



Building Bright Futures

Re-Revised AGENDA

REGULAR BUSINESS MEETING
BOARD OF EDUCATION

7 p.m. April 21, 2005
Board Room

Jefferson County School District R-1
1829 Denver West Dr., Bldg. 27
Golden, Colorado

Our mission: To provide a quality education that prepares all children for a successful future.

EXECUTIVE SESSION: The Board of Education will meet at 5 p.m. in the Seminar Room hear the appeal of the decision regarding the expulsion of a student at Carmody Middle School.

STUDY/DIALOGUE SESSION: The Board will meet at 5:45 p.m. to discuss the draft executive summary of the 2005-06 budget.

1. **PRELIMINARY**

a. **CALL TO ORDER – 7:00 p.m. – Board Room**

b. **WELCOME TO AUDIENCE**

c. **PLEDGE OF ALLEGIANCE**

d. **ROLL CALL**

ACTION

e. **APPROVE AGENDA**

ACTION

f. **APPEAL OF DECISION REGARDING EXPULSION OF A STUDENT AT CARMODY MIDDLE SCHOOL (EL-16, TREATMENT OF STUDENTS), Page 6:** As noted in memorandum BA-05-090 in the background material, the Superintendent recommends that the Board follow legal counsel's recommendation and accept, reject, or revise the decision as presented by the Superintendent.

INFORMATION

2. **HONORS & RECOGNITION**

INFORMATION

3. **BOARD AND SUPERINTENDENT COMMENTS**

4. **PUBLIC AGENDA**

- a. **CORRESPONDENCE:** Public correspondence received by the Board is presented on page 4 of the background material, and is available for public viewing.
- b. **PUBLIC COMMENT:** At this time the Board listens to the community's issues of concern. Board members or staff will respond during this meeting or at a later time. We listen with respect and ask those who address the Board to do the same. In order to respect all persons addressing the Board, we request that the audience not applaud individual speakers and that issues, rather than personalities, be addressed. Any resident or staff member of the district who has signed up on the public comment roster may speak. There is a time limit per person.

If there are a number of speakers commenting on the same topic this evening, we ask that remarks be consolidated and new thoughts or concepts shared. It is not the number of people who address the Board that leads to better decision-making, rather the content of your presentation. So, we respectfully ask that you do not repeat the same message of an earlier speaker. If there are four or more people who wish to address the Board on the same side of the same topic, the Board will allow 10 minutes for that view to be heard. All those who sign up must accompany the speaker to the front of the Board room. We respectfully ask that you do not repeat the same message, but rather present varying concepts on the same theme. Thank you.

5. STATUTORY REQUIREMENTS

ACTION

- a. **RESOLUTION - CHARTER REMAND – MOUNTAIN PEAKS MONTESSORI (EL-19, CHARTER SCHOOLS APPLICATION AND MONITORING), Pages 7-10:** It is the Superintendent's recommendation that the Board of Education adopts the resolution to approve the charter application on remand for Mountain Peaks Montessori, as noted in memorandum BA-05-060/3 in the background material.

6. LEGISLATIVE ACTION AGENDA

ACTION

- a. **LEGISLATIVE UPDATE (EL-17, COMMUNICATION AND COUNSEL TO THE BOARD):** It is the Superintendent's recommendation that the Board accept the legislative report for the 2005 legislative session and give direction to the District's contract lobbyist, Mary Sharon Wells, as noted on memorandum BA-05-043/6 in the background material.

7. ENDS DEVELOPMENT AND MONITORING

INFORMATION

- a. **CHARTER POLICY DISCUSSION, (EL-19, CHARTER SCHOOLS APPLICATION AND MONITORING; LBD, CHARTER SCHOOLS), Pages 11-20:** It is the Superintendent's recommendation that the Board discuss the Board and District charter school policies and timelines of same, as shown in memorandum BA-05-093 in the background material.

ACTION

8. **DEVELOP NEXT AGENDA:** The Board will discuss the agenda for the May 5 regular meeting and May study/dialogue session topics.
9. **CONSENT AGENDA**

INFORMATION

- a. **ADDENDA TO CHARTER SCHOOL CONTRACTS: COLLEGIATE ACADEMY OF COLORADO; COMPASS MONTESSORI SCHOOL AND SECONDARY SCHOOL; EXCEL ACADEMY; JEFFERSON ACADEMY ELEMENTARY, JUNIOR HIGH AND HIGH SCHOOLS; ROCKY MOUNTAIN ACADEMY OF EVERGREEN; AND, WOODROW WILSON ACADEMY (EL-19, CHARTER SCHOOLS APPLICATION AND MONITORING), Page 22:** It is the Superintendent's recommendation that the Board approves the addenda for Collegiate Academy of Colorado; Compass Montessori School and Secondary School; Excel Academy; Jefferson Academy Elementary, Junior High and High Schools; Rocky Mountain Academy of Evergreen; and, Woodrow Wilson Academy, as summarized in memorandum BA-05-092 in the background material..

ACTION

- b. **APPROVAL OF MINUTES:** The minutes of the meetings of April 7 and 13, 2005 are presented for approval.

10. ADJOURNMENT

FUTURE EVENTS:

Apr. 22	Middle School Art Show Opening Reception, Lakewood Cultural Ctr
Apr. 27	Values Awards Reception, Arvada Center
Apr. 28	Board of Education Study/Dialogue Session, Board Room
May 3	Retirement Banquet, Arvada Center

CORRESPONDENCE – April 21, 2005

c-05-302	Matthew Zolot response
c-05-303	Jeannette Lee Mountain Peaks Montessori
c-05-304*	Jim Ryan c: Board
c-05-305	David/Jeannie Ney Mountain Peaks Montessori
c-05-306	Leilani Pilot Mountain Peaks Montessori
c-05-307	Beth/Mike/Ellie/Ryan White Mountain Peaks Montessori
c-05-308	Meghan Grimm Mountain Peaks Montessori
C-05-309*	Student Student Issue
c-05-310	Greg Steuck HB-1293

Note: Letters addressed to the Board of Education that contain the name of a student or involve a personnel issue are not available to the public (unofficial). The Board does not respond to anonymous letters or letters that are copied to the Board but not addressed to the Board.

**BOARD OF EDUCATION
WORKSHOP AGENDA ITEM**

CONTROL NUMBER: BS/D-05-002/5

BOARD MEETING: Thursday, April 21, 2005

TOPIC: Draft Executive Summary of 2005-06 Budget

PRESENTING STAFF: Cindy Stevenson
Lorie Gillis

PURPOSE:

For the Board of Education to discuss the draft executive summary 2005-06 budget for community input and public hearings, beginning in May and ending with the adoption of the budget on June 2.


BACKGROUND:

On March 31, the Board gave direction for the proposed draft executive summary budget.

As part of the budget development cycle, the Board of Education received proposed budget reductions in August 2004 from budget workgroups and the Citizens' Review Committee. Following the November election, the reductions were again reviewed by the Citizens' Review Committee, Jeffco Schools' three employee associations and the Superintendent's Cabinet. In February, the Board collected feedback on the proposed reductions through three public forums for community and staff members. The Board continues to receive information regarding ongoing negotiations with employee associations related to salary and benefits for 2005-06.

SUBMITTED: Lorie Gillis 

DATE: April 5, 2005

APPROVED: Cynthia Stevenson 

BOARD OF EDUCATION AGENDA ITEM

CONTROL NUMBER: BA-05-090

BOARD MEETING OF: Thursday, April 21, 2005

SUBJECT: Appeal of the Decision Regarding Expulsion of a Student at Carmody Middle School – EL 16 Treatment of Students

ACTION

PERTINENT FACTS:

1. In accordance with Policy EL 16, Treatment of Students, the following has occurred:
 - A hearing to receive testimony on this issue was held on February 28, 2005.
 - The Superintendent has submitted a copy of the Findings of Fact and Decision to the Board.
 - The Board of Education has received a request for appeal of the decision related to a student involved in this expulsion proceeding.
2. The Board of Education will hear the appeal in Executive Session on April 21, 2005.

SUPERINTENDENT'S RECOMMENDATION:

That the Board of Education follows legal counsel's recommendation and accept, reject, or revise the decision as presented by the Superintendent.

