

CHAPTER 150

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 08-1159

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also SENATOR(S) Bacon, Groff, Kopp, Mitchell S., Schultheis, Spence, Ward, and Windels.

AN ACT**CONCERNING INSTITUTE CHARTER SCHOOLS.**

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

SECTION 1. 22-30.5-503, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-503. State charter school institute - establishment. (8) THE INSTITUTE AND THE INSTITUTE BOARD ARE AGENCIES OF THE STATE FOR PURPOSES OF THE PUBLIC RECORDS PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., AND STATE PUBLIC BODIES FOR PURPOSES OF THE OPEN MEETINGS PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S.

SECTION 2. 22-30.5-504 (4), the introductory portion to 22-30.5-504 (5) (a), and 22-30.5-504 (5) (a) (I) (B), (5) (b), (6), and (7), Colorado Revised Statutes, are amended, and the said 22-30.5-504 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-30.5-504. Institute chartering authority - institute charter schools - exclusive authority - retention - recovery - revocation. (4) (a) ~~For fiscal year 2005-06, and for each fiscal year thereafter,~~ A local board of education may seek to retain OR RECOVER exclusive authority to authorize charter schools within the geographic boundaries of the school district by presenting to the state board, on or before March 1 of the fiscal year prior to that for which the exclusive authority is to apply, a written resolution adopted by the local board of education indicating the intent to retain OR RECOVER exclusive authority to authorize charter schools. ~~For fiscal year 2004-05, a local board of education may seek to retain the exclusive authority to authorize charters by presenting to the state board the written resolution~~

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

~~on or before a date sixty days after July 1, 2004.~~ The written resolution shall be accompanied by a written description of those portions of subsection (5) of this section that the ~~school district~~ LOCAL BOARD OF EDUCATION intends to demonstrate. The local board of education shall provide a complete copy of the resolution, including the description, to each charter school authorized by the local board on or before the date the local board submits the resolution to the state board. THE STATE BOARD SHALL DETERMINE WITHIN SIXTY DAYS AFTER RECEIVING THE RESOLUTION WHETHER TO GRANT THE LOCAL BOARD OF EDUCATION EXCLUSIVE AUTHORITY. IF THE STATE BOARD DENIES THE LOCAL BOARD EXCLUSIVE AUTHORITY TO AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT, IT SHALL PROVIDE TO THE LOCAL BOARD OF EDUCATION A WRITTEN EXPLANATION OF THE BASIS FOR THE DENIAL.

(b) A party may challenge the grant of exclusive authority made by the state board pursuant to subsection (5) of this section by filing with the state board a notice of challenge within thirty days after the state board grants exclusive authority. The notice shall be accompanied by a specific written description, WITH SUPPORTING DOCUMENTATION, of the basis for the challenge. The challenging party, at the time of filing notice with the state board, shall provide a copy of the notice of challenge, WITH THE WRITTEN DESCRIPTION OF THE BASIS AND SUPPORTING DOCUMENTATION, to the ~~school district~~ LOCAL BOARD OF EDUCATION that has been granted exclusive authority. The state board shall permit the ~~school district~~ LOCAL BOARD the opportunity to appear AT A PUBLIC HEARING and respond ~~in writing~~ to the challenge AND SHALL PERMIT THE CHALLENGER THE OPPORTUNITY AT THE PUBLIC HEARING TO REBUT ANY ARGUMENTS MADE BY THE LOCAL BOARD. IF THE LOCAL BOARD OF EDUCATION INTENDS TO RESPOND TO THE CHALLENGE, IT SHALL SUBMIT A COPY OF ITS RESPONSE IN WRITING, WITH SUPPORTING DOCUMENTATION, TO THE CHALLENGING PARTY AND THE STATE BOARD AT LEAST FIFTEEN DAYS PRIOR TO THE PUBLIC HEARING. The state board shall make a determination upon the challenge within sixty days after receipt of the notice of challenge. IN ANNOUNCING ITS DETERMINATION, THE STATE BOARD SHALL PROVIDE A WRITTEN EXPLANATION OF THE BASIS FOR ITS DECISION TO EITHER GRANT OR DENY TO THE LOCAL BOARD EXCLUSIVE AUTHORITY TO AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT.

(c) IF A LOCAL BOARD OF EDUCATION RECOVERS EXCLUSIVE AUTHORITY PURSUANT TO THIS SECTION TO AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT, ANY INSTITUTE CHARTER SCHOOLS AUTHORIZED WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT PRIOR TO THE DATE ON WHICH THE LOCAL BOARD OF EDUCATION RECOVERED EXCLUSIVE AUTHORITY SHALL CONTINUE TO BE AUTHORIZED BY AND ACCOUNTABLE TO THE INSTITUTE; EXCEPT THAT AN INSTITUTE CHARTER SCHOOL THAT IS CONVERTED TO A DISTRICT CHARTER SCHOOL PURSUANT TO SUBSECTION (10) OF THIS SECTION SHALL BE ACCOUNTABLE TO THE LOCAL BOARD OF EDUCATION.

(d) EACH LOCAL BOARD OF EDUCATION THAT HAS BEEN GRANTED, PRIOR TO OR ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (d), EXCLUSIVE AUTHORITY TO CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT SHALL RETAIN EXCLUSIVE AUTHORITY UNTIL THE LOCAL BOARD OF EDUCATION VOLUNTARILY RELINQUISHES THE EXCLUSIVE AUTHORITY OR THE STATE BOARD OF EDUCATION REVOKES THE EXCLUSIVE AUTHORITY PURSUANT TO THE

PROVISIONS OF SUBSECTION (7.5) OF THIS SECTION. A LOCAL BOARD OF EDUCATION THAT VOLUNTARILY RELINQUISHES EXCLUSIVE AUTHORITY MAY REGAIN EXCLUSIVE AUTHORITY BY APPLYING PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (4).

(5) (a) The state board shall grant to a local board of education exclusive authority to authorize charter schools within the geographic boundaries of the school district if the state board determines, after adequate notice and in a public hearing and after receiving input from any charter schools authorized by the local board of education, that the local board ~~has provided~~ CAN SHOW A RECENT PATTERN OF PROVIDING fair and equitable treatment to its charter schools ~~during the four years prior to the local board's submission of the resolution described in subsection (4) of this section;~~ through the local board's demonstration of:

(I) Full compliance with the provisions of the "Charter Schools Act", part 1 of this article, which includes, at a minimum:

(B) Compliance with ~~section 22-30.5-112~~ SECTIONS 22-30.5-112 AND 22-30.5-112.1, which ~~permits~~ PERMIT a charter school to purchase, at its discretion, certain services or a combination of services;

(b) Notwithstanding any other provision of this subsection (5) to the contrary, the state board shall grant to a local board of education exclusive authority to authorize charter schools within the geographic boundaries of the school district if the ~~school district~~ LOCAL BOARD certifies that:

(I) The total pupil enrollment of the school district is less than three thousand pupils. ~~or~~

(II) ~~The percentage of pupils who are eligible for free or reduced-cost lunch pursuant to the provisions of the federal "National School Lunch Act", 42 U.S.C. sec. 1751, et seq., and who enrolled in charter schools authorized by the school district is greater than the percentage that is one percentage point below the overall percentage of pupils eligible for free or reduced-cost lunch who are enrolled in the school district.~~

(d) IF THE STATE BOARD DENIES THE EXCLUSIVE AUTHORITY OF A LOCAL BOARD OF EDUCATION TO AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT, THE LOCAL BOARD MAY REAPPLY TO RETAIN OR RECOVER EXCLUSIVE AUTHORITY AS PROVIDED IN SUBSECTION (4) OF THIS SECTION AS SOON AS THE LOCAL BOARD DETERMINES IT HAS RESOLVED THE ISSUE THAT WAS THE BASIS FOR THE DENIAL.

(6) For ~~school districts~~ LOCAL BOARDS OF EDUCATION that have no discernable history of CONSIDERING CHARTER SCHOOL APPLICATIONS OR authorizing charter schools, the state board ~~may make a renewable one-year~~ SHALL grant ~~of~~ exclusive authority if the ~~school district~~ LOCAL BOARD demonstrates its compliance with the provisions of sub-subparagraphs (C) and (D) of subparagraph (I) of paragraph (a) of subsection (5) of this section and presents to the state board a plan to implement a combination of the authorizing practices described in paragraph (a) of ~~this~~ subsection (5) OF THIS SECTION.

(7) A grant of exclusive authority by the state board shall continue so long as a ~~school district~~ LOCAL BOARD OF EDUCATION continues to comply with the provisions of subsection (5) of this section, ~~and has presented a written resolution to the state board as set forth in subsection (4) of this section;~~ AND THE LOCAL BOARD NEED NOT REAPPLY; EXCEPT THAT A LOCAL BOARD OF EDUCATION THAT RETAINS EXCLUSIVE AUTHORITY PURSUANT TO PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION SHALL REAPPLY FOR EXCLUSIVE AUTHORITY IF THE CRITERIA SPECIFIED IN SAID PARAGRAPH (b) NO LONGER APPLY TO THE SCHOOL DISTRICT.

SECTION 3. 22-30.5-504, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-504. Institute chartering authority - institute charter schools - exclusive authority - retention - recovery - revocation. (7.5) (a) A CHARTER SCHOOL, A CHARTER SCHOOL APPLICANT, OR AN ORGANIZATION THAT REPRESENTS CHARTER SCHOOLS MAY REQUEST REVOCATION OF A LOCAL BOARD OF EDUCATION'S EXCLUSIVE AUTHORITY TO AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT BY FILING A REQUEST FOR REVOCATION WITH THE STATE BOARD. A CHARTER SCHOOL MAY REQUEST REVOCATION OF THE EXCLUSIVE AUTHORITY ONLY OF ITS CHARTERING LOCAL BOARD. A CHARTER APPLICANT MAY REQUEST REVOCATION OF THE EXCLUSIVE AUTHORITY ONLY OF A LOCAL BOARD OF EDUCATION TO WHICH IT MAY APPLY FOR A CHARTER.

(b) A CHARTER SCHOOL, A CHARTER SCHOOL APPLICANT, OR AN ORGANIZATION THAT REPRESENTS CHARTER SCHOOLS MAY REQUEST REVOCATION OF A LOCAL BOARD OF EDUCATION'S EXCLUSIVE AUTHORITY ONLY ON THE GROUNDS THAT THE LOCAL BOARD, SINCE THE DATE THAT THE LOCAL BOARD RECEIVED EXCLUSIVE AUTHORITY, HAS DEMONSTRATED A PATTERN OF FAILING TO COMPLY WITH ONE OR MORE OF THE PROVISIONS OF THE "CHARTER SCHOOLS ACT", PART 1 OF THIS ARTICLE. A CHARTER SCHOOL, A CHARTER SCHOOL APPLICANT, OR AN ORGANIZATION THAT REPRESENTS CHARTER SCHOOLS MAY NOT REQUEST REVOCATION OF A LOCAL BOARD OF EDUCATION'S EXCLUSIVE AUTHORITY SOLELY ON THE BASIS OF:

(I) THE LOCAL BOARD'S REFUSAL OF A CHARTER APPLICATION; OR

(II) AN ACTION BY THE LOCAL BOARD THAT A CHARTER SCHOOL OR A CHARTER SCHOOL APPLICANT MAY APPEAL TO THE STATE BOARD PURSUANT TO SECTION 22-30.5-108, UNLESS THE ACTION WOULD OTHERWISE CONSTITUTE GROUNDS FOR DENIAL OR REVOCATION OF EXCLUSIVE AUTHORITY.

(c) TO REQUEST REVOCATION OF A LOCAL BOARD OF EDUCATION'S EXCLUSIVE AUTHORITY, A CHARTER SCHOOL, A CHARTER SCHOOL APPLICANT, OR AN ORGANIZATION THAT REPRESENTS CHARTER SCHOOLS SHALL FILE A NOTICE OF REQUEST FOR REVOCATION WITH THE STATE BOARD, ACCOMPANIED BY A SPECIFIC WRITTEN DESCRIPTION, WITH SUPPORTING DOCUMENTATION, OF THE BASIS FOR THE REQUEST. THE REQUESTING PARTY, AT THE TIME OF FILING THE NOTICE WITH THE STATE BOARD, SHALL PROVIDE A COPY OF THE NOTICE OF REQUEST FOR REVOCATION AND THE BASIS FOR THE REQUEST, WITH THE SUPPORTING DOCUMENTATION, TO THE AFFECTED LOCAL BOARD OF EDUCATION. THