NATIONAL
CHARTER SCHOOL
RESOURCE CENTER

High-Quality Charter Authorizing Policy Profiles: **Colorado**

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NATIONAL CHARTER SCHOOL RESOURCE CENTER

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Colorado: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the Policy Framework for High-Quality Charter Authorizing Practices (Framework) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).[i] NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State's authorizing policies and practices; it is intended to describe the key elements of the State's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

Overview of State Law

The Colorado State Legislature approved the Charter School Act on June 3, 1993. The law initially capped charter schools at 50 and reserved 13 of those for schools serving at-risk students. It also gave the Colorado State Board of Education (State Board) the authority to review requests from school districts on behalf of charter schools to waive State statutes or rules that were not automatically waived and was charged with reviewing charter applicants' appeals of local board decisions. The statute provided for no less than 80 percent of district per-pupil funds to be allocated to charter schools. In 1998, the 50-school cap was removed, and in 1999 the law was further amended to require that 95 percent of per-pupil funding be provided to charter schools. In 2004, legislation was passed that established the Colorado Charter Schools Institute (CCSI) as the official state authorizing agency.[ii]

State Authorizing Profile: Colorado

Framework Snapshot[1]

Authorization

- ☒ Does not cap charter school growth
- ☒ Provides for more than one authorizing pathway

Application includes the following:

- ☒ Specific application criteria
- ☒ Timelines
- ☒ Evaluation review process
- ☒ Process for denied applications

Performance-based contract includes and provides for the following:

- ☒ Separate post-application agreement
- ☒ Rights and responsibilities of authorizer and school
- ☒ Academic, financial, and operational performance expectations for schools
- ☐ Initial term of not more than five years
- ☒ Fiscal, legal, and programmatic autonomy for schools
- ☒ Independent charter school governing boards

Performance Monitoring

- ☒ Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- ☒ Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- ☒ Minimizes schools' administrative and reporting burden
- ☒ Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- ☒ Provides for a registration process for eligible authorizing entities
- ☒ Requires the State entity to review authorizers' performance
- ☒ Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- ☒ Requires a mission or strategic vision for authorizing
- ☒ Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- ☒ Ensures equitable access to all students
- ☒ Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- ☒ Provides a mechanism for guaranteed access to authorizer funding
- ☒ Includes a process for holding authorizers accountable for how funding is used

Source(s): Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88; Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5.

[1] As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

Authorization

- ☒ Does not cap charter school growth
- ☒ Provides for more than one authorizing pathway

Does not cap charter school growth

Colorado law does not cap charter school growth.

Provides for more than one authorizing pathway

In Colorado, the CCSI is the statewide authorizer and districts may serve as authorizers as well.

Application includes the following:

- ☒ Specific application criteria
- ☒ Timelines
- ☒ Evaluation review process
- ☒ Process for denied applications

Specific application criteria

State statute requires specific information be included in charter applications including but not limited to "the vision and mission statements of the proposed charter school; the goals, objectives, and student performance standards the proposed charter school expects to achieve, including but not limited to the performance indicators specified in section 22-11-204 and applicable standards and goals specified in federal law; evidence that an adequate number of parents and pupils support the formation of a charter school; [and] descriptions of the proposed charter school's educational program, student performance standards, and curriculum."[iii]

Timelines

State statute requires that school districts establish a date for submitting charter applications that is between August 1 and October 1, in order to be considered for the next school year. Some districts in Colorado have received waivers to have a spring application timeline to allow more time before opening.

Statute then specifies that the school district must complete an initial review for compliance within 15 days after receiving the application. The local board must rule on the application within 90 days after receiving it.

Evaluation review process

State Board policy requires that authorizers conduct a rigorous review of each application and only grants charters to applicants "that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria."[iv] For district authorizers, the district must create an accountability committee (DAC) to review the application. The committee must include at least the following members: a person with knowledge of charter schools and a parent or guardian of a charter school student. This requirement does not require the district to limit its external review to the district's current DAC for this review process. A variety of approaches is used by districts to incorporate parent

and community input and relevant expertise in charter school operations. Districts may elect to have an outside review team that includes or is in addition to the minimal review team defined in statute. The local board of education must hold a community meeting to get input on the approval of the charter application.

Process for denied applications

If a local school board denies an application, it must notify the Colorado Department of Education (CDE) within 15 days of the denial and state the reasons for doing so. Charter applicants may appeal denials to the State Board.

Performance-based contract includes and provides for the following:

- ☒ Separate post-application agreement
- ☒ Rights and responsibilities of authorizer and school
- ☒ Academic, financial, and operational performance expectations for schools
- ☐ Initial term of not more than five years
- ☒ Fiscal, legal, and programmatic autonomy for schools
- ☒ Independent charter school governing boards

Separate post-application agreement

Colorado law requires that an approved charter application be the basis for a contract between a charter school and the authorizing district. State Board policy establishes that "the contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate."[v]

Rights and responsibilities of authorizer and school

State Board policy requires that the authorizer "execute contracts with the charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms."[vi]

Academic, financial, and operational performance expectations for schools

The charter application is the basis for the contract and state statute specifies contents for the charter application, including goals, objectives, and student performance standards. In addition, as mentioned in the prior section, the contract must address "school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms."[vii]

Initial term of not more than five years

New charter schools are authorized for at least four years.

Fiscal, legal, and programmatic autonomy for schools

Both State statute and State Board policy provide for fiscal, legal, and programmatic autonomy. State statute specifies that the charter contract must specify the automatic waivers from State and local laws and rules as well as additional State statutes and board rules from which the

charter school is granted exemption. State Board policy also requires that the authorizer uphold school autonomy by doing the following: "honoring and preserving innovations and core autonomies crucial to school success, including governing board independence from the authorizer, personnel, school vision and culture, instructional programming, design, and use of time, and budgeting."[viii]

Independent charter school governing boards

State Board policy requires the authorizer to execute "a contract with a legally incorporated governing board independent of the Charter School Authorizer."[ix]

Performance Monitoring

- ☒ Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- ☒ Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- ☒ Minimizes schools' administrative and reporting burden
- ☒ Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

State statute requires that authorizers review schools' performance annually, including the school's progress in meeting its objectives and the results of the most recent financial audit. State Board policy indicates that the authorizer must evaluate each school annually "on its performance and progress toward meeting the standards and targets stated in the charter contract."[x]

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

Colorado statute requires that all public schools be evaluated using the School Performance Framework (SPF), which includes measures of academic achievement, academic growth, and postsecondary and workforce readiness measures. State Board policy requires authorizers to implement a "comprehensive performance accountability and compliance monitoring system that is defined by the charter contract and provides the information necessary to make rigorous and standards-based renewal, revocation, and intervention decisions."[xi] District authorizers also review charter school performance through the annual accreditation process and charter schools must complete an annual governmental audit.

Minimizes schools' administrative and reporting burden

Statute specifies that the State Board should ensure that rules promulgated by the State Board and policies and guidelines adopted by the department of education impose the least possible administrative and financial burden. State Board policy also states that authorizers should implement an accountability system "that effectively streamlines federal, state, and local performance expectations and compliance requirements while protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens."[xii]

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Colorado statute provides for four types of plans for all schools, including charter schools following their evaluation: Performance, Improvement, Priority Improvement, and Turnaround. Authorizers may also partner with the CDE to develop plans for those charters on Priority Improvement or Turnaround status. State Board policy requires authorizers to establish an intervention policy and "engage in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions)."[xiii]

Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

Colorado statute requires that the review that informs the renewal decision must include at a minimum "the charter school's progress in meeting the objectives identified in the plan the charter school is required to implement pursuant to section 22-11-210 and the results of the charter school's most recent annual financial audit."[xiv] In addition, the statute specifies information that must be included in the renewal application, such as "a report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, targets for the measures used to determine the levels of attainment of the performance indicators, and other terms of the charter contract and the results achieved by the charter school's students on the assessments administered through the Colorado student assessment program."[xv]

State Board policy also requires that authorizers "define clear, measurable, and attainable academic, financial, and operational performance standards and targets that the school must meet as a condition of renewal"[xvi] and "define the sources of data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state."[xvii]

Requires that decisions to renew/revoke be based on student academic achievement

State statute provides that an authorizer may revoke or not renew a charter if it has done any of the following:

> "(a) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter contract;
>
> (b) Failed to meet or make adequate progress toward achievement of the goals, objectives, content standards, pupil performance standards, targets for the measures used to determine the levels of attainment of the performance indicators, applicable federal requirements, or other terms identified in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Violated any provision of law from which the charter school was not specifically exempted."[xviii]

Requires clear school closure procedures

Colorado statute requires school boards and the CCSI to develop a school closure plan that includes:

"(V) A plan for communicating in writing with parents, school staff, the local teachers association, if any, and the community surrounding the public school as early as possible after the local school board or the institute decides to close the public school and at regular intervals throughout the closure process;

(VI) The procedures or mechanisms by which the local school board and the institute will solicit and consider input on the school closure process from the staff of the public school, the local teachers association, if any, the parents of the students enrolled in the public school, and the community surrounding the public school;

(VII) A timeline for closing the public school that includes or is updated to include all major steps and decision points in completing the school closure and starts no later than the decision to close and continues at least through the reassignment of students and the opening of a new public school, if applicable; and

(VIII) A plan for reassigning students to other public schools, which must, to the fullest extent practicable, take into account parents' choice concerning the public schools to which students are reassigned."[xix]

Authorizer Accountability

- ☒ Provides for a registration process for eligible authorizing entities
- ☒ Requires the State entity to review authorizers' performance
- ☒ Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

State statute requires school districts to apply for exclusive authorizing authority to authorize charter schools within their geographic boundaries. Exclusive chartering authority means that the charter school must apply to the district first, before applying to other authorizing entities. Districts without exclusive chartering authority may still authorize, but the charter applicant has a choice about which authorizer to apply to.