ORIGINATOR: John Peery 

DATE: April 5, 2005

APPROVED: Cynthia Stevenson 

BOARD OF EDUCATION AGENDA ITEM
Statutory Requirements Agenda

CONTROL NUMBER: BA-05-060/3

BOARD MEETING OF: Thursday, April 21, 2005

SUBJECT: Resolution – Mountain Peaks Montessori – Second Remand
(EL-19, Charter Schools Application and Monitoring)

ACTION

PERTINENT FACTS:

1. Executive Limitation Board Policy EL-19, Charter Schools Application and Monitoring, outlines the requirements for new charter school applications
2. On November 4, 2004, the Board denied the application of Mountain Peaks Montessori to become a charter school.
3. At a public hearing on January 12, 2005, case number 04-CS-03, the Colorado State Board of Education reversed the decision and remanded it back to the Jefferson County Board of Education for reconsideration.
4. Colorado Revised Statute 22-30.5-108 requires the Jefferson County Board of Education to take action regarding the remand within 30 days. On February 10, 2005, with representatives from Mountain Peaks Montessori present, the Board of Education denied the charter application on remand for Mountain Peaks Montessori.
5. At a public hearing on March 9, 2005, the Colorado State Board of Education reversed the decision for a second time and instructed the Jefferson County Board of Education to approve the charter application of Mountain Peaks Montessori.
6. On March 31, 2005 at its regular meeting, the Jefferson County Board of Education postponed its approval of the charter application of Mountain Peaks Montessori pending additional information from legal counsel.

SUPERINTENDENT'S RECOMMENDATION:

That the Board adopts the resolution approving the charter application of Mountain Peaks Montessori.

ORIGINATOR: John Peery 

DATE: April 15, 2005

APPROVED: Cynthia Stevenson 

RESOLUTION

WHEREAS, on September 2, 2004 the Board of Education of Jefferson County School District No. R-1 received a charter school application from the Mountain Peaks Montessori School founding group (“MPM”); and

WHEREAS, the District’s Accountability Committee and the Board reviewed the MPM charter school application in accordance with the requirements of C.R.S. §§ 22-30.5-107(1) & (1.5), and the Board considered information and analyses by District Administrators regarding the application, as well as MPM’s written response dated September 22, 2004 to various issues raised in the District’s Crucial Questions Reports and MPM’s follow-up e-mail dated October 11, 2004 regarding budget and financial issues; and

WHEREAS, the Board held a public meeting with MPM on September 29, 2004 in accordance with the requirements of C.R.S. § 22-30.5-107(2); and

WHEREAS, on November 4, 2004 the Board adopted a Resolution denying the MPM charter school application for specific reasons expressed in the Resolution; and

WHEREAS, MPM appealed the Board’s November 4 denial of its charter school application to the State Board of Education by means of a Notice of Appeal dated November 11, 2004; and

WHEREAS, at a hearing on January 12, 2005 the State Board of Education made a determination that denial of the MPM charter school application “was contrary to the best interests of the pupils, school district, or community,” and remanded the matter to the Board for reconsideration; and

WHEREAS, representatives of the District met with representatives of MPM on January 27, 2005 and February 3, 2005 to address the matters which the State Board of Education directed the parties to discuss in its remand order, as well as the concerns expressed by the Board in its November 4, 2004 Resolution as reasons for denial of the MPM charter school application; and

WHEREAS, the Board considered the State Board of Education’s January 12, 2005 remand order; was fully advised regarding the discussions between representatives of the District and representatives of MPM on January 27, 2005 and February 3, 2005; and carefully considered the information and proposals generated at those meetings; and

WHEREAS, the Board reconsidered the charter school application; the Charter Schools Act; District policies and regulations; the Comments and Crucial Questions Reports prepared by the Charter School Review Committee and members of the Superintendent’s Cabinet; the written information provided by MPM dated September 22, 2004 and October 11, 2004; the parties’ discussion at the Board’s September 29, 2004 public meeting with MPM, and its November 4,

2004 denial of the MPM charter school application as required under C.R.S. § 22-30.5-108(3)(b); and

WHEREAS, on February 10, 2005 the Board adopted a Resolution again denying the MPM charter school application for specific reasons expressed in the Resolution; and

WHEREAS, MPM appealed the Board's February 10 second denial of its charter school application to the State Board of Education by means of a Notice of Second Appeal dated February 11, 2005; and

WHEREAS, at a hearing on March 9, 2005 the State Board of Education made a determination that the second denial of the MPM charter school application "was contrary to the best interests of the pupils, school district, or community" and remanded the matter to the Board with instructions to approve the MPM charter school application; and

