

## CHAPTER 159

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 96-1293**

BY REPRESENTATIVES Kerns, Agler, Anderson, Congrove, Dean, Friednash, Gordon, Hagedorn, Keller, Mace, Prinzier, Swenson, Taylor, Tool, and Young;  
also SENATORS Blickensderfer and Schaffer.

**AN ACT****CONCERNING REVISIONS TO THE "CHARTER SCHOOLS ACT".**

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

**SECTION 1.** 22-30.5-102 (2) (c), Colorado Revised Statutes, 1995 Repl. Vol., is amended 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:

(c) To encourage diverse approaches to learning and education and the use of different, ~~and~~ **PROVEN**, OR innovative teaching methods;

**SECTION 2.** 22-30.5-104 (6), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30.5-104. Charter school - requirements - authority.** (6) Pursuant to contract, a charter school may operate free from specified school district policies and state regulations. **PURSUANT TO CONTRACT, A LOCAL BOARD OF EDUCATION MAY WAIVE LOCALLY IMPOSED SCHOOL DISTRICT REQUIREMENTS, WITHOUT SEEKING APPROVAL OF THE STATE BOARD. THE STATE BOARD MAY WAIVE STATE STATUTORY REQUIREMENTS OR RULES PROMULGATED BY THE STATE BOARD.** 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 OR LOCAL SCHOOL DISTRICT regulations made pursuant to this subsection (6) shall be for the term of the

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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.*

charter for which the waiver is made; except that ~~such~~ A waiver OF STATE STATUTES OR REGULATIONS BY THE STATE BOARD shall be subject to review every two years and may be revoked if ~~such~~ THE waiver is deemed no longer necessary by the state board.

**SECTION 3.** 22-30.5-106 (1) (d), Colorado Revised Statutes, 1995 Repl. Vol., is repealed as follows:

**22-30.5-106. Charter application - contents.** (1) The charter school application shall be a proposed agreement and shall include:

(d) ~~A statement of the need for a charter school in a school district or in a geographic area within a school district;~~

**SECTION 4.** 22-30.5-106 (1), Colorado Revised Statutes, 1995 Repl. Vol., 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:

(i.5) THE EMPLOYMENT POLICIES OF THE PROPOSED CHARTER SCHOOL;

**SECTION 5.** 22-30.5-107, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30.5-107. Charter application - process.** (1) The local board of education shall receive and review all applications for charter schools. ~~The local board of education may establish a schedule for receiving applications and shall make a copy of any such schedule available to all interested parties upon request.~~ APPLICATIONS MUST BE FILED WITH THE LOCAL BOARD OF EDUCATION BY OCTOBER 1 TO BE ELIGIBLE FOR CONSIDERATION FOR THE FOLLOWING SCHOOL YEAR. THE LOCAL BOARD OF EDUCATION SHALL NOT CHARGE ANY APPLICATION FEES. If such board finds the charter school application is incomplete, the board shall request the necessary information from the charter applicant. The charter school application shall be reviewed by the district accountability committee prior to consideration by the local board of education.

(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 grant 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 sixty days after receiving the application.

(2.5) THE CHARTER APPLICANT AND THE LOCAL BOARD OF EDUCATION MAY JOINTLY WAIVE THE DEADLINES SET FORTH IN THIS SECTION.

(3) If a local board of education denies a charter school application OR UNILATERALLY IMPOSES CONDITIONS THAT ARE UNACCEPTABLE TO THE CHARTER APPLICANT, the charter applicant may appeal the ~~denial~~ DECISION to the state board pursuant to section 22-30.5-108.

(4) IF A LOCAL BOARD OF EDUCATION DENIES A CHARTER SCHOOL APPLICATION, IT SHALL STATE ITS REASONS FOR THE DENIAL. IF A LOCAL BOARD OF EDUCATION GRANTS A CHARTER, IT SHALL SEND A COPY OF THE APPROVED CHARTER TO THE DEPARTMENT OF EDUCATION WITHIN FIFTEEN DAYS AFTER GRANTING THE CHARTER.

