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HOUSE BILL 22-1294

BY REPRESENTATIVE(S) Michaelson Jenet and Young, Amabile, Benavidez, Bennett, Bird, Carver, Cutter, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kennedy, Lindsay, Lentine, McCluskie, McCormick, McLachlan, Ortiz, Ricks, Snyder, Titone, Woodrow, Esgar, McKean, Valdez A.; also SENATOR(S) Zenzinger and Gardner, Bridges, Buckner, Donovan, Fields, Ginal, Gonzales, Hisey, Holbert, Lee, Lundein, Moreno, Pettersen, Priola, Rankin, Simpson, Smallwood, Woodward, Fenberg.

CONCERNING ADDITIONAL PATHWAYS TO PROVIDE SPECIAL EDUCATION SERVICES TO CHILDREN WITH DISABILITIES IN CHARTER SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 22-30.5-104, **add** (3)(a.5) as follows:

**22-30.5-104. Charter school - requirements - authority - rules - definitions.** (3) (a.5) A CHARTER SCHOOL MAY GIVE PREFERENCE TO ENROLLING CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103. UPON APPROVAL OF THE LOCAL BOARD OF EDUCATION, THE CHARTER

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*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.*

SCHOOL MAY DEVELOP AND IMPLEMENT AN ENROLLMENT PREFERENCE PLAN TO INCREASE THE ENROLLMENT OF CHILDREN WITH DISABILITIES. IN EXERCISING THE ENROLLMENT PREFERENCE PLAN FOR CHILDREN WITH DISABILITIES, A CHARTER SCHOOL SHALL ENSURE COMPLIANCE WITH THE OBLIGATION TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT PURSUANT TO THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED. A CHARTER SCHOOL MAY ALLOW A PARENT TO VOLUNTARILY PROVIDE INFORMATION REGARDING WHETHER THE PARENT'S CHILD HAS A DISABILITY.

**SECTION 2.** In Colorado Revised Statutes, 22-30.5-507, **add** (3)(a.5) as follows:

**22-30.5-507. Institute charter school - requirements - authority - rules - definitions.** (3) (a.5) AN INSTITUTE CHARTER SCHOOL MAY GIVE ENROLLMENT PREFERENCE TO CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103. UPON APPROVAL OF THE STATE CHARTER SCHOOL INSTITUTE, THE INSTITUTE CHARTER SCHOOL MAY DEVELOP AND IMPLEMENT AN ENROLLMENT PREFERENCE PLAN TO INCREASE THE ENROLLMENT OF CHILDREN WITH DISABILITIES. IN EXERCISING THE ENROLLMENT PREFERENCE PLAN FOR CHILDREN WITH DISABILITIES, AN INSTITUTE CHARTER SCHOOL SHALL ENSURE COMPLIANCE WITH THE OBLIGATION TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT PURSUANT TO THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED. AN INSTITUTE CHARTER SCHOOL MAY ALLOW A PARENT TO VOLUNTARILY PROVIDE INFORMATION REGARDING WHETHER THE PARENT'S CHILD HAS A DISABILITY.

**SECTION 3.** In Colorado Revised Statutes, 22-20-103, **amend** (1); and **add** (3.4) and (3.5) as follows:

**22-20-103. Definitions - repeal.** As used in this part 1, unless the context otherwise requires:

(1) "Administrative unit" means a school district, a board of cooperative services, a multi-district administrative unit, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL COLLABORATIVE, or the state charter school institute, that is providing educational services to exceptional children and that is responsible for the local administration of this ~~article~~

ARTICLE 20.

(3.4) "CHARTER SCHOOL COLLABORATIVE" MEANS A CHARTER SCHOOL COLLABORATIVE FORMED PURSUANT TO SECTION 22-30.5-603.

(3.5) "CHARTER SCHOOL NETWORK" MEANS A CHARTER SCHOOL NETWORK FORMED PURSUANT TO SECTION 22-30.5-104.7.

