.R.S. 24-6-401, et seq.)** states that school board meetings and meetings of any committee, authority, or advisory body are public meetings open to the public. This applies to charter school governing boards. Any meetings of three or more members of the charter school governing board at which public business is discussed are declared to be public meetings. Provisions for executive sessions are provided.

- b. **Colorado Public Records Act (C.R.S. 24-72-201, et seq.)** as well as federal statute Family Educational Rights and Privacy Act of 1974 (also known as the Buckley Amendment, 20 U.S.C., 1232g) states that public records must be open for inspection by any person at reasonable times. Certain school records may not be disclosed when they contain personally identifiable information. A 24-page guide on public record laws, student records, and family educational rights and privacy is available from the Regional Services Unit at CDE, 303-866-6636. Additional information on the Family Educational Rights and Privacy Act of 1974 (FERPA) is available at: <http://www.ed.gov/offices/OESE/SDFS/actguid/infshare.html>.

**(i) Employee Relations:** An explanation of the relationship that will exist between the proposed charter school and its employees, including:

- a. Evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any; and
- b. Employment policies of the proposed charter school.

Charter schools and their employees must participate in the Public Employees' Retirement Association (PERA) or the Denver Public Schools retirement fund. Best practices regarding charter school and employment policies have been compiled and are available on the CDE website at: [www.cde.state.co.us/cdechart/guidebook/index.htm](http://www.cde.state.co.us/cdechart/guidebook/index.htm).

**(j) Liability and Insurance:** An agreement between the parties regarding their respective legal liability and applicable insurance coverage. Charter schools are part of a public school district, and school district liability is limited by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq.



**(k) Transportation:** A charter school may choose not to provide any transportation services, negotiate to utilize the district's existing transportation department, or contract with an outside provider for transportation services. In accordance with C.R.S. 22-30.5-112.5, if a charter school's charter or contract includes provisions of transportation services by the school district, the charter school and the school district shall collaborate in developing a transportation plan to use school district equipment to transport students enrolled in the charter school. This plan should include the transporting of charter school students to and from the charter school and their homes and to and from the charter school and any extracurricular activities. If a charter school chooses not to utilize district transportation services but plans to provide transportation for pupils on its own, a description of how the charter school plans to meet the transportation needs of its pupils, and specifically the needs of low-income and academically low-achieving pupils. The provision of transportation services involves many federal and state rules and regulations, and involves insurance and other liability implications. Any small vehicles or school buses owned and operated by a charter school or school district or under contract must meet the safety and operating standards as prescribed in State Board Rules 1 CCR 301-25, 301-26 and 301-29. For more information on these requirements, contact the School Transportation Unit at CDE at 303-866-6661. This information is also available on the CDE website at: [www.cde.state.co.us/index\\_nutri\\_transpo.htm](http://www.cde.state.co.us/index_nutri_transpo.htm).

**(l) Enrollment Policy:** A description of the charter school's enrollment policy, consistent with the requirements of section C.R.S. 22-30.5-104 (3) and the criteria for enrollment decisions. In describing the charter school's enrollment policy, the following must adhere to:

1. A charter school 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. A charter school is subject to any court-ordered desegregation plan in effect for the school district.
3. Priority must be given to any child who resides within the authorizing school district.
4. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

Admission criteria is prohibited. A charter school applying for federal grant start-up funds through the state's Public Charter Schools Program (PCSP) must use a lottery if more students apply for admission to the charter school than can be admitted. Non-regulatory guidance disseminated by the US Department of Education concerning lotteries in regard to the PCSP is available at: [www.uscharterschools.org/pub/uscs\\_docs/fr/pcsp\\_guidance.htm](http://www.uscharterschools.org/pub/uscs_docs/fr/pcsp_guidance.htm).

**(m) Dispute Resolution:** A third party dispute resolution process, as provided in C.R.S. 22-30.5-107.5, to resolve disputes that may arise concerning implementation of the charter contract.

**Waivers:** A list of the school district policies and state board rules and/or state statutes for which waivers are sought should be submitted with the charter application. Information for submitting waivers can be found at: [www.cde.state.co.us/cdechart/download/chinfoapp\\_g.pdf](http://www.cde.state.co.us/cdechart/download/chinfoapp_g.pdf).

# Additional Considerations for Charter Application

## 1. Special Education

The charter application should describe the funding and responsibilities for provision of services for students with special needs. Special education refers to those instructional and related services (such as occupational therapy, physical therapy, etc.) that are provided to students with disabilities in accordance with an Individualized Education Program (IEP). Federal and state laws require that public schools assess students suspected of having disabilities. A charter school may:

1. provide all of the services in compliance with state and federal special education laws i.e. Individuals With Disabilities Education Act (IDEA)/ Section 504 of the Rehabilitation Act of 1973 (504)/ Americans With Disabilities Act of 1990 (ADA), traditionally contracting out to a third party or parties;
2. Contract with the district for services to be provided;
3. Negotiate a combination of district contracted services and services to be provided by the charter school.

Since charter schools are sponsored by a local school district in Colorado, ultimate responsibility for the services is with the Administrative Unit for Special Education. Sometimes that is the district and sometimes that is a Board of Cooperative Education Services (BOCES). The Special Education Director in the Administrative Unit has the responsibility to ensure compliance with the state and federal special education laws.

Licensure requirements for special education service providers may not be waived. The Individuals with Disabilities Education Act (IDEA) is a federal law that requires that personnel providing the Individual Education Program be appropriately trained and licensed. A student in a charter school, suspected of having a disability that may be a reason for the student's educational difficulty, must be assessed and considered for special education regardless of whether or not federal or state special education funds are accepted by the charter school.

Special education is funded by a combination of sources:

- Less than 10% of Special Education is funded with federal money flowing to the Administrative Units. In most Administrative Units, this small amount of money funds special education staff that is shared across the Unit.
- Less than 20% of Special Education is funded with State funds. This money goes directly to the districts and is often used for staff and specialized materials and resources.
- About 70% of Special Education is funded through the District's General Fund, which is based on the money coming from the state for all students and any other local revenue sources.

Charter schools should plan on subsidizing special education services out of their general fund by at least 70%.

A student with a disability from one district who chooses to attend a charter school in another district may be accepted, just like any other non-resident student, on a space available basis. However, the district in which the student resides is responsible for paying to the charter school

any tuition charge for the excess costs incurred in educating the child. Excess cost is the amount of money over and above the district per pupil amount and the federal funds received by virtue of counting the child. When a student with disabilities from one district attends a charter school in another district by choice, the district where the student attends may count the student for both state and federal funds. Salaries for special education personnel, capital outlay, staff travel, etc. can be paid for out of special education funds.

The local director of special education should be contacted for assistance in assuring that children with disabilities are served appropriately in a charter school. Arrangements for categorical funding are made with the local administrative unit and the assistance of the director of special education.

Care should be taken to consult with persons knowledgeable about special education requirements and guidelines. These requirements and guidelines are complex and could become the source of difficulty and legal action if they are not followed. Federal law and guidelines regarding the delivery of special education services cannot be waived.

Additional information regarding Special Education can be obtained by calling the Colorado Department of Education Special Education Unit at 303-866-6885. Information can also be found on the CDE website at: [www.cde.state.co.us/cdesped/index.htm](http://www.cde.state.co.us/cdesped/index.htm).

A variety of resources relating to Special Education are on the CDE Charter Schools webpage at: [http://www.cde.state.co.us/index\\_charter.htm](http://www.cde.state.co.us/index_charter.htm). In particular, there is a sample compliance plan that may be used in charter school applications and there is a checklist for negotiating charter school contracts in the area of Special Education.

