

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0304.01 Alana Rosen x2606

HOUSE BILL 22-1294

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A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL PATHWAYS TO PROVIDE SPECIAL**
102 **EDUCATION SERVICES TO CHILDREN WITH DISABILITIES IN**
103 **CHARTER SCHOOLS.**

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>.)

The bill allows a district charter school or an institute charter school, upon approval of the authorizing school district board of education or the state charter school institute (CSI), respectively, to develop and administer an enrollment preference plan to give enrollment preference to children with disabilities. In exercising the enrollment

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.

HOUSE
3rd Reading Unamended
March 29, 2022

HOUSE
Amended 2nd Reading
March 28, 2022

preference plan for children with disabilities, a charter school and 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". A charter school or an institute charter school may allow parents to voluntarily provide information regarding the existence of a child's disability.

The bill allows the state board of education (state board) to designate a charter school network or charter school collaborative that meets specified criteria as an administrative unit for the purpose of providing special education services to children with disabilities. If the state board designates a charter school network or charter school collaborative as an administrative unit, a charter school that is within the charter school network or is participating in the charter school collaborative is required to amend its charter contract to reflect that the charter school is participating in the administrative unit of the charter school network or charter school collaborative.

If the parents of a child with a disability remove the child in the middle of the school year from enrollment in the alternative administrative unit in which a district or institute charter school participates, that alternative administrative unit continues to be deemed the child's administrative unit of residence 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. The bill further clarifies provisions concerning the payment of tuition for excess costs when a child with a disability is enrolled in a district or institute charter school that participates in an alternative administrative unit that is a charter school network or charter school collaborative.

The bill allows a district charter school or an institute charter school, upon approval of the administrative unit of a charter school network or charter school collaborative, to enter into an agreement to participate in that administrative unit. The district charter school or institute charter school is required to amend its district charter contract or institute charter contract, respectively, to reflect that the district charter school or institute charter school is participating in the administrative unit of the charter school network or charter school collaborative.

The bill allows a district charter school, upon approval of the CSI, to enter into an agreement with the CSI to participate in the CSI's administrative unit. The district charter school is required to amend its charter contract to reflect that it is participating in the CSI's administrative unit.

The bill specifies that a charter school collaborative may provide special education and related services to participating schools as authorized by the contract creating the charter school collaborative.

Participating charter schools of the charter school collaborative shall share costs and financial support for special education and related services.

The bill clarifies that a charter school is not required to pay its authorizing school district for federally required educational services that are not available to the charter school.

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

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

4 **22-30.5-104. Charter school - requirements - authority - rules**
5 **- definitions.** (3) (a.5) A CHARTER SCHOOL MAY GIVE PREFERENCE TO
6 ENROLLING CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION
7 22-20-103. UPON APPROVAL OF THE LOCAL BOARD OF EDUCATION, THE
8 CHARTER SCHOOL MAY DEVELOP AND IMPLEMENT AN ENROLLMENT
9 PREFERENCE PLAN TO INCREASE THE ENROLLMENT OF CHILDREN WITH
10 DISABILITIES. IN EXERCISING THE ENROLLMENT PREFERENCE PLAN FOR
11 CHILDREN WITH DISABILITIES, A CHARTER SCHOOL SHALL ENSURE
12 COMPLIANCE WITH THE OBLIGATION TO PROVIDE A FREE APPROPRIATE
13 PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT PURSUANT
14 TO THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
15 U.S.C. SEC. 1400 ET SEQ., AS AMENDED. A CHARTER SCHOOL MAY ALLOW
16 A PARENT TO VOLUNTARILY PROVIDE INFORMATION REGARDING WHETHER
17 THE PARENT'S CHILD HAS A DISABILITY.

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

20 **22-30.5-507. Institute charter school - requirements -**
21 **authority - rules - definitions.** (3) (a.5) AN INSTITUTE CHARTER SCHOOL
22 MAY GIVE ENROLLMENT PREFERENCE TO CHILDREN WITH DISABILITIES, AS

1 DEFINED IN SECTION 22-20-103. UPON APPROVAL OF THE STATE CHARTER
2 SCHOOL INSTITUTE, THE INSTITUTE CHARTER SCHOOL MAY DEVELOP AND
3 IMPLEMENT AN ENROLLMENT PREFERENCE PLAN TO INCREASE THE
4 ENROLLMENT OF CHILDREN WITH DISABILITIES. IN EXERCISING THE
5 ENROLLMENT PREFERENCE PLAN FOR CHILDREN WITH DISABILITIES, AN
6 INSTITUTE CHARTER SCHOOL SHALL ENSURE COMPLIANCE WITH THE
7 OBLIGATION TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION IN THE
8 LEAST RESTRICTIVE ENVIRONMENT PURSUANT TO THE FEDERAL
9 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400
10 ET SEQ., AS AMENDED. AN INSTITUTE CHARTER SCHOOL MAY ALLOW A
11 PARENT TO VOLUNTARILY PROVIDE INFORMATION REGARDING WHETHER
12 THE PARENT'S CHILD HAS A DISABILITY.

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

15 **22-20-103. Definitions - repeal.** As used in this part 1, unless the
16 context otherwise requires:

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

23 (3.4) "CHARTER SCHOOL COLLABORATIVE" MEANS A CHARTER
24 SCHOOL COLLABORATIVE FORMED PURSUANT TO SECTION 22-30.5-603.

25 (3.5) "CHARTER SCHOOL NETWORK" MEANS A CHARTER SCHOOL
26 NETWORK FORMED PURSUANT TO SECTION 22-30.5-104.7.

27 **SECTION 4.** In Colorado Revised Statutes, 22-20-106, **amend**

1 (1)(a) and (1)(b) as follows:

2 **22-20-106. Special education programs - early intervening**
3 **services - rules.** (1) (a) Every school district in the state ~~shall be~~ IS either
4 an administrative unit in itself or in a board of cooperative services that
5 the department designates as an administrative unit or ~~participate~~ IS
6 PARTICIPATING in a multi-district administrative unit. The department
7 shall not recognize or authorize a group of school districts as an
8 administrative unit unless the group of school districts qualifies as a
9 multi-district administrative unit or is a board of cooperative services.

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

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

1 OF THE BOARD OF COOPERATIVE SERVICES;

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

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

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

15 **22-20-109. Tuition - rules.** (5.5) (a) NOTWITHSTANDING THE
16 PROVISIONS OF SUBSECTION (5) OF THIS SECTION, IF A CHILD WITH A
17 DISABILITY ENROLLS IN A DISTRICT OR INSTITUTE CHARTER SCHOOL THAT
18 PARTICIPATES IN AN ALTERNATIVE ADMINISTRATIVE UNIT, THE
19 ALTERNATIVE ADMINISTRATIVE UNIT IS DEEMED THE ADMINISTRATIVE
20 UNIT OF RESIDENCE AND OF ATTENDANCE SO LONG AS THE CHILD IS
21 ENROLLED IN THE ALTERNATIVE ADMINISTRATIVE UNIT. IF THE PARENTS
22 OF A CHILD WITH A DISABILITY REMOVE THE CHILD ■ FROM ENROLLMENT
23 IN THE ALTERNATIVE ADMINISTRATIVE UNIT AFTER THE ANNUAL COUNT
24 DATE TO DETERMINE STATE FUNDING FOR CHILDREN WITH DISABILITIES,
25 THE ALTERNATIVE ADMINISTRATIVE UNIT CONTINUES TO BE DEEMED THE
26 ADMINISTRATIVE UNIT OF RESIDENCE FOR THAT CHILD FOR THE
27 REMAINDER OF THE SCHOOL YEAR AND MAY BE REQUIRED TO PAY THE

1 TUITION CHARGE FOR EXCESS COSTS TO THE ADMINISTRATIVE UNIT OF
2 ATTENDANCE THAT ENROLLS THE CHILD FOR THE REMAINDER OF THE
3 SCHOOL YEAR.

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

9 (A) THE PARENTS OF THE CHILD WITH A DISABILITY INITIATE A
10 CHANGE IN ENROLLMENT THAT RESULTS IN THE CHILD WITH A DISABILITY
11 ATTENDING A SCHOOL AFFILIATED WITH A DIFFERENT ADMINISTRATIVE
12 UNIT;

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

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

24 (D) THE PLACEMENT OF THE CHILD WITH A DISABILITY IN AN
25 APPROVED FACILITY SCHOOL OR OTHER PRIVATE SETTING FOR SPECIAL
26 EDUCATION PURPOSES ENDS AND, SUBSEQUENTLY, THE ENROLLMENT OF
27 THE CHILD WITH A DISABILITY IN THE ALTERNATIVE ADMINISTRATIVE UNIT

1 ENDS FOR ANY REASON PERMITTED BY LAW.

2 (II) NOTHING IN THIS SUBSECTION (5.5)(b) MODIFIES SUBSECTION
3 (5.5)(a) OF THIS SECTION.