WHEREAS, the Colorado Supreme Court in Board of Education of School District No. 1 v. Booth, 984 P.2d 639, 649 (Colo. 1999), held that general statutory or judicial constraints on a local board of education's discretion in individual cases, such as those that may arise under the Charter Schools Act, "must not have the effect of usurping the local board's decision-making authority or its ability to implement, guide, or manage the educational programs for which it is ultimately responsible"; and

WHEREAS, the Colorado Supreme Court in Booth, 984 P.2d at 654, also held that:

Denial of an application implicates a local board's control of instruction because it applies general education policy to the guidance and management of instruction in an individual case: the decision whether to open a particular school. The local board's concerns, reflected in its reasons for denying the application, do not lose their validity simply because the State Board finds that approval of the application, taken as a whole, is in the best interests of the education community. Rather, a local board can comply with a State Board order to approve a charter application and still expect resolution of its initial grounds for denial in a satisfactory final agreement with the charter school applicants.

NOW, THEREFORE, BE IT RESOLVED by the Board that the MPM charter school application is hereby approved as instructed by the State Board of Education subject to the Colorado Supreme Court's interpretation of the effect of such approval noted above, and that the following actions shall be taken by the District in accordance with its rights and obligations under the Colorado Constitution and under the Charter Schools Act as construed by the Colorado Supreme Court:

1. The District Administration shall negotiate with MPM in an effort to develop a proposal for presentation to the Board that addresses the Board's concerns with the MPM charter

school application as reflected in the reasons for denial of the application stated in the Board's February 10, 2005 Resolution.

2. If the District Administration and MPM are able to develop such a proposal, the Board shall consider the proposal and determine pursuant to its constitutional authority whether the proposal satisfactorily addresses its concerns reflected in the reasons for denial of the application stated in its February 10, 2005 Resolution.

3. If the Board determines that the initial or any subsequent proposal does not satisfactorily address its concerns reflected in the reasons for denial of the application stated in its February 10, 2005 Resolution, it shall remand the matter to the District Administration and MPM for further negotiation to develop a satisfactory proposal as provided in paragraphs 1 and 2 above.

4. If the Board determines that the initial or any subsequent proposal satisfactorily addresses its concerns reflected in the reasons for denial of the application stated in its February 10, 2005 Resolution, it shall adopt a resolution so stating that includes the terms and conditions under which the proposed school may open. Said terms and conditions shall include but not be limited to those in the negotiated proposal accepted by the Board, location of a charter school site acceptable to the Board, development of a balanced budget that satisfies applicable legal requirements and public entity accounting principles and that is acceptable to the Board, and negotiation of a charter school contract with terms acceptable to the Board.

5. In accordance with C.R.S. § 22-30.5-107(4), the District Administration is hereby directed to send a copy of the MPM charter school application to the Colorado Department of Education within fifteen days of the date of this Resolution.

Adopted this 21st day of April, 2005.

JEFFERSON COUNTY SCHOOL DISTRICT
NO. R-1

By: _____
Jane Barnes
President, Board of Education

Attest:

By: _____
Stephen Dixon
Secretary, Board of Education

6.a.

BOARD OF EDUCATION AGENDA ITEM
Ends Development and Monitoring Agenda

CONTROL NUMBER: BA-05-093

BOARD MEETING OF: Thursday, April 21, 2005

SUBJECT: Charter Policy Discussion – Board Executive Limitation -19, Charter Schools Application and Monitoring; and, District Policy LBD, Charter Schools

ACTION

PERTINENT FACTS:

1. On October 28 at a Board study/dialogue session, the Board proposed revisions to Board policy EL-19 to attempt to address charter process timelines and other issues identified through the Fall 2004 charter application process.
2. At the November 18 regular Board meeting, the Board postponed approving revisions to Board policy EL-19 and requested time at a later date to review Board and District policies and required timelines related to both the charter application and monitoring processes required by law.

SUPERINTENDENT'S RECOMMENDATION:

That the Board of Education begins discussion of its policy direction and related administrative actions related to the charter schools application and monitoring process.

ORIGINATOR: Helen Neal 

DATE: April 5, 2005

Regular Board of Education Meeting

April 21, 2005

Last printed 6/28/2007 10:14 AM

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APPROVED: Cynthia Stevenson 

Policy Executive Limitations (EL-19)

CHARTER SCHOOLS APPLICATION AND MONITORING

Adopted: August 16, 2001
Revised: March 27, 2003
Monitoring Method: Internal
Monitoring Frequency: Annual - October

The superintendent shall not allow charter school contract applications to be recommended and shall not allow existing charter school contracts to continue if fiscal jeopardy or failure to make consistent progress towards their stated objectives is a likely outcome or is evident. In addition, the superintendent shall not allow existing charter schools to operate in a manner that would jeopardize the learning or well being of their students.

Accordingly, during the charter school application process the superintendent may not:

1. Fail to provide the Board with an analysis of the strengths and weaknesses of each charter application.
2. Fail to have a standard application format, complete with dates for submittal and expectations of thoroughness that includes and requires documentation of all areas of concern to the Board.
3. Fail to have the application easily available to prospective applicants by providing phone and e-mail addresses to access an application.
4. Fail to require a detailed and realistic financial plan and analysis by the applicant, which shall include:
 - A financial plan based on a minimum enrollment necessary to be solvent and 100% of capacity, including contingency plans for reduced enrollment. Documentation will include all revenue referred to in the budget.
 - Provision for placing three percent of the operating and three percent of the capital budget in a tabor reserve fund.
 - Cash flow projections for the first year displayed month by month and a plan to fund any cash flow shortfalls.
5. Fail to assess the viability of a charter school applicant by assuring that the following requirements are in place before a favorable recommendation can be given:
 - An analysis of the monetary impact on the entire district budget with assurances that the approval of the new charter school will not adversely effect the education of all of the students in the district.
 - An impact statement of the proposed school, given its proposed location, on neighborhood schools and other charter schools.
 - Documentation that substantiates that current availability to the program is limited and that demonstrates sufficient commitments to attend the school by students who are eligible to attend.
 - Description of a program of study or curriculum that does not currently exist in the district or is in high demand with little or no space available.
 - Documentation that the proposed school has located a prospective site that is sufficient for

the program, is financially feasible, and is likely to meet the criteria for site development in the county.

- Description of how the proposed school addresses the needs of “at risk” students.
 - Description of how the needs of identified special needs students are sufficiently addressed according to law and policy.
6. Fail to collaborate with new charter applicants to mutually agree to reasonable timelines for consideration of their application.

In regard to existing charter schools, the superintendent may not:

1. Fail to monitor the charter school environment and progress toward goals at least twice each year for charters in their first two years of existence and yearly in the school accountability plan of all other charter schools.
2. Fail to require, review, and analyze monthly financial reports from each charter school, including an annual audit of all of the charter school accounts conducted by an auditor approved by the district.
3. Fail to inform the Board and place on the consent agenda any loans to charter schools.
4. Fail to document, in writing, any discrepancies or deficiencies, whether fiscal, educational, or related to school climate, and the steps and timelines for correction and additional monitoring. Copies shall be provided to the charter school board chairperson and the members of the Board of Education.
5. Fail to assure compliance with the charter school contract.
6. Fail to inform the Board annually of the student achievement attained by charter schools, as well as regular public schools, using the same statistical analyses.
7. Fail to provide yearly training to charter school boards and steering committee members covering topics necessary for the proper functioning of a Jeffco Schools charter school.
8. Fail to collaborate with existing charter schools applying for a renewal of their contract to mutually agree to reasonable timelines for consideration of their renewal application.
9. Fail to require charter schools to submit revised budgets to the charter school administrator when their official October 1 count of students is more than 5 percent less than the projected student enrollment that has been submitted to the District.
10. Fail to provide to the Board documentation of the revised budgets of charter schools whose official October 1 count is more than 5 percent less than the projected student enrollment that has been submitted to the school district.

Monitoring report indicators:

List all documents received by Board of Education within reporting period; report on data collected, processes used, actions taken, check alignment of District policies and procedures with Board policy expectations and actions, analysis of data/situation, current and/or ongoing programs demonstrating movement toward the executive limitation.

LEGAL REF.:

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

Policy LBD

CHARTER SCHOOLS

Adopted: June 26, 1997
Revised: May 4, 2004
[District Regulation LBD-R](#)

The district believes that public school programs should be designed to fit the needs of individual students and that parents and educators have a right and responsibility to participate in the schools which serve them. The state of Colorado has authorized charter schools as one avenue for parents, teachers and community members to provide for education of children within the public school system.

A charter school shall be a public, nonsectarian, non-religious, non-home-based school which operates within a public school district. It shall be 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. Enrollment must be open to any child who resides within the school district. Except as provided by law, a charter school shall not charge tuition.

Enrollment decisions for charter schools may be made in accordance with district policy on educational options (see policy JFBA) or in a nondiscriminatory manner specified in the approved charter school contract.

Where a non-resident student with a disability enrolls in and attends a charter school in the district, the district of residence shall be responsible for paying to the charter school tuition for excess costs for educating the child. The amount of tuition charged shall be established in a contract between the district of residence and the charter school approved by the Board of Education and the Colorado Department of Education.

A charter school shall be responsible for its own operation including, but not limited to preparation of a budget, contracting for services, and personnel matters. It may negotiate and contract with the school district or other parties for the use and operations of school buildings and grounds and for services required to carry out its educational program. Services for which a charter school contracts with the school district shall be negotiated and provided at district cost. If district facilities are used, no rent shall be charged.

An approved charter school application, submitted in accordance with district procedures, shall become part of a contract between the charter school and the Board. The contract shall reflect all agreements including the release of the charter school from school district policies and all requests for release from state regulations which the Board and charter school shall jointly request from the State Board of Education. A material revision of the terms of the contract may be made only with the approval of the Board and the governing body of the school.

A charter school shall have an education program with student performance standards and curriculum that meets or exceeds district and state standards.

A charter school shall begin in the fall following the date the application is approved, unless another starting time is agreed upon by the Board and applicant.

LEGAL REFS.:

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

C.R.S. 22-20-109 (5)

CROSS REFS:

[IA, Instructional Goals and Learning Objectives](#)

[IHB, Special Instructional Programs](#)

[JFBA, District Choice Enrollment](#)

Regulation LBD-R
CHARTER SCHOOLS
(PROCEDURES FOR APPLYING FOR A CHARTER SCHOOL)

Adopted: June 26, 1997
Revised: March 27, 2003
[Back to Policy](#)

A person, group or organization may apply for a charter school in Jefferson County in accordance with the requirements of law and the procedures outlined below.

No person, group or organization may submit an application to convert a private school or non-public, home-based educational program into a charter school or create a nonpublic, home-based educational program.

Application Provisions

A written application must be prepared with 15 copies submitted to the administrator for charter schools. The application must contain:

1. A mission statement consistent with the district's mission statement and the declared purposes set forth in the Colorado Charter Schools Act, C.R.S. 22-30.5-101, et seq.
2. Three-year goals and objectives including timelines.
3. Evidence of an adequate number of parents, teachers, students, or combination of these individuals to support the formation of the proposed charter school.
4. A statement of need for a charter school within the district, including whether the same program or curriculum currently exists in the district or exists with high demand and little or no space available.
5. A description of the education program with student performance standards and a curriculum that meets or exceeds state and district standards.
6. A plan for evaluating student performance with types of assessment, timelines, and procedures for corrective action.
7. Evidence of economic soundness, proposed budget, annual financial and administrative audit, and plan for the displacement of students. The financial plan must include budgets based on the minimum enrollment necessary for the school to be solvent and based on enrollment at 100 percent of capacity, a three percent reserve, as required by Article X, Section 20 of the Colorado Constitution, and cash flow projections for the first year displayed month by month, with a plan to fund cash flow shortfalls. The plan for displacement of students must include a description of the anticipated impact on affected neighborhood schools.
8. A description of governance and operation, including parents, educator and community involvement.
9. An explanation of the relationship between the school and its employees, including evidence that terms and conditions with affected employees and their recognized representative, if any, have been addressed.
10. The employment policies of the proposed charter school.

11. An agreement between the parties regarding respective legal liability and applicable insurance coverage.
12. Plans for student transportation, if any, and, if provided, a plan for addressing low-income, low-achieving student needs
13. A statement whether or not the school is specifically designed to increase the educational opportunities of at-risk students, as well as a description of how the school will address the needs of at-risk students and will meet the needs of identified special needs students in accordance with law and district policy.
14. A showing whether or not the proposed program could be achieved through application of district policy on educational options and/or alternative schools.
15. A description of the student enrollment policy and the criteria for enrollment decisions.
16. Aggregate information concerning the grade levels and schools in which prospective students are enrolled.
17. Documentation that the proposed school has located a prospective site that is adequate for the proposed program, is financially feasible, and is likely to meet applicable state and local regulations and requirements.

Application Process

The Board will receive and review applications using the following process:

1. Applications for a charter school to begin in the fall will be due by 4:30 p.m. on August 15, or the following Monday if August 15 is on a weekend, of the academic year prior to the academic year in which the charter school anticipates opening.
2. The Board will request additional information if it finds the application incomplete.
3. The application will be reviewed by the charter school review committee prior to consideration by the Board.
4. The district will provide a copy of the application to employee organizations and to the parent-teacher association for their review and comment.
5. After giving reasonable public notice, the Board will hold community meetings in the affected areas or the entire district to obtain information to assist in its decision to grant a charter school application.
6. Within 75 days after receipt of the application, the Board will rule on the application in a public hearing with reasonable notice, unless the parties have mutually agreed in writing to extend this deadline.

Review of the Application

In reviewing the charter school application, the Board will use the following criteria:

1. Does the application fully address the contents listed above and those in state law?
2. Have the scheduled deadlines been met?
3. Would establishing or operating the proposed charter school violate the Charter Schools Act or any federal or state laws concerning civil rights or any court order; threaten the health and safety of students, or violate state law prescribing the permissible number of charter schools?

If the Board grants the application, it will report such action to the State Board of Education specifying

whether or not such charter school is designed to increase the educational opportunities of at-risk students.

Appeal Process

A charter applicant, or any other person who wishes to appeal the decision of the Board, must use the process outlined below. Within 30 days after the Board's decision, the person wishing to appeal must provide the State Board of Education and the local Board with a notice of appeal of the Board's decision.

Appeal from Decision to Deny

1. Within 60 days after the receipt of the notice of appeal, the State Board of Education will conduct a hearing to review the decision. If the State Board of Education finds that the Board's decision was contrary to the best interests of the students, district, or community, the State Board will remand such decision to the Board with written instructions for reconsideration.
2. If the State Board of Education remands the decision, the Board will reconsider its decision and make a final decision within 30 days following the State Board's remand.
3. If the Board's decision is still to deny, refuse to renew, or revoke a charter, a second notice of appeal may be filed with the State Board of Education within 30 days of the Board's decision.
4. The State Board of Education will make a final determination at a public hearing, which will not be subject to appeal, within 30 days following receipt of the Board's decision.

Appeal from Decision to Grant

1. Within 60 days after receipt of the notice of appeal, the State Board of Education will review the decision of the Board and determine whether the decision was arbitrary and capricious or whether the establishment or operation of the proposed charter school would violate any federal or state laws concerning civil rights or any court order; threaten the health and safety of students in the district, exceed the permissible number of charter schools permitted by the Charter Schools Act, C.R.S. 22-30.5-101, et seq., or be inconsistent with the equitable distribution of charter schools among school districts.
2. If such a determination is made, the State Board of Education will remand such decision to the Board with instructions to deny the charter.

Nothing in this section shall be construed to alter the requirement that a charter school be part of the district in which it is located and accountable to the local Board of Education.

Renewal Application

A charter may be approved or renewed for a period not to exceed five academic years. No later than December 1 of the year prior to the year in which the charter expires, the school shall submit a renewal application to the Board of Education. The Board of Education will rule on the application no later than February 1 of the year the charter expires unless there is a later mutually agreed upon date. An application for renewal must contain the following:

1. A report on the progress of the school in achieving the goals, objectives, student performance standards, content standards and other terms of the initial, approved charter application.
2. A financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public and that will allow

comparison of such costs to other schools or other comparable organizations, in a format required by the State Board of Education.

Revocation or Nonrenewal

A charter may be revoked or not renewed by the Board if the Board determines that the school did any of the following:

1. Committed a material violation of any of the conditions, standards or procedures set forth in the charter application.
2. Failed to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application.
3. Failed to meet generally accepted standards of fiscal management.
4. Violated any provision of law from which the charter school was not specifically exempted.

A charter may not be renewed upon a determination by the Board that it is not in the interest of the students residing within the district to continue the operation of the charter school.

The decision to revoke or not to renew a charter may be appealed in the manner outlined under the section on appeal process above.

Employee Options

The following employee options will be provided:

1. During the first year that a teacher employed by the district is employed by a charter school, the teacher will be considered to be on a one-year leave of absence from the school district. This leave will begin on the first day of services for the charter school. Upon the request of the teacher, the one-year leave of absence will be renewed for up to two additional one-year periods as agreed upon by the teacher and the district. At the end of three years, the relationship between the teacher and the district will be determined by the district, and the district will provide notice to the teacher of the relationship.
2. The Board will determine by policy or negotiated agreement, if one exists, the employment status of district employees employed by the charter school who seek to return to employment with the public schools in the district.
3. Employees of a charter school will be members of the Public Employees' Retirement Association. The charter school and the teacher will contribute the appropriate respective amounts as required by the funds of such association.

Student Enrollment Guidelines

Students enrolled in a charter school will be included in the student enrollment of the district within which the student resides. The following guidelines will be followed:

1. The district of residence will report to the Colorado Department of Education the number of students included in the district of residence's student enrollment that are actually enrolled in each charter school.
2. As part of the charter school contract, the school and district will agree on funding and any services to be provided by the district to the school. The funding discussions will begin using 95

percent of the district per pupil revenues as defined by state law.

3. All services provided by the district including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries and warehousing will be subject to negotiation between the school and the district and paid for out of the revenues outlined above.
4. It is intended that funding and service agreements pursuant to these guidelines will be neither a financial incentive nor a disincentive to the establishment of a charter school.
5. Fees collected from students enrolled in a charter school will be retained by such charter schools and must be used for the purpose for which they are collected.
6. Students with disabilities may seek enrollment in charter schools on the same basis as other students. If there is a question whether a student's individualized education program can be implemented appropriately at a charter school, a properly constituted IEP team will be convened to make that determination. Charter schools are generally expected to provide the same level of special education services as regular schools in the district serving the same grade levels. Unless otherwise agreed by contract, the district will provide those services required by a student with disabilities beyond those provided by regular district schools. The funding arrangements, including distribution of the school's proportionate share of federal and state funding generated by students with disabilities and staff serving them and the charter school's payment of a per pupil cost incurred by the district in providing federally required educational services, will reflect the relative responsibilities of the district and the charter school.
7. Unless otherwise provided by contract, charter schools will pay a per pupil cost for district wide ESL (English as a Second Language) services, and the district will provide such services to eligible students. A proportionate share of funding generated under other state or federal categorical aid programs will be directed to each charter school, provided the charter complies with applicable statutes and unless the school and the district agree by contract to an alternative arrangement.
8. The governing body of a charter school is authorized to accept gifts, donations or grants of any kind made to the charter school and to expend or use such gifts, donations or grants in accordance with the conditions prescribed by the donor unless the gifts, donations or grants are subject to any condition contrary to law or the terms of the contract between the school and the Board.

The Board will submit an evaluation report of each charter school to the Colorado State Board of Education when required.

Information about charter school development may be obtained from the district's executive director of Human Resources and/or the Colorado Department of Education.

BOARD OF EDUCATION AGENDA ITEM
Consent Agenda

CONTROL NUMBER: BA-05-092

BOARD MEETING OF: Thursday, April 21, 2005

SUBJECT: Addenda to Charter School Contracts: Collegiate Academy of Colorado; Compass Montessori School and Secondary School; Excel Academy; Jefferson Academy Elementary School, Junior High School and High School; Rocky Mountain Academy of Evergreen and Woodrow Wilson Academy (EL-19, Charter Schools Application and Monitoring)

ACTION

PERTINENT FACTS:

1. According to EL-19, Charter Schools Application and Monitoring, the superintendent shall not fail to assure compliance with the charter school contract.
2. For budget purposes the projected enrollments for charter schools must be determined for the coming year.
3. According to state statute, charter schools must make decisions on what services they want to purchase from the district.
4. Addenda to the contracts for the above named schools have been reviewed by legal counsel to establish projected enrollments and an agreement for purchased services for the 2005-2006 school year.
5. Collegiate Academy of Colorado; Compass Montessori School and Secondary School; Excel Academy; Jefferson Academy Elementary School, Junior High School and High School; Rocky Mountain Academy of Evergreen and Woodrow Wilson Academy have signed the addenda and included projected enrollments and an agreement for purchased services.

SUPERINTENDENT'S RECOMMENDATION:

That the Board of Education approve the addenda for Collegiate Academy of Colorado; Compass Montessori School and Secondary School; Excel Academy; Jefferson Academy Elementary School, Junior High School and High School; Rocky Mountain Academy of Evergreen and Woodrow Wilson Academy.

ORIGINATOR: John Peery 

DATE: April 5, 2005

APPROVED: Cynthia Stevenson 