

CHAPTER 110

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 23-1025

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also SENATOR(S) Rich, Baisley, Gardner, Ginal, Kirkmeyer, Liston, Lundeen, Pelton B., Pelton R., Priola, Smallwood, Van Winkle, Will, Zenzinger.

AN ACT**CONCERNING EXTENSION OF CHARTER SCHOOL APPLICATIONS.**

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

SECTION 1. In Colorado Revised Statutes, 22-30.5-107, **amend** (1)(b), (2), and (2.5); and **add** (1)(d) as follows:

22-30.5-107. Charter application - process. (1) (b) The local board of education shall receive and review all applications for charter schools. If the local board of education does not review a charter application, ~~it shall be deemed to have denied the~~ THAT charter application IS DENIED. FOR APPLICATIONS BEGINNING IN 2025, a charter applicant must file its application with the local board of education by a date determined by the local board of education to be eligible for consideration for the following school year DURING THE PERIOD BEGINNING FEBRUARY 1 AND ENDING APRIL 1, EIGHTEEN MONTHS BEFORE THE CHARTER SCHOOL IS SET TO OPEN. An application is considered filed when the school district administration receives the charter application from the charter applicant either in hard copy or electronically. ~~The date determined by the local board of education for filing of applications shall not be any earlier than August 1 or any later than October 1.~~ Prior to any change in the application deadline, the local board of education shall notify the department and each charter school applicant in the district of the proposed change by certified letter. The local board of education shall not charge any application fees.

(d) ANY DATE IN THIS SUBSECTION (1) THAT FALLS ON A WEEKEND, A LEGAL HOLIDAY, OR A DAY SCHOOL IS NOT IN SESSION IS EXTENDED TO THE NEXT SCHOOL DAY.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) After giving reasonable public notice, the local board of education shall hold community meetings in the affected areas or the entire school district to obtain information to assist the local board of education in its decision to approve a charter school application. The local board of education shall rule by resolution on the application for a charter school in a public hearing, upon reasonable public notice, ~~within ninety days after receiving the application filed pursuant to subsection (1) of this section~~ NO LATER THAN JUNE 30. A CHARTER SCHOOL SHALL USE THE SCHOOL AND FISCAL YEAR, JULY 1 TO JUNE 30, FOLLOWING THE SUBMISSION OF ITS CHARTER APPLICATION AS A PLANNING YEAR, DURING WHICH THE CHARTER SCHOOL SHALL PREPARE FOR SERVING STUDENTS THE NEXT SCHOOL YEAR. All negotiations between the charter school and the local board of education on the contract shall be concluded by, and all terms of the contract agreed upon, no later than ninety days after the local board of education rules by resolution on the application for a charter school OR SEPTEMBER 30, WHICHEVER DATE IS LATER.

(2.5) The charter applicant and the local board of education may jointly waive OR EXTEND the ~~deadlines~~ TIMELINES set forth in this section. AS SPECIFIED IN SECTION 22-2-117, THE LOCAL BOARD OF EDUCATION MAY APPLY TO THE STATE BOARD OF EDUCATION FOR A MODIFICATION OR WAIVER OF THE TIMELINES SET FORTH IN THIS SECTION. IF THE STATE BOARD OF EDUCATION APPROVES THE WAIVER, THE LOCAL BOARD OF EDUCATION MUST PUBLISH NOTICE OF THE WAIVER ON THE LOCAL BOARD OF EDUCATION WEBSITE WITHIN THIRTY DAYS AFTER THE APPROVAL. THE NEW TIMELINE ONLY APPLIES TO THE APPLICATIONS SUBMITTED FOLLOWING THE DATE OF THE PUBLIC POSTING OF THE WAIVER.

SECTION 2. In Colorado Revised Statutes, **add 22-30.5-107.3** as follows:

22-30.5-107.3. Optional charter school application timeline for rural school districts. (1) A SCHOOL DISTRICT DESIGNATED AS RURAL OR SMALL RURAL BY THE DEPARTMENT MAY EITHER ACCEPT CHARTER APPLICATIONS PURSUANT TO SECTION 22-30.5-107 OR, UPON NOTICE TO THE DEPARTMENT AND THE PUBLIC THROUGH POSTING ON THE SCHOOL DISTRICT'S WEBSITE, THE SCHOOL DISTRICT MAY ACCEPT CHARTER APPLICATIONS PURSUANT TO SECTION 22-30.5-107 WITH THE FOLLOWING MODIFICATIONS:

(a) THE TIME FOR SUBMISSION OF A CHARTER APPLICATION IS FROM JUNE 1 THROUGH AUGUST 1, OR THE FIRST WEEKDAY AFTER AUGUST 1, AS LONG AS THE SCHOOL DISTRICT HAS A METHOD TO RECEIVE PHYSICAL OR ELECTRONIC APPLICATIONS DURING THAT TIME;

(b) IF APPLICABLE, THE SCHOOL DISTRICT SHALL NOTIFY APPLICANTS THAT AN APPLICATION IS INCOMPLETE NO LATER THAN AUGUST 15 OR THE FIRST WEEKDAY AFTER AUGUST 15;

(c) REVIEW BY THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE, AS DESCRIBED IN SECTION 22-30.5-107 (1.5), IS PERMITTED BUT NOT REQUIRED;

(d) THE LOCAL SCHOOL BOARD SHALL RULE BY RESOLUTION ON THE APPLICATION NO LATER THAN OCTOBER 15 OR THE FIRST WEEKDAY AFTER OCTOBER 15; AND

(e) THE STATE BOARD SHALL HEAR APPEALS PURSUANT TO SECTION 22-30.5-108
(3)(a) WITHIN THIRTY DAYS AFTER THE DATE A NOTICE OF APPEAL IS FILED.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to charter applications that are submitted after December 31, 2023.

Approved: April 25, 2023