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

11

12 (d) IF THE ALTERNATIVE ADMINISTRATIVE UNIT CHARGES TUITION
13 AS ALLOWED IN SUBSECTION (5.5)(c) OF THIS SECTION, THE AMOUNT OF
14 THE TUITION CHARGED MUST BE DETERMINED PURSUANT TO RULES
15 ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS
16 SECTION. THE TUITION RESPONSIBILITY MUST BE REFLECTED IN A
17 CONTRACT BETWEEN THE DISTRICT OR INSTITUTE CHARTER SCHOOL, THE
18 DISTRICT OF RESIDENCE, AND THE ALTERNATIVE ADMINISTRATIVE UNIT IN
19 WHICH THE DISTRICT OR INSTITUTE CHARTER SCHOOL PARTICIPATES. THE
20 CONTRACT MUST BE IN A FORM APPROVED BY THE ALTERNATIVE
21 ADMINISTRATIVE UNIT IN WHICH THE DISTRICT OR INSTITUTE CHARTER
22 SCHOOL PARTICIPATES. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS
23 SUBSECTION (5.5), SECTION 22-20-108 (8) DOES NOT APPLY.

24 (e) AS USED IN THIS SUBSECTION (5.5), "ALTERNATIVE
25 ADMINISTRATIVE UNIT" HAS THE SAME MEANING AS PROVIDED IN SECTION
26 22-30.5-103.

27 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-103, **amend**

1 (1); and **add** (1.3) as follows:

2 **22-30.5-103. Definitions.** As used in this part 1, unless the
3 context otherwise requires:

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

15 (1.3) "AT-RISK PUPIL" MEANS A PUPIL WHO, BECAUSE OF PHYSICAL,
16 EMOTIONAL, SOCIOECONOMIC, OR CULTURAL FACTORS, IS LESS LIKELY TO
17 SUCCEED IN A CONVENTIONAL EDUCATIONAL ENVIRONMENT.

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

20 **22-30.5-105.3. Charter schools - alternative administrative**
21 **units - process.** (1) A CHARTER SCHOOL THAT IS PART OF A CHARTER
22 SCHOOL NETWORK OR A MEMBER OF A CHARTER SCHOOL COLLABORATIVE,
23 WHICH NETWORK OR COLLABORATIVE IS AUTHORIZED AS AN
24 ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, SHALL NOTIFY
25 ITS AUTHORIZING SCHOOL DISTRICT OF ITS INTENT TO PARTICIPATE IN THE
26 ADMINISTRATIVE UNIT OF THE NETWORK OR COLLABORATIVE WITH WHICH
27 THE CHARTER SCHOOL IS AFFILIATED. ~~AFTER THE DEPARTMENT APPROVES~~

1 THE APPLICATION OF A CHARTER SCHOOL NETWORK OR COLLABORATIVE
2 TO FORM AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SECTION
3 22-20-106, THE CHARTER SCHOOL THAT IS PART OF THE CHARTER SCHOOL
4 NETWORK OR COLLABORATIVE AUTHORIZED AS AN ADMINISTRATIVE UNIT
5 AND ITS AUTHORIZING SCHOOL DISTRICT SHALL AMEND THE CHARTER
6 CONTRACT, PURSUANT TO THIS SUBSECTION (1), AS NECESSARY TO ALLOW
7 THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE
8 ADMINISTRATIVE UNIT.

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

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

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

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

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

27 (V) DEMONSTRATES HOW THE AGREEMENT WITH THE

1 ALTERNATIVE ADMINISTRATIVE UNIT WILL ALLOW THE CHARTER SCHOOL
2 TO BETTER AND MORE EFFICIENTLY SERVE CHILDREN WITH DISABILITIES.

3 (b) A CHARTER SCHOOL MAY SUBMIT A REQUEST TO AN EXISTING
4 ALTERNATIVE ADMINISTRATIVE UNIT TO ENTER INTO AN AGREEMENT TO
5 PARTICIPATE IN THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT. AN
6 EXISTING ALTERNATIVE ADMINISTRATIVE UNIT MAY ENTER INTO AN
7 AGREEMENT ONLY IF THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT
8 DETERMINES THAT THE CHARTER SCHOOL MEETS THE CRITERIA SET FORTH
9 IN SUBSECTION (2)(a) OF THIS SECTION.

