

DEPARTMENT OF EDUCATION

Colorado State Charter School Institute

RULES FOR THE ADMINISTRATION OF THE STATE CHARTER SCHOOL INSTITUTE

1 CCR 302-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Statutory Authority: Article IX, Section 1, Colorado Constitution. Sections 22-30.5-503(1)(c), 505(4)(k), 505(5), and 510(1)(b) and (c), CRS.

Rule 1.00 Statement of basis and purpose.

The statutory basis for these Rules adopted October 16, 2012, is found in Sections 22-30.5-503(1)(c), 505(4)(k), 505(5), and 510(1)(b) and (c), CRS.

- 1) Section 22-30.5-505, et. seq., CRS., requires the Institute Board to promulgate Rules for the administration of Part 5, Article 30.5, Title 22, CRS. The purposes of these Rules include, but are not limited to, establishing regulations to:
 - a) set forth procedures for acceptance of Institute Charter School applications.
 - b) identify the criteria and process for evaluating Institute Charter School applications.
 - c) set forth the criteria for approving Institute Charter Schools.
 - d) provide procedures for entering into, renewing, terminating and revoking Institute Charter School contracts.
 - e) specify procedures for monitoring and overseeing Institute Charter Schools.
 - f) state procedures concerning Institute Charter School accountability.
 - g) provide procedures for adoption of content standards by Institute Charter Schools pursuant to Section 22-30.5-505(8), CRS.
 - h) provide for procedures for entering into contracts with a Board of Cooperative Services or with any other qualified individual or private or public entity pursuant to Section 22-30.5-505(6)(a), CRS.

Rule 2.00 Definitions.

- 1) At-risk student. "At-risk student" means a student:
 - a) who is eligible to receive free or reduced-cost lunch pursuant to the provisions of the federal "national school lunch act", 42 USC. Sec. 1751, et seq.; or
 - b) who has performed at the proficiency level of "unsatisfactory" or "Partially Proficient" on a Statewide assessment.

- 2) Board of Cooperative Services. "Board of Cooperative Services" means a Board of Cooperative Services as defined in Section 22-5-103(2), CRS.
- 3) Charter School Institute. "Charter School Institute" means the Charter School Institute created and existing pursuant to Section ~~2422~~22-30.5-501, et seq., CRS.
- 4) Charter School Contract. "Charter School Contract" means the contract between an Institute Charter School and the Charter School Institute.
- 5) Education Management Provider. "Education Management Provider" means a nonprofit, not-for-profit, or for-profit entity that contracts with an Institute Charter School to provide, manage, or oversee all or substantially all of the Educational services provided by the Institute Charter School.
- 6) Existing school. "Existing school" means a school or program within a school that is already in existence, including, but not limited to, a Charter School operating under a contract pursuant to Part 1 of [Article 30.5 of Title 22, CRS.](#), with a local Board of Education; an existing non-charter public school, an existing non-public school, or a discrete program that is a Part of one of the forgoing schools.
- 7) Institute Charter School. "Institute Charter School" means a public, nonsectarian, nonreligious, non-home-based school that operates pursuant to a Charter School contract with the Charter School Institute.
- 8) Institute Board. "Institute Board" means the Board of the Charter School Institute appointed pursuant to Section 22-30.5-505, CRS.
- 9) Department. "Department" means the Colorado Department of Education created and existing pursuant to Section 24-1-115, CRS.
- 10) School district. "School district" means a school district organized and existing under the laws of Colorado, except a junior college district [pursuant to Section 22-30.5-502\(10\), CRS](#); except that, for purposes of Section 22-30.5-513, CRS, "school district" shall have the meaning set forth in Section 22-30.5-513(1)(~~aa~~), CRS.
- 11) State Board. "State Board" means the Colorado State Board of Education created and existing pursuant to Section 1 of Article IX of the Colorado State constitution.

Rule 3.00 Institute Charter School application procedures.

- 1) Deadline. An Institute Charter School application shall be submitted to the Institute Board by a date determined by the Institute annually and reasonably publicized to interested Parties.
 - a) The deadline for filing an application may be extended in the discretion of the Institute upon written request by the applicant.
 - b) Prior to any change in the application deadline, the Charter School Institute shall notify each known Institute Charter School applicant of the proposed change by certified letter.
- 2) An application may be submitted by one or more individuals (e.g., a Partnership); by a non-profit, governmental, or other entity or organization; or by an existing school.
- 3) An application for an Institute Charter School may not be submitted if the school district within which the Institute Charter School is to be located has retained exclusive authority to authorize Charter Schools pursuant to Part 5, Article 30.5, Title 22, CRS, unless the Board of Education of such school district has approved, by resolution, the establishment of one or more Institute

Charter Schools within its geographic boundaries, has submitted the resolution to the State Board, and has not rescinded the resolution.

- 4) Applications from an existing school.
 - a) Timeline: existing schools wishing to convert to the Charter School Institute must submit an application in the year before the desired conversion according to a timeline that the Institute will promulgate annually with sufficient notice to any interested schools.
 - b) If the existing school is a Charter School approved by a school district:
 - i) the existing school must have consent from its authorizing school district if it is seeking to convert to the Charter School Institute before the end of its current charter contract unless it is in the last year of the current charter contract.
 - ii) the existing school does not need to be non-renewed by its authorizing school district to apply to the Charter School Institute.
 - iii) the existing school may submit a renewal application to the current school district at the same time it submits an application to the Charter School Institute.
 - iv) the existing school is not required to seek consent if its authorizing district does not have exclusive authorization.
- 5) An application may be withdrawn at any time by filing a written request for withdrawal signed by the applicant(s) or authorized representatives of the applicant(s). The withdrawal shall be effective on the date the notice of withdrawal is received by the Institute.
- 6) On or before the date the application is submitted to the Institute Board, the applicant shall provide proof that it has given written notice of the application and provided a complete copy of the application to the Board of Education and the Accountability Committee of the school district in which the proposed Institute Charter School is to be located. If the application is supplemented or amended (including responses to questions raised at any interview of the applicant), on or before the date the amendment or supplement is submitted to the Institute Board, the applicant shall provide proof that a complete copy of the amendment or supplement has been provided to the Board of Education and the Accountability Committee of the School District in which the proposed Institute Charter School is to be located. The Board of Education and the Accountability Committee may each comment on the application to the Institute Board, in writing, within 30 days of receiving notice of the application or of any supplement or amendment.
- 7) Applications for an Institute Charter School shall be in both electronic form and hard copy and in a format published by the Institute.

Rule 4.00 Institute Charter School application contents.

- 1) The Institute Charter School application is a proposed agreement upon which the Institute charter applicant and the Institute negotiate a charter contract. At a minimum, each Institute Charter School application includes:
 - a) an executive summary that outlines the elements of the application and provides an overview of the proposed Institute Charter School;
 - b) the vision and mission statements of the proposed Institute Charter School;

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- c) the goals, objectives, and student performance standards the proposed Institute Charter School expects to achieve, including but not limited to the performance indicators specified in CRS Section 22-11-204 and applicable standards and goals specified in federal law;
- d) evidence that an adequate number of parents and pupils support the formation of an Institute Charter School;
- e) descriptions of the proposed Institute Charter School's Educational program, student performance standards, and curriculum;
- (f) a plan for evaluating student performance across the curriculum, which plan aligns with the proposed Institute Charter School's mission and educational objectives and provides a description of the proposed Institute Charter School's measurable annual targets for the measures used to determine the levels of attainment of the performance indicators specified in CRS Section 22-11-204 and procedures for taking corrective action if student performance at the school falls below the described targets;
- g) evidence that the plan for the proposed Institute Charter School is economically sound, including a proposed budget for a term of at least five years. The Institute charter application shall also describe the method for obtaining an independent annual audit of the proposed Institute Charter School's financial Statements consistent with generally accepted auditing standards and Circular A-133 of the United States Office of Management and Budget, as originally published in the Federal Register of June 30, 1997, and as subsequently amended.
- h) a description of the governance and operation of the proposed Institute Charter School, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the proposed Institute Charter School, that is consistent with the standards adopted by Rule of the State Board pursuant to CRS Section 22-2-106 (1) (h);
- i) an explanation of the relationship that will exist between the proposed Institute Charter School and its employees and the proposed Institute Charter School's employment policies;
- j) a proposal regarding the Parties' respective legal liabilities and applicable insurance coverage, which insurance coverage shall include, at a minimum, workers' compensation, liability insurance, and insurance for the proposed Institute Charter School's facility and its contents;
- k) the proposed Institute Charter School's expectations and plans for ongoing parent and community involvement;
- l) a description of the proposed Institute Charter School's enrollment policy, consistent with the requirements of CRS Section 22-30.5-507 (3) and Rules adopted by the State Board pursuant to CRS Section 22-2-106 (1) (h), and the criteria for enrollment decisions;
- m) a statement of whether the proposed Institute Charter School plans to address the transportation or food service needs of its students while they are attending the school. The proposed Institute Charter School may choose not to provide transportation or food services, may choose to develop or form a Charter School Collaborative as described in CRS Section 22-30.5-603 to provide transportation or food services, or may choose to negotiate with a school district, Board of Cooperative Services, or private Provider to provide transportation or food services for its students. If the proposed Institute Charter

School chooses to provide transportation or food services, the application shall include a plan for each provided service, which plan, at a minimum, shall specifically address serving the needs of low-income and academically low-achieving students, complying with insurance and liability issues, and complying with any applicable State or federal rules or regulations.

- n) a facilities plan that details viable facilities options that are consistent with CRS Section 22-32-124 and that includes the reasonable costs of the facility, which are reflected in the proposed budget;
- o) a list of the waivers of statute and state rules that the proposed Institute Charter School is requesting, which list explains the rationale for each requested non-automatic waiver and the manner in which the proposed Institute Charter School plans to meet the intent of the waived statute or rule pursuant to CRS Section 22-30.5-509(1)(o);
- p) policies regarding student discipline, expulsion, and suspension that are consistent with the intent and purpose of CRS Section 22-33-106, provide adequately for the safety of students and staff, and provide a level of due process for students that, at a minimum, complies with the requirements of the federal "Individuals with Disabilities Education Act", 20 USC Sec. 1400 et seq.;
- q) a plan for serving students with special needs, including budget and staff requirements, which plan shall include identifying and meeting the learning needs of at-risk students, students with disabilities, gifted and talented students, and English language learners;
- r) a dispute resolution process, as provided in CRS Section 22-30.5-107.5; and
- s) if the proposed Institute Charter School intends to contract with an Education Management Provider:
 - i) a summary of the performance data for all of the schools the Education Management Provider is managing at the time of the application or has managed previously, including documentation of academic achievement and school management success;
 - ii) an explanation of and evidence demonstrating the Education Management Provider's capacity for successful expansion while maintaining quality in the schools it is managing;
 - iii) an explanation of any existing or potential conflicts of interest between the governing Board of the proposed Institute Charter School and the Education Management Provider; and
 - iv) a copy of the actual or proposed performance contract between the governing Board for the proposed Institute Charter School and the Education Management Provider that specifies, at a minimum, the following material terms:
 - a) performance evaluation measures;
 - b) the methods of contract oversight and enforcement that the governing Board will apply;
 - c) the compensation structure and all fees that the proposed Institute Charter School will pay to the Education Management Provider; and

- d) the conditions for contract renewal and termination.
- 2) If the applicant is an existing school, the application shall contain ~~a modified subset of the information described under Section 1 above, appropriate to a conversion school situation as determined by the Institute;~~ in addition to the following information:
- a) If the existing school is a Charter School, identify each pre-existing obligation of the school to the school district that authorized the Charter School. For all existing schools, identify any contractual obligations to or relationships with other Parties and provide a detailed plan for addressing each such pre-existing obligation or relationship in the context of a conversion to the Institute. The applicant shall acknowledge that the Institute Board's approval of the application shall not relieve the applicant of these pre-existing obligations or relationships.
 - b) An organization chart or other summary showing staffing of the existing school, by year, for the past three years.
 - c) Audited financial statements for the past three years.
 - d) A discussion of the pupil performance standards used at the existing school, a summary of the assessment methods used to measure pupils' performance, and copies of any performance reports issued by the District for the last three years.
 - e) A description of the existing school's educational program in each of the last three years.
 - f) Other planning, performance, and evaluation reports and information to the extent they are available, as determined by the Institute.

Rule 5.00 Institute Charter School application review process and criteria.

- 1) It is the intent of the Institute Board that all Institute Charter School applications address how the proposed school will be among the highest-performing schools in academic achievement.
- 2) An application is considered filed when the Institute receives the Institute charter application from the Institute charter applicant either in hard copy or electronically.
- 3) Within fifteen days after receiving an Institute Charter School application, the Institute shall determine whether the application contains the minimum components specified in Section 22-30.5-509 (1) and is therefore complete. If the application is not complete, the Institute shall notify the applicant within the fifteen-day period and provide a list of the information required to complete the Institute charter application. The applicant has fifteen days after the date it receives the notice to provide the required information to the Institute for review. The Institute is not required to take action on the Institute charter application if the applicant does not provide the required information within the fifteen-day period. The Institute may request additional information during the review period and provide reasonable time for the applicant to respond. The Institute may, but is not required to, accept any additional information the applicant provides that the Institute does not request.
- 4) The Institute's review of applications shall include, but is not limited to, the following key evaluative areas:
 - a) The number of at-risk students that the applicant school anticipates serving, both as an absolute number and as a percentage of the entire student body expected to enroll at the applicant school;

- b) Curriculum and instructional program;
 - c) Non-academic program characteristics;
 - d) Financial viability;
 - e) Appropriate governance model and proposed practices;
 - f) Appropriate, consistent, clear, and measurable accountability systems;
 - g) The extent to which the instructional program fits the mission statement of the applicant school;
 - h) Whether the applicant school will provide an Educational option that substantially differs from the Educational opportunities provided by existing schools of the school district that have capacity to accommodate additional students;
 - i) The applicant school's plan for outreach and recruitment of students whose race, gender and ethnicity reflect the demographics of the community that the applicant school intends to serve; and
 - j) The applicant school's plan for identifying and reducing the academic achievement gaps among its student population.
- 5) Once the Institute has completed an initial review of the Institute Charter School application, the Institute may ask for supplemental information, including but not limited to, interviews with the applicant school's leadership, founding Board members, administrators, teachers, and representatives of companies partnering or assisting in the development of the applicant school. The Institute will focus on approving only those Charter School applications that have a high likelihood of success, especially in regard to academics and financial operations.
- 6) The Institute Board shall rule by resolution on an application for authorization of an Institute Charter School, either new or existing, in a public hearing, following reasonable public notice, within ninety (90) days of receipt of a complete application, unless the Institute and the applicant school mutually agree in writing to a longer period of time. Before making its decision, the Institute Board shall give the applicant and members of the public reasonable opportunity to be heard.
- 7) If the application is denied, the Institute Board shall advise the applicant, in writing, of the reason(s) for the denial. Within thirty (30) days of the date of the denial, the applicant may submit to the State Board a notice of appeal stating the grounds for the appeal.
- 8) If the application is approved or approved with conditions, the Institute Board shall advise the applicant in writing.
- 9) After the Institute Board has approved an application, the applicant shall progress through a checklist of criteria or milestones that must be met before opening the Institute Charter School. The timeline for completing the checklist shall be mutually agreed between the Institute and the applicant school. Completion of the checklist, however, is required before the Institute Charter School may begin serving students.
- 10) The Institute Board and the school applicant may jointly waive any of the deadlines in this Rule 5 by mutual agreement in writing.

Rule 6.00 Institute Charter School contract

- 1) If a proposed Institute Charter School is approved by the Institute Board, the applicant school and the Institute Board shall negotiate a Charter School contract. The Institute Board and the Institute Charter School shall conclude negotiations and agree upon all terms of the Charter School contract within forty-five (45) days of the date the Institute Board approves the Institute Charter School.
- 2) The approved Institute Charter School application shall serve as the basis of the contract between the Institute Charter School and the Charter School Institute.
- 3) The Institute may approve a new charter contract for an Institute Charter School for a period of four academic years, and the Institute may renew the charter contract for succeeding periods not to exceed five academic years.
- 4) Any material change to the terms of the Charter School contract may be made only with the written approval of the Institute Board and the governing body of the Institute Charter School.
- 5) The terms of the Charter School contract must include, but are not limited to:
 - a) A statement of each state law or rule or Institute Board policy for which a waiver is requested from the State Board or the Institute Board.
 - b) An agreement as to the services, other than necessary administration, oversight, and management services, to be provided to the Institute Charter School by any third party with which the Institute Charter School or the Charter School Institute contracts, including, for each such service:
 - i) the nature of the service.
 - ii) the anticipated vendor of the service.
 - iii) the cost of the service.
 - c) The minimum enrollment of the Institute Charter School for financial viability.
 - d) The finances required for contracted services for the Institute Charter School, including the source and application of funds.

Rule 7.00 Institute Charter School Oversight and Monitoring.

- 1) The Charter School Institute will accredit each individual Institute Charter School based on the Charter School Institute's accreditation contract with the State Board.
- 2) During the term of a charter contract, the Institute shall annually review the Institute Charter School's performance. At a minimum, the review includes the Institute Charter School's progress in meeting the objectives identified in the plan the Institute Charter School is required to implement pursuant to Section 22-11-210 and the results of the Institute Charter School's most recent annual financial audit. The Institute shall provide to the Institute Charter School written feedback from the review and shall include the results of the Institute Charter School's annual review in the body of evidence that the Institute Board takes into account in deciding whether to renew or revoke the charter contract and that supports the renegotiation of the charter contract.
- 3) The Institute shall adopt and revise as necessary procedures and timelines for the charter-renewal process, which procedures and timelines are in conformance with the requirements of Part 5 of Article 22, Section 30.5, CRS. The Institute shall ensure that each of the Institute

Charter Schools receives a copy of the Institute's charter renewal procedures and timelines and any revisions to the procedures and timelines.

Rule 8.00 Accountability Reporting.

- 1) Each Institute Charter School shall be responsible for gathering and submitting to the Charter School Institute the data necessary to prepare a school ~~accountability performance~~ report required by Section ~~22-711-606503~~, CRS, for the Institute Charter School. The data shall be in the format required by Section ~~22-711-606503~~, CRS, and, whenever possible, using the State data reporting system described in Section ~~22-711-603501~~, CRS, and other data as required by the Charter School Institute and the Colorado Department of Education. This data shall be submitted to the Institute in accordance with a timeline established by the Institute.

Rule 9.00 Institute Charter School Content Standards.

- 1) Each Institute Charter School shall adopt content standards which meet or exceed the ~~state-model content-preschool through elementary and postsecondary education~~ standards adopted pursuant to Section ~~22-7-406(4)1005~~, CRS, as amended.
- 2) Content standards may be adopted for each grade level or may be adopted for groupings of grade levels.
- 3) In adopting content standards, each Institute Charter School may seek input from educators, parents, students, business persons, and members of the general community who are representative of the cultural diversity at the Institute Charter School. In any event, however, the Institute Charter School's standards shall align with content standards adopted by the Colorado department of Education.
- 4) Following adoption of content standards pursuant to this Section, each Institute Charter School shall develop a plan for:
 - a) Revising curriculum and programs of instruction to align them with adopted content standards and to ensure that each student will have the Educational experiences needed to achieve the adopted content standards.
 - b) Selecting or developing and administering assessments that will adequately measure each student's progress toward and achievement of the adopted content standards for the subject areas that are not tested by the State pursuant to Section ~~22-7-1006.3409~~, CRS, including specification of an acceptable performance level. Such performance level shall be reexamined not less than yearly.
 - c) Addressing the different learning styles and needs of students of various backgrounds and abilities and eliminating barriers to equity which may exist within the Institute Charter School.
 - d) Providing professional educator development in standards-based Education.
- 5) The plan adopted by the Institute Charter School pursuant to this Section shall specifically address the education of exceptional students. In addition, such plan shall adopt timelines for the implementation of standards-based education pursuant to CRS ~~22-7-4041001~~, et seq., as amended.
- 6) Following adoption of content standards pursuant to this Section, each Institute Charter School shall review and revise such content standards as necessary, but at least in 2017 and every 6 years thereafter as necessary to promote the highest student achievement pursuant to Section 22-7-1013(5), CRS. In revising such content standards, each Institute Charter School shall seek recommendations from and shall work in cooperation with educators, parents, students, business

persons, and members of the general community who are representative of the cultural diversity of the Institute Charter School.

- 7) Any individual education program which is developed for a student with disabilities pursuant to CRS 22-20-108(4), et seq. shall specify whether such student shall achieve the Institute Charter School's adopted standards or whether such student shall achieve individualized standards which would indicate the student has met the requirements of such student's Individual Education Program.

Rule 10.00 Revocation of the Charter School contract.

- 1) The Institute may revoke a charter school contract pursuant to C.R.S. § 22-30.5-511 and this Rule 10.00.
- 2) *Grounds for Revocation:* The Institute Board ("Board") may revoke a Charter School Contract ("Contract") if the Board determines that an Institute Charter School ("School") did any of the following:
 - a) Committed a material violation of any of the conditions, standards, or procedures set forth in the Contract;
 - b) Failed to meet or make adequate progress toward achievement of the content standards, pupil performance standards, or targets for the measures used to determine the levels of attainment of the performance indicators identified in the Contract;
 - c) Was required to adopt a turnaround plan and the State Board recommended pursuant to C.R.S. § 22-11-210 that the School be restructured;
 - d) Failed to meet generally accepted standards of fiscal management; or
 - e) Violated any provision of law from which the School was not specifically exempted.
 - f) If a School is required to implement a turnaround plan pursuant to C.R.S. § 22-11-210 (2) for a second consecutive school year, the School shall present to the Board, in addition to the turnaround plan, a summary of the changes made by the School to improve its performance, the progress made in implementing the changes, and evidence, as requested by the Board, that the School is making sufficient improvement to attain a higher accreditation category within two school years or sooner. If the Board finds that the School's evidence of improvement is not sufficient or if the School is required to implement a turnaround plan for a third consecutive school year, the Board may revoke the School's Contract.
- 3) *Notice of Intent to Revoke*
 - a) The Charter School Institute Executive Director ("Executive Director"), upon reasonable belief that grounds for revocation of the Contract exist, shall notify by certified mail or electronic equivalent the governing body of the School by issuing a Notice of Intent to Revoke.
 - i. The Notice of Intent to Revoke shall set forth the grounds for the proposed revocation.
 - b) Within thirty (30) days of receipt of the Notice of Intent to Revoke, the governing body of the School shall respond in writing.

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- i. If the School admits the accuracy of the grounds of revocation, the response must contain a description of the School's plan and timeline for correcting the deficiencies ("Plan of Correction").
 - ii. If the School denies the accuracy of the grounds of revocation, the response shall include sufficient evidence to support its position.
 - iii. If the School does not respond by the deadline, the accuracy of the grounds of revocation shall be deemed admitted.
- c) In addition to responding in writing, School representatives may also choose to meet with the Executive Director or his/her designee.
- i. This meeting must also occur within thirty (30) days of receipt of the Notice of Intent to Revoke.
 - ii. This meeting may occur in person, by phone, by video or any other means mutually agreed upon between the School and the Institute.
- d) Within fourteen (14) days of receipt of the School's written response, the Executive Director shall decide whether to withdraw the Notice of Intent to Revoke or proceed with a revocation hearing.
- e) The Executive Director may withdraw the Notice of Intent to Revoke if he/she determines:
- i) The School's Plan of Correction is reasonable and likely to correct the identified deficiencies within an acceptable amount of time;
 - ii) The School's response addressed the perceived deficiencies in the Notice of Intent to Revoke in a satisfactory manner; or
 - iii) There is any other good reason to do so.
- 4) *Revocation Hearing*
- a) The Executive Director shall initiate a revocation hearing before the Board if he/she determines that, after proceeding through the Notice of Intent to Revoke process, grounds for revocation of the Contract exist.
 - b) The Executive Director shall send a notice of the revocation hearing to the Board and School.
 - i. The notice of revocation hearing shall state the grounds for revocation as well as a written recommendation, including reasons supporting the recommendation, concerning whether to revoke the Contract. See C.R.S. § 22-30.5-511(5)(a) (stating requirement of written recommendation).
 - ii. The notice shall also state when and where the hearing shall occur.
 - c) Within thirty (30) days of receipt of a notice of revocation hearing, the Board shall convene a revocation hearing.
 - d) Within fourteen (14) days of receipt of the notice of revocation hearing, the School shall provide a written position statement to the Board and Executive Director.

- i. The School's position statement should respond as fully as possible to the grounds for revocation and recommendation identified in the notice of revocation hearing.
 - ii. The School should include with its position statement exhibits, affidavits, and any other evidence it wants the Board to consider.
- e) Within fourteen (14) days of receipt of the School's position statement, the Executive Director may provide to the Board and the School a written reply, which may include documentation to support its reply.
 - i. The reply may not raise new grounds for revocation.
- f) At the revocation hearing, the Executive Director or his/her designee and the School or its designee shall each have thirty minutes to make their presentation to the Board, during which time Board members may question the parties.
- g) After the parties' presentations, Board members may discuss among themselves whether to revoke the Contract. This discussion shall take place in open session and in compliance with the Open Meetings Law.
- h) The Board shall decide whether to revoke the Contract by resolution, and a copy of the resolution shall be provided to the School's governing Board, the Executive Director, and the State Board.
 - i. The resolution shall state the Board's reasons for the revocation.
 - ii. The resolution shall also state the effective date of the revocation, recognizing that the State Board may review the Board's decision to revoke.
- 5) Any decision to revoke a Contract may be reviewed by the State Board pursuant to C.R.S. § 22-30.5-511(6).
 - a) If the School wishes to appeal the revocation, it shall provide the Board and the State Board with a notice of appeal within thirty (30) days after the Board's decision to revoke.
- 6) Notwithstanding any other provision of a Contract, monies remaining in the School's accounts upon revocation of the Contract revert to the Institute, unless there are specific instructions from a donor for disposing of a gift. See C.R.S. § 22-30.5-513.5(9)(b)-(6)-(bB).
- 7) Notwithstanding the above procedures for revocation, if the Executive Director determines that emergency action to revoke a School contract is necessary to protect the safety of students or to preserve the school's funds and/or property, the Board may convene a revocation hearing.
 - a) An emergency revocation hearing shall be commenced at least 15 days after written notice to the School by the Executive Director of the circumstances justifying emergency revocation.
 - b) The procedure at the hearing shall be as provided in Rule 10.6 above, except that each side shall provide its written position Statement to the other Party no later than 24 hours before the hearing.

Rule 11.00 Termination of the Charter School Contract by Institute Charter School.

- 1) The Institute Charter School governing body, by a majority vote, may, at any time and for any reason, request termination of the Charter School contract as follows:
 - a) The Institute Charter School's request for termination shall be made to the Charter School Institute Executive Director not less than ten (10) calendar months in advance of the Institute Charter School's proposed effective date of termination.
 - b) Upon receipt of the Institute Charter School's request for termination, the Charter School Institute Executive Director shall present the request for termination to the Institute Board. a copy of the Institute Charter School's resolution approving the contract termination, including a summary of the reasons for terminating the contract, shall be included with the Institute Charter School's request for termination.
 - c) At the Institute Board's next regularly scheduled meeting, the Board will consider and vote on the proposed termination request. The Institute Board may, in its sole direction, waive the ten (10) month advance notice requirement for terminating the contract.
 - d) The Institute shall adopt procedures for closing an Institute Charter School following revocation or nonrenewal of the Institute Charter School's charter contract. at a minimum, the procedures shall ensure that:
 - (a) when practicable and in the best interest of the students of the Institute Charter School, the Institute Charter School continues to operate through the end of the school year. if the Institute determines it is necessary to close the Institute Charter School prior to the end of the school year, the Institute shall work with the Institute Charter School to determine an earlier closure date.
 - (b) the Institute works with the parents of the students who are enrolled in the Institute Charter School when the charter contract is revoked or not renewed to ensure that the students are enrolled in schools that meet their Educational needs; and
 - (c) the Institute Charter School meets its financial, legal, and reporting obligations during the period that the Institute Charter School is concluding operations.

Rule 12.00 Renewal of the Charter School Contract.

- 1) The governing body of an Institute Charter School shall submit a renewal application in the year before the Charter School contract expires, according to a timeline that the Institute will promulgate annually with sufficient notice to schools. The application shall include but not be limited to the following information:
 - a) A complete, detailed report on the progress of the Institute Charter School in implementing the plans and in achieving the goals, objectives, student performance standards, content standards and other objectives set forth in its application.
 - b) If the Institute Charter School is requesting a term longer than five years for the purpose of enhancing the terms of any lease or financial obligation, it shall identify each such lease and/or obligation and state the enhancement to be obtained through the longer term.
- 2) The Institute Board shall act on the application for renewal within seventy-five (75) days of the receipt of the completed renewal application, unless extended by mutual consent in writing.

- 3) A Charter School contract shall not be renewed for more than five years unless the Institute Board and the Institute Charter School jointly agree to extend the charter for a longer period for the purpose of enhancing the terms of any lease or financial obligation.
- 4) The Institute Board shall hold a hearing on the renewal application, after reasonable notice, at which the applicant and the public shall be given reasonable notice to be heard. The Institute Board shall Rule by resolution on the application within seventy-five (75) days of receipt of the completed renewal application.
- 5) The grounds for non-renewal are the same as the grounds for revocation set forth in Rule 10.1 above. In addition, the Institute Board may deny renewal on the grounds that it is not in the best interests of the pupils attending the Institute Charter School to continue operation of the Institute Charter School.
- 6) At least fifteen days prior to the date on which the Institute Board will consider whether to revoke or renew a charter contract, the Institute shall provide to the Institute Board and the Institute Charter School a written recommendation, including the reasons supporting the recommendation, concerning whether to revoke or renew the charter contract.
- 7) If the Institute Board denies the application for renewal, the governing body of the Institute Charter School may appeal the decision to the State Board by giving both the State Board and the Institute Board a notice of appeal within thirty (30) days of the date of the decision of the Institute Board not to renew the Charter School contract.
- 8) The Institute shall adopt procedures for closing an Institute Charter School following revocation or nonrenewal of the Institute Charter School's charter contract. At a minimum, the procedures shall ensure that:
 - a) When practicable and in the best interest of the students of the Institute Charter School, the Institute Charter School continues to operate through the end of the school year. If the Institute determines it is necessary to close the Institute Charter School prior to the end of the school year, the institute shall work with the Institute Charter School to determine an earlier closure date.
 - b) The Institute works with the parents of the students who are enrolled in the Institute charter School when the charter contract is revoked or not renewed to ensure that the students are enrolled in schools that meet their educational needs; and
 - c) The Institute Charter School meets its financial, legal, and reporting obligations during the period that the Institute Charter School is concluding operations.

Rule 13.00 Institute Contracts with a Board of Cooperative Services or Otherwise Qualified Individual or Private or Public Entity.

- 1) The Institute Board may contract with a Board of cooperative services, or with any other qualified individual or public or private entity or organization, including a school district, for the provision of administrative or other support services directly to the Institute or for the benefit of Institute Charter Schools.
- 2) Contracts pursuant to this Section shall be in accordance with Colorado laws, Rules, and policies, including, but not limited to, the Colorado fiscal Rules (1 CCR 101-1) and the Colorado procurement Rules (1 CCR 101-9).

- 3) The qualifications of Boards of cooperative services, individuals, or private or public entities shall be determined by the Institute Board during the selection process for the particular contract at issue.
- 4) Each contract entered shall have appropriate liquidated damages and/or penalties for failing to comply with the terms and conditions of the contract.

Editor's Notes

History

Rule 3 emer. rule eff. 07/09/2007.

Rule 3 eff. 09/30/2007.

Entire emer. rule eff. 07/19/2011; expired eff. 11/16/2011.

Entire rule eff. 12/31/2011.

Rules 1.00, 1.00.1.f, 2.00.1.b, 2.00.5 – 2.00.11, 3.00.4.a, 3.00.4.b.i, 4.00, 5.00.2 – 5.00.3, 5.00.6, 5.00.9, 6.00.3, 7.00.2 – 7.00.3, 9.00.1, 10.00.1.b, 10.00.1.f – g, 10.00.2.f, 10.00.6, 11.00.1.d, 12.00.6, 12.00.8 eff. 03/15/2013.

Rule 10.00 eff. 01/31/2015.