**SECTION 4.** In Colorado Revised Statutes, 22-20-106, **amend** (1)(a) and (1)(b) as follows:

**22-20-106. Special education programs - early intervening services - rules.** (1) (a) Every school district in the state ~~shall be~~ IS either an administrative unit in itself or in a board of cooperative services that the department designates as an administrative unit or ~~participate~~ IS PARTICIPATING in a multi-district administrative unit. The department shall not recognize or authorize a group of school districts as an administrative unit unless the group of school districts qualifies as a multi-district administrative unit or is a board of cooperative services.

(b) The state charter school institute ~~shall be~~ IS an administrative unit for the purpose of delivering special education services to all institute charter schools, AND TO DISTRICT CHARTER SCHOOLS THAT ENTER INTO AN AGREEMENT WITH THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-30.5-105.3, and ~~shall~~ meet the criteria established by the state board governing the duties and responsibilities of the director of special education. An administrative unit ~~shall also be~~ IS ALSO a school district, ~~or~~ board of cooperative services, CHARTER SCHOOL NETWORK, OR CHARTER SCHOOL COLLABORATIVE that meets criteria established by the state board governing the duties and responsibilities of the director of special education and is: ~~either a board of cooperative services that conducts special education programs for all school districts that are members of the board of cooperative services or is a school district that meets criteria of geographic size, location, and number of pupils established by the state board to achieve maximum efficiency in administering programs of special education.~~

(I) A BOARD OF COOPERATIVE SERVICES THAT CONDUCTS SPECIAL EDUCATION PROGRAMS FOR ALL SCHOOL DISTRICTS THAT ARE MEMBERS OF THE BOARD OF COOPERATIVE SERVICES;

(II) A SCHOOL DISTRICT THAT MEETS CRITERIA ESTABLISHED BY THE STATE BOARD, INCLUDING GEOGRAPHIC SIZE AND LOCATION, TO ACHIEVE MAXIMUM EFFICIENCY IN ADMINISTERING PROGRAMS OF SPECIAL EDUCATION; OR

(III) A CHARTER SCHOOL NETWORK OR CHARTER SCHOOL COLLABORATIVE THAT IS DESIGNATED AND APPROVED AS AN ADMINISTRATIVE UNIT BY THE DEPARTMENT, DELIVERS SPECIAL EDUCATION SERVICES TO DISTRICT CHARTER SCHOOLS OR INSTITUTE CHARTER SCHOOLS, AND MEETS CRITERIA ESTABLISHED BY THE STATE BOARD THAT ARE SUBSTANTIALLY CONSISTENT WITH THE CRITERIA APPLIED TO BOARDS OF COOPERATIVE SERVICES AND SCHOOL DISTRICTS.

**SECTION 5.** In Colorado Revised Statutes, 22-20-109, **add** (5.5) as follows:

**22-20-109. Tuition - rules.** (5.5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, IF A CHILD WITH A DISABILITY ENROLLS IN A DISTRICT OR INSTITUTE CHARTER SCHOOL THAT PARTICIPATES IN AN ALTERNATIVE ADMINISTRATIVE UNIT, THE ALTERNATIVE ADMINISTRATIVE UNIT IS DEEMED THE ADMINISTRATIVE UNIT OF RESIDENCE AND OF ATTENDANCE SO LONG AS THE CHILD IS ENROLLED IN THE ALTERNATIVE ADMINISTRATIVE UNIT. IF THE PARENTS OF A CHILD WITH A DISABILITY REMOVE THE CHILD FROM ENROLLMENT IN THE ALTERNATIVE ADMINISTRATIVE UNIT AFTER THE ANNUAL COUNT DATE TO DETERMINE STATE FUNDING FOR CHILDREN WITH DISABILITIES, THE ALTERNATIVE ADMINISTRATIVE UNIT CONTINUES TO BE DEEMED THE ADMINISTRATIVE UNIT OF RESIDENCE FOR THAT CHILD FOR THE REMAINDER OF THE SCHOOL YEAR AND MAY BE REQUIRED TO PAY THE TUITION CHARGE FOR EXCESS COSTS TO THE ADMINISTRATIVE UNIT OF ATTENDANCE THAT ENROLLS THE CHILD FOR THE REMAINDER OF THE SCHOOL YEAR.

(b) (I) IF A CHILD WITH A DISABILITY WHO IS ENROLLED IN AN ALTERNATIVE ADMINISTRATIVE UNIT IS PLACED BY AN IEP TEAM IN AN APPROVED FACILITY SCHOOL OR OTHER PRIVATE SETTING FOR SPECIAL EDUCATION PURPOSES, THE CHILD WITH A DISABILITY CONTINUES TO BE ENROLLED IN THE ALTERNATIVE ADMINISTRATIVE UNIT UNTIL:

(A) THE PARENTS OF THE CHILD WITH A DISABILITY INITIATE A CHANGE IN ENROLLMENT THAT RESULTS IN THE CHILD WITH A DISABILITY

ATTENDING A SCHOOL AFFILIATED WITH A DIFFERENT ADMINISTRATIVE UNIT;

(B) THE CHILD WITH A DISABILITY IS NO LONGER ENROLLED IN THE SCHOOL OF THE ALTERNATIVE ADMINISTRATIVE UNIT BECAUSE THE CHILD WITH A DISABILITY IS NO LONGER ENTITLED BY AGE TO CONTINUE IN THE SCHOOL OF THE ALTERNATIVE ADMINISTRATIVE UNIT, UNLESS THE CHILD WITH A DISABILITY HAS REACHED THE AGE OF EIGHTEEN AND QUALIFIES FOR TRANSITION SERVICES AND IS ENROLLED IN A SCHOOL THAT OFFERS HIGH SCHOOL;

(C) THE CHILD WITH A DISABILITY IS NO LONGER ENROLLED IN THE SCHOOL OF THE ALTERNATIVE ADMINISTRATIVE UNIT BECAUSE THE CHILD WITH A DISABILITY IS HOME-SCHOoled OR ENROLLED IN A PRIVATE SCHOOL FOR GENERAL EDUCATION PURPOSES; OR

(D) THE PLACEMENT OF THE CHILD WITH A DISABILITY IN AN APPROVED FACILITY SCHOOL OR OTHER PRIVATE SETTING FOR SPECIAL EDUCATION PURPOSES ENDS AND, SUBSEQUENTLY, THE ENROLLMENT OF THE CHILD WITH A DISABILITY IN THE ALTERNATIVE ADMINISTRATIVE UNIT ENDS FOR ANY REASON PERMITTED BY LAW.

(II) NOTHING IN THIS SUBSECTION (5.5)(b) MODIFIES SUBSECTION (5.5)(a) OF THIS SECTION.

(c) THE ALTERNATIVE ADMINISTRATIVE UNIT IN WHICH A DISTRICT OR INSTITUTE CHARTER SCHOOL PARTICIPATES SHALL NOT CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD IS PLACED BY A MULTIDISCIPLINARY TEAM PURSUANT TO SECTION 22-20-108 (4) IN THE ALTERNATIVE ADMINISTRATIVE UNIT AND THE CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)(c)(II).

(d) IF THE ALTERNATIVE ADMINISTRATIVE UNIT CHARGES TUITION AS ALLOWED IN SUBSECTION (5.5)(c) OF THIS SECTION, THE AMOUNT OF THE TUITION CHARGED MUST BE DETERMINED PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE TUITION RESPONSIBILITY MUST BE REFLECTED IN A CONTRACT BETWEEN THE DISTRICT OR INSTITUTE CHARTER SCHOOL, THE DISTRICT OF RESIDENCE, AND THE ALTERNATIVE ADMINISTRATIVE UNIT IN WHICH THE DISTRICT OR INSTITUTE CHARTER SCHOOL PARTICIPATES. THE CONTRACT MUST BE IN A

FORM APPROVED BY THE ALTERNATIVE ADMINISTRATIVE UNIT IN WHICH THE DISTRICT OR INSTITUTE CHARTER SCHOOL PARTICIPATES. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5.5), SECTION 22-20-108 (8) DOES NOT APPLY.

(e) AS USED IN THIS SUBSECTION (5.5), "ALTERNATIVE ADMINISTRATIVE UNIT" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-30.5-103.

**SECTION 6.** In Colorado Revised Statutes, 22-30.5-103, **amend (1); and add (1.3)** as follows:

**22-30.5-103. Definitions.** As used in this part 1, unless the context otherwise requires:

(1) ~~"At-risk pupil"~~ means a pupil who, because of physical, emotional, socioeconomic, or cultural factors, is less likely to succeed in a conventional educational environment "ALTERNATIVE ADMINISTRATIVE UNIT" MEANS THE STATE CHARTER SCHOOL INSTITUTE ACTING IN ACCORDANCE WITH SECTION 22-30.5-105.3 AS THE ADMINISTRATIVE UNIT, PURSUANT TO SECTION 22-20-106 (1)(b), FOR A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT, A CHARTER SCHOOL NETWORK AUTHORIZED AND ACTING AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106 (1)(b), OR A CHARTER SCHOOL COLLABORATIVE AUTHORIZED AND ACTING AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106 (1)(b).

(1.3) "AT-RISK PUPIL" MEANS A PUPIL WHO, BECAUSE OF PHYSICAL, EMOTIONAL, SOCIOECONOMIC, OR CULTURAL FACTORS, IS LESS LIKELY TO SUCCEED IN A CONVENTIONAL EDUCATIONAL ENVIRONMENT.

**SECTION 7.** In Colorado Revised Statutes, **add 22-30.5-105.3** as follows:

**22-30.5-105.3. Charter schools - alternative administrative units - process.** (1) A CHARTER SCHOOL THAT IS PART OF A CHARTER SCHOOL NETWORK OR A MEMBER OF A CHARTER SCHOOL COLLABORATIVE, WHICH NETWORK OR COLLABORATIVE IS AUTHORIZED AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, SHALL NOTIFY ITS AUTHORIZING SCHOOL DISTRICT OF ITS INTENT TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF

THE NETWORK OR COLLABORATIVE WITH WHICH THE CHARTER SCHOOL IS AFFILIATED. AFTER THE DEPARTMENT APPROVES THE APPLICATION OF A CHARTER SCHOOL NETWORK OR COLLABORATIVE TO FORM AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, THE CHARTER SCHOOL THAT IS PART OF THE CHARTER SCHOOL NETWORK OR COLLABORATIVE AUTHORIZED AS AN ADMINISTRATIVE UNIT AND ITS AUTHORIZING SCHOOL DISTRICT SHALL AMEND THE CHARTER CONTRACT, PURSUANT TO THIS SUBSECTION (1), AS NECESSARY TO ALLOW THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT.

(2) (a) A CHARTER SCHOOL MAY ENTER INTO AN AGREEMENT TO PARTICIPATE IN AN EXISTING ALTERNATIVE ADMINISTRATIVE UNIT IF THE CHARTER SCHOOL:

(I) DEMONSTRATES THE CAPACITY AND COMMITMENT TO SERVE CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103, THROUGH AN ANALYSIS OF THE CHARTER SCHOOL'S EXISTING RECORD OF SERVING CHILDREN WITH DISABILITIES OR BY EXPRESSLY SUBMITTING A PLAN TO THE ALTERNATIVE ADMINISTRATIVE UNIT ARTICULATING AN EXISTING OR INTENDED COMMITMENT;

(II) CREATES A STRATEGIC PLAN FOR THE ENROLLMENT OF CHILDREN WITH DISABILITIES IN THE CHARTER SCHOOL TO INCREASE EDUCATIONAL OPTIONS FOR FAMILIES WITH CHILDREN WITH DISABILITIES;

(III) HAS OR DEVELOPS AND IMPLEMENTS SPECIAL EDUCATION PROGRAMMING THAT RESULTS IN THE CONTINUED ENROLLMENT OF CHILDREN WITH DISABILITIES;

(IV) HAS OR DEVELOPS AND IMPLEMENTS MULTI-TIERED SYSTEMS OF SUPPORT TO IDENTIFY AND REFER CHILDREN WITH DISABILITIES TO SPECIAL EDUCATION SERVICES; AND

(V) DEMONSTRATES HOW THE AGREEMENT WITH THE ALTERNATIVE ADMINISTRATIVE UNIT WILL ALLOW THE CHARTER SCHOOL TO BETTER AND MORE EFFICIENTLY SERVE CHILDREN WITH DISABILITIES.

(b) A CHARTER SCHOOL MAY SUBMIT A REQUEST TO AN EXISTING ALTERNATIVE ADMINISTRATIVE UNIT TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT. AN

EXISTING ALTERNATIVE ADMINISTRATIVE UNIT MAY ENTER INTO AN AGREEMENT ONLY IF THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT DETERMINES THAT THE CHARTER SCHOOL MEETS THE CRITERIA SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION.

(c) A CHARTER SCHOOL THAT ENTERS INTO AN AGREEMENT TO PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION SHALL NOTIFY ITS AUTHORIZING SCHOOL DISTRICT OF THE INTENT TO PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT. AFTER THE DEPARTMENT APPROVES AN APPLICATION FOR THE REORGANIZATION OF THE ALTERNATIVE ADMINISTRATIVE UNIT TO INCLUDE THE CHARTER SCHOOL, THE CHARTER SCHOOL AND ITS AUTHORIZING SCHOOL DISTRICT SHALL AMEND THE CHARTER CONTRACT, PURSUANT TO THIS SECTION, AS NECESSARY TO ALLOW THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT.

(3)(a) IF THE AUTHORIZING SCHOOL DISTRICT OBJECTS TO AMENDING A CHARTER SCHOOL'S CONTRACT TO ALLOW PARTICIPATION IN AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION, THE AUTHORIZING SCHOOL DISTRICT SHALL PROVIDE TO THE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS FOR ITS OBJECTION. IF THE DEPARTMENT HAS APPROVED AN ALTERNATIVE ADMINISTRATIVE UNIT TO INCLUDE THE CHARTER SCHOOL BUT THE CHARTER SCHOOL AND ITS AUTHORIZING SCHOOL DISTRICT CANNOT AGREE ON AN AMENDMENT TO THE CHARTER CONTRACT FOR THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT, THE CHARTER SCHOOL MAY FILE A NOTICE WITH THE STATE BOARD AS PROVIDED IN SECTION 22-30.5-108 TO APPEAL THE DECISION OF ITS AUTHORIZING SCHOOL DISTRICT AS A UNILATERAL IMPOSITION OF CONDITIONS ON THE CHARTER SCHOOL. THE STATE BOARD SHALL DECIDE THE APPEAL PURSUANT TO SECTION 22-30.5-108.

(b) NEGOTIATIONS TO AMEND THE CHARTER CONTRACT TO ALLOW THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT MUST NOT INCLUDE NEGOTIATIONS REGARDING TERMS OF THE CHARTER CONTRACT THAT ARE NOT DIRECTLY IMPACTED BY THE CHARTER SCHOOL'S PARTICIPATION IN THE ALTERNATIVE ADMINISTRATIVE UNIT AND MUST NOT UNILATERALLY REOPEN THE CHARTER SCHOOL'S AUTHORIZATION. THE AMENDED CONTRACT MAY INCLUDE PROVISIONS PERMITTING CONSIDERATION OF THE CHARTER SCHOOL'S

SPECIAL EDUCATION PERFORMANCE AS PART OF THE OVERALL CHARTER SCHOOL PERFORMANCE.

(4) (a) A CHARTER SCHOOL THAT PARTICIPATES IN AN ALTERNATIVE ADMINISTRATIVE UNIT IS NOT RESPONSIBLE FOR PAYING ANY PORTION OF THE SPECIAL EDUCATION COSTS OF ITS AUTHORIZING SCHOOL DISTRICT.

(b) FOR A CHILD WITH DISABILITIES WHO IS ENROLLED IN A CHARTER SCHOOL THAT PARTICIPATES IN AN ALTERNATIVE ADMINISTRATIVE UNIT, THE ALTERNATIVE ADMINISTRATIVE UNIT, FOR THE DURATION OF THE CHILD'S ENROLLMENT IN THE CHARTER SCHOOL, IS SOLELY LEGALLY AND FISCALLY RESPONSIBLE FOR SPECIALIZED INSTRUCTION AND RELATED SERVICES TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION FOR THE CHILD AND FOR DISPUTE RESOLUTION PURSUANT TO THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, AND THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED. DISPUTE RESOLUTION INCLUDES, BUT IS NOT LIMITED TO, RESOLUTION OF STATE COMPLAINTS, DUE PROCESS HEARINGS, AND INVESTIGATIONS BY THE FEDERAL DEPARTMENT OF EDUCATION.

(5) A SCHOOL DISTRICT SHALL NOT REQUIRE A CHARTER SCHOOL TO PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT AS A CONDITION OF APPROVAL OF ITS APPLICATION OR APPROVAL OR RENEWAL OF ITS CONTRACT WITH THE SCHOOL DISTRICT.

**SECTION 8.** In Colorado Revised Statutes, 22-30.5-502, **amend (1); and add (1.3) as follows:**

**22-30.5-502. Definitions.** As used in this part 5, unless the context otherwise requires:

(1) ~~"At-risk student"~~ means a student:

(a) ~~Who is eligible to receive free or reduced-cost lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.; or~~

(b) ~~Who has performed below the level of meeting expectations, as identified by rule of the state board, on a statewide English language arts or mathematics assessment~~ "ALTERNATIVE ADMINISTRATIVE UNIT" HAS THE

SAME MEANING AS SET FORTH IN SECTION 22-30.5-103 (1).

(1.3) "AT-RISK STUDENT" MEANS A STUDENT:

(a) WHO IS ELIGIBLE TO RECEIVE FREE OR REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; OR

(b) WHO HAS PERFORMED BELOW THE LEVEL OF MEETING EXPECTATIONS, AS IDENTIFIED BY RULE OF THE STATE BOARD, ON A STATEWIDE ENGLISH LANGUAGE ARTS OR MATHEMATICS ASSESSMENT.

**SECTION 9.** In Colorado Revised Statutes, 22-30.5-505, **amend** (4) introductory portion, (4)(k), and (4)(l); and **add** (4)(m) and (21) as follows:

**22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules.** (4) In addition to any other powers granted by law to the institute board, the institute board ~~shall have~~ HAS the following powers:

(k) To promulgate rules in accordance with article 4 of title 24 C.R.S., for the administration of this part 5; **and**

(l) To award grants from the institute charter school assistance fund as provided in section 22-30.5-515.5; **AND**

(m) TO ENTER INTO AN AGREEMENT WITH A DISTRICT CHARTER SCHOOL AS PROVIDED IN SECTION 22-30.5-105.3 TO ALLOW THE DISTRICT CHARTER SCHOOL TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF THE STATE CHARTER SCHOOL INSTITUTE TO PROVIDE SERVICES PURSUANT TO ARTICLE 20 OF THIS TITLE 22.

(21)(a) AN INSTITUTE CHARTER SCHOOL THAT IS PART OF A CHARTER SCHOOL NETWORK OR A MEMBER OF A CHARTER SCHOOL COLLABORATIVE, WHICH NETWORK OR COLLABORATIVE IS AUTHORIZED AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, SHALL NOTIFY THE INSTITUTE OF ITS INTENT TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF THE NETWORK OR COLLABORATIVE WITH WHICH THE INSTITUTE CHARTER SCHOOL IS AFFILIATED. THE INSTITUTE CHARTER SCHOOL AND THE INSTITUTE

SHALL AMEND THE INSTITUTE CHARTER CONTRACT, PURSUANT TO THIS SECTION, AS NECESSARY TO ALLOW THE INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT.

(b) AN INSTITUTE CHARTER SCHOOL MAY SUBMIT A REQUEST TO AN EXISTING ALTERNATIVE ADMINISTRATIVE UNIT THAT IS NOT THE INSTITUTE TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT. AN EXISTING ALTERNATIVE ADMINISTRATIVE UNIT THAT IS NOT THE INSTITUTE MAY ENTER INTO AN AGREEMENT ONLY IF THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT DETERMINES THAT THE INSTITUTE CHARTER SCHOOL MEETS THE CRITERIA SET FORTH IN SECTION 22-30.5-105.3 (2)(a).

(c) AN INSTITUTE CHARTER SCHOOL THAT ENTERS INTO AN AGREEMENT WITH AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (21)(b) OF THIS SECTION SHALL NOTIFY THE INSTITUTE OF ITS INTENT TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF A CHARTER SCHOOL NETWORK OR CHARTER SCHOOL COLLABORATIVE THAT IS AUTHORIZED AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106. THE INSTITUTE CHARTER SCHOOL AND THE INSTITUTE SHALL AMEND THE INSTITUTE CHARTER SCHOOL CONTRACT AS NECESSARY TO ALLOW THE INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT.

(d) IF THE INSTITUTE OBJECTS TO AMENDING AN INSTITUTE CHARTER SCHOOL'S CONTRACT TO ALLOW PARTICIPATION IN AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (21)(a) OR (21)(b) OF THIS SECTION, THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS FOR ITS OBJECTION.

(e) NEGOTIATIONS TO AMEND THE INSTITUTE CHARTER CONTRACT TO ALLOW THE INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO THIS SUBSECTION (21) MUST NOT INCLUDE NEGOTIATIONS REGARDING TERMS OF THE INSTITUTE CHARTER CONTRACT THAT ARE NOT DIRECTLY IMPACTED BY THE INSTITUTE CHARTER SCHOOL'S PARTICIPATION IN THE ALTERNATIVE ADMINISTRATIVE UNIT AND MUST NOT UNILATERALLY REOPEN THE INSTITUTE CHARTER SCHOOL'S AUTHORIZATION. THE AMENDED CONTRACT MAY INCLUDE PROVISIONS PERMITTING CONSIDERATION OF THE INSTITUTE CHARTER SCHOOL'S SPECIAL EDUCATION PERFORMANCE AS PART OF THE OVERALL

INSTITUTE CHARTER SCHOOL PERFORMANCE.

(f) THE STATE CHARTER SCHOOL INSTITUTE SHALL NOT REQUIRE AN INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT AS A CONDITION OF APPROVAL OF ITS APPLICATION OR APPROVAL OR RENEWAL OF ITS CONTRACT WITH THE STATE CHARTER SCHOOL INSTITUTE.

**SECTION 10.** In Colorado Revised Statutes, 22-30.5-513, **add (11)** as follows:

**22-30.5-513. Institute charter schools - funding - at-risk supplemental aid - legislative declaration - definitions.** (11) (a) FOR THE 2022-23 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE HUNDRED SEVENTY FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE INSTITUTE TO DISTRIBUTE TO ELIGIBLE INSTITUTE CHARTER SCHOOLS.

(b) AS USED IN THIS SUBSECTION (11), "ELIGIBLE INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE CHARTER SCHOOL, AT LEAST FIFTY PERCENT OF THE STUDENT POPULATION OF WHICH RECEIVES SPECIAL EDUCATION SERVICES THROUGH THE ADMINISTRATIVE UNIT OF THE INSTITUTE.

**SECTION 11.** In Colorado Revised Statutes, 22-30.5-603, **add (3.7)** as follows:

**22-30.5-603. Charter school collaborative - creation - public status - structure.** (3.7) (a) A CHARTER SCHOOL COLLABORATIVE MAY PROVIDE SPECIAL EDUCATION AND RELATED SERVICES TO PARTICIPATING CHARTER SCHOOLS AS AUTHORIZED BY THE CONTRACT CREATING THE CHARTER SCHOOL COLLABORATIVE PURSUANT TO SUBSECTION (4) OF THIS SECTION. PARTICIPATING CHARTER SCHOOLS OF THE CHARTER SCHOOL COLLABORATIVE SHALL SHARE COSTS AND FINANCIAL SUPPORT FOR SPECIAL EDUCATION AND RELATED SERVICES PURSUANT TO THE CHARTER SCHOOL COLLABORATIVE CONTRACT.

(b) A CHARTER SCHOOL COLLABORATIVE MAY BE AUTHORIZED AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, AND CHARTER SCHOOLS PARTICIPATING IN THE ADMINISTRATIVE UNIT OF THE CHARTER SCHOOL COLLABORATIVE SHALL SHARE COSTS AND FINANCIAL SUPPORT FOR SPECIAL EDUCATION AND RELATED SERVICES.

**SECTION 12.** In Colorado Revised Statutes, 22-30.5-112, **add** (2)(a.8)(III) as follows:

**22-30.5-112. Charter schools - financing - guidelines - definitions.** (2) (a.8) (III) AS USED IN THIS SUBSECTION (2)(a.8), "FEDERALLY REQUIRED EDUCATIONAL SERVICES" MEANS SERVICES THAT A LOCAL EDUCATIONAL AGENCY IS REQUIRED TO PROVIDE TO CERTAIN STUDENTS BY FEDERAL LAW AND THAT THE SCHOOL DISTRICT MAKES AVAILABLE TO STUDENTS IN THE CHARTER SCHOOL IF AND WHEN NEEDED. "FEDERALLY REQUIRED EDUCATIONAL SERVICES" DOES NOT INCLUDE SERVICES NOT MADE AVAILABLE TO THE CHARTER SCHOOL.

**SECTION 13.** In Colorado Revised Statutes, 22-5.5-103, **amend** the introductory portion and (1) as follows:

**22-5.5-103. Definitions.** As used in this ~~article~~ ARTICLE 5.5, unless the context otherwise requires:

(1) "Administrative unit" means a school district, a board of cooperative services, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL COLLABORATIVE, or the state charter school institute, that is providing educational services to exceptional children.

**SECTION 14.** In Colorado Revised Statutes, 22-20-202, **amend** (1) as follows:

**22-20-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) "Administrative unit" means a school district, a board of cooperative services, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL COLLABORATIVE, or the state charter school institute that is providing educational services to exceptional children and that is responsible for the local administration of this ~~article~~ ARTICLE 20.

**SECTION 15.** In Colorado Revised Statutes, 27-10.5-702, **amend** (1) as follows:

**27-10.5-702. Definitions.** As used in this part 7, unless the context otherwise requires:

(1) "Administrative unit" means a school district, a board of cooperative services, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL COLLABORATIVE, or the state charter school institute that is providing educational services to exceptional children and that is responsible for the local administration of the education of exceptional children pursuant to article 20 of title 22. ~~C.R.S.~~

**SECTION 16. Appropriation.** For the 2022-23 state fiscal year, \$375,000 is appropriated to the department of education for use by the state charter school institute. This appropriation is from the general fund. To implement this act, the institute may use this appropriation for distributions to eligible institute charter schools pursuant to section 22-30.5-513 (11), C.R.S.

**SECTION 17. Act subject to petition - effective date.** 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO