

CHAPTER 140

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 96-077

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also REPRESENTATIVE Sullivant, Acquafresca, Congrove, Dean, Lamborn, Pankey, Paschall, and Young.

AN ACT

CONCERNING THE CREATION OF A CHARTER SCHOOL DISTRICT PILOT PROGRAM.

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

SECTION 1. Article 30.5 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

**PART 2
CHARTER SCHOOL DISTRICTS**

22-30.5-201. Short title. THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE "CHARTER SCHOOL DISTRICT ACT".

22-30.5-202. Legislative declaration. THE GENERAL ASSEMBLY FINDS THAT THE RESTRICTIONS AND REQUIREMENTS OF STATE LAWS AND REGULATIONS OFTEN PREVENT SCHOOL DISTRICTS FROM ACHIEVING EFFECTIVE EDUCATION REFORM. TO DETERMINE WHETHER ALLOWING SCHOOL DISTRICTS TO OPERATE UNDER A CHARTER CAN HELP A DISTRICT MORE EFFECTIVELY ACHIEVE ITS GOAL OF EDUCATION REFORM, THE GENERAL ASSEMBLY FINDS THAT A PILOT PROGRAM SHOULD BE ENACTED ALLOWING SCHOOL DISTRICTS TO SPECIFY THEIR OWN DUTIES, RESPONSIBILITIES, AND OPERATIONS.

22-30.5-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHARTER SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT OPERATING UNDER A CHARTER THAT HAS BEEN APPROVED BY THE STATE BOARD PURSUANT TO SECTION 22-30.5-205.

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

(2) "LOCAL BOARD OF EDUCATION" MEANS THE SCHOOL DISTRICT BOARD OF EDUCATION.

(3) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

22-30.5-204. Charter school districts - creation - requirements.

(1) BEGINNING WITH THE 1997-98 SCHOOL YEAR, THE STATE BOARD SHALL INITIATE A PILOT PROGRAM TO TEST THE EFFECTIVENESS OF CHARTER SCHOOL DISTRICTS. AS PART OF THIS PILOT PROGRAM, THE STATE BOARD MAY APPROVE UP TO FIVE SCHOOL DISTRICTS IN THE STATE TO OPERATE AS CHARTER SCHOOL DISTRICTS; EXCEPT THAT THE STATE BOARD SHALL APPROVE ONLY THOSE APPLICATIONS THAT MEET THE QUALIFICATIONS SPECIFIED IN SECTION 22-30.5-205. TO BE APPROVED AS A CHARTER SCHOOL DISTRICT, THE LOCAL BOARD OF EDUCATION SHALL SUBMIT AN APPLICATION TO THE STATE BOARD AS PRESCRIBED IN SECTION 22-30.5-205. ANY SCHOOL DISTRICT THAT IS APPROVED TO OPERATE AS A CHARTER SCHOOL DISTRICT SHALL OPERATE UNDER THE PROVISIONS OF ITS CHARTER AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS PART 2, ARTICLES 20, 30, 31, 36, AND 40 TO 43, PART 4 OF ARTICLE 53, AND ARTICLES 54 AND 60 TO 64 OF THIS TITLE, AND THE REPORTING REQUIREMENTS CONTAINED IN SECTIONS 22-33-105, 22-44-105 (4), AND 22-53-207, AND SHALL NOT OTHERWISE BE SUBJECT TO STATE STATUTES OR REGULATIONS CONCERNING SCHOOL DISTRICTS EXCEPT AS MAY BE PROVIDED IN THE CHARTER OR IN THIS PART 2.

(2) A CHARTER SCHOOL DISTRICT SHALL CONTINUE TO:

(a) OPERATE AS A PUBLIC, NONSECTARIAN, NONRELIGIOUS PUBLIC SCHOOL DISTRICT, WITH CONTROL OF INSTRUCTION VESTED IN THE DIRECTORS OF THE LOCAL BOARD OF EDUCATION, UNDER THE GENERAL SUPERVISION OF THE STATE BOARD, PURSUANT TO ARTICLE IX OF THE STATE CONSTITUTION;

(b) OPERATE WITHIN THE SAME GEOGRAPHICAL BOUNDARIES THAT EXISTED PRIOR TO ITS BECOMING A CHARTER SCHOOL DISTRICT UNLESS ITS BOUNDARIES ARE CHANGED PURSUANT TO ARTICLE 30 OF THIS TITLE;

(c) RECEIVE STATE MONEYS AS PROVIDED IN ARTICLE 54 OF THIS TITLE AS IF IT DID NOT OPERATE UNDER A CHARTER;

(d) PROVIDE SPECIAL EDUCATION SERVICES FOR STUDENTS WITH DISABILITIES AS PROVIDED IN ARTICLE 20 OF THIS TITLE;

(e) BE LIABLE FOR TIMELY PAYMENT ON ITS BONDED INDEBTEDNESS AND SUBJECT TO THE SAME BONDED INDEBTEDNESS LIMITATIONS AS IF IT DID NOT OPERATE UNDER A CHARTER.

(3) A CHARTER SCHOOL DISTRICT 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 DISTRICT SHALL BE SUBJECT TO ANY COURT-ORDERED DESEGREGATION PLAN IN EFFECT FOR THE SCHOOL DISTRICT AT THE TIME THE DISTRICT'S CHARTER APPLICATION IS APPROVED. ENROLLMENT IN A CHARTER SCHOOL DISTRICT SHALL BE OPEN TO ANY

CHILD WHO RESIDES WITHIN THE STATE AS IF THE CHARTER SCHOOL DISTRICT WERE NOT OPERATING UNDER A CHARTER.

(4) A CHARTER SCHOOL DISTRICT SHALL BE ACCOUNTABLE TO THE STATE BOARD FOR PURPOSES OF ENSURING COMPLIANCE WITH THE CHARTER PROVISIONS AND THE REQUIREMENTS OF SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-30.5-205. Charter school district application - requirements - repeal. (1)

(a) BEFORE A LOCAL BOARD OF EDUCATION APPLIES FOR A CHARTER TO THE STATE BOARD, SUCH BOARD SHALL SUBMIT THE ISSUE OF WHETHER TO OPERATE THE SCHOOL DISTRICT AS A CHARTER SCHOOL DISTRICT TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT ANY REGULAR BIENNIAL SCHOOL ELECTION OR AT A SPECIAL ELECTION CALLED FOR SAID PURPOSE. ANY ELECTION CALLED PURSUANT TO THIS SUBSECTION (1) SHALL BE CONDUCTED PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1, C.R.S. THE LOCAL BOARD OF EDUCATION SHALL NAME A DESIGNATED ELECTION OFFICIAL WHO SHALL BE RESPONSIBLE FOR CALLING AND CONDUCTING THE SPECIAL ELECTION.

(b) THE LOCAL BOARD OF EDUCATION MAY CONTRACT WITH A COUNTY CLERK AND RECORDER TO BE THE DESIGNATED ELECTION OFFICIAL OR FOR THE ADMINISTRATION OF ANY OF THE DUTIES OF THE DESIGNATED ELECTION OFFICIAL RELATING TO THE CONDUCT OF AN ELECTION CALLED PURSUANT TO THIS SUBSECTION (1).

(c) IF A MAJORITY OF THE ELIGIBLE ELECTORS VOTING IN AN ELECTION CALLED PURSUANT TO THIS SUBSECTION (1) VOTE IN FAVOR OF THE QUESTION, THE LOCAL BOARD OF EDUCATION MAY SUBMIT AN APPLICATION TO THE STATE BOARD TO BECOME A CHARTER SCHOOL DISTRICT.

(2) THE STATE BOARD SHALL PROVIDE BY RULE PROMULGATED PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., FOR A CHARTER SCHOOL DISTRICT APPLICATION PROCESS. TO BE APPROVED AS A CHARTER SCHOOL DISTRICT, A SCHOOL DISTRICT MUST COMPLY WITH THE REQUIREMENTS OF THE STATE BOARD CONCERNING ACCREDITATION.