## **2. The Length of a Charter**

New charters may be granted for a three to five year period and may be renewed. The school district may grant a charter for longer than five years for the purpose of enhancing the terms of any lease or financial obligation. Charters may be amended at any time by consent of both parties.

## **3. Facilities**

The charter applicants must find a site for the school. This could be in an existing school district building, a rented property or in a cooperating institution such as a college. Finding sites for schools can be difficult and creative solutions may be needed. The cost of maintenance, cleaning, utilities, insurance, etc. must be reflected in the budget negotiated in the charter agreement.

A charter school shall not be required to pay rent for space in school district facilities that are deemed available. Colorado Revised Statutes require that all public school facilities meet the standards of the Colorado Division of Labor pursuant to C.R.S. 22-32-124. Building permits and inspections are required. Life and safety requirements (including asbestos regulations) apply to rented or contributed facilities. Call Wayne Horn, Colorado Division of Labor, at 303-572-2919. His office, under most circumstances, will: a) issue remodeling permits and b) issue the final

occupancy permit. Contact your community's planning and zoning department, local fire department and the facilities director of your school district for further important information.

Under certain circumstances, the Colorado Educational and Cultural Facilities Authority can assist with the financing of facilities for charter schools. The authority can be reached at: 303-297-2538. In addition, a number of private companies are financing facilities for charter schools.

Colorado law requires anyone removing land from agricultural zoning use to form a housing development to donate 10 to 12 percent of the total land for "public use." As public schools, charter schools do constitute a method of satisfying this requirement of land donation for public use. Call the Colorado League of Charter schools at: 303-989-5356 for more information and suggestions on site use and facility financing.

The 2002 General Assembly allotted \$3.7 million dollars for charter school capital construction. The money will be available in late December each year. Additionally, the legislature approved an amendment to the Charter Schools Act that will allow the State Treasurer's office to directly pay charter school facility bonds, thereby lowering interest rates for charter schools. For more information on capital construction funding, and other bills, read the Legislative Summary at: [http://www.cde.state.co.us/index\\_charter.htm](http://www.cde.state.co.us/index_charter.htm).

CDE contracted for a study on capital finance in 2000. That study is available at: <http://www.cde.state.co.us/cdechart/chcapfinance.htm>.

#### **4. Food Service**

Schools do not have to provide a food service program. The provision of school food service is at the option of each local school district and charter school. The three food service options available to charter schools are:

1. Participation in the district's food service program. Students attending charter schools in Colorado are eligible to participate in the federal Child Nutrition programs (National School Lunch, School Breakfast, and Special Milk) through the district's non-profit food service operations. Donated commodity foods and federal cash reimbursements are available to help support the program, and to provide for meals at free or reduced prices to eligible needy students.
2. Non-participation in the district's food service program. Should a charter school elect not to take advantage of the benefits of the federal Child Nutrition programs, alternate catered food service may be arranged through the district's non-profit food service operation on an a la carte basis, or through an outside vendor.
3. No provision for formal food service. Parents would provide meals for the children to bring to school.

Plans for food services in a charter school must be coordinated through the district's food service department. In this way, a food service delivery system can be designed which will best meet the nutritional needs of the students, while maintaining financial viability and conformance to state and federal regulations. Additional information regarding Colorado schools nutrition programs is available at: [www.cde.state.co.us/index\\_nutrition.htm](http://www.cde.state.co.us/index_nutrition.htm).

Even charter schools not offering a hot lunch program should consider distributing free/reduced rate eligibility forms to their parents since that data is used for other purposes, such as grant applications and student achievement reports.

## 5. District Programs

Charter schools and charter school organizers are encouraged to check with school district officials regarding the programs listed below and any funding that may be associated with them. Charter schools could qualify for any of these programs if the need exists. The program year for such programs usually begins July 1 and ends June 30 of each year. Typically, planning begins in the spring. Applications from local school districts are due in the appropriate CDE office in June.

No funds may be obligated or spent before the application(s) have been approved by CDE. For additional information on these programs, call the Colorado Department of Education at: 303-866-6600.

- Title I, Part A: Improving the Academic Achievement of the Disadvantaged
- Title I, Part B: Reading First
- Title II, Part A: Preparing, Training and Recruiting High Quality Teachers and Principals
- Title II, Part D: Enhancing Education Through Technology
- Title III, Part A: Language Instruction for Limited English Proficient and Immigrant Students
- Title IV, Part A: Safe and Drug Free Schools and Communities
- Title VI, Part B: 21<sup>st</sup> Century Community Learning Centers
- Title V, Part A: Innovative Programs
- Title VI, Part B: Rural and Low-Income Schools Programs
- Colorado Preschool Program (CPP)
- Gifted and Talented Exceptional Students Program
- McKinney Homeless Education for Children and Youth Program

## Charter Schools Expansion Act of 1998

The federal *Charter Schools Expansion Act of 1998* requires states and local school districts to take steps necessary to assure that all charter schools have equal access to federal funds for which they qualify. The Colorado General Assembly amended the Colorado Charter Schools Act in 1999 to complement federal law. CDE has included the requirements of the *Charter Schools Expansion Act of 1998* into the Colorado Department of Education's (CDE's) "Single Assurance Form," which all school districts must sign in order to qualify for any federal funds distributed through CDE. For specific information on how these funds are distributed, go to CDE's web site: <http://www.cde.state.co.us> and click on "State and Federal Funds." For additional information on the Charter Schools Expansion Act of 1998, call the Colorado Department of Education Charter Schools Unit at: 303-866-6771.

There is a question and answer document for charter schools and school districts relative to expectations for complying with the Charter School Expansion Act at:  
[http://www.cde.state.co.us/cdeunified/qa\\_Charter.htm](http://www.cde.state.co.us/cdeunified/qa_Charter.htm).

## Grounds for Denying a Charter Application

Charters can be denied, under C.R.S. 22-30.5-108 (4)(a)(I), if the proposed charter school would:

1. Violate any federal or state civil rights laws;
2. Violate any court order;
3. Threaten the health and safety of pupils in the school district; or
4. Be inconsistent with the equitable distribution of charter schools among the school districts.

A charter application can also be denied if the application is incomplete. However, in the case of a denial, a local board must state any and all reasons for denial. A local board of education may “reasonably limit” the number of charter schools in the school district.

A decision to deny a charter application by a local board may be appealed to the Colorado State Board of Education. State Board of Education Appeal Procedures are found in the <http://www.cde.state.co.us/cdeboard/bdcharter.htm>

## Sample Charter Applications

Sample Charter School Applications are available as part of this information packet. These sample applications can be found on CDE’s web site at [www.cde.state.co.us/download/NorthRouttCharterApp.pdf](http://www.cde.state.co.us/download/NorthRouttCharterApp.pdf) and also [www.cde.state.co.us/download/WWACharterApp.pdf](http://www.cde.state.co.us/download/WWACharterApp.pdf). These applications are only samples and represent a very small spectrum of the type and variety of charter schools currently operating in the state. These applications have not been published in their entirety due to electronic version of appendices and attachments being unavailable.

## Summary of Colorado Legislation (2001)

The Legislative Summary Page is a service offered by the Colorado Department of Education, which annually assembles and summarizes legislation passed by the Colorado General Assembly affecting Colorado K-12 education. This information is prepared annually for Colorado public school superintendents, principals, school boards, private schools, education agencies, Department of Education staff and other interested individuals. Each Colorado legislative session results in a variety of changes, revisions, and additions to Title 22 of the Colorado Revised Statutes in general and to the Colorado Charter Schools Act specifically. A summary of this information is available at: [www.cde.state.co.us/cdedepcom/legihome.htm](http://www.cde.state.co.us/cdedepcom/legihome.htm).

A summary of charter school specific legislation can be found at:  
[http://www.cde.state.co.us/index\\_charter.htm](http://www.cde.state.co.us/index_charter.htm).



## Summary of Federal Statutes

This section includes federal statutes that may directly impact the manner in which a charter school operates. Please review each statute and determine how your charter school will comply with the law, if it is applicable to your situation.

**No Child Left Behind Act** is the reauthorization of the Elementary and Secondary Education Act, which contains provisions for defining a “highly qualified” teacher, testing and reporting requirements for states, and all of the federal programs. <http://www.nochildleftbehind.gov/>.

**Family and Medical Leave Act** requires employers with 50 or more workers in a 75-mile radius to provide eligible employees up to 12 work weeks of leave in a 12 month period when the leave is requested for (1) birth, adoption or foster care placement, (2) care for a sick spouse or parent, or (3) a personal serious health condition. 29 U.S.C. §2611 *et. seq.*(1993). Information: Wage & Hour Administrator of the U.S. Department of Labor 1-866-4USWAGE. (Request referral to regional Wage & Hour office.)

**Americans with Disabilities Act** prohibits discrimination by an employer who employs 15 or more workers against a qualified individual with a disability. 42 U.S.C. §12101-12213 (1991). Information: Equal Employment Opportunity Commission (202) 663 4900 or Office of the Americans with Disabilities Act, Civil Rights Division of the Department of Justice 202-514-4609. <http://www.ed.gov/offices/OCR/>.

**Bilingual Education Act** prohibits federally assisted education programs from excluding a student on the basis of a surname or language minority status. 20 U.S.C. §7401 *et. seq.* Information: U.S. Department of Education 202-205-5576.

**Rehabilitation Act of 1973** (Section 504) prohibits recipients of federal funds from discriminating against an individual on the basis of disability. 29 U.S.C. §§700 *et. seq.* (1994). Information: Office of Special Education Programs, U.S. Department of Education 202-2059056.

**Fair Labor Standards Act** establishes minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are within the coverage of the FLSA and who are not exempt from specific provisions. 29 U.S.C. §201 *et seq.* (1988). Information: Wage and Hour Administrator of the U.S. Department of Labor 1-866-4USWAGE. (Request referral to regional office.)

**Equal Pay Act** prohibits employers from paying wages to employees of one sex at rates of pay less than the rates they pay employees of the opposite sex for work requiring equal skill, effort, and responsibility, and which is performed under similar working conditions. 29 U.S.C. §206(d).



Information: Wage and Hour Administrator of the U.S. Department of Labor 1-866-4USWAGE. (Request referral to regional office.)

**Age Discrimination - in Employment Act** generally prohibits employers from discriminating on the basis of age in the hiring, termination, benefits, or other terms and conditions of employment of individuals over 40 years of age. This act applies to public schools and employers who employ 20 or more employees. 29 U.S.C. §§621-634. Information: Equal Employment Opportunity Commission 202-663-4900.

**Title VI of the Civil Rights Act of 1964**, as interpreted by the U.S. Supreme Court *in Lau v. Nichols*, 414 U.S. 563 (1974) and the United States Court of Appeals for the 5th Circuit in *Castaneda v. Pickard*, 648 F.2d 989 (5\* Cir. 1981), requires public schools to provide any alternative language programs necessary to ensure that national origin minority students with limited-English proficiency have meaningful access to education programs. 42 U.S.C. §2000d *et. seq.* (1993). Information: Office of Civil Rights, U.S. Department of Education 202-205-5413.

**Title VII of the Civil Rights Act of 1964** forbids employers who have 15 or more employees to discriminate against individuals in all areas of the employment relationship if the action is based on race, color, religion, sex, or national origin. 42 U.S.C. §2000e *et. seq.* (1993). Information: Equal Employment Opportunity Commission 202-663-4900.

