



STATE OVERSIGHT OF CHARTER SCHOOLS

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Colorado law provides distinct roles for the Colorado Department of Education (CDE) and the State Board of Education (state board) in overseeing charter schools. Colorado's charter schools are authorized through a local school district or the state Charter School Institute (CSI). The CSI was created in 2004 as an independent agency within CDE. It currently authorizes 35 charter schools, and is the only statewide, non-district authorizer. While most of the state oversight falls under the purview of the state board, the CDE is responsible for conducting an evaluation of the state's charter schools and for resolving disputes pertaining to charter school financing.

Colorado Department of Education

The CDE has two main responsibilities pertaining to charter schools under state law:

- conducting an evaluation of the state's charter schools at least every three years and providing that information to the House and Senate Education Committees and the Governor; and
- resolving disputes between a charter school and a school district regarding the reconciliation of administrative costs that a school district may withhold from the charter school.

Evaluation. The CDE conducted its most recent evaluation of charter schools in May 2016. The report presents information and analysis of charter schools in six areas:

- charter sector context;
- history of charter schools;
- characteristics of charter school students;
- characteristics of charter schools;
- characteristics of charter school teachers and administrators; and
- charter school performance.

The report notes that during the 2015-16 school year, 226 charter schools operated in Colorado, educating more than 108,000 students (more than any single school district in the state), or approximately 12 percent of total K-12 public school enrollment. A copy of the report, *2016 State of Charter Schools Triennial Report*, is available on the CDE website at www.cde.state.co.us.

Charter school financing. Charter schools receive 100 percent of total program funding for each student enrolled in the charter school. A school district may withhold up to 5 percent of a charter school's per pupil revenues to cover the actual central administrative overhead costs for services provided to the school.

Within 90 days of the end of each fiscal year, the school district must provide an itemized accounting of its central administrative overhead costs and of any services the charter school purchased from the district. If either the district or charter school disputes the itemized accounting, that party is entitled to a review by CDE. The determination by CDE is final.

State Board of Education

State law authorizes the state board to oversee the following aspects of charter schools:

- accreditation of charter schools;
- review of decisions by local school boards concerning the denial of charter school applications;
- determination of charter school waivers;
- resolution of contract disputes; and
- the granting of exclusive chartering authority.

Accreditation of schools. Under state law, the state board has oversight responsibility for all public schools, which includes charter schools. Specifically, the state board is responsible for entering into accreditation contracts with local school boards and directing local school boards regarding the types of plans the district's schools implement. A charter school is also accredited by its authorizer.

Appeal authority of charter school applications. State law authorizes the state board to review decisions of any local board of education, upon a notice of appeal or upon its own motion, concerning the:

- denial of a charter school application;
- the renewal or revocation of a charter school's charter; or
- the unilateral imposition of conditions on a charter applicant or charter school.

The state board must review the decision of the local board of education and make its findings within 60 days of receipt of the notice of appeal or the making of a motion to review by the state board. If the state board finds that the decision was contrary to the best interests of the students, school district, or community, the state board must remand such a decision to the local school board for its reconsideration. If the local board retains its position, and the decision is appealed or the state board moves to review the decision, the state board may remand a second decision instructing the local board to reverse its decision.

Resolution of contract disputes. The state board is also charged with resolving charter contract disputes. Under state law, a charter school may dispute a governing policy provision of a school's charter contract. Such a dispute is resolved by using a neutral third party which publishes written findings. If the two parties in the dispute do not agree to the written findings, the state board may consider an appeal or upon its own motion conduct a *de novo* review of the matter and hearing. After considering the matter, the state board must:

- issue its decision on the findings of the neutral third party; or
- make its own findings within 60 days of making a motion for a *de novo* review and hearing.

Waivers. The state board is required to promulgate rules identifying state statutes and state rules that are automatically waived for all charter schools. In 2016, there were 18 waivers automatically granted to charter schools. Chartering authorities may apply to the board for additional waivers from state statutes and rules, except they may not seek waivers to operate free from the requirements of: the Public School Finance Act of 1994; laws pertaining to school accountability committees, student assessments, and school performance reports; or the Children's Internet Protection Act. The board is also required to conduct periodic reviews of the waivers it has granted, and if the board determines that the waiver is no longer necessary, it may revoke the waiver.

Exclusive chartering authority. School districts enrolling fewer than 3,000 students are automatically given exclusive authority to charter new schools in their district. All other schools must apply for this authority from the state board. If a request for exclusive chartering authority is denied, the state board must provide the local board with a written explanation for the denial. The state board may also revoke exclusive chartering authority.