

*This communication from Education Facility Solutions, LLC (EFS) is solely intended to be informative to charter school leaders. The information contained in an EFS Alert is designed to help charter school leaders achieve their core mission and is based upon research, knowledge, and current events of various professionals in either our organization or around the industry. If you have an idea for an EFS Alert, or have suggestions for what might make this more beneficial to your organization, please contact us at [info@efsk12.com](mailto:info@efsk12.com).*

April 3, 2018

## **TALE OF TWO CHARTERS IN THE NEW POT DISPENSARY WORLD**

### **LAW:**

- ❖ Colorado state law prohibits marijuana shops from opening within 1,000 feet of a school
- ❖ Law does not address schools opening near marijuana shops
- ❖ Law explicitly contemplates that if a licensed dispensary opens and a school later locates nearby, the dispensary's license/renewal will not be affected by the school's choice of location

### **CONSIDERATIONS:**

- ❖ Charters want to locate in close proximity to the student population they serve
- ❖ Real estate options drive facility selection for charter schools

### **TALE of TWO CHARTERS**

**Charter One:** This k-8 charter school opened in temporary space for the school year 2017-18. It serves a significant immigrant population, in a school district that struggles to meet the academic needs of its student population. The district's population of at-risk students is concentrated in neighborhoods that have limited facility options, and in which many marijuana dispensaries are located. The charter school identified a facility that was centrally located for student access, but a dispensary was located 300 feet from the school. The city was supportive of the proposed location and the school serving its community. Under the school's charter with the Authorizer, the Superintendent, *not the elected school board*, had the right to approve or deny the charter's facility location, which the Superintendent rejected. This decision negatively impacted at-risk students living in the same neighborhood in which the dispensary is located.

**Charter Two:** This high school charter will open for the school year 2018-19. There is a program within the school which will provide supports and a strong community for students struggling with health and mental challenges. The location for this school is less than fifty feet from a dispensary. In this case, a different district embraced the school and its offering because of the benefits it will provide to a vulnerable student population. In fact, in the case of this authorizer, there are more than fifteen charter schools located within 1,000 feet of dispensary according to a [Denver Post article](#) of April 1, 2016.

**Lessons Learned:** Pay careful attention to the details of school board, superintendent, and staff oversight and policy as it relates to facility locations or relocations.

Many thanks to Tim Farmer of the Law Office of Brad A. Miller (Colorado Springs) who provided helpful insights.

Sincerely,

**Susan L. Miller**  
Senior Director  
Education Facility Solutions, LLC  
[info@efsk12.com](mailto:info@efsk12.com)  
[www.efsk12.com](http://www.efsk12.com)

*EFS is a turnkey charter school facility services provider. With over 60 charter school transactions completed totaling over \$200 million in transactions, EFS is the expert in charter school facility projects. EFS can help you realize the facility objectives that meet your school's long-term plans. You may reach us at:*