10 (c) A CHARTER SCHOOL THAT ENTERS INTO AN AGREEMENT TO
11 PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO
12 SUBSECTION (2)(b) OF THIS SECTION SHALL NOTIFY ITS AUTHORIZING
13 SCHOOL DISTRICT OF THE INTENT TO PARTICIPATE IN AN ALTERNATIVE
14 ADMINISTRATIVE UNIT. ~~AFTER THE DEPARTMENT APPROVES AN~~
15 ~~APPLICATION FOR THE REORGANIZATION OF THE ALTERNATIVE~~
16 ~~ADMINISTRATIVE UNIT TO INCLUDE THE CHARTER SCHOOL, THE CHARTER~~
17 ~~SCHOOL AND ITS AUTHORIZING SCHOOL DISTRICT SHALL AMEND THE~~
18 ~~CHARTER CONTRACT, PURSUANT TO THIS SECTION, AS NECESSARY TO~~
19 ~~ALLOW THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE~~
20 ~~ADMINISTRATIVE UNIT.~~

21 (3) (a) IF THE AUTHORIZING SCHOOL DISTRICT OBJECTS TO
22 AMENDING A CHARTER SCHOOL'S CONTRACT TO ALLOW PARTICIPATION IN
23 AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (1) OR
24 (2) OF THIS SECTION, THE AUTHORIZING SCHOOL DISTRICT SHALL PROVIDE
25 TO THE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS FOR
26 ITS OBJECTION. ~~IF THE DEPARTMENT HAS APPROVED AN ALTERNATIVE~~
27 ~~ADMINISTRATIVE UNIT TO INCLUDE THE CHARTER SCHOOL BUT THE~~

1 CHARTER SCHOOL AND ITS AUTHORIZING SCHOOL DISTRICT CANNOT AGREE
2 ON AN AMENDMENT TO THE CHARTER CONTRACT FOR THE CHARTER
3 SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT, THE
4 CHARTER SCHOOL MAY FILE A NOTICE WITH THE STATE BOARD AS
5 PROVIDED IN SECTION 22-30.5-108 TO APPEAL THE DECISION OF ITS
6 AUTHORIZING SCHOOL DISTRICT AS A UNILATERAL IMPOSITION OF
7 CONDITIONS ON THE CHARTER SCHOOL. THE STATE BOARD SHALL DECIDE
8 THE APPEAL PURSUANT TO SECTION 22-30.5-108.

9 (b) NEGOTIATIONS TO AMEND THE CHARTER CONTRACT TO ALLOW
10 THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE
11 ADMINISTRATIVE UNIT MUST NOT INCLUDE NEGOTIATIONS REGARDING
12 TERMS OF THE CHARTER CONTRACT THAT ARE NOT DIRECTLY IMPACTED BY
13 THE CHARTER SCHOOL'S PARTICIPATION IN THE ALTERNATIVE
14 ADMINISTRATIVE UNIT AND MUST NOT UNILATERALLY REOPEN THE
15 CHARTER SCHOOL'S AUTHORIZATION. THE AMENDED CONTRACT MAY
16 INCLUDE PROVISIONS PERMITTING CONSIDERATION OF THE CHARTER
17 SCHOOL'S SPECIAL EDUCATION PERFORMANCE AS PART OF THE OVERALL
18 CHARTER SCHOOL PERFORMANCE.

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

23 (b) FOR A CHILD WITH DISABILITIES WHO IS ENROLLED IN A
24 CHARTER SCHOOL THAT PARTICIPATES IN AN ALTERNATIVE
25 ADMINISTRATIVE UNIT, THE ALTERNATIVE ADMINISTRATIVE UNIT, FOR THE
26 DURATION OF THE CHILD'S ENROLLMENT IN THE CHARTER SCHOOL, IS
27 SOLELY LEGALLY AND FISCALLY RESPONSIBLE FOR SPECIALIZED

1 INSTRUCTION AND RELATED SERVICES TO PROVIDE A FREE APPROPRIATE
2 PUBLIC EDUCATION FOR THE CHILD AND FOR DISPUTE RESOLUTION
3 PURSUANT TO THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT",
4 ARTICLE 20 OF THIS TITLE 22, AND THE FEDERAL "INDIVIDUALS WITH
5 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
6 AMENDED. DISPUTE RESOLUTION INCLUDES, BUT IS NOT LIMITED TO,
7 RESOLUTION OF STATE COMPLAINTS, DUE PROCESS HEARINGS, AND
8 INVESTIGATIONS BY THE FEDERAL DEPARTMENT OF EDUCATION.

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

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

15 **22-30.5-502. Definitions.** As used in this part 5, unless the
16 context otherwise requires:

17 (1) **"At-risk student"** means a student:

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

21 (b) Who has performed below the level of meeting expectations,
22 as identified by rule of the state board, on a statewide English language
23 arts or mathematics assessment. "ALTERNATIVE ADMINISTRATIVE UNIT"
24 HAS THE SAME MEANING AS SET FORTH IN SECTION 22-30.5-103 (1).

25 (1.3) **"AT-RISK STUDENT"** MEANS A STUDENT:

26 (a) WHO IS ELIGIBLE TO RECEIVE FREE OR REDUCED-PRICE LUNCH
27 PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL

1 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; OR

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

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

8 **22-30.5-505. State charter school institute - institute board -**
9 **appointment - powers and duties - rules.** (4) In addition to any other
10 powers granted by law to the institute board, the institute board ~~shall have~~
11 HAS the following powers:

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

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

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

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

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

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

13 (c) AN INSTITUTE CHARTER SCHOOL THAT ENTERS INTO AN
14 AGREEMENT WITH AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO
15 SUBSECTION (21)(b) OF THIS SECTION SHALL NOTIFY THE INSTITUTE OF ITS
16 INTENT TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF A CHARTER
17 SCHOOL NETWORK OR CHARTER SCHOOL COLLABORATIVE THAT IS
18 AUTHORIZED AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION
19 22-20-106. THE INSTITUTE CHARTER SCHOOL AND THE INSTITUTE SHALL
20 AMEND THE INSTITUTE CHARTER SCHOOL CONTRACT AS NECESSARY TO
21 ALLOW THE INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE
22 ALTERNATIVE ADMINISTRATIVE UNIT.

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

1 FOR ITS OBJECTION.

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

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

18 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-603, **add**
19 (3.7) as follows:

20 **22-30.5-603. Charter school collaborative - creation - public**
21 **status - structure.** (3.7) (a) A CHARTER SCHOOL COLLABORATIVE MAY
22 PROVIDE SPECIAL EDUCATION AND RELATED SERVICES TO PARTICIPATING
23 CHARTER SCHOOLS AS AUTHORIZED BY THE CONTRACT CREATING THE
24 CHARTER SCHOOL COLLABORATIVE PURSUANT TO SUBSECTION (4) OF THIS
25 SECTION. PARTICIPATING CHARTER SCHOOLS OF THE CHARTER SCHOOL
26 COLLABORATIVE SHALL SHARE COSTS AND FINANCIAL SUPPORT FOR
27 SPECIAL EDUCATION AND RELATED SERVICES PURSUANT TO THE CHARTER

1 SCHOOL COLLABORATIVE CONTRACT.

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

7 **SECTION 11.** In Colorado Revised Statutes, 22-30.5-112, **add**
8 (2)(a.8)(III) as follows:

9 **22-30.5-112. Charter schools - financing - guidelines -**
10 **definitions.** (2) (a.8) (III) AS USED IN THIS SUBSECTION (2)(a.8),
11 "FEDERALLY REQUIRED EDUCATIONAL SERVICES" MEANS SERVICES THAT
12 A LOCAL EDUCATIONAL AGENCY IS REQUIRED TO PROVIDE TO CERTAIN
13 STUDENTS BY FEDERAL LAW AND THAT THE SCHOOL DISTRICT MAKES
14 AVAILABLE TO STUDENTS IN THE CHARTER SCHOOL IF AND WHEN NEEDED.
15 "FEDERALLY REQUIRED EDUCATIONAL SERVICES" DOES NOT INCLUDE
16 SERVICES NOT MADE AVAILABLE TO THE CHARTER SCHOOL.

17 **SECTION 12.** In Colorado Revised Statutes, 22-5.5-103, **amend**
18 the introductory portion and (1) as follows:

19 **22-5.5-103. Definitions.** As used in this ~~article~~ ARTICLE 5.5,
20 unless the context otherwise requires:

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

25 **SECTION 13.** In Colorado Revised Statutes, 22-20-202, **amend**
26 (1) as follows:

27 **22-20-202. Definitions.** As used in this part 2, unless the context

1 otherwise requires:

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

7 **SECTION 14.** In Colorado Revised Statutes, 27-10.5-702,
8 **amend** (1) as follows:

9 **27-10.5-702. Definitions.** As used in this part 7, unless the
10 context otherwise requires:

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

17 **SECTION 15. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.