Requires the State entity to review authorizers' performance

Every three years, the CDE reports on the performance of charter schools, their relationship to other education reform initiatives, and needed legislative changes to strengthen the charter sector. Under State law, authorizers could lose their chartering authority if they fail to comply with the Charter Schools Act. State law permits charter schools or their representatives to request that a local board lose its exclusive chartering authority if they have "demonstrated a pattern of failing to comply with one or more of the provisions of the 'charter schools act'."[xx]

State Board policy also requires that authorizers provide an annual report on the authorizer's progress and performance in meeting the goals within its strategic plan.

Requires authorizers to adhere to standards for high-quality authorizing

The State Board has adopted "Standards for Charter Schools and Charter School Authorizers" that guide their consideration of granting authorizing authority. These standards are based on the 2010 edition of the *Principles and Standards of Quality Charter School Authorizing* adopted by the National Association of Charter School Authorizers (NACSA).

Authorizer Leadership, Student Access, and Student Services

- ☒ Requires a mission or strategic vision for authorizing
- ☒ Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- ☒ Ensures equitable access to all students
- ☒ Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

State Board policy requires that authorizers "state a clear mission for quality authorizing."[xxi]

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

State Board policies require that authorizing staff engage in regular professional development. Specifically, the policy requires "providing for regular professional development for the agency's leadership and staff to achieve and maintain high standards of professional authorizing practice and enable continual agency improvement."[xxii]

Ensures equitable access to all students

Colorado statute requires that enrollment in charter schools be open to any student in the district and requires that charter schools make enrollment decisions in a nondiscriminatory manner. State Board policy also requires that students be admitted "through a random selection process that is open to all students, publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service, or parent contracts) that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement."[xxiii]

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

State Board policy requires that the charter school provides "access to services for students with disabilities and ensures that services are delivered to students with disabilities as required by federal and state law."[xxiv] State Board policy also requires that the charter school "provides access to services for and appropriately services other special populations of students, including English language learners, homeless students, and gifted students."[xxv]

Authorizer Funding

- ☒ Provides a mechanism for guaranteed access to authorizer funding
- ☒ Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

State statute provides that, for both district authorizers and the CCSI, the authorizer and charter school should agree to an amount that would be withheld from State funding for authorizing activities. Specifically, "the state treasurer shall withhold the amount of any direct payments made on behalf of a charter school plus administrative costs associated with the making of direct payments in an amount agreed upon by the state treasurer and the charter school from the payments to the chartering district of the state share of the district's total program made pursuant to article 54 of this title."[xxvi]

Includes a process for holding authorizers accountable for how funding is used

State Board policy includes several provisions for authorizers to use funding responsibility. These provisions include the following: "determining the financial needs of the authorizing office and devoting sufficient financial resources to fulfill its authorizing responsibilities in accordance with national standards and commensurate with the scale of the charter school portfolio;" and "structuring its funding in a manner that avoids conflicts of interest, inducements, incentives, or disincentives that might compromise its judgment in charter approval and accountability decision making.".[xxvii]

Endnotes

[i] Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)–https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking–https://www. publiccharters.org/ranking-state-public-charter-school-laws-2019; 2016 Model Charter School Law–https://www. publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf

[ii] Benigno, P. & Morin, K., *On the Road of Innovation: Colorado's Charter School Law Turns 20,* Independence Institute: Denver, CO, June 2013. Retrieved from https://i2i.org/wp-content/uploads/2013/07/The-Road-of-Innovation-IP-4-2013-web_a.pdf

[iii] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5-106.

[iv] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.03(D)(1).

[v] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.04.

[vi] *Id.*

[vii] *Id.*

[viii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.01(B).

[ix] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.04(A)(1).

[x] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.05(A)(5).

[xi] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.05(A)(1).

[xii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.05(A)(3).

[xiii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.05(D)(4).

[xiv] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5-110(1)(b).

[xv] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5-110(2)(a).

[xvi] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.04(C)(2).

[xvii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.04(C)(3).

[xviii] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5-110 (3)(a)-(d).

[xix] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-11-307(5)(I)-(IV).

[xx] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5-504(7.5)(b).

[xxi] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.02(A)(6).

[xxii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.02(B)(3).

[xxiii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.05(C)(1).

[xxiv] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 2.02(B).

[xxv] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 2.02(C).

[xxvi] Charter Schools Act, Colo. Rev. Stat. Ann. § 22-30.5-406(C)(I).

[xxvii] Department of Education, Colorado State Board of Education, Standards for Charter Schools and Charter School Authorizers, 1 CCR 301-88, 3.02(C)(1).