(3) IN ADDITION TO ANY REQUIREMENTS THAT THE STATE BOARD OF EDUCATION MAY ESTABLISH FOR ACCREDITATION, A CHARTER SCHOOL DISTRICT APPLICATION SHALL INCLUDE THE FOLLOWING:

(a) A STATEMENT OF MISSION AND PURPOSE FOR OPERATING THE SCHOOL DISTRICT UNDER A CHARTER, INCLUDING A CLEAR STATEMENT OF THE SCHOOL DISTRICT'S GOALS AND OBJECTIVES;

(b) EVIDENCE OF BROAD-BASED SUPPORT AMONG PARENTS, TEACHERS, AND PUPILS WITHIN THE APPLYING SCHOOL DISTRICT FOR THE FORMATION OF A CHARTER SCHOOL DISTRICT BY WAY OF A PETITION, PUBLIC OPINION SURVEY, OR OTHER SIMILAR, RELIABLE INDICATOR OF PUBLIC OPINION;

(c) EVIDENCE THAT THE CHARTER IS EDUCATIONALLY SOUND AND IS IN THE BEST EDUCATIONAL INTEREST OF THE STUDENTS;

(d) EVIDENCE THAT THE PLAN FOR THE CHARTER SCHOOL DISTRICT IS ECONOMICALLY SOUND;

(e) AN EXPLANATION OF THE RELATIONSHIP THAT WILL EXIST BETWEEN THE CHARTER SCHOOL DISTRICT AND ITS EMPLOYEES, INCLUDING EVIDENCE THAT THE TERMS AND CONDITIONS OF EMPLOYMENT HAVE BEEN ADDRESSED WITH AFFECTED EMPLOYEES AND THEIR RECOGNIZED REPRESENTATIVE OR REPRESENTATIVES, IF ANY.

(4) THE STATE BOARD AND AN APPLYING SCHOOL DISTRICT MAY FREELY NEGOTIATE WHICH STATE STATUTES AND REGULATIONS NOT OTHERWISE REQUIRED TO APPLY TO A CHARTER SCHOOL DISTRICT PURSUANT TO SECTION 22-30.5-204 (1) SHALL APPLY TO A CHARTER SCHOOL DISTRICT.

(5) (a) ANY SCHOOL DISTRICT WITH A PUPIL ENROLLMENT OF FIFTEEN THOUSAND OR LESS SHALL BE ELIGIBLE TO APPLY TO BECOME A CHARTER SCHOOL DISTRICT.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2003.

22-30.5-206. Charter school districts - contract contents. (1) AN APPROVED CHARTER SCHOOL DISTRICT APPLICATION SHALL CONSTITUTE AN AGREEMENT, AND THE TERMS THEREOF SHALL BE THE TERMS OF A CONTRACT BETWEEN THE CHARTER SCHOOL DISTRICT AND THE STATE BOARD.

(2) THE CONTRACT BETWEEN THE CHARTER SCHOOL DISTRICT AND THE STATE BOARD SHALL REFLECT ALL AGREEMENTS REGARDING THE OPERATION OF THE CHARTER SCHOOL DISTRICT.

(3) THE TERMS OF THE CONTRACT MAY BE REVISED AT ANY TIME, WITH THE APPROVAL OF BOTH THE STATE BOARD AND THE LOCAL BOARD OF EDUCATION, WHETHER OR NOT THE STATED PROVISIONS OF THE CONTRACT ARE BEING FULFILLED.

22-30.5-207. Charter school districts - term - renewal of charter - grounds for nonrenewal, probation, or revocation - repeal. (1) A CHARTER MAY BE APPROVED OR RENEWED FOR A PERIOD NOT TO EXCEED SIX ACADEMIC YEARS. THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., FOR A CHARTER RENEWAL PROCESS.

(2) THE DEPARTMENT OF EDUCATION SHALL PROVIDE BY RULE FOR ONGOING REVIEW OF A CHARTER SCHOOL DISTRICT'S COMPLIANCE WITH ITS CHARTER ACCREDITATION.

(3) STAFF FROM THE DEPARTMENT OF EDUCATION SHALL VISIT EACH CHARTER SCHOOL DISTRICT AT LEAST ONCE EACH YEAR TO DETERMINE THE STATUS AND PROGRESS TOWARD THE GOALS OF THE CHARTER. DEPARTMENT STAFF SHALL NOTE THE EFFECTIVENESS OF THE CHARTER ORGANIZATION IN IMPROVING THE QUALITY OF EDUCATION IN THE SCHOOL DISTRICT.