**Title IX of the Education Amendments of 1972** prohibits gender-based discrimination by an educational institution that receives federal financial assistance. 20 U.S.C. 1681 Information: Office of Civil Rights, U.S. Department of Education 202-205-5413.

**Individuals with Disabilities Education Act** requires school receiving federal financial assistance to provide a free and appropriate education to children with disabilities. 20 U.S.C. §1400, *et. seq.* Information: Office of Special Education Programs, U.S. Department of Education 202-205-9056.

**Immigration Reform and Control Act of 1986** creates civil and criminal sanctions for employers who fail to properly verify the employment eligibility of all workers hired after November 6, 1986. 8 U.S.C. §§1324a and 1324b (1988). Information: contact local Immigration & Naturalization Service. (Request information regarding Form I-9.)

**Omnibus Transportation Employee Testing Act of 1991** requires to conduct pre-employment/pre-duty, reasonable suspicion, random and post-accident alcohol and controlled substances testing of each applicant for employment or employee who is required to obtain a commercial driver's license. 49 U.S.C. §2717. Information: Department of Transportation Office of Drug Enforcement and Program Compliance 202-366-3784.

**Occupational Health and Safety Act of 1970** regulates health and safety in the workplace, including handling and disposal of materials that may contain blood-borne pathogens. 29 U.S.C. §651 *et. seq.* (1993). Information: Occupational Health and Safety Administration, U.S. Department of Labor 1-800-321-6742.

**Family Educational and Privacy Rights Act** confers upon students (and their parents) rights of notice, access, amendment and confidentiality with regard to their educational records maintained by a school that received federal financial assistance. 20 U.S.C. § 1232g. Information: Family Policy Compliance Office, U.S. Department of Education 202-260-3887. <http://www.ed.gov/offices/OESE/SDFS/actguid/infshare.html>.

**Charter School Expansion Act of 1998** requires school districts to ensure that every charter school receives the Federal funding for which it is eligible not later than five months after the charter school first opens. 20 U.S.C. § 10306. Information: Charter Schools Unit, Colorado Department of Education 303-866-6771. [http://www.cde.state.co.us/cdeunified/qa\\_Charter.htm](http://www.cde.state.co.us/cdeunified/qa_Charter.htm)

**Boy Scouts of America Equal Access Act** no public school that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours shall deny equal access or a fair opportunity to meet to, or discriminate against, any group official affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society. <http://www.ed.gov/offices/OCR/boyscouts.html>.

# CDE Offices and Resource Persons

## CDE General Contact Information

- Charter Schools Unit
- 201 East Colfax Avenue
- Denver, CO 80203
- Phone: 303-866-6771 fax: 303-866-6637
- [Watson\\_B@cde.state.co.us](mailto:Watson_B@cde.state.co.us)

## CDE - Major Phone Numbers

Assessment Office.....	303-866-6664
Center for At-Risk Education.....	303-866-6865
Charter Schools.....	303-866-6771
Commissioner's Office.....	303-866-6806
Early Childhood Initiative .....	303-866-6710
Educator Licensing .....	303-866-6628
English Language Acquisition .....	303-866-6756
GED Testing .....	303-866-6613
Legislative Information.....	303-866-6808
Nutrition and Transportation.....	303-866-6661
Prevention Initiatives.....	303-866-6861
Public School Finance.....	303-866-6847
Regional Services Teams.....	303-866-6608
Research and Evaluation .....	303-866-6840
Special Education.....	303-866-6694
State Board of Education.....	303-866-6817
State Library Services .....	303-866-6900
Title I.....	303-866-6770
Title II, VI and VI-D .....	303-866-6842
Title VI and VII .....	303-866-6705
Transportation and Nutrition.....	303-866-6935
CDE General Number .....	303-866-6600

CDE Home Page- <http://www.cde.state.co.us>

Staff members of the Colorado Department of Education are here to assist you in providing all children in Colorado with the best education possible. Please call on us.

