

CHAPTER 302

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 99-1274**

BY REPRESENTATIVES King, Fairbank, Hefley, Lee, McKay, Alexander, Dean, Nunez, Paschall, and Scott;  
also SENATORS Andrews, Congrove, Evans, Lamborn, Musgrave, and Tebedo.

**AN ACT**

CONCERNING CHARTER SCHOOLS.

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

**SECTION 1. Legislative declaration.** The general assembly hereby clarifies its intent that, in empowering charter schools to enter into contracts pursuant to section 22-30.5-104, Colorado Revised Statutes, and in identifying a charter school's charter as the basis for a contract between the charter school and the local board of education, pursuant to section 22-30.5-105, Colorado Revised Statutes, such contracts are enforceable and the parties to such contracts may obtain such remedies for the violation of such contracts as are provided by law.

**SECTION 2.** 22-30.5-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-30.5-106. Charter application - contents.** (1) The charter school application shall be a proposed agreement and shall include:

(m) A DISPUTE RESOLUTION PROCESS, AS PROVIDED IN SECTION 22-30.5-107.5.

**SECTION 3.** Part 1 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-30.5-107.5. Dispute resolution - appeal.** (1) THE CHARTER SCHOOL AND THE SCHOOL DISTRICT SHALL AGREE ON A THIRD-PARTY DISPUTE RESOLUTION PROCESS TO RESOLVE DISPUTES THAT MAY ARISE CONCERNING IMPLEMENTATION OF THE CHARTER CONTRACT. IF THE CHARTER SCHOOL AND THE SCHOOL DISTRICT DO NOT INCLUDE A THIRD-PARTY DISPUTE RESOLUTION PROCESS, THE STATE BOARD SHALL DIRECT THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DEPARTMENT OF EDUCATION TO PROVIDE DISPUTE RESOLUTION SERVICES AT THE REQUEST OF THE CHARTER SCHOOL OR THE SCHOOL DISTRICT. THE CHARTER SCHOOL AND THE SCHOOL DISTRICT SHALL EACH BE RESPONSIBLE FOR PAYING ONE-HALF OF THE REASONABLE COSTS INCURRED BY THE DEPARTMENT OF EDUCATION IN PROVIDING SUCH DISPUTE RESOLUTION SERVICES. THE STATE BOARD SHALL ESTABLISH THE AMOUNT OF SUCH REASONABLE COSTS BY RULE.

(2) IF EITHER THE CHARTER SCHOOL OR THE SCHOOL DISTRICT FAILS OR REFUSES TO PARTICIPATE IN A DISPUTE RESOLUTION PROCESS OR FAILS OR REFUSES TO COMPLY WITH THE DECISION REACHED AS A RESULT OF THE DISPUTE RESOLUTION PROCESS, SUCH FAILURE OR REFUSAL SHALL CONSTITUTE AN ALLEGED UNILATERAL IMPOSITION OF CONDITIONS THAT MAY BE APPEALED TO THE STATE BOARD PURSUANT TO SECTION 22-30.5-108 (3).

**SECTION 4.** 22-30.5-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-30.5-106. Charter application - contents.** (3) A CHARTER APPLICANT IS NOT REQUIRED TO PROVIDE PERSONAL IDENTIFYING INFORMATION CONCERNING ANY PARENT, TEACHER, OR PROSPECTIVE PUPIL PRIOR TO THE TIME THAT THE CHARTER IS APPROVED AND EITHER THE CHARTER SCHOOL ACTUALLY EMPLOYS THE TEACHER OR THE PUPIL ACTUALLY ENROLLS IN THE CHARTER SCHOOL, WHICHEVER IS APPLICABLE. A CHARTER SCHOOL APPLICANT SHALL PROVIDE, UPON REQUEST OF THE SCHOOL DISTRICT, AGGREGATE INFORMATION CONCERNING THE GRADE LEVELS AND SCHOOLS IN WHICH PROSPECTIVE PUPILS ARE ENROLLED.

**SECTION 5.** 22-30.5-104 (7) (b), Colorado Revised Statutes, is amended to read:

**22-30.5-104. Charter school - requirements - authority.** (7) (b) A charter school may negotiate and contract with a school district, the governing body of a state college or university, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking ~~which~~ THAT the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school district shall be provided by the district at cost. THE CHARTER SCHOOL SHALL HAVE STANDING TO SUE AND BE SUED IN ITS OWN NAME FOR THE ENFORCEMENT OF ANY CONTRACT CREATED PURSUANT TO THIS PARAGRAPH (b).

**SECTION 6.** 22-30.5-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-30.5-109. Charter schools - restrictions - establishment - number.** (6) A SCHOOL DISTRICT SHALL NOT DISCRIMINATE AGAINST A CHARTER SCHOOL IN PUBLICIZING THE DISTRICT'S EDUCATIONAL OPTIONS THROUGH ADVERTISING, DIRECT MAIL, AVAILABILITY OF MAILING LISTS, OR OTHER INFORMATIONAL ACTIVITIES, PROVIDED THAT THE CHARTER SCHOOL PAYS FOR ITS SHARE OF SUCH PUBLICITY AT COST.

**SECTION 7.** 22-30.5-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-30.5-112. Charter schools - financing - guidelines.** (4.5) ANY MONEYS RECEIVED BY A CHARTER SCHOOL FROM ANY SOURCE AND REMAINING IN THE CHARTER SCHOOL'S ACCOUNTS AT THE END OF ANY BUDGET YEAR SHALL REMAIN IN THE CHARTER SCHOOL'S ACCOUNTS FOR USE BY THE CHARTER SCHOOL DURING SUBSEQUENT BUDGET YEARS AND SHALL NOT REVERT TO THE SCHOOL DISTRICT OR TO THE STATE.

**SECTION 8.** 22-30.5-112 (3) (a), Colorado Revised Statutes, as amended by House Bill 99-1113, enacted at the First Regular Session of the Sixty-second General Assembly, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**22-30.5-112. Charter schools - financing - guidelines.** (3) (a) (I) FOR THE 1999-2000 BUDGET YEAR, NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE PROPORTIONATE SHARE OF STATE AND FEDERAL RESOURCES GENERATED BY STUDENTS WITH DISABILITIES OR STAFF SERVING THEM SHALL BE DIRECTED TO CHARTER SCHOOLS ENROLLING SUCH STUDENTS BY THEIR SCHOOL DISTRICTS OR ADMINISTRATIVE UNITS. THE PROPORTIONATE SHARE OF MONEYS GENERATED UNDER OTHER FEDERAL OR STATE CATEGORICAL AID PROGRAMS SHALL BE DIRECTED TO CHARTER SCHOOLS SERVING STUDENTS ELIGIBLE FOR SUCH AID.

(II) FOR BUDGET YEAR 2000-2001 AND BUDGET YEARS THEREAFTER, IF THE CHARTER SCHOOL AND THE SCHOOL DISTRICT HAVE NEGOTIATED TO ALLOW THE CHARTER SCHOOL TO PROVIDE FEDERALLY REQUIRED EDUCATIONAL SERVICES PURSUANT TO PARAGRAPH (a.8) OF SUBSECTION (2) OF THIS SECTION, THE PROPORTIONATE SHARE OF STATE AND FEDERAL RESOURCES GENERATED BY STUDENTS RECEIVING SUCH FEDERALLY REQUIRED EDUCATIONAL SERVICES OR STAFF SERVING THEM SHALL BE DIRECTED BY THE SCHOOL DISTRICT OR ADMINISTRATIVE UNIT TO THE CHARTER SCHOOL ENROLLING SUCH STUDENTS.

(III) FOR BUDGET YEAR 2000-2001 AND BUDGET YEARS THEREAFTER, THE PROPORTIONATE SHARE OF MONEYS GENERATED UNDER FEDERAL OR STATE CATEGORICAL AID PROGRAMS, OTHER THAN FEDERALLY REQUIRED EDUCATIONAL SERVICES, SHALL BE DIRECTED TO CHARTER SCHOOLS SERVING STUDENTS ELIGIBLE FOR SUCH AID.

**SECTION 9. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 1999