

**Colorado Charter School Closure Procedures**

**Visions Performing Arts College Prep**

**Overview of Charter School Closure Procedures**

The following pages provide detailed steps for the appropriate closure of the School, keeping in mind the best interests of students and families. The Charter School Institute (“CSI”) staff and Board recognize the extreme difficulty of this process for the students, families and staff at the School. The purpose of this Closure Procedures document is to provide guidance for the proper implementation of school closure procedures with transparency, clarity and sensitivity to those affected. It is CSI’s goal to work collaboratively with the School’s Board and staff to support the closure process and to ensure the best interests of students are being met throughout the School’s final year of operation and beyond.

The work detailed herein is significant and will require devotion of significant time on the part of the School. CSI stands ready to clarify any required actions and provide support where feasible. That said, these procedures are meant to serve as a guide for the School and its Board of Directors and should not be considered exhaustive or tailored specifically to the School. CSI recommends that the School consult with an attorney during this process to ensure compliance with state and federal law.

**Relevant Law and Policy**

C.R.S. § 22-11-307(5)

(5) (a) If a local school board or the institute decides or is directed by the state board to close a public school because of low performance, the school district and the institute must develop and update as necessary a school closure plan that implements evidence-based best practices during the school closure process to ensure that students who are enrolled in the public school that is closed are fully supported in enrolling in the successor public school, if any, or in another public school. The local school board or the institute shall make the school closure plan and any updates available in writing to the staff of the public school, the local teachers association, if any, the parents of students enrolled in the public school, and the community surrounding the public school. At a minimum, the school closure plan must include:

(I) A plan for communicating in writing with parents, school staff, the local teachers association, if any, and the community surrounding the public school as early as possible after the local school board or the institute decides to close the public school and at regular intervals throughout the closure process;

(II) The procedures or mechanisms by which the local school board and the institute will solicit and consider input on the school closure process from the staff of the public school, the local teachers association, if any, the parents of the students enrolled in the public school, and the community surrounding the public school;

(III) A timeline for closing the public school that includes or is updated to include all major steps and decision points in completing the school closure and starts no later than the decision to close and continues at least through the reassignment of students and the opening of a new public school, if applicable; and

(IV) A plan for reassigning students to other public schools, which must, to the fullest extent practicable, take into account parents' choice concerning the public schools to which students are reassigned.

(b) Notwithstanding any provision of paragraph (a) of this subsection (5) to the contrary, a school closure plan that applies to the closure of an institute charter school must specify that:

(I) The institute charter school will communicate directly with parents, school staff, and the surrounding community; and

(II) The institute and the institute charter school will work with the school district in which the institute charter school is located to ensure that students and their parents have information concerning the school district's processes for reassigning students to public schools and the school choice options that are available to the students and their parents.

C.R.S. § 22-50.5-511(7)

(7) The institute shall adopt procedures for closing an institute charter school following revocation or nonrenewal of the institute charter school's charter contract. At a minimum, the procedures shall ensure that:

1. When practicable and in the best interest of the students of the institute charter school, the institute charter school continues to operate through the end of the school year. If the institute determines it is necessary to close the institute charter school prior to the end of the school year, the institute shall work with the institute charter school to determine an earlier closure date.
2. The institute works with the parents of the students who are enrolled in the institute charter school when the charter contract is revoked or not renewed to ensure that the students are enrolled in schools that meet their educational needs; and
3. The institute charter school meets its financial, legal, and reporting obligations during the period that the institute charter school is concluding operations.”

*See also,* 1 C.C.R. 302-1, Rule 12(8)

CSI Policy

1.  The institute school shall designate a representative who will be responsible for the security of and access to all institute school records, including student records, to the CSI representative, as designated in writing and fully cooperate with CSI's designated representative, who shall have unrestricted and equal access to the institute school records, including student records during the school's closure process.

2.  CSI may take the following actions upon giving notice of an institute school closure. (The following do not apply where the institute school closes on its own volition.  In such cases, CSI will work with the board of directors of the institute school to ensure the following only at the written request of the board of directors of the institute school and formal approval of the CSI Board of Directors.):

1. Inform school staff and other personnel about the decision to close or suspend the school.  This communication will occur within 5 business days of CSI's notice to the institute school of its decision to close the school, and will include the reason(s) for closure.
2. Inform parents/guardians of the decision to close or suspend the school.  This communication will occur within 5 business days of CSI's notice to the institute school of its decision to close the school, and will include reasons for closure, the name of the party in possession of student records, and general information on student education choices in light of the closure of the institute school and the procedures for transferring such records.
   1. This notification can be made directly to parents (where mailing lists and email addresses are available) and also through notification of the local media.  Every effort will be made to inform parents/guardians of the closure on the same day the school staff and other personnel are informed.
3. Inform appropriate state agencies of the decision to close the school.  This communication will inform the appropriate agencies within 5 business days of CSI's action to close the school. Agencies to be informed are specified in the CSI Closure Procedures and will updated annually to ensure completeness of communication.

Relevant Contract Provisions

**11.2 School-Initiated Termination.** Should the School choose to terminate this Contract before the end of the Contract term, it must do so in accordance with Institute rules, which require a 10-month notice period to the Institute.

