



Colorado Charter Public Schools  
Face Strict Accountability Standards  
February 2017





As public schools, charters must adhere to the same state accountability standards as every other public school in Colorado. This means administering annual state tests, and answering for the results of those tests. It means complying with the same state and federal laws barring discrimination in enrollment practices. It means following the same sunshine laws regarding open meetings and open records as all other schools in the state.

Unlike traditional public schools, however, charters face added layers of accountability because of their governance structure. In addition to state oversight, charters must answer to their authorizing entity – either a school district or the Colorado Charter School Institute (CSI) – and their independent board of directors.

Those are three layers of stringent accountability – state, district, and charter board.

And charters are far more likely to be closed for failing to meet performance benchmarks. This isn't because charter performance is worse—on the contrary, it's actually better. According to the Colorado Department of Education's *2016 State of Charter Schools Triennial Report*, charter public school students outperform students in non-charter schools on state performance measures, both overall and with educationally disadvantaged subgroups. However, there are more charter public school closures because school districts and the state education apparatus almost never move to close a traditional public school.

This brief paper provides an overview of charter public school accountability and how charters in Colorado are held to a higher standard than district-run schools. It also provides examples of charters that have closed – one through action of its board, another through its authorizer – as demonstrations of this enhanced accountability in action.

**A CHARTER SCHOOL IS A TUITION-FREE PUBLIC SCHOOL THAT OPERATES UNDER A PERFORMANCE CONTRACT (AKA CHARTER CONTRACT) WITH ITS SCHOOL DISTRICT OR CSI. THE CONTRACT DEFINES IN GREAT DETAIL REGULAR PERFORMANCE TARGETS THE SCHOOL MUST MEET.**

Under these contracts, charter public schools are run by independent governing boards. These boards, backed by the state's 1993 charter school law, grant charter public schools certain flexibilities in the areas of staffing, budget, and curriculum.

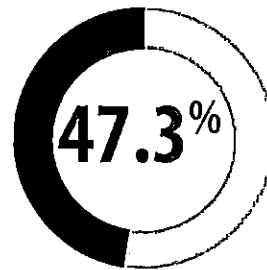
While charters enjoy some latitude over these inputs, they do not have flexibility over outputs. In other words, if a charter public school is not achieving its performance targets and getting positive results for its students, the authorizer can revoke or non-renew its contract.

Charter public schools are bound by the same state and federal laws barring discrimination in enrollment practices. Like district-run schools, charters are open to all. They are prohibited from requiring entrance exams. They are also subject to the same sunshine laws regarding open meetings and open records as all other schools in the state.

Charters must complete annual financial audits which are then reviewed by their authorizer during their yearly performance review. And charters must follow the same "Public School Financial Transparency Act" as every district in the state, which requires them to regularly post online detailed financial information such as check registers and credit card receipts.

**CHARTER PUBLIC SCHOOLS SERVE A STATEWIDE STUDENT POPULATION THAT IS JUST AS DIVERSE AS NON-CHARTERS.**

Currently, 47.3 percent of Colorado charter public school students identify as students of color compared to 46.1 percent of the state's traditional PreK-12 public school students.



**COLORADO CHARTER PUBLIC SCHOOLS**



**TRADITIONAL PUBLIC SCHOOLS**

Additionally, as of 2015-16, 15.4 percent of Colorado charter public school students identified as English Language Learners compared to 13.9 percent of the state's traditional PreK-12 public school students.



**COLORADO CHARTER PUBLIC SCHOOLS**



**TRADITIONAL PUBLIC SCHOOLS**

**ALEX MEDLER, A BOULDER-BASED INDEPENDENT CONSULTANT WHO WORKED FOR SIX YEARS AS VICE PRESIDENT FOR POLICY AT THE NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS, SAID THE LOPSIDEDNESS OF DISTRICT-RUN SCHOOL VS. CHARTER PUBLIC SCHOOL ACCOUNTABILITY IS STRIKING.**

