

OVERVIEW

Charters:

Colorado is one of 43 states, including the District of Columbia, that permit charter schools. Colorado's charter law was enacted in 1993, making the state the third in the country to adopt charter school legislation. Under state law, charter schools must be [authorized by a local school district or the Colorado Charter School Institute \(CSI\)](#), a statewide charter authorizer. There are currently 197 charter schools in the state, enrolling an estimated 99,328 students.

In 2012, legislation was passed to update standards for charter school authorizers and charter schools. The [law](#) revised the charter application requirements and process as well as required charter authorizers to perform a yearly review of charter schools' academic performance and financial audits. Colorado does not place any caps on charter school growth and allows a range of charter school models.

COLORADO'S CHARTERS

Year of Charter Law – 1993

NAPCS Ranking of Charter Law – 5 of 43

Total Charters – 197

The National Alliance for Public Charter Schools (NAPCS) ranks Colorado's charter law as among the strongest nationwide (5th out of 43 states).

Vouchers or Other State Assistance for Private School Choice:

Colorado does not currently offer statewide vouchers or tuition tax credits for private school choice.

The state is home to the only district-created voucher program in the country. The program, established by the Douglas County Board of Education, is not in operation pending review by the Colorado Supreme Court.

State Laws on Other Forms of School Choice:

Colorado has both mandatory interdistrict and intradistrict open enrollment programs. Students in Colorado can apply to attend a school outside of neighborhood school attendance boundaries, either in their district or another Colorado public school district. In 2011, [approximately eight percent](#) of Colorado's public school students took advantage of the open enrollment policy.

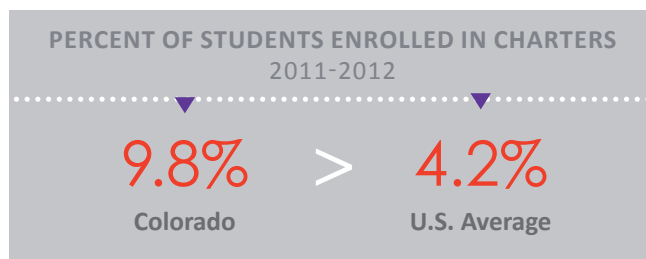
CHARTER SCHOOLS

History

- Public charters have been allowed under state law since 1993.
- There is no cap on the number of charter schools that can be approved.
- As of the 2013-14 school year, [197 charters were in operation](#) in Colorado, enrolling an estimated 99,328 students.

Details

- All charters must be approved by either the local school board or the Colorado Charter School Institute (CSI).
 - The CSI was established by the state legislature in 2004 as a statewide charter authorizer. It currently authorizes [34 charter schools](#) across the state.
- Most Colorado charter schools are stand-alone, independent operations authorized by local school districts. An increasing number are managed by national and Colorado-based Education Management Organizations (EMOs) and Charter Management Organizations (CMOs).
- The Colorado Department of Education approves waivers for charter schools on certain state statutes and rules, including school calendar and personnel policies. Local districts may also approve additional waivers to district policies as part of the charter agreement with a school.
 - Charter schools are still [required to participate in the state accountability system](#) (the Colorado Student Assessment Program).
- The major school funding bill passed in 2014, the [School Success Act](#), included \$13 million in new funding for charter school facilities.



FINDINGS ON CHARTERS IN COLORADO

The National Alliance for Public Charter Schools ranks Colorado's charter school law as [one of the nation's strongest – 5th out of 43 charter laws](#). Strengths of its law include the fact that Colorado does not place a cap on the number of charter schools in the state and allows a range of charter models including new start-ups, traditional public to charter school conversions, and virtual schools.

A [2013 report](#) by the Schools of Choice Office at the Colorado Department of Education found that charter schools for the most part outperformed non-charter schools on state performance measures. In nearly all of the comparisons across subject areas and grades, free and reduced-price lunch students enrolled in charter schools performed better than their peers in traditional public schools.

- Reading: More charter students scored at the proficient and advanced levels on state tests than non-charter students in all grades but 10th grade.
- Math: More charter students scored at proficient and advanced levels in all but 9th and 10th grades.

