



COLORADO DEPARTMENT of EDUCATION

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Robert K. Hammond
Commissioner of Education

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Deputy Commissioner

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To whom it may concern:

After receiving questions concerning the applicability of the Reading to Ensure Academic Development (READ) Act to charter schools, the Department of Education (CDE) would like to provide guidance on this subject.

CDE staff has identified that charter schools are specifically included in the provisions of the READ Act. The requirements of the law apply to each local education provider, which means "a school district, a board of cooperative services, a district charter school, or an Institute charter school." *See* section 22-7-1203(6), C.R.S.

It is also important to note that charter schools may not waive out of the READ Act. The Charter School Act, in section 22-30.5-104(6)(b), C.R.S., prohibits the state board from allowing a charter school to waive out of "any statute or rule necessary to prepare the school performance reports pursuant to part 5 of article 11 of [title 22]." The READ Act cannot be waived, since it is, indeed, a statute necessary to prepare the school performance reports pursuant to part 5 of article 11. Part 5 of article 11 requires that school performance reports include CDE's calculation of "the percentages of student enrolled in third and fourth grades in the public school, the school district, all institute charter schools, and the state as a whole who were at one time identified as having a significant reading deficiency pursuant to section 22-7-1205 and who score partially proficient, proficient, or advanced on the statewide reading assessment in third or fourth grade." *See* sections 22-11-503(2)(a) and 22-11-204(3)(b), C.R.S.

Finally, in terms of READ Act funding, districts will receive funding for each of their students identified as having a significant reading deficiency, including for students enrolled in their charter schools. Districts will then provide their charter schools with access to the funding.

Should you have any questions or concerns, please contact me at Morgan_G@cde.state.co.us.

Thank you.

Sincerely,

Gretchen Morgan
Executive Director Choice and Innovation