**BAD CHARTERS CLOSE, BAD DISTRICT SCHOOLS ALMOST NEVER DO**

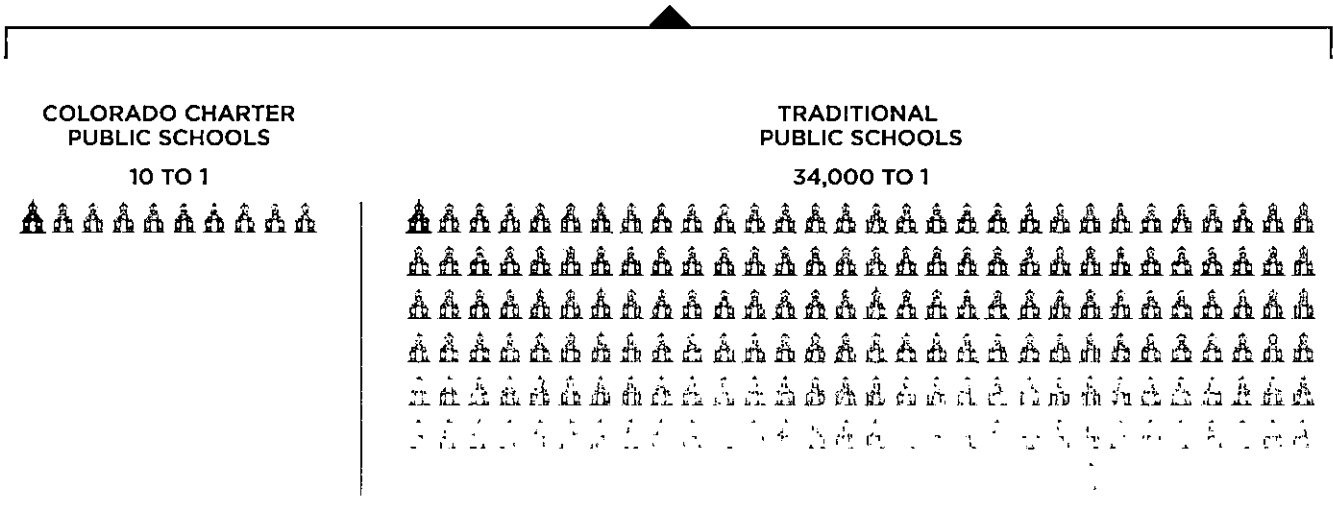
“Nationally about 10 percent of charters are not renewed, and about 2 to 3 percent close each year; regardless of where they are in their cycle,” Medler said. “And 40 percent of those that close do so voluntarily, ideally because of transparent accountability systems that indicate their authorizer would close them if they did not.”

Fifty Colorado charter public schools have closed since the state’s charter law went into effect in 1993, nearly one closure for every five schools that has opened – double the national average.

By contrast, Medler said, the Colorado State Board of Education has closed down just one traditional public school for poor performance over the past 20 years – Denver’s Cole Middle School in 2004.

“Take the roughly 1,700 public schools in Colorado, multiply that by 20 years, and the odds of a district-run public school being shut down by the state is 34,000 to 1. Compare that to one in 10 charters closing (one in five for Colorado), and you’ll see the imbalance.”

And school districts almost never close even their most abysmally performing brick-and-mortar schools, choosing instead to implement incremental interventions that rarely result in substantive improvement. A recent move by Denver Public Schools to close three of its chronically failing schools was an exception notable for its rarity among the state’s 178 school districts.



