

Primero RE-2 Board Policies Primero RE-2 School District • Weston, Colorado

SECTION L: Education Agency Relations

Note: the Primero RE-2 School District currently does not have any charter schools within its boundaries. The Colorado State Board of Education awarded the Primero RE-2 School District Exclusive Chartering Authority in April 2007.

Section L contains policies, regulations and exhibits on the school district's relationship with other education agencies including other school systems, regional or service districts, private schools, colleges and universities, education research organization and state and national education agencies. This section also contains policies on student teaching, charter schools and BOCES.

The Primero RE-2 School District was granted exclusive chartering authority by the State Board of Education in April 2007.

LBB	Cooperative Educational Programming
<i>LBD*</i>	<i>Relations with Charter Schools</i>
<i>LBD*-R</i>	<i>Relations with Charter Schools (Procedures for Establishment, Renewal, Revocation and Waivers) - Regulation</i>
<i>LBDA*</i>	<i>Facilities Planning and Funding for Charter Schools</i>
LC	Relations with Education Research Agencies
LC-R	Relations with Education Research Agencies (Research Testing Guidelines) - Regulation

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LBB: Cooperative Educational Programming

The Primero RE-2 School District is a member of the South Central Board of Cooperative Educational Services (BOCES).

The Board shall appoint one of its members to serve on the BOCES board and one member to serve as an alternate. Their terms of office shall have the same expiration date as the terms for which they are serving on the local Board. It shall be their duty to keep the Board informed of BOCES activities and programs.

The district shall participate in the programs offered by the South Central BOCES depending on the needs of the district.

Adopted: October 1998

LEGAL REFS: C.R.S. 22-5-101; C.R.S. 22-5-104 (2); C.R.S. 22-5-117; C.R.S. 22-32-122

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LBD*: Relations with Charter Schools (page 1 of 2)

The Board of Education shall support efforts by parents/guardians, teachers or other interested persons or organizations interested in establishing charter schools within the district. In accordance with state law, charter school are intended to:

- expand learning opportunities for all students;
- encourage diverse approaches to learning through the use of different, proven or innovative teaching methods;
- provide parents/guardians and students with expanded choices in the types of educational opportunities that are available within the public school system;
- encourage parental and community involvement with public schools.

A charter school shall be a public, non-sectarian, non-religious, non-home-based school which operates within the school district and is accountable to the district's Board of Education. It is 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. A charter school has standing to sue and be sued in its own name for enforcement of any contract it is authorized by law to enter into.

The majority of the charter school's students must reside in the school district or in contiguous school districts. Enrollment shall be open to any child who resides within the school district or in contiguous school districts and who meets the criteria in the charter application. Students participating in any online program offered by the charter school are not required to reside in the district or contiguous district. There shall be no restriction on the number of online students that may enroll in any online program offered by the charter school. No charter school shall be required to make alterations in the structure of its facility or the arrangement or function of rooms within the facility except as may be required by state or federal law. A charter school shall not charge tuition except as otherwise provided by law.

Each charter school shall be governed by its own governing body in a manner agreed to by the charter school applicant and the Board. An approved charter application shall serve as the basis for a contract between the charter school and the district. The contract shall reflect all agreements between the district and the charter school including the waiver of local district policies and the waiver of statutory requirements or rules by the State Board 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. Services for which a charter school contracts with the school district shall be negotiated and provided at district cost. No rent shall be charged for use of district facilities which may be available for the charter school. Any moneys received by a charter school from any source that remain at the end of any

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budget year shall remain in the charter school account for use by the charter school in subsequent years.

A charter school may offer any educational program that may be offered by a school district, including an online program, unless expressly prohibited by its charter or by state law. Each charter school shall have an educational program designed to enable students to meet or exceed state and district content 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 the applicant.

The period for which a new charter may be approved is a minimum of three (3) academic years and a maximum of five (5) academic years except that a charter school and the local board may agree to extend the charter school beyond five (5) years for the purpose of enhancing the terms of any lease or financial obligation. Renewal of a charter shall be for a period of not more than five (5) years.

Adopted: July 1999

Revised: October 2000; July 2002

LEGAL REFS: C.R.S. 22-30.5-101 *et seq.* (Charter Schools Act); C.R.S. 22-32-124 (Pursuant to Section 104 of the Charter School Act, all decisions regarding the planning, siting, and inspection of charter schools shall be made in accordance with the same state statute that applies to school districts)

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LBD*-R: Relations with Charter Schools – Regulation (page 1 of 8)

(Procedures for Establishment, Renewal, Revocation and Waivers)

A. Establishment of a Charter School:

Review by district accountability committee:

Prior to submission of an application to the Board of Education, the charter school applicant must submit the application to the district accountability committee for review and comment. The committee shall include one person, who need not reside in the district, with knowledge of charter schools and one parent of a student in the district. The parent must be a charter school parent if the district has a charter school. The accountability committee will have sixty (60) days to review the proposal.

Prerequisite for filing application:

A charter school applicant must demonstrate that a majority of the charter school's pupils will reside in the chartering school district or in contiguous school districts in order to apply for or be granted a charter.

Date for submission of application:

To allow sufficient time for an approved charter school to begin operations at the beginning of the next academic school year, the application must be officially submitted to the Board or its designee by October 1. [Effective July 1, 2003, the Board can establish a deadline date that falls any time between August 15 and October 1.] However, the Board and the applicant may mutually waive this deadline.

[Note: This is not required by statute, but it is suggested as a way to begin negotiations prior to formal submission of the application which starts the 75-day period for Board review. Negotiations must be concluded and the terms of the charter agreed upon no later than 90 days after the Board rules by resolution on the application.]

An administrative team will be designated to provide information to an applicant about matters subject to negotiation between the applicant and the district and to begin the negotiation process.

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Contents of the application:

In accordance with law, the approved charter school application will be the basis for a contract between the district and the charter school and will include:

1. Cover page:

Provide the name of the applicant(s) and the name, address and phone number of a contact person.

2. Purpose:

State the purpose for this charter school including a geographic description of the area and of intended service.

Provide evidence that an adequate number of parents/guardians, teachers and students support the formation of the proposed charter school. This evidence shall be shown in aggregate (by grade level and school), without personal identifying information.

3. Mission and goals:

Provide a copy of the mission statement of the charter school including the process used to develop this statement. The mission statement of the proposed charter school must be consistent with the declared purposes set forth in the law.

State the proposed three (3) year goals for the school including time lines. The applicant also should describe the process used to identify the goals.

4. Student achievement and curriculum:

Describe the charter school's educational program and the student performance standards to be achieved by the proposed school. Standards must meet or exceed any content standards adopted by the district.

Detail the plan for academic accountability.

Provide a description of the curriculum to be used in the school. It should list the objectives and means of measuring student performance for each subject and each grade level.

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Present a description of the charter school's plan for evaluating student performance, including types of assessment that will be used to measure student progress toward achievement of the school's performance standards, time lines for achievement of such standards, and procedures for taking corrective action in the event that student performance at the charter school falls below such standards.

Describe any objectives and means for increasing the educational opportunities for 'at risk' students, meaning those students who because of physical, emotional, socio-economic, or cultural factors are less likely to succeed in school.

5. Criteria for enrollment decisions:

Describe the enrollment policy and the criteria for enrollment decisions including a description of the proposed school's plan to include academically low-achieving students and to promote diversity and the plans for educational programs for exceptional students as well as students with special needs.

6. Governance and decision making:

Describe the governing body. This should include a detailed description of the relationship between the proposed school and the school district.

Describe the types and extent of parental and community involvement in the operation of the proposed school. Provide information on how the charter school will be accountable to the public. Specifically include how the following areas will be addressed:

- a. provisions for a representative school accountability committee;
- b. development of an annual school improvement plan with supporting profile information;
- c. representation on the district accountability committee;
- d. reporting procedures to the Board and school community.

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7. Employment plan and practices:

Describe the employment policies of the school including a description of the qualifications for certificated and classified employees, employee compensation schedule, recruitment and selection procedures, plan for resolving employee relation problems, and a description of the relationship that will exist between the charter school and its employees including evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representatives.

If applicable, i.e., taking over a current school, include a plan for the displacement of students, teachers and other employees who will not attend or be employed in the charter school.

8. Financial data, facilities and transportation:

Provide necessary evidence that the plan for the charter school is economically sound for both the charter school and the district.

Include a proposed budget for the term of the charter and a description of the manner in which an annual audit of the financial and administrative operations of the charter school including any services purchased from the district is to be conducted. A student fee schedule should be included in addition to a proposed schedule of cash flow.

Detail the plan for fiscal accountability.

Describe the services the charter school plans to purchase from the school district.

Provide a detailed summary of all insurance coverage. The legal liability issues must be fully addressed in the contract.

Describe the facilities to be used and the way they will be obtained and maintained. Include any contracted services and the proposed contractor.

Describe the proposed student transportation system including the contract if services will be provided by a second party. If transportation is to be provided by the charter school, include a plan for addressing the transportation needs of low income and academically low-achieving students.

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9. Requested waivers:

List the local district policies for which waivers are requested. Include the reasons for each request.

List the state laws and regulations for which waivers are requested. Include the reasons for each request.

10. Additional information:

Provide any additional information that might be helpful in supporting this request to establish a charter school.

Submission procedures:

No application fee will be charged by the Board.

The applicant must provide two original copies of the completed application printed single-sided on white paper, not stapled.

Applications will be accepted prior to October 1 for schools beginning in August. Applications are to be submitted to the superintendent.

Incomplete application:

If the application is incomplete, the Board will request additional information from the applicant. The parties may mutually agree to waive any deadlines during the application process, including extending the deadline for Board consideration of the application.

Public meetings:

After giving reasonable notice, the Board will schedule and hold community meetings in the affected areas or the entire district to obtain information to assist the Board to make a decision about the charter school application.

All persons or groups who have an interest in the approval or denial of the charter school application must present their comments or concerns to the Board in writing in a timely manner or in testimony during a public meeting on the charter application to preserve a right to appeal the Board's decision on the charter application.

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Decision on the charter application:

The Board will make a decision by resolution on the charter school application in a regular or special meeting within sixty (60) days after receipt of the official application unless the parties have mutually agreed in writing to extend this deadline. A new charter may be approved for a period of at least three (3) academic years but not more than five academic years. A charter may not be approved unless a majority of the charter school's pupils will reside in the chartering school district or in contiguous school districts.

If the application is denied, the Board will set forth in writing the grounds for denial. If the application is granted, the Board will send a copy of the approved charter to the Colorado Department of Education within fifteen (15) days.

Negotiations:

All negotiations between the Board and an approved charter school on the charter agreement shall be concluded by and all terms agreed upon no later than ninety (90) days after the resolution approving the charter application.

Appeal process:

The applicant may appeal the denial of its application or the imposition of conditions it finds unacceptable by filing a notice of appeal to the State Board of Education and the Board within thirty (30) days of the Board's initial decision. Within sixty (60) days, the State Board of Education will issue written instructions and recommendations to the Board. The Board will reconsider its initial decision and make a final decision within thirty (30) days. If the final decision is still to deny the application, the applicant may file a second notice of appeal with the State Board of Education.

Facilitation:

In lieu of filing an appeal to the State Board of Education concerning the denial of a charter application, non-renewal or revocation of a charter, or the unilateral imposition of conditions on a charter applicant, the parties may agree to facilitation by filing a notice of facilitation with the State Board of Education within thirty (30) days of the Board's initial decision. The parties may continue in facilitation as long as they agree to do so. After a seven (7) day cooling off period, if one party rejects facilitation, the Board will reconsider its initial action and make a final decision. The applicant has thirty (30) days from the final decision to appeal to the State Board of Education.