(4) IF, IN EITHER THE ONGOING REVIEW, THE ANNUAL VISIT, OR THE RENEWAL PROCEDURE, THE DEPARTMENT OF EDUCATION FINDS THAT THE CHARTER SCHOOL DISTRICT IS NOT IN COMPLIANCE WITH THE CHARTER, THE STATE BOARD SHALL PROVIDE BY RULE FOR A PROCEDURE WHEREBY THE CHARTER MAY BE REVOKED OR NOT RENEWED OR THE CHARTER SCHOOL DISTRICT MAY BE PLACED ON PROBATION IF THE NONCOMPLIANCE IS NOT ADDRESSED, AS WELL AS A PROCEDURE FOR THE

DISPOSITION OF PROBATION. MOREOVER, THE STATE BOARD MAY NOT RENEW A CHARTER IF IT DETERMINES THAT THE CHARTER IS NOT IN THE INTEREST OF THE PUPILS RESIDING IN THE DISTRICT.

(5) (a) UNDER NO CONDITION SHALL ANY CHARTER SCHOOL DISTRICT CHARTER BE RENEWED PRIOR TO JULY 1, 2003.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2003.

22-30.5-208. Report to general assembly on pilot program. NO LATER THAN JANUARY 1, 2002, THE STATE BOARD AND ALL CHARTER DISTRICTS SHALL REPORT TO THE GENERAL ASSEMBLY REGARDING WHETHER THE PROVISIONS OF THIS PART 2 ASSISTED OR IMPEDED THE CHARTER SCHOOL DISTRICTS IN MEETING THEIR STATED GOALS AND OBJECTIVES. IN PREPARING THE REPORTS REQUIRED BY THIS SECTION, THE STATE BOARD AND THE CHARTER SCHOOL DISTRICTS SHALL COMPARE THE PERFORMANCE OF CHARTER SCHOOL DISTRICT PUPILS WITH THE PERFORMANCE OF ETHNICALLY AND ECONOMICALLY COMPARABLE GROUPS OF PUPILS IN OTHER PUBLIC SCHOOL DISTRICTS WHO ARE ENROLLED IN ACADEMICALLY COMPARABLE COURSES.

22-30.5-209. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 2. 24-51-101 (20), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-51-101. Definitions. As used in this article, unless the context otherwise requires:

(20) "Employer" means the state of Colorado, the general assembly, any state department, board, commission, bureau, agency, or institution, the Colorado association of school boards, the Colorado high school activities association, the fire and police pension association, the special districts association, the Colorado water resources and power development authority, the public employees' retirement association, all school districts in Colorado INCLUDING A CHARTER SCHOOL DISTRICT except in the city and county of Denver, and any political subdivision, city, municipality, county, housing authority, special district, library district, regional planning commission, public hospital, county or district health department, state university, state college, state junior college, or other public entity ~~which~~ THAT is affiliated with the plan.

SECTION 3. 22-30.5-101, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-30.5-101. Short title. This ~~article~~ PART 1 shall be known and may be cited as the "Charter Schools Act".

SECTION 4. The introductory portion to 22-30.5-102 (2) and 22-30.5-102 (3), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

22-30.5-102. Legislative declaration. (2) The general assembly further finds and declares that this ~~article~~ PART 1 is enacted for the following purposes:

(3) In authorizing charter schools, it is the intent of the general assembly to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public school system. The general assembly seeks to create an atmosphere in Colorado's public school system where research and development in developing different learning opportunities is actively pursued. As such, the provisions of this ~~article~~ PART 1 should be interpreted liberally to support the findings and goals of this section and to advance a renewed commitment by the state of Colorado to the mission, goals, and diversity of public education.

SECTION 5. The introductory portion to 22-30.5-103 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-30.5-103. Definitions. (1) For purposes of this ~~article~~ PART 1:

SECTION 6. 22-30.5-109 (4) and (5), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

22-30.5-109. Charter schools - restrictions - establishment - number. (4) If otherwise qualified, nothing in this ~~article~~ PART 1 shall be construed to prohibit any institution certified as an educational clinic pursuant to article 27 of this title, on or before April 1, 1993, from applying to become a charter school pursuant to this ~~article~~ PART 1.

(5) Nothing in this ~~article~~ PART 1 shall be construed to prevent a school in a school district which is comprised of only one school from applying to become a charter school pursuant to this ~~article~~ PART 1.

SECTION 7. 22-30.5-114, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-30.5-114. Repeal of part. This ~~article~~ PART 1 is repealed, effective July 1, 1998.

SECTION 8. 22-20-109 (5), Colorado Revised Statutes, 1995 Repl. Vol., is amended 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 PART 1 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 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: May 2, 1996