

CHAPTER 294

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 99-052

BY SENATORS Congrove, Anderson, Andrews, Epps, Evans, Lamborn, Powers, and Teck;
also REPRESENTATIVES King, Alexander, Allen, Dean, Decker, Fairbank, Hefley, Lee, May, McKay, Mitchell, Nunez,
Paschall, Scott, Sinclair, Stengel, and T. Williams.

AN ACT

CONCERNING CHARTER SCHOOLS, AND, IN CONNECTION THEREWITH, MODIFYING DEADLINES AND PROCEDURES FOR CHARTER SCHOOL APPLICATIONS AND SPECIFYING MEMBERSHIP ON REVIEW COMMITTEES FOR CHARTER SCHOOL APPLICATIONS.

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

SECTION 1. 22-30.5-104, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-30.5-104. Charter school - requirements - authority. (4.5) (a) IN ORDER TO CLARIFY THE STATUS OF CHARTER SCHOOLS FOR PURPOSES OF TAX-EXEMPT FINANCING, A CHARTER SCHOOL, AS A PUBLIC SCHOOL, IS A GOVERNMENTAL ENTITY. DIRECT LEASES AND FINANCIAL OBLIGATIONS OF A CHARTER SCHOOL SHALL NOT CONSTITUTE DEBT OR FINANCIAL OBLIGATIONS OF THE SCHOOL DISTRICT UNLESS THE SCHOOL DISTRICT SPECIFICALLY ASSUMES SUCH OBLIGATIONS.

(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-30.5-110 (1) TO THE CONTRARY, A CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION MAY AGREE TO EXTEND THE LENGTH OF THE CHARTER BEYOND FIVE YEARS FOR THE PURPOSE OF ENHANCING THE TERMS OF ANY LEASE OR FINANCIAL OBLIGATION.

(8) A CHARTER SCHOOL SHALL BE AUTHORIZED TO OFFER ANY EDUCATIONAL PROGRAM THAT MAY BE OFFERED BY A SCHOOL DISTRICT UNLESS EXPRESSLY PROHIBITED BY ITS CHARTER OR BY STATE LAW.

SECTION 2. 22-30.5-107 (2), Colorado Revised Statutes, is amended, and the said 22-30.5-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

22-30.5-107. Charter application - process. (1.5) FOR PURPOSES OF REVIEWING A CHARTER SCHOOL APPLICATION, A DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE AT LEAST:

(a) ONE PERSON WITH A DEMONSTRATED KNOWLEDGE OF CHARTER SCHOOLS, REGARDLESS OF WHETHER THAT PERSON RESIDES WITHIN THE SCHOOL DISTRICT; AND

(b) ONE PARENT OR LEGAL GUARDIAN OF A CHILD ENROLLED IN A CHARTER SCHOOL IN THE SCHOOL DISTRICT; EXCEPT THAT, IF THERE ARE NO CHARTER SCHOOLS IN THE SCHOOL DISTRICT, THE LOCAL BOARD OF EDUCATION SHALL APPOINT A PARENT OR LEGAL GUARDIAN OF A CHILD ENROLLED IN THE SCHOOL DISTRICT.

(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~~ SEVENTY-FIVE days after receiving the application FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION. ALL NEGOTIATIONS BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION ON THE CONTRACT SHALL BE CONCLUDED BY, AND ALL TERMS OF THE CONTRACT AGREED UPON, NO LATER THAN NINETY DAYS AFTER THE LOCAL BOARD OF EDUCATION RULES BY RESOLUTION ON THE APPLICATION FOR A CHARTER SCHOOL UNLESS THE PARTIES MUTUALLY AGREE TO WAIVE THIS DEADLINE.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 2, 1999