

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0858.01 Julie Pelegrin x2700

SENATE BILL 18-118

SENATE SPONSORSHIP

Merrifield, Kagan, Kerr, Todd

HOUSE SPONSORSHIP

Arndt,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING RESTORING THE AUTHORITY OF A SCHOOL DISTRICT
102 BOARD OF EDUCATION TO APPROVE A CHARTER SCHOOL.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, if a school district board of education (local school board) denies an application for a charter school or revokes or refuses to renew an existing charter, the charter applicant or charter school can appeal the decision to the state board of education (state board). If the state board remands the decision for reconsideration and the local school board confirms its prior decision, the charter applicant or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

charter school can appeal to the state board again, and the state board may order the local school board to grant the charter application or to reinstate or renew the existing charter.

The bill removes the second appeal for denial of a charter application or the revocation or nonrenewal of an existing charter. If a charter applicant or charter school appeals a local school board's decision to deny an application or revoke or not renew an existing charter, the state board may remand the decision to the local school board for reconsideration, but the local school board's decision upon remand is final and not subject to further appeal.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-30.5-108, **amend** (3)(c), (3)(d), and (3.5); and **add** (3)(b.5) as follows:

22-30.5-108. Appeal - standard of review - procedures. (3) If the notice of appeal, or the motion to review by the state board, relates to a local board's decision to deny a charter application or to refuse to renew or to revoke a charter or to a local board's unilateral imposition of conditions that are unacceptable to the charter applicant or the charter school, the appeal and review process shall be as follows:

(b.5) FOLLOWING THE REMAND OF A DECISION TO DENY A CHARTER APPLICATION OR REFUSE TO RENEW OR TO REVOKE A CHARTER, IF THE LOCAL BOARD OF EDUCATION'S FINAL DECISION IS STILL TO DENY THE CHARTER APPLICATION OR TO REFUSE TO RENEW OR TO REVOKE THE CHARTER, THE DECISION OF THE LOCAL BOARD OF EDUCATION IS FINAL AND NOT SUBJECT TO FURTHER APPEAL.

(c) Following the remand OF A DECISION TO UNILATERALLY IMPOSE CONDITIONS ON A CHARTER APPLICANT OR CHARTER SCHOOL, if the local board of education's final decision is still to ~~deny a charter application or to~~ unilaterally impose the condition on a THE charter applicant or ~~if the local board of education's final decision is still to refuse~~

1 ~~to renew or to revoke a charter or to unilaterally impose conditions~~
2 ~~unacceptable to the charter school, a second notice of appeal may be filed~~
3 ~~with the state board within thirty days following such final decision.~~

4 (d) Within thirty days following receipt of the second notice of
5 appeal or the making of a motion for a second review by the state board
6 and after reasonable public notice, the state board, at a public hearing,
7 shall determine whether the final decision of the local board of education
8 TO UNILATERALLY IMPOSE THE CONDITION ON THE CHARTER APPLICANT OR
9 CHARTER SCHOOL was contrary to the best interests of the pupils, school
10 district, or community. If such a finding is made, the state board shall
11 remand ~~such~~ THE final decision to the local board with instructions to
12 ~~approve the charter application, or to renew or reinstate the charter or to~~
13 ~~approve or disapprove the conditions imposed on the charter applicant or~~
14 ~~the charter school. The decision of the state board shall be~~ IS final and not
15 subject to appeal.

16 (3.5) In lieu of ~~a first appeal~~ APPEALING THE DENIAL OF A
17 CHARTER APPLICATION OR THE NONRENEWAL OR REVOCATION OF A
18 CHARTER to the state board pursuant to ~~paragraph (a) of subsection (3)~~
19 SUBSECTIONS (2) AND (3) of this section, AND IN LIEU OF A FIRST APPEAL
20 OF THE UNILATERAL IMPOSITION OF CONDITIONS ON A CHARTER APPLICANT
21 OR CHARTER SCHOOL PURSUANT TO SUBSECTIONS (2) AND (3)(a) OF THIS
22 SECTION, the parties may agree to facilitation. Within thirty days after
23 denial of a charter application or nonrenewal or revocation of a charter or
24 unilateral imposition of conditions on a charter applicant or a charter
25 school by the local board of education, the parties may file a notice of
26 facilitation with the state board. The parties may continue in facilitation
27 as long as both parties agree to its continued use. If one party

1 subsequently rejects facilitation OF THE DENIAL OF A CHARTER
2 APPLICATION OR THE NONRENEWAL OR REVOCATION OF A CHARTER, and
3 ~~such~~ THE rejection is not reconsidered within seven days, the local board
4 of education shall reconsider its denial of ~~a~~ THE charter application or THE
5 nonrenewal or revocation of ~~a~~ THE charter and make a final decision as
6 provided in ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this
7 section. THE DECISION OF THE LOCAL BOARD OF EDUCATION UPON
8 RECONSIDERATION IS FINAL AND NOT SUBJECT TO APPEAL. IF ONE PARTY
9 SUBSEQUENTLY REJECTS FACILITATION OF THE UNILATERAL IMPOSITION OF
10 CONDITIONS ON THE CHARTER APPLICANT OR CHARTER SCHOOL, the
11 charter applicant OR CHARTER SCHOOL may file a notice of appeal with the
12 state board as provided in ~~paragraph (c) of subsection (3)~~ SUBSECTION
13 (3)(c) of this section within thirty days after ~~a~~ THE local board of
14 education's final decision to ~~deny a charter application, to refuse to renew~~
15 ~~or to revoke a charter, or to unilaterally impose conditions on a~~ THE
16 charter applicant or ~~a~~ charter school.

17 **SECTION 2. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.