**11.3 Dissolution.** In the event the School should cease operations for whatever reason, including the non-renewal or revocation of this Contract, the School agrees to continue to operate its education program until the end of the school year or another mutually agreed upon date. The Institute will supervise and have authority to conduct the winding up of the business and affairs for the School; provided, however, that in doing so, the Institute does not assume any liability incurred by the School beyond the funds allocated to it by the Institute under this Contract. School personnel and the School Board shall cooperate fully with the winding up of the affairs of the School, including convening meetings with parents at the Institute’s request and counseling with students to facilitate appropriate reassignment.

Upon dissolution of the School, assets of the School remaining after paying the School’s debts and obligations incurred in connection with activities authorized by this Contract, and not requiring return or transfer to donors or grantors, will become the property of the Institute or another charter school within the Institute, as determined by the Institute and the School in advance of dissolution. The School will execute all necessary documents required to convey such items. At the time of donation, any property requiring return or transfer to the donor or grantor shall be clearly marked and properly inventoried. Upon dissolution, all such documentation shall be provided to the Institute.

**11.4 Return of Property.** In the event of termination or dissolution, all property owned by the School that was purchased in whole or in part with funding provided by the Institute including, but not limited to, real property, or which was purchased with federal grant funds through the Institute acting in its role as a fiscal agent, will be returned to and will remain the property of the Institute or will otherwise be distributed pursuant to federal law and grantor guidelines. Notwithstanding the above, the Institute will not have the right to retain property leased by the School, unless the Institute chooses to comply with the terms of that lease. All non-consumable grants, gifts and donations or assets purchased by the School from non-federal grant, gift, or donation funds will be considered the property of the School unless otherwise identified by the donor in writing. Assets purchased exclusively with tuition paid by parents for a preschool program operated by or in conjunction with the School will not be subject to this paragraph. Assets not purchased with public funding provided by the Institute may be donated to another mutually agreeable not for profit organization upon prior agreement by the Institute.

**CSI Closure Task List**

The following is a task list to be used by both parties to ensure collaboration and transparency in the school closure process. This task list should be shared and updated at regularly scheduled meetings between the parties. Failure to appropriately complete the tasks may lead to noncompliance in the closure process.

Additional information is contained in the attachments to this document. This document is not exhaustive and your school is urged to obtain legal guidance in order to successfully navigate the closure process and wind down of your school organization.

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| **Required Actions** | **Responsible Party** | **Due Date** |
| **Implementation Plan for Closure Process** |  |  |
| 1. Convene initial Closure project meeting | CSI Closure Team; School Board | 11/30 |
| 2. Post Closure Procedures on CSI Website | CSI Chief of Staff | Mid-December |
| 3. Establish a Schedule for Meetings and Interim Status Reports | CSI Closure Contact | At initial Closure project meeting |
| **Notification and Communication** |  |  |
| 4. Parents / Guardians Notice of Closure Decision – Initial letter | CSI Closure Contact; School Contact | Within 5 business days of Board vote |
| 5. Notify School Districts Materially Impacted and CDE  Notify stakeholders materially impacted by the closure decision and relevant information. | CSI Legal & Policy Associate | January 2021 |
| 6. Notify Commercial Lenders / Bond Holders | School Contact/Finance Person | Within 10 days Board vote |
| **Student Transitions and Enrollment Support** |  |  |
| 7. Parents / Guardians Enrollment Notice – January letter | CSI Closure Contact; School Contact | January (or relevant school choice window) |
| **Finalize Affairs: Human Resources** |  |  |
| 8. Notify Contractors and Terminate Contracts | School Contact | January 2021 |
| **Finalize Affairs: Finance and Operations** |  |  |
| 15. Review Budget | CSI Director of Finance; School Contact/Finance Person | 1/8/2021 |
| 16. Notify Funding Sources / Charitable Partners | School Contact/ Finance Person | 12/15/2020 |
| 17. List all Creditors and Debtors | School Contact/ Finance Person | 12/11/2020 |
| 18. Notify Creditors | School Contact/ Finance Person | 12/18/2020 |
| 19. Notify Debtors | School Contact/ Finance Person | 12/18/2020 |
| 20. Close Out Financials | CSI Director of Finance; School Contact/ Finance Person | 1/15/2021 |
| 21. Inventory assets | School Contact/ Finance Person | 1/15/2021 |
| 23. Submit Final Report | School Contact | 1/22/2021 |
| 24. Prepare Final Financial Statement | School Contact/ Finance Person | 1/22/2021 |
| **Dissolution** |  |  |
| 34. Dissolve the Charter School | School Contact | 1/22/2021 |
| 35. Notify the Colorado Secretary of State’s office | School Contact | 1/30/2021 |
| 36. Notify Known Claimants | School Contact | Within 90 days of closure decision |
| 37. End Corporate Existence | School Contact | Within 90 days of dissolution |
| 38. Notify IRS | School Contact | Within 90 days of dissolution |
| **ONGOING TASKS** | | |
| 1. Monthly Financial Submission | School Contact/ Finance Person | Monthly following Board vote |
| 2. Maintain Identifiable Location | School Contact | Throughout closure process |
| 3. Maintain Corporate Records | School Contact | Ongoing |
| 4. Protect School Assets | School Contact | Duration of school wind down |