



CACSA White Paper

Colorado's Authorizing Standards Matter

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Colorado’s standards for charter schools and charter school authorizing have come up in recent policy developments and political debates. That is a good sign for the health of our charter sector. It would help the charter sector succeed and improve charter-district relations if the state emphasized and applied them more.

Colorado’s authorizing standards describe expectations for the staff and leaders in districts and the Charter School Institute (CSI). These standards codify national best practices in charter school oversight customized to match Colorado’s policy and educational context. In addition, they are intended to inform stakeholders about the State Board of Education’s (SBE’s) recommendations. The standards were [developed in 2011 by a state-wide stakeholder group](#), which I co-chaired, and the SBE later codified the standards as State Board Rules.

According to the Colorado standards, “three responsibilities lie at the heart of the authorizing endeavor, and authorizers should be guided by and fulfill these core principles in all aspects of their work: maintain high standards for schools, uphold school autonomy, and protect student and public interests.”

The Colorado Association of Charter School Authorizers (CASCA) strives to help stakeholders understand and apply these standards while pursuing these three principles. Our members collaborate to help each other implement everyday practices that make these standards real. CACSA has developed a suite of tools that districts can use to review charter applications, negotiate charter contracts, oversee operations, provide annual reports, and conduct renewal processes in ways that all align with the standards.

Two recent developments brought the authorizer standards into public discourse. The first shows how the state keeps these standards alive and uses them to address emerging challenges. The second reinforces the importance of understanding their details and how they are applied. An emerging challenge is finding appropriate ways to incorporate community input into authorizing decisions. In the meantime, the standards could provide more guidance if the State Board of Education and authorizers revisited the standards during high-stakes authorizing decisions and appeals.

Standards as a Living Document and Admissions of Students with Disabilities

The SBE has the authority to revise its rules as needed and to address challenges that come up. One of the reasons to codify official guidance in rules versus in a statute is the flexibility to make changes through the rule-making process.

The SBE recently updated the rules to align Colorado’s charter school sector with federal requirements regarding the admissions of students with disabilities. After more than 30 charter schools in 21 districts received complaints about their enrollment procedures, the U.S. Department of Education’s Office for Civil Rights started a series of investigations. These cases were quickly resolved by the charter schools working with their authorizing districts. The SBE revised its rules to prevent similar problems from arising in the future.

The updated Colorado standards now prohibit charter schools from asking about a student’s disability status or any other status related to a protected federal class before enrolling the child. This change should expand public school choice to families that may have previously encountered obstacles in enrolling in a charter school. Additional changes to rules related to Colorado’s Exceptional Children’s Education Act are also underway. This second round of revisions will clarify how school districts and charter schools should determine how and where to serve each student based on each student’s individual needs.

The Standards and Community Input during Renewals

During the latest charter school renewals at Denver Public Schools (DPS), the authorizer standards also came up. In this case, the standards were referenced by a board member as a part of the charter school law and interpreted as prohibiting organized efforts to inform or pressure school boards making decisions about charter schools.

This was an incorrect interpretation of the rules. SBE rules have the force of law, but the authorizing standards don't impose legal requirements, per se, on charter authorizers, schools, parents, or students. Instead, they serve as guidance describing how the SBE will evaluate authorizing activity when appeals or challenges of Exclusive Chartering Authority (ECA) come before the state. The introduction to the authorizing standards states:

“The following standards for Charter School Authorizers shall be considered by the State Board as guiding principles when considering an appeal from an already operating Charter School and when making decisions concerning exclusive chartering authority. These standards also shall serve as guiding principles to Charter Schools and Charter School Authorizers when developing a charter contract.”

The complete section of the rules that includes language around political campaigns also deserves a close read. Not basing decisions on political pressure is just one aspect of several provisions describing how districts should make renewal and revocation decisions.

3.06 Revocation and Renewal Decision Making.

The Charter School Authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit based renewal decisions and revokes charters when necessary to protect student and public interests.

3.06 (A) The Charter School Authorizer revokes a charter during the charter term if there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds.

3.06 (B) In addition to the required standards outlined in § 22-30.50-110, C.R.S., the Charter School Authorizer ensures that renewal decisions are based on merit and inclusive evidence by doing the following:

3.06 (B) (1) Basing the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract, and ensuring that improved academic achievement is the most important factor to consider when determining whether to revoke or not renew a charter;

3.06 (B) (2) Granting renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law; and

3.06 (B) (2) Not making renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement (emphasis added).

Nothing in the rules speaks to what parents and students can or should do when discussing a charter school. Instead, the bolded section above is intended to prevent authorizers from making decisions that ignore the other evidence their renewal process generates. This section reinforces the notion that decisions by district boards should be based on a comprehensive body of evidence implemented within a rigorous performance management system. Ironically, in this case, the parent input that was the source of frustration asked the district to follow the recommendations based on the evidence created by DPS' performance management and renewal system and procedures. It is worth noting that DPS's work serves as a model for their peers in the state, and CACSA often disseminates DPS materials to other districts asking how to improve their processes. The "political pressure" came from students and parents asking the district to follow the other provisions of the rules and pay attention to the results of DPS processes.

To be clear, a pressure campaign by charter advocates or opponents should not be the sole or primary reason an authorizer makes a renewal or revocation decision. Instead, authorizers should decide whether to renew a school based on the school's charter contract and the public obligations of charter schools. That renewal process should examine a comprehensive body of evidence. The details of what should be in that body of evidence are described in the standards above. Community input should be one element of that body of evidence, but political pressure should not negate all other evidence.

If a school board votes to revoke or non-renew a school when their evidence does not support that decision, the SBE could overturn the decision on appeal. The charter school could argue in the appeal that the district did not follow the state's authorizing standards in its renewal decision. Interestingly, since appeals only happen after non-renewals or revocations, bowing to political pressure to renew a school would not produce an appealable decision.

As a former board member of CSI, I can attest to the genuine challenges that board members face when they receive pressure from students, parents, and community members advocating that the board vote one way or another. It is also true that leaders react differently to organized pressure campaigns than they do to more organic input -- and they can easily distinguish between the two. Many factors affect how individual leaders interpret all the input they receive, and charter authorizers are no different than other leaders in this regard.

A decision to non-renew or revoke a charter is one of the most important and impactful decisions charter school authorizers make. It has a tremendous impact on students' lives and education. Districts should protect their ability to make these decisions by adopting policies and procedures that align with these standards.

Ultimately, community input is an appropriate part of a charter renewal process and should be incorporated into the body of evidence. Many authorizers are improving their authorizing practices by increasing their attention to input from students, parents, and the communities served by charter schools as part of the body of evidence.

The National Association of Charter School Authorizers (NACSA) champions this community-oriented approach to authorizing. NACSA, it is important to note, is the source for the national standards that Colorado's version is based on. Districts in Colorado have been discussing this potential shift to community-oriented authorizing. I anticipate that eventually, our standards will evolve to reflect more attention to communities in the body of evidence. What this looks like in practice is likely to evolve over the next few years.



Standards and Appeals in the Future

One of the best strategies to improve district fidelity to these standards would be for the State Board to increase its follow-through on its own rules. The SBE should explore an authorizer's implementation of the standards during charter appeals and ECS challenges. Authorizers should demonstrate and document the alignment of their processes with the standards and include that in their materials defending decisions during appeals. CACSA is interested in helping districts do just that.

Colorado's authorizer standards can help school districts and communities focus on the substantive challenges before them. It would be helpful if more people understood Colorado's authorizing standards and their role in governing the oversight and implementation of our public school system.