

Successor School Guidance

Senate Bill 19-129, titled, the Regulation of Online Schools calls for the CDE to develop criteria to determine whether a newly authorized multi-district online school is a new multi-district online school or a successor to a previously authorized multi-district online school.

A successor school is "an online school that is a replication, addition, division, or reorganization of an existing or previously authorized online school as determined by the criteria adopted by the Department."¹ CCR 301-71, Rule 2.16. A successor school inherits the accountability history of its predecessor, if the predecessor school was on performance watch under the Accountability Act. (See § 22-30.7-105(2)(d), C.R.S.) If the predecessor school was closed by order of the State Board under the Accountability Act, it or its successor school must reapply for certification before operating again. *Id.*

The circumstances under which a multi-district online school may be considered a "successor school" are limited to "newly authorized multi-district online schools." (C.R.S. 22-30.7-106(9)), both when newly authorized by a different authorizer or the same authorizer as the predecessor school (C.R.S. 22-30.7-105(2)(d))

When a newly authorized multi-district online school is applying for certification with the department, a newly authorized multi-district online school may be considered a successor school under any the following conditions:

- The new school maintains The newly authorized multi-district online school has the following characteristics as its predecessor:
 - substantially the same governance, vision, board membership; and organization as the predecessor, despite changing other characteristics (such as its
 - substantially the same leadership team; and,
 - substantially the same curriculum, instruction, technology, educational services/management provider, and grade levels served);

The new OR

- The newly authorized multi-district online school merges previous school codes into one, or separates existing school codes into several, without substantially altering other characteristics of the predecessor(s);
- The new² New multi-district online school has different characteristics but substantially the same senior staff as the predecessor;
- At least 50% of the school's pupil enrollment is the same as the predecessor's;

Or any combination of these considerations that, taken collectively, establish that the new school is substantially the same school as the predecessor.

¹ This CCR is part of the problem. The statute only talks about, "The department shall determine whether a newly authorized multi-district online school is actually a new multi-district online school or a successor to a previously authorized multi-district online school by applying criteria adopted by the department." There is nothing about "existing" schools in statute.

² A new school cannot know if 50% of its student enrollment will transfer from a pre-existing school until after October count

New-school-certification applications and any related school-code change or modification requests will be evaluated according to these criteria for newly authorized multi-district online schools. A multi-district online school will not be considered "newly authorized" if it is making changes that would otherwise not require it to seek certification. When a multi-district online school changes authorizers, thereby being "newly authorized" by the new authorizer, then it must seek certification, and is subject to being determined a successor school. If the applicant is determined to be a successor school, the applicant will be notified. If it is determined that ~~a newly authorized online school~~ the applicant is a successor school, the Authorizer of the online school may appeal the decision to the State Board of Education by substantially following the Request for Reconsideration appeal process outlined in 1 CCR 301-1, Rule 5.11.