# Organizations/ Resources

<p><b>United States Department of Education</b>          Public Charter School Program          400 Maryland Ave., SW, Suite 3C-130          Washington, DC 20202-6140          202-205-9786          Dean Kern          Dean.Kern@ed.gov</p>	<p><b>Charter Friends National Network</b>          1295 Bandana Blvd, Ste 165          St. Paul, MN 55108          651-644-6115          Jon Schroeder          jon@charterfriends.org  <a href="http://www.charterfriends.org">http://www.charterfriends.org</a></p>
<p><b>Charter Schools Development Center</b>          Institute for Education Reform Cal. State University          6000 J Street          Sacramento, CA 95819-6018          916-278-4611          epremack@calstate.edu  <a href="http://www.csdcenter.org/">http://www.csdcenter.org/</a></p>	<p><b>Clayton Foundation</b>          3801 Martin Luther King Blvd.          Denver, CO 80205          303/355-4411          Adele Phelan          Early childhood education resources.</p>
<p><b>Assistance with the School Site and Facility</b>          State building requirements can be discussed with the Department of Labor, Wayne Horn, Public Safety Section, phone 303-572-2919.</p>	<p><b>Colorado Education and Library Directory</b>  <a href="http://www.cde.state.co.us/edulibdir/directory.htm">http://www.cde.state.co.us/edulibdir/directory.htm</a>          303-866-6840</p>
<p><b>Colorado Commission on Indian Affairs</b>          Office of Lt. Governor          State Capital, Rm. 130          Denver, CO 80203          303-866-3027</p>	<p><b>Colorado Department of Social Services</b>          Child Care Services          1575 Sherman St.          Denver, CO 80203          303-866-3628          Information on requirements for programs for children under six. Preschool programs are not supported under the Charter Schools Act.</p>
<p><b>Latin American Research and Service Agency (LARASA)</b>          309 West 1st Avenue          Denver, CO 80223          303-722-5150          Maria Guajardo, Executive Director</p>	<p><b>Colorado League of Charter Schools</b>          Contact: Jim Griffin          1601 Vine St          Denver, CO 80206          303-989-5356          This is an association of persons starting or supporting charter schools in Colorado. Its purpose is to help get information out, provide a means for dialogue among participants, and promote the establishment and survival of successful charter schools.</p>
<p><b>Colorado Department of Education- Standards in Action</b>  <a href="http://cde.state.co.us/index_action.htm">http://cde.state.co.us/index_action.htm</a>          Steve Thergesen          303-866-6915</p>	

# Internet Resources for Charter Schools and Comprehensive School Reform

[www.uscharterschools.org](http://www.uscharterschools.org)

[www.goodschools.org](http://www.goodschools.org)

[www.greatschools.com/modperl/go](http://www.greatschools.com/modperl/go)

[www.coreknowledge.org](http://www.coreknowledge.org)

[www.naschools.org](http://www.naschools.org)

[www.edreform.com](http://www.edreform.com)

[www.cde.state.co.us/index\\_charter.htm](http://www.cde.state.co.us/index_charter.htm)

[www.coloradoleague.org](http://www.coloradoleague.org)

[www.charterproject.org](http://www.charterproject.org)

[www.charterfriends.org](http://www.charterfriends.org)

[www.edweek.org](http://www.edweek.org)

[www.ed.gov/free](http://www.ed.gov/free)

[www.goldwaterinstitute.org](http://www.goldwaterinstitute.org)

[www.edexcellence.net](http://www.edexcellence.net)

U.S. Dept. of Education

Massachusetts Teachers Association

Great Schools Network

Core Knowledge Foundation

New American Schools

Center for Education Reform

Colorado Dept. of Education

Colorado League of Charter Schools

Charter School Project

The Charter Friends National Network

Education Week

Federal Resources for Educational Excellence

Goldwater Institute

National Excellence Network (Thomas B Fordham Foundation)