**SECTION 6.** 22-30.5-108 (2), the introductory portion to 22-30.5-108 (3), and 22-30.5-108 (3) (c), Colorado Revised Statutes, 1995 Repl. Vol., are amended, and the said 22-30.5-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**22-30.5-108. Appeal - standard of review - procedures.** (2) A charter applicant or any other person who wishes to appeal a decision of a local board of education concerning a charter school shall provide the state board and the local board of education with a notice of appeal OR OF FACILITATION within thirty days of AFTER the local board's decision. IF THE APPEAL IS OF A DENIAL, NONRENEWAL, OR REVOCATION OF A CHARTER, THE PERSON BRINGING THE APPEAL SHALL LIMIT THE GROUNDS OF THE APPEAL TO THE GROUNDS FOR DENIAL SPECIFIED BY THE LOCAL BOARD OF EDUCATION. THE NOTICE SHALL INCLUDE A BRIEF STATEMENT OF THE REASONS THE CHARTER SCHOOL APPLICANT CONTENDS THE LOCAL BOARD OF EDUCATION'S DENIAL WAS IN ERROR.

(3) If the notice of appeal, or the motion to review by the state board, relates to a local board's decision to deny, refuse to renew, or revoke a charter OR TO A LOCAL BOARD'S UNILATERAL IMPOSITION OF CONDITIONS THAT ARE UNACCEPTABLE TO THE CHARTER SCHOOL OR THE CHARTER APPLICANT, the appeal and review process shall be as follows:

(c) If the local board of education's final decision is still to deny, refuse to renew, or revoke a charter OR TO UNILATERALLY IMPOSE CONDITIONS UNACCEPTABLE TO THE CHARTER SCHOOL OR THE CHARTER APPLICANT, a second notice of appeal may be filed with the state board within thirty days following such final decision.

(3.5) IN LIEU OF A FIRST APPEAL TO THE STATE BOARD PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THE PARTIES MAY AGREE TO FACILITATION. WITHIN THIRTY DAYS AFTER DENIAL, NONRENEWAL, OR REVOCATION OF A CHARTER BY THE LOCAL BOARD OF EDUCATION, THE PARTIES MAY FILE A NOTICE OF FACILITATION WITH THE STATE BOARD. THE PARTIES MAY CONTINUE IN FACILITATION AS LONG AS BOTH PARTIES AGREE TO ITS CONTINUED USE. IF ONE PARTY SUBSEQUENTLY REJECTS FACILITATION, AND SUCH REJECTION IS NOT RECONSIDERED WITHIN SEVEN DAYS, THE LOCAL BOARD OF EDUCATION SHALL RECONSIDER ITS DENIAL, NONRENEWAL, OR REVOCATION OF A CHARTER AND MAKE A FINAL DECISION AS PROVIDED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION. THE CHARTER APPLICANT MAY FILE A NOTICE OF APPEAL WITH THE STATE BOARD AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION WITHIN THIRTY DAYS AFTER A LOCAL BOARD OF EDUCATION'S FINAL DECISION TO DENY, NOT RENEW, OR REVOKE A CHARTER.

**SECTION 7.** 22-30.5-109 (2) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30.5-109. Charter schools - restrictions - establishment - number.**

(2) (a) No more than ~~forty~~ **SIXTY** charters shall be granted prior to July 1, 1997, and at least ~~thirteen~~ **SIXTEEN** of said ~~forty~~ **SIXTY** charters shall be reserved for charter school applications which are designed to increase the educational opportunities of at-risk pupils, as defined in section 22-30.5-103.

**SECTION 8.** 22-30.5-110 (5), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 22-30.5-110 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation.** (4.5) IF A LOCAL BOARD OF EDUCATION REVOKES OR DOES NOT RENEW A CHARTER, THE BOARD SHALL STATE ITS REASONS FOR THE REVOCATION OR NONRENEWAL.

(5) A decision to revoke or not to renew a charter may be appealed OR FACILITATION MAY BE SOUGHT pursuant to the provisions of section 22-30.5-108.

**SECTION 9.** Article 30.5 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

**22-30.5-115. Construction of article - severability.** IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

**SECTION 10.** Article 32 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

**22-32-110.5. Charter schools - effectiveness of charter.** ANY CHARTER ENTERED INTO PRIOR TO JULY 1, 1998 SHALL REMAIN IN EFFECT FOR THE ENTIRE TERM OF THE CHARTER AND SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE 30.5 OF THIS TITLE, AS IT EXISTED PRIOR TO JULY 1, 1998, FOR THE ENTIRE TERM OF THE CHARTER.

**SECTION 11.** 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 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~~ GUIDELINES DEVELOPED by the department. Under the circumstances described in this subsection (5), the provisions of section 22-20-108 (8) shall not apply.

**SECTION 12. 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 22, 1996