VOUCHERS OR OTHER STATE ASSISTANCE FOR PRIVATE SCHOOL CHOICE

History

- Colorado does not currently have a **statewide** voucher or tuition tax credit program in operation.
- The state has considered voucher programs a number of times in the last 20 years:
 - In 1992, voters rejected a statewide voucher program.
 - In 1998, voters rejected a tax credit for private school tuition.
 - In 2003, the Republican-controlled Colorado legislature and Governor Bill Owens passed a statewide school voucher program. This program would have required 11 districts with the lowest-performing schools to provide vouchers to low-income students. The Colorado Supreme Court ruled in 2004 that the program was unconstitutional because it stripped local boards of control over education.
- Colorado is home to the only **district-created** voucher program in the country.
- The *Douglas County Choice Scholarship* was created by the Douglas County school board in 2011 and is currently **on hold** pending a hearing and decision by the Colorado Supreme Court.

Details

- The *Douglas County Choice Scholarship* would provide up to 500 tuition vouchers for private school tuition.
- The program would be subject to annual renewal or cancellation by the district school board.
- Scholarship recipients would receive 75 percent of state per-pupil funding (approximately \$4,600 in 2011-2012) or the amount of private school tuition, whichever is less.
- Eligible students must be enrolled in a Douglas County public school for at least one year.
- Participating private schools could be located outside Douglas County, but vouchers could not be applied for online schools or homeschooling.
- Private schools would be required to demonstrate student achievement and growth results at least as strong as Douglas County neighborhood and charter schools. Scholarship recipients would be required to take the same state assessments as public school students.
- A Denver Judge issued a permanent injunction against the program in August 2011, finding it in violation of the state constitution. In 2013, the Colorado Court of Appeals ruled in favor of Douglas County Schools.
 - In March 2014, the Colorado Supreme Court **agreed to hear an appeal, and a hearing is pending.**

STATE POLICIES ON OTHER FORMS OF SCHOOL CHOICE

Open Enrollment

- **Open enrollment** at the district level was established by the *Public Schools of Choice Act of 1990* and was first implemented in the 1994-95 school year.
- In 2011, **66,206 Colorado students (eight percent of all students) participated in open enrollment**. Students can apply to attend any district in the state and state aid follows the student.
- A district may deny an application only under the following conditions:
 - there is insufficient space or teaching staff;
 - the district is not equipped to meet the student's needs;
 - the student does not meet program eligibility requirements;
 - admission of the student would violate an established desegregation plan; or
 - the student has been expelled.
- If the number of applicants outnumbered available spaces, districts are encouraged to give priority to students who attend low-performing schools or have lower academic performance.

FINDINGS ON OPEN ENROLLMENT IN COLORADO

A number of articles in legal journals have hypothesized the legal and social implications of open enrollment policies like Colorado's on issues such as school segregation and education equity. One study of open enrollment in the Denver metropolitan area found that relatively **wealthy students were most likely to take advantage of the program**. A 2013 study of Colorado's open enrollment program includes the following findings:

- Every school district in the state was affected by open enrollment and had students participating in the program;
- Students leave poor districts at a lower rate than they leave rich districts; and
- Many students in the open enrollment program are **leaving high-achieving districts to enroll in districts with even higher levels of achievement**.

Virtual Schools

- Colorado also offers flexible school choice through full-time online schools. These include multi-district online charter and traditional schools, as well as district-run online schools.
- Students may enroll in a multi-district virtual program regardless of where they live.
- Multi-district, fully-online programs receive a base state funding amount, but are not eligible for most additional categorical or weighted funds. These schools receive state funding at **roughly 92 percent** of the funding level for non-virtual charter students and at 72 percent of the funding for traditional public school students.
- Virtual schools must meet the same accountability standards as traditional public schools. In the 2013-14 school year, 16,215 students were enrolled in fully-online schools.

RESOURCES FOR FURTHER INFORMATION

[Characteristics of Colorado's Online Students](#)

[Colorado Code C.R.S 22-36-101 Relating to Open Enrollment in Colorado](#)

[Colorado League of Charter Schools](#)

[Douglas County Choice Scholarship Program Fact Sheet](#)

[Institute for Justice's Analysis of Constitutionality of Charters and Vouchers in Colorado](#)

[On the Road to Innovation: Colorado's Charter Law Turns 20](#)

[The State of Charter Schools in 2013](#)