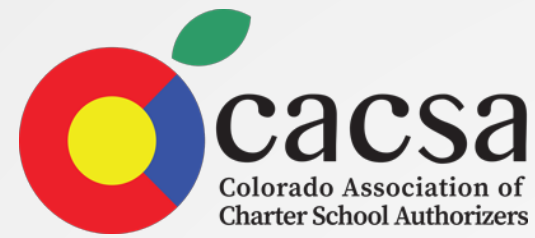




Colorado Association
of School Boards



Hot Topics in COLORADO CHARTER SCHOOLS

CASB CONVENTION 2023

Kathy Gebhardt, CASB

Alex Medler, NN4DA/BVSD

Mackenzie Khan, CACSA



Join at
slido.com
#2664 735

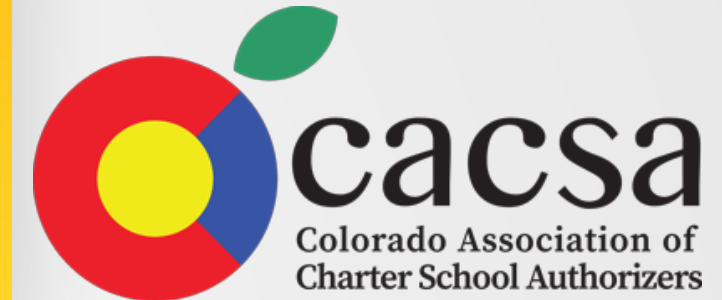




Session Overview

- Hot Topics
- Emerging National Issues
- Defining the Authorizer's Role
- Tools & Resources
- Q&A

CACSA's Vision and Mission



Our Vision



The vision of CACSA is that all charter school authorizers will have the tools needed to implement best practices to ensure the charter schools they oversee are of high-quality; effectively serve all students; operate with appropriate autonomy, governance and oversight; and are accountable for academic results, finances, and operations.

Our Mission



This mission of the Colorado Association of Charter School Authorizers (CACSA) is to promote and support best practices in charter school authorizing and to help all Colorado charter school authorizers develop, adopt, and implement practices that improve results for all students.



Universal Preschool (UPK)



Together, Proposition EE in 2020 and House Bill 12-1295 launched Universal Pre-K in Colorado. The UPK system provides fifteen hours of free preschool per week at certified institutions, including in district-run and charter schools. Families that meet additional criteria qualify for more support. The legislation aims to provide innovative approaches, specialized instruction, and increased parental choice to ensure optimal early childhood development.



Optimizing Charter School Authorizing for High-Quality Early Childhood Education in an Evolved Landscape. CACSA (2023).

First Step in “Chartering” UPK




Many districts are choosing to amend their charter contracts to incorporate the preschool programs. Other districts are not incorporating the preschool program into the charter contract, and leaving the school to operate a preschool program as an entity that is separate from the charter school.

- Districts incorporating preschool into their current charter schools, their contracts, and oversight, may need flexibility.
- Consult with legal counsel and consider how adding UPK will affect the charter school’s K-12 programming and viability?



Checklists & Contracting

 CACSA recommends that districts work with charter schools to amend charter contracts to include ECE programs. When amending contracts, work with legal counsel and explore available model language.



Sample Contract Language for Early Childhood Scenarios. CACSA. (2023)

<input type="checkbox"/>	Familiarize Yourself with Regulations
<input type="checkbox"/>	Review Charter School Proposals
<input type="checkbox"/>	Verify Eligibility and Capacity
<input type="checkbox"/>	Collaborate with Charter School Leadership
<input type="checkbox"/>	Curriculum and Instruction
<input type="checkbox"/>	Staff Qualifications
<input type="checkbox"/>	Health and Safety Measures
<input type="checkbox"/>	Family Engagement and Communication
<input type="checkbox"/>	Program Assessment and Evaluation
<input type="checkbox"/>	Monitoring and Oversight
<input type="checkbox"/>	Reporting and Documentation
<input type="checkbox"/>	Continuous Professional Development
<input type="checkbox"/>	Budget and Financial Sustainability

Other Considerations



Flexible Authorizing Processes

Colorado's ECE system will continue to evolve. Authorizing processes could adjust to accommodate charter schools' changing needs. Flexibility in initial approval, contracting, renewal, and oversight could help charter schools adapt to emerging research, best practices, and community needs.



Finances & Auditing

ECE operators determine their financial structure. Options include:

- State funded (UPK)
- Tuition based preschool
- Blended State funded and tuition based

Districts should work closely with charters proposing to run preschool programs to understand their intended approach and should establish appropriate authorizing and oversight protocols.

Preschools will need an annual financial audit which may be rolled into the charter audit if PreK and K-12 programs operate as one entity.



State Changes to Special Education Admissions



Historical Problem: low enrollment

A series of research and OCR complaints demonstrated:

- Historically, Colorado had the lowest rates of students with disabilities enrolling in charter schools in the nation (we passed Texas recently); and
- Obstacles to enrollment occur within charter schools, through district policies and procedures, and with the public's understanding.



New State Board Rules

Based on challenges, the Colorado State Board of Education adopted new rules to align Colorado policy with federal requirements. Under the revised State Board of Education Rules:

- Charter schools and districts may not inquire about a student's disability status prior to enrolling any child that is participating in any form of public school choice.
- This includes charter schools, magnet schools, innovation and focus schools, inter-district choice, and intra-district choice.



New Changes to Special Education Law

Parents must be involved when changing location

- A change in building or location that is not a change in educational placement must include parent participation (4.03(8)(b)(iii)).

IEP process decides placement

- An administrative unit cannot choose a location different from the parents' school of choice unless the IEP team determines appropriate placement cannot be provided at that location (4.03(8)(c)).

Cannot request or use disability status prior to enrollment

- For charter schools that participate in a districtwide centralized enrollment system, the district must ensure and provide assurance in applicable public communications that it does not use the information collected about a student's disability status until after the admissions have been completed (4.03(8)(b)(iv)).



*Fact Sheet: Building Placement
and Schools of Choice for Special
Education Students. CDE. (2022)*

All Colorado charter schools are required to enroll and educate students with disabilities.



Colorado charter schools are public schools and receive federal dollars to educate Students with Disabilities (SwDs).



Decisions about alternative locations should be based on each student's specific needs.



About 90% of students with disabilities should be able to be educated by the public school they choose, including charter schools.

Additional Resources from CDE & CACSA

*CDE Charter Alert with Q&A on
Location of Services. CDE. (2022).*



*An Analysis of Colorado Charter School
Contracts in Connection with 2022
Special Education Enrollment Rule
Changes. CACSA. (2023).*



*A Report on Recent Rules and Statutory
Revisions and Their Effect on Access and
Services for Students with Disabilities in
School Choice Programs in Colorado.
CACSA. (2023).*



Defending the Public Nature of Charter Schools

A group of charter operators and legal advocates are pursuing “Impact Litigation” around the country to allow charter schools that are:

- Run and “Owned” by religious institutions;
- Provide religious education;
- Act on their “deeply held religious beliefs” in instruction, admissions, and hiring.

They argue that charter schools are not “state actors.”

If they prevail, charter students and staff may lose state and federal constitutional rights in government institutions.



State Actions: NC and OK

North Carolina

- NC Charter Day School v. Peltier
- Dress code case based on Title IX.
- School argues it is not a state actor -- Equal Protection Clause and Title IX do not apply
- Series of decisions in appeals, up to request to US Supreme Court
- June 2023: Supreme Court denies petition

Court action:

- Fourth Circuit decision stands, but other Circuits to differ
- Eventually different circuit court decisions could be considered by US SCOTUS

Oklahoma

- Oklahoma: Oklahoma Catholic Virtual Charter School
- Oklahoma Statewide Virtual Charter School Board approved a Catholic virtual charter school.
- Archdiocese: “Too early to say” what employees and students will be welcome, application says all teachers will be “ministers”
- Legal and state policy exchanges have been going on throughout.
- Currently, Oklahoma Supreme Court Hearing Challenge



Responses & Discussions



Legislative action:

- Colorado defined charter boards as government officials
- Some scholars advocating state laws making charters state actors

Authorizer action:

- Charter contract provisions
- What to do with applicants that push boundaries
- Practices in existing charter schools

Universal Preschool Program:

- Denver Archdiocese sues for right to act on religious beliefs



Lawsuits Target First Religious Public Charter School in U.S. UPI. (2023)

Understanding Authorizer Roles



School District Boards (Authorizers)

Charter Approval and Renewal
Oversight and Compliance

Performance Accountability

- Academic
- Operational
- Financial

Contract Management

Legal and Regulatory Compliance

Policy Development and Guidance

Technical Assistance and Support

Annual Reporting & Site Visits



Charter School Governing Boards

School Leadership and Management

Programming

Budget and Financial Management

Student Enrollment and Policies

Community Engagement

Compliance with Charter Agreement

Complaint Management

Strategic Planning

Common Challenges



Conflicting Priorities

Authorizers may prioritize oversight and accountability, while charter school governing boards may prioritize autonomy and innovation. Balancing these priorities can lead to tension.



Performance Issues

When charter schools face academic or financial challenges, authorizers may need to intervene, which can strain the relationship with the governing board.



Resource Constraints

Both authorizers and charter school governing boards may operate with limited resources. This can lead to challenges in providing adequate oversight and support.



Communication Gaps

Misunderstandings or breakdowns in communication can lead to conflicts and mistrust. Ensuring that both parties are on the same page is crucial.

Join at
slido.com
#2664 735





THANK YOU FOR ATTENDING

If you have any further questions or need additional support with authorizing in your school district, please don't hesitate to reach out to us.

www.coauthorizers.org



Thank
You!