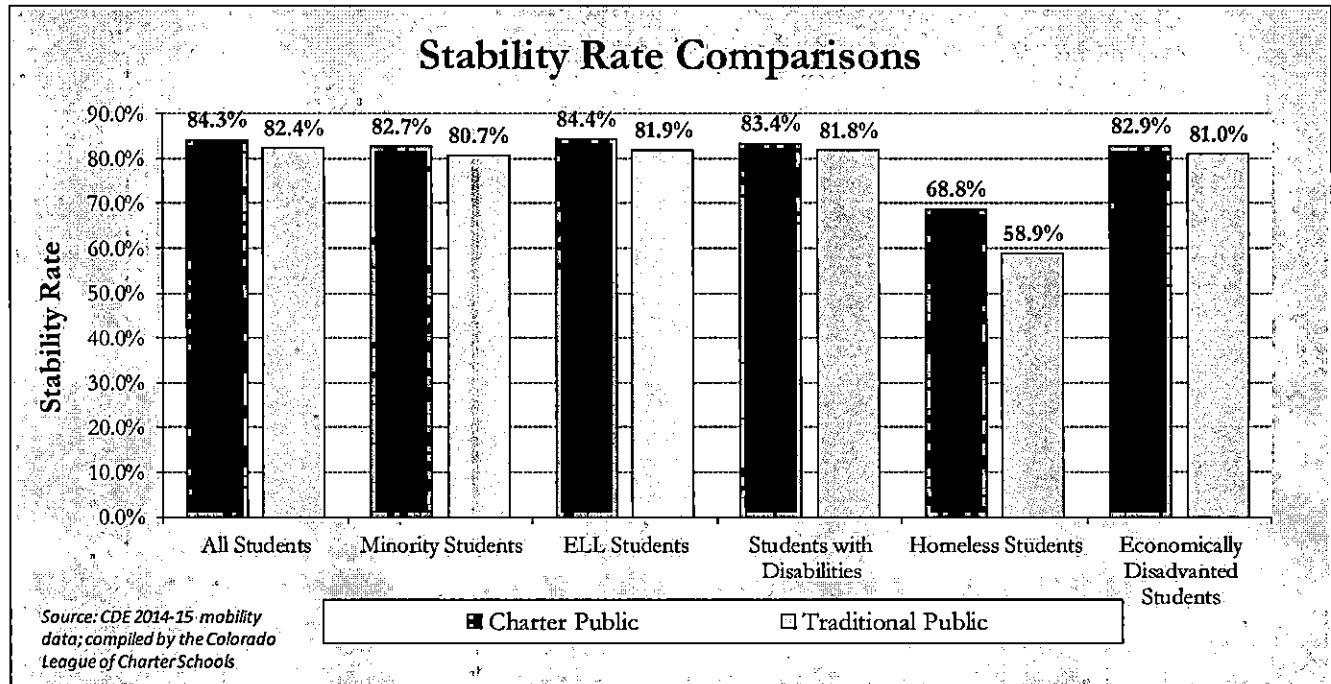


## Get the Facts: School Stability in Colorado Charter Schools

Colorado charter schools have higher rates of school stability than traditional public schools.<sup>1</sup> The overall stability rate for charter public schools in 2014-15 was 84.3% as compared to 82.4% for traditional public schools.

In addition to exhibiting higher overall rates of stability, charter schools provide higher stability for students of color, ELL students, students with disabilities, economically disadvantaged students, and homeless students (see graph below).

Lastly, charter schools in Colorado disproportionately serve the highest-risk students. Charter public schools account for about 13% of public school enrollment overall, but make up nearly 46% of Alternative Education Campus (AEC) enrollment. AECs support high-risk students, and oftentimes are the schools receiving the highest number of students after count day because these same students are not getting their needs met in more traditional environments.



<sup>1</sup> Based on the latest available student stability data published by the Colorado Department of Education (<https://www.cde.state.co.us/cdereval/mobility-stabilitycurrent>)

# Colorado Charter Public School Basics

## What is a charter school?

A charter school is a **tuition-free public school** that operates under a performance contract (a.k.a. "charter contract") with its school district or the Charter School Institute that defines regular performance targets the school must reach.

Through this contractual relationship, charter public schools are not run directly by the district school board or the Charter School Institute but rather by an independent governing board, which does grant the charter public school certain flexibilities in the areas of staffing, budget, and curriculum.

But while charters do have flexibility over certain inputs, it is important to note that they **do not have flexibility over outputs**. In other words, if a charter public school is not hitting its performance targets and getting positive results for its students, the district can revoke or non-renew its contract.

In this way, charter public schools are **more accountable** than other public schools in that they must regularly reach their performance targets or risk having their contract revoked and their doors closed by the district.

## Other facts about charter public schools:

- ✓ Charter public schools **are accountable to the same standards and assessments** as other public schools in the state (CRS 22-30.5-104(6)(c)(II)).
- ✓ Charter public schools are **bound by the same state and federal laws** barring discrimination in enrollment practices; charters are open to all and may not request entrance exams (CRS 22-30.5-104(3)).
- ✓ Charter public schools serve a statewide student population that is just as diverse as non-charters:
  - Currently, **47.3% of Colorado charter public school students** identify as students of color compared to **46.1% of the state's traditional PreK-12 public school students**.
  - Additionally, **15.4% of Colorado charter public school students** identify as English Language Learners compared to **13.9% of the state's traditional PreK-12 public school students**.
- ✓ All charter public schools must be set up and run as **nonprofit entities** (CRS 22-30.5-104(4)(a)).
- ✓ Charter public schools must complete an **independent financial audit each year** (CRS 22-30.5-104(4)(a)); all charter public schools are subject to the same "Public School Financial Transparency Act" as every district in the state, which requires them to regularly post detailed financial information online for free public access.
- ✓ Charters **are subject to the same sunshine laws** regarding open meetings and open records as other schools in the state.
- ✓ Charters **must undergo annual performance reviews** by their districts examining the school's academic progress as well as its most recent financial audit (CRS 22-30.5-110).
- ✓ If charters continually underperform, the timeline for districts to begin closely examining and considering action against them is **just two years** (CRS 22-30.5-110(3.5)); this same timeline can be as much as five years in the case of other poor-performing public schools.

Learn more about charter public schools at [www.CharterPublic.org](http://www.CharterPublic.org).

For additional information, please contact Dan Schaller at [dschaller@coloradoleague.org](mailto:dschaller@coloradoleague.org) or 303-989-5356 ext.105

# Charter Accountability in Action

WHEN CHARTERS CLOSE, THE DECISION-MAKING ENTITY IS MOST OFTEN THE SCHOOL'S BOARD OR THE AUTHORIZER. BELOW ARE BRIEF EXAMPLES OF A BOARD-DRIVEN CLOSURE DECISION AND AN AUTHORIZER-DRIVEN DECISION.

