



COLORADO LEAGUE *of*
CHARTER SCHOOLS

VIRTUAL TOWN HALL

MAY 16, 2025

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[Challenge to Excellence]

PLEASE

RE-NAME “name, school”
CHAT when you can
MUTE while not speaking

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Today's Townhall

Welcome & Updates
DAN SCHALLER

League Year-End Highlights
DAN SCHALLER

Parental Engagement
KYLE DeBEER

Panel Discussion: The Supreme Court and
Religious Charter Schools
KAREGA RAUSCH, JED WALLACE, DALE CHU

AGENDA

Recordings available online at
[coloradoleague.org > townhalls](https://coloradoleague.org/townhalls)

Updates & Year-End Highlights



DAN SCHALLER

President



“The League Preserves/Advances Charter Funding Across All Major Revenue Streams”

Across virtually every major revenue stream, we successfully either maintained or increased funding for our schools. This included a **3.6% increase to PPR**, more than \$5 million in additional funding for CSI Equalization, and **millions of dollars in PERA savings for DPS charters**. It also included protecting charters against threatened losses to at-risk supplemental resources, PPR, and part-time enrichment program funding.



“League Efforts Lead to Historic Federal Investments in Colorado Charters”

League efforts delivered over **\$100 million in new federal funding** to Colorado charters. \$68 million of that came in the form of the new CSP grant (what we’re now calling Great Schools Colorado), while another \$36 million resulted from our push last year to get the state to commit to over \$65 million in new charter facilities funding over the next five years. That state commitment unlocked the \$36M in federal match, which is now being distributed via CDE’s Charter School Facility Assistance Program.



“The League Helps Colorado Charters Move Forward on Facilities with \$250M Gain to Moral Obligation Cap”

Recognizing the unique challenges that Colorado charters often face regarding facilities, we continually seek ways to enhance the landscape for our schools. This year, that took the form of an increase to the cap on the state’s [Moral Obligation Program](#). Without an increase, we would have quickly hit the limit, and no more schools would have been able to take advantage of this program’s significant cost-saving features. With it, we’ve now reached the point where **the state can back up \$1 billion in charter private market bonds, adding to the more than \$ 100 million** in interest savings that this program has afforded Colorado’s charters over the past 20 years.



“The League Fends off Anti-Charter Majorities and Anti-Charter Legislation”

It's easy to forget, but back in the fall, the League's sister 501(c)(4) – CLCS Action – played a significant role in helping **ward off the first anti-charter majority in the history of Colorado's State Board of Education**. As the appellate body that hears all cases involving disputes between charters and their districts, a loss in the November State Board election could have had disastrous consequences for the sector. Additionally, as a direct result of the League's proactive work with partners and elected officials to keep such proposals off the table, **no broad anti-charter legislation even made it to draft paper during the 2025 session**.



“While Advancing Regulatory Relief, the League Protects Charter Autonomy”

The League took an important first step this session in **reducing burdensome requirements and regulations** by reforming the UIP process. Additionally, two bills introduced this cycle aimed to establish a statewide policy on cell phone use in schools and a process for removing and displaying library resources. In both cases, the League worked closely with sponsors to amend the bills, **allowing local charter boards to create their own policies rather than being subject** to those of the authorizing district or the state.

1. Preserved or Advanced Charter Funding

\$500M

 -

\$250M

\$5M

1. Preserved or Advanced Charter Funding

\$7M

\$ Savings

Ending Education Deserts

NEWS: EDUCATION

Colorado charters could open without school board approval in low-performing areas under proposal

Gov. Jared Polis, a charter advocate, signaled his support for the bill concept Thursday, saying “we need the moral courage to say enough is enough”

Parental Engagement



KYLE DeBEER

VP of Civic Affairs

Pathway to Share Parent/Guardian Email Addresses with the League

- School designates parent email addresses as directory information.
- School provides notice of directory information policy and opt-out process to families.
- Following the opt-out period, the League requests a list of parent/guardian email addresses from the school.

The Supreme Court Case



DAN SCHALLER

President



The Work So Far

- **Passed proactive legislation two years** ago clarifying the public-school nature of Colorado charter schools
- **Joined 22 other state associations** across the country on a bipartisan amicus brief before the Supreme Court, emphasizing the public-school nature of charter schools
- **Recruited multiple school leaders**, parents, and past Colorado governors to sign other amicus briefs before the court, also focused on explaining charter schools and the unintended consequences an adverse ruling could have on millions of charter school families across the country
- **Currently involved in extensive scenario planning** to come up with plans for how we will respond to protect our schools and the sector, no matter what decision SCOTUS makes

Today's Panel



Karega Rausch
NACSA



Jed Wallace
CharterFolk



Dale Chu
DC Strategies



Odd Correlations Show the Need to Pick and Choose Across the Political Spectrum. The Writing on the Supreme Court Wall.

Jed Wallace | July 20, 2022

The New York Times

Supreme Court Rejects Maine's Ban on Aid to Religious Schools

The decision was the latest in a series of rulings forbidding the exclusion of religious institutions from government programs.