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B. Renewal of a charter:

The governing body of a charter school shall submit a renewal application to the Board of Education no later than December 1 of the year prior to the year in which the charter expires. The Board of Education shall rule by resolution on the renewal application no later than February 1 of the year in which the charter expires or by a mutually agreed upon date.

Renewal of a charter shall not be for a period of more than five years. The renewal application must contain a complete report on the progress of the school in achieving the goals, objectives, student performance standards, content standards and other terms of the initial application.

The renewal application also must include a financial statement that discloses the costs of administration, instruction and other spending categories for the school.

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

C. Revocation of a charter:

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

1. committed a material violation of any of the conditions, standards or procedures in the application;
2. failed to meet or make reasonable progress towards achievement of student performance standards;
3. failed to meet generally accepted standards of fiscal management;
4. violated any provision of law for which the charter school is not specifically exempt.

If the Board revokes or does not renew a charter, the Board will state its reasons for doing so.

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D. Waivers:

A waiver of state or local district regulations is for the term of the charter.

Waiver of receipt of funds:

The Board shall not grant any waiver to forego receipt of any amount of operational or capital construction funds provided to the charter school under state or federal law.

Request for waiver of state statute or regulation:

Within ten (10) days after the contract between the charter school and the Board of Education is approved by the Board, any request for release from state statutes or regulations shall be delivered by the Board to the State Board of Education. If the State Board of Education grants the request, it will notify the local Board and the charter school of its decision. If the State Board of Education denies the request, it will notify the local Board and the charter school in writing that the request is denied and specify the reasons for denial. If notification is not received within forty-five (45) days [or ninety (90) days, if the State Board of Education has extended the time for review of the request], the request shall be deemed by state law to be granted.

Review of waiver:

A waiver of state statutes or regulations by the State Board of Education is subject to review every two (2) years and may be revoked if it is deemed no longer necessary.

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LBDA *: Facilities Planning and Funding for Charter Schools (pg 1 of 2)

Planning:

District charter schools shall be invited participate in the district's facilities planning process on the same basis as any other school in the district. To be considered during the facilities process, the charter school shall submit a capital construction plan to the Board as provided by state law. The Board will prioritize the charter school's request in relation to the capital constructions needs of the entire district and inform the charter school of its status. The Board has discretion when reviewing the request, as provided in state law.

Funding:

District charter schools shall be invited to participate in discussions regarding possible submission by the district of a bond question to voters. The charter school may request that its facility needs be included in any district bond question or be submitted as a separate ballot question for approval of a special mill levy.

If the Board determines that the a charter school has established capital construction needs which are a priority in relation to the needs of the entire district, the Board has discretion to include the charter needs in either a district bond question or submit a special mill levy to the voters. In either case, the board will proceed according to state law and consult with the charter school as required. If the Board determines that a charter school has not established capital construction needs or submitted a viable plan, the Board shall provide the charter with a written statement specifying reasons for hits conclusions. Despite the determination by the Board the charter school may request that a special mill levy be submitted as long as the charter school agrees to pay all of the consists of submitting the ballot question.

New charter school needs:

Any assistance provided by the school district to enable a new charter school to meet its short- and long-term facilities needs shall be addressed in the charter contract.

Waiver of receipt of funds

The Board shall not grant any waiver to forego receipt of any amount of capital construction funds provided to the charter school under state or federal law.

Adopted: July, 2002

LEGAL REF: 22-30.5-401 et seq (*Charter School Capital Facilities Financing Act*)

CROSS REF: FB, Facilities planning
 FD, Facilities Funding

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LC: Relations with Education Research Agencies (page 1 of 2)

The Board of Education recognizes that requests will be made on occasion by non-school personnel and/or agencies to conduct research projects in the school that have educational and social benefit.

However, because such projects invariably involve school personnel and interrupt class instructional time, it is necessary to evaluate carefully the merits of each project before permission is granted.

All requests to conduct research shall be reviewed by a research testing review committee in accordance with this policy and accompanying procedures to determine if permission shall be granted.

If research by non-school personnel is to involve students, complete information about the project shall be provided to parents/guardians and students in advance. No student shall be the subject of any research project without the prior written consent of the student's parents/guardians and the student himself if the student is old enough to understand the process and purpose of the project. Consent shall not be necessary when the researcher merely will observe students engaged in normal activities.

All researchers shall be prepared to explain the purpose, risks, benefits, procedures, results and intended uses of the project in understandable terms. A student or parent/guardian decision not to participate in a research project conducted by non-school personnel shall be kept private and respected in all cases.

Federally-funded research or experimentation programs or projects:

No student, as part of any applicable federal program, shall be required without prior written consent to submit to a survey, analysis, or evaluation that reveals information concerning:

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or the student's family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally-recognized privileged and analogous relationships such as those of lawyers, physicians and ministers;
7. income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

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Participation in such research or experimentation programs shall require the prior written consent of the parent/guardian or emancipated minor.

'Research or experimentation program or project' means a program or project designed to explore or develop new or unproven teaching methods or techniques.

All instructional and supplementary materials used in connection with any research or experimentation program or project shall be available for review by the parents/guardians of students involved in the project.

Adopted: October 1998

LEGAL REFS: 20 U.S.C. §1232h

CROSS REFS: [GCS](#), Professional Research and Publishing; [JLDAC](#), Screening/Testing of Students

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LC-R: Relations with Education Research Agencies – Regulation (page 1 of 2)

(Research Testing Guidelines)

1. The superintendent will appoint a research testing review committee to review research requests initiated from graduate students, professional groups or individual professionals (including school employees working on a non-district project) who wish to conduct research testing involving students in the district. The committee will have a membership which will include as a minimum one or more school employees, a licensed psychologist who is a member of the American Psychological Association, a researcher and a parent/guardian of a student attending a district school. A committee member may not participate in reviewing a request for which the member is a sponsor or researcher;
2. A written proposal for permission to do research testing will first be submitted to the assistant superintendent of instruction and the director of student services for a review of the proposal's feasibility and appropriateness. If the assistant superintendent of instruction and the director of student services believe the proposal may be feasible and appropriate, the request shall be submitted to the committee;
3. The committee will operate under the administration of the director of student services. Depending upon the volume of requests, the committee may find it advisable to decline to review proposals from certain categories of researchers (i.e., graduate students, undergraduate students). The committee will be provided with such information as it deems necessary, including information on current research standards applicable to the project;
4. The committee will judge the merit of written requests for testing with attention being given to the following areas:
 - a. scientific soundness of the project; that is, how likely it is to produce valuable information relative to student class time;
 - b. procedures to ensure anonymity;
 - c. soundness of stated purpose and methods;
 - d. benefits of the resulting information;
 - e. evaluation of possible risk to students;
 - f. examination of parent/guardian consent forms and student consent forms when applicable. Consent of the parent/guardian will be obtained for all research with students not conducted or contracted for by school employees unless the research consists merely of observing unidentified students engaged in their normal activity. Student consent will be sought when appropriate;

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LC-R: Relations with Education Research Agencies – Regulation (page 2 of 2)

g. a clearly written statement appropriate for parents/guardians which explains:

- (1) the project's purpose;
- (2) how the student was selected;
- (3) general procedures to be followed;
- (4) anticipated benefits for general knowledge, the student and the district;
- (5) whether students will be personally identifiable and to whom;
- (6) to whom results will be available;
- (7) the right of parents/guardians to inspect testing materials before consenting;
- (8) researcher's name, address and telephone number and professional affiliations;
- (9) any identifiable risks to participating students;
- (10) how the student may opt out of the research;
- (11) post-research follow-up procedures;
- (12) that the school is neither conducting nor sponsoring the project.

5. The committee will make a recommendation to the director of student services who will make the final decision about the research project.