## PIONEER CHARTER SCHOOL

Pioneer Charter School in northeast Denver was one of Colorado's oldest charter public schools. It opened in 1997 as what Denver Public Schools termed a "district charter," meaning that the district initially ran the school in collaboration with the University of Denver. That partnership quickly faltered, however, and Pioneer became a more typically managed charter public school, with an independent governing board.

The PreK-8 school, however, never seemed to gain a solid footing. It was beset by frequent leadership changes, it altered its curricular and instructional models several times, and struggled consistently with student achievement.

Late in 2014, Pioneer's board decided to pull the plug. The school's charter contract was up for renewal the following year, and board members made the difficult decision not to pursue the renewal. The school closed at the end of the 2015-16 school year.

Board members concluded the time had come to act after reviewing fall 2014 interim assessment data. That data showed that 80 percent of Pioneer students were more than a year below grade level in math and reading, and most of them were at least three years behind.

The school's leader also announced his departure that fall, which proved to be the coup de grace. "We didn't want to take another chance with students' lives," said Anna Nicotera, Pioneer board member. "It takes so long to turn around a



school that we felt finding another leader wasn't the answer. It would have been little more than a shot in the dark."

The decision was painful, but Nicotera stands by the decision, and said she is thankful charter boards have the authority to make these tough calls.

"We really did a make a tough decision, but thankfully we were allowed to make that decision," she said.

## SCHOLARS TO LEADERS ACADEMY

When the Colorado Springs-based Scholars to Leaders Academy K-8 charter school came to its authorizer, the state Charter School Institute (CSI) for a contract renewal in December 2012, the school had suffered through a prolonged period of academic and operational malaise.

Scholars to Leaders had transferred to CSI's oversight in the summer of 2009. It operated under a four-year charter contract, which was set to expire in June 2013.

In February 2013, however, CSI staff issued a highly critical evaluation of the school and recommended to the board that the contract not be renewed. The CSI board decided to give the school one year to "wind down" operations and help get students placed in higher-quality schools.



Scholars to Leaders closed for good in June 2014.

The fact that the CSI board acted decisively and without hesitation to take action when one of its schools failed to serve students demonstrates that high-quality charter authorizers take their responsibilities seriously.

"The school was failing academically, financially and organizationally," said CSI Executive Director Terry Croy Lewis. "It was serving a very high needs population, but not serving those students as well as other schools in the area were serving a very similar population."

The decision to shutter the school was not made on a whim. Rather, CSI staff engaged in a rigorous evaluation process. It culminated in a 10-page report to the CSI board recommending non-renewal.

Academically, the Colorado Department of Education had ranked Scholars to Leaders "in the 2nd percentile of schools statewide," the report said. "Additionally, the long-term trajectory of improved performance is not evident."

CSI grants its schools a great deal of autonomy, Croy Lewis said, but that autonomy is counterbalanced by rigorous expectations that schools will perform well and show steady improvement.

As an authorizer, CSI's philosophy is to give schools a second chance when warranted, Croy Lewis said. "It depends on the school. If there is will and capacity to change, CSI will give a school time – but not too much time."



## MORE ACCOUNTABILITY, SUPERIOR PERFORMANCE

Under the watchful eyes of so many, how have Colorado charters performed? According to the Colorado Department of Education's *2016 State of Charter Schools Triennial Report*, very well.

On the 2015 PARCC language arts state assessment, over all tested grades, 43.7 percent of charter students met or exceeded their grade-level benchmarks compared to 39.2 percent of non-charter students. And on that same year's math test, over all tested grades, 34.2 percent of charter students met or exceeded grade-level benchmarks compared to 29.6 percent for non-charter students.

Low-income students, English language learners, and students with disabilities in charters outperformed their peers in traditional public schools on the language arts test by between 3 and 9 percentage points, and on the math test by between 3 and 8 percentage points.

Given these results, perhaps school districts could learn a lesson from the extra scrutiny charters receive.





## Charter Schools: Part of the Public School Family

**Families come in all shapes and sizes. That's also true of the public school family. As part of the public school family, charter public schools are a unique and important component of Colorado's public education system. Charter public schools are allowed the freedom to be innovative while being held accountable for advancing student achievement.**

### **Here are some important facts:**

- ✓ Charter schools are public schools.
- ✓ Charter public schools are tuition-free.
- ✓ Charter public schools use non-discriminatory enrollment practices.
- ✓ Charter public schools do not use test-in requirements for enrollment.
- ✓ Charter public schools are bound by federal and state law.
- ✓ Charter public schools are held accountable both academically and financially.



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