- The current case before the Supreme Court grows out of a series of cases where the court has ruled that it is unconstitutional to bar religious schools from benefitting from, or participating in, private school options that a state may support.
- Essentially, the court has ruled that states do not have to have voucher or ESA programs, but if they do, they may not discriminate against religious entities that may want to participate in those programs.
- In the context of those cases, justices and lawyers began surmising that the same rationale used to force states to include religious entities in private school choice programs could be made applicable to charter schools.
- It was a development that allowed some to “see the writing on the wall.” The Supreme Court was going to take on this issue. The St. Isadore case confirmed it.



Late Breaking News Reveals that the Vital Work of LawyerFolk is as Important Now as It Ever Has Been

Jed Wallace | March 1, 2023

The74

New Oklahoma Legal Opinion Leaves Vote on Catholic Charter School in Limbo

Attorney General Gentner Drummond said he was uncomfortable advising the charter board to violate the state constitution's ban on sectarian schools



- The case in Oklahoma has gone through many legal twists and turns. Ultimately the state authorizer decided to deny the application of St. Isadore to operate an online charter school.
- Its argument was that allowing a religious entity to operate a charter school would violate the state's constitution which stipulates that public education must be nonsectarian.
- St. Isadore appealed to the Supreme Court, which accepted the case. Normally the court does not accept cases it does not wish to overturn.
- One Justice – Amy Comey Barret – has recused herself due to her prior work at Notre Dame on this topic.
- A 4-4 split on the court would let stand the OK authorizer's decision to deny the application of St. Isadore.



Separating Signal From Noise — The Tip of the Iceberg this Titanic Supreme Court Case Approaches

Jed Wallace | February 9, 2025



- The religious liberty advocates make their case succinctly: A state doesn't have to have a charter school law, but if it does, it may not discriminate against religious entities wanting to participate.
- An important part of their argument is that charter schools are not state actors but are private entities.
- A finding that charter schools are not state actors could have “Titanic and iceberg” ramifications. Nearly all states, Colorado included, have worked for decades to ensure that charter schools are public schools.
- A finding that charter schools are private could have massive adverse impact, endangering charter school funding, access to public retirement systems, and many other consequences.
- As such, the National Alliance has been leading a legal effort to protect charter schools. The League has contributed to that effort.



Neither Chicken Little Nor Plain Chicken: The Day I Got Kicked Out of an Office and What It Teaches Us About the SCOTUS Charter School Case

Jed Wallace | April 27, 2025

ALL ABOARD!: MAKING CHARTER SCHOOL
BOARDS ALL-PURPOSE STATE ACTORS UNDER
THE SUPREME COURT'S AMTRAK CASE

Preston C. Green III & Suzanne E. Eckes***

ABSTRACT

Although charter schools are commonly characterized as public schools, they are really hybrid institutions that possess both public school and private school characteristics. Because of this hybrid nature, it is unclear whether charter school boards are state actors that must comply with the Constitution. Indeed, the Fourth and Ninth Circuits have reached different conclusions regarding this question. In the meantime, a virtual charter school board in Oklahoma approved a proposal for the country's first religious charter school. The legality of this charter school will turn on whether Oklahoma charter schools are state actors for Establishment Clause purposes. If they are not state actors under this constitutional provision, then prohibitions against religious charter schools might violate the Free Exercise Clause.

- A challenge is that charter schools have never fit neatly into pre-existing boxes of “publicness” and “privateness.”
- In an important prior case involving Amtrak, the court ruled that, for a private entity to be defined as a state actor, the entity must have been created by statute and must have a majority of its board appointed by the state.
- The religious liberty advocates want the court to apply a rigid interpretation of the Amtrak case to charter schools.
- Were a rigid interpretation to be applied to charter schools, it could result in a fundamental compromise of charter school autonomy and our ability to continue serving students well.
- The Alliance, the League and many other parties have filed amicus briefs showing that the overall charter school recipe – public authorizers, open meeting requirements, accountability – demonstrates that charter schools are state actors.



Of Wood Chips, All Fours, and Audible Gasps: What Was Really Left Dangling at the Supreme Court This Week

🗣️ Jed Wallace | 📅 May 4, 2025

CHIEF JUSTICE ROBERTS: You rely heavily... on a number of cases — Trinity Lutheran, Espinoza, Carson. Those involved fairly discrete state involvement. In Trinity Lutheran, they're going to pave — or, you know, put wood chips on the playground... This does strike me as a much more comprehensive involvement, and I wonder, what case do you think supports the position with respect to that level of involvement?

JUSTICE GORSUCH: I'm delighted to hear they're still teaching dangling modifiers in Oklahoma's schools.

- Much reporting on the oral arguments before the court has surmised that the court was clearly supportive of St. Isadore. But experts focused on the detail of the discussion, see otherwise.
- The court is evenly split. Most believe the decision will come down to the views of Chief Justice Roberts.
- In oral arguments, he started off questioning whether the private school cases are applicable to this one because the state's involvement in authorizing charter schools is much greater than allowing private schools to benefit from programs providing wood chips to cover playgrounds.
- Generally, his questions went unanswered. It leaves many believing the key issues before the court remain “dangling.”
- With the League having done extensive proactive work to ensure that charter schools are public, Colorado's sector is in a relatively strong position, but further change could be necessary.
- The court will decide in late June or early July.

Today's Panel



Karega Rausch
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THANK YOU

Townhall Survey



surveymonkey.com/r/CLCS-training