



COLORADO DEPARTMENT OF EDUCATION

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Robert K. Hammond
Commissioner of Education

Diana Sirko, Ph.D.
Deputy Commissioner

January 20, 2011

Re: *Timeline for Charter School Applications*

Dear Interested Parties;

Question has arisen as to the interpretation of two aspects of the Charter Schools Act. This letter serves to clarify how these provisions should be interpreted.

The first provision is in regard to the 75 day time period in which a local board of education must rule on a charter school application (22-30.5-107(1) & (2), C.R.S.). The statutory reference to 75 days should be interpreted as calendar days, not business days. Guidance provided in 2-4-108, C.R.S. and C.R.C.P. 6 indicates time periods in excess of eleven days should be interpreted as calendar days. Because the application time period is 75 days in length, weekends and legal holidays should be included in the computation.

The second provision that has been questioned is when an application is received, thus starting the statutory 75 day review and decision by the local board of education. The act of filing the charter school application with the local board of education (22-30.5-107(1) & (2), C.R.S.) is synonymous to the receipt of the application and thus starts the statutory timeline. The local board shall determine by policy when a charter school application may be timely submitted. Upon the receipt of a complete application, the acceptance of a charter school application by the school district triggers the 75 day time period.

It should be noted that a district can find the charter school application incomplete. When this occurs, a school district should note the deficiencies and request additional information from the charter applicant within a reasonable time frame. The statute does not state whether the 75 day time period proceeds as normal or is stayed at that point.

Sincerely,

Denise Mund
Director, Schools of Choice
Interim Director, Online Learning