

## CHAPTER 244

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 94-215**

BY SENATORS Meiklejohn, Owens, and Schroeder;  
also REPRESENTATIVES Anderson, Adkins, Lawrence, and Pffiffer.

**AN ACT****CONCERNING CHARTER SCHOOLS.**

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

**SECTION 1.** 22-30.5-102 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-30.5-102. Legislative declaration.** (2) The general assembly further finds and declares that this article is enacted for the following purposes:

(g.5) TO ADDRESS THE FORMATION OF CHARTER SCHOOLS;

**SECTION 2.** 22-30.5-104 (3), (5), and (6), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**22-30.5-104. Charter school - requirements - authority.** (3) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the school district. Enrollment must be open to any child who resides within the school district; EXCEPT THAT NO CHARTER SCHOOL SHALL BE REQUIRED TO MAKE ALTERATIONS IN THE STRUCTURE OF THE FACILITY USED BY THE CHARTER SCHOOL OR TO MAKE ALTERATIONS TO THE ARRANGEMENT OR FUNCTION OF ROOMS WITHIN THE FACILITY, EXCEPT AS MAY BE REQUIRED BY STATE OR FEDERAL LAW. ENROLLMENT DECISIONS SHALL BE MADE IN A NONDISCRIMINATORY MANNER SPECIFIED BY THE CHARTER SCHOOL APPLICANT IN THE CHARTER SCHOOL APPLICATION.

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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.*

(5) Except as otherwise provided in ~~sections 22-32-115~~ SECTIONS 22-20-109, 22-32-115, and 22-53-104, a charter school shall not charge tuition.

(6) Pursuant to contract, a charter school may operate free from specified school district policies and state regulations. Upon request of the charter applicant, the state board and the local board of education shall provide summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. ANY WAIVER OF STATE REGULATIONS MADE PURSUANT TO THIS SUBSECTION (6) SHALL BE FOR THE TERM OF THE CHARTER FOR WHICH THE WAIVER IS MADE; EXCEPT THAT SUCH WAIVER SHALL BE SUBJECT TO REVIEW EVERY TWO YEARS AND MAY BE REVOKED IF SUCH WAIVER IS DEEMED NO LONGER NECESSARY BY THE STATE BOARD.

**SECTION 3.** 22-30.5-106 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, 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:

(1) A DESCRIPTION OF THE CHARTER SCHOOL'S ENROLLMENT POLICY, CONSISTENT WITH THE REQUIREMENTS OF SECTION 22-30.5-104 (3), AND THE CRITERIA FOR ENROLLMENT DECISIONS.

**SECTION 4.** 22-30.5-112 (1) and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**22-30.5-112. Charter schools - financing - guidelines.** (1) For purposes of the ~~"Public School Finance Act of 1988", article 53~~ "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 of this title, pupils enrolled in a charter school shall be included in the pupil enrollment of the district within which the ~~pupil resides~~ CHARTER SCHOOL IS LOCATED. The school district of ~~residence~~ IN WHICH THE CHARTER SCHOOL IS LOCATED shall report to the department of education the number of pupils included in the school ~~district of residence's~~ DISTRICT'S pupil enrollment that are actually enrolled in each charter school.

(3) (a) 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.

(b) IF A STUDENT WITH A DISABILITY ATTENDS A CHARTER SCHOOL, THE SCHOOL DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING ANY TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN EDUCATING THE CHILD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-20-109 (4).

**SECTION 5.** 22-2-117 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-2-117. Additional power - state board - waiver of requirements - repeal.**

(2) Any waiver made pursuant to the provisions of this section shall be for a period not to exceed two years; EXCEPT THAT, IF THE WAIVER IS MADE IN CONNECTION WITH A CHARTER SCHOOL APPLICATION PURSUANT TO SECTION 22-30.5-104 (6), THE WAIVER SHALL BE FOR A PERIOD EQUAL TO THE TERM OF THE CHARTER. ~~Such~~ ANY WAIVER MADE IN CONNECTION WITH A CHARTER SCHOOL APPLICATION SHALL BE SUBJECT TO REVIEW EVERY TWO YEARS AND MAY BE REVOKED IF SUCH WAIVER IS DEEMED NO LONGER NECESSARY BY THE STATE BOARD. A waiver may be renewed by the state board upon application of the board of education of any school district, a majority of the appropriate accountability committee, a majority of the affected certified administrators, and a majority of the teachers of the affected school or district concurring therein. Such renewal shall be for a period not to exceed two years; ~~however, such~~ EXCEPT THAT, IF A RENEWAL IS GRANTED IN CONNECTION WITH A CHARTER PURSUANT TO SECTION 22-30.5-104 (6), SUCH RENEWAL SHALL BE FOR A PERIOD EQUAL TO THE TERM OF THE CHARTER. A WAIVER RENEWAL THAT IS GRANTED IN CONNECTION WITH A CHARTER SHALL BE SUBJECT TO REVIEW EVERY TWO YEARS AND MAY BE REVOKED IF SUCH WAIVER IS DEEMED NO LONGER NECESSARY BY THE STATE BOARD. A waiver may be renewed more than one time.

**SECTION 6.** 22-20-109, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-20-109. Tuition.** (5) WHEN A CHILD WITH A DISABILITY ENROLLS IN AND ATTENDS A CHARTER SCHOOL PURSUANT TO THE PROVISIONS OF ARTICLE 30.5 OF THIS TITLE, THE DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING TO THE CHARTER SCHOOL THE TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN EDUCATING THE CHILD. THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED PURSUANT TO A CONTRACT ENTERED INTO BETWEEN THE DISTRICT OF RESIDENCE AND THE CHARTER SCHOOL AND APPROVED BY THE DEPARTMENT. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5), THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

**SECTION 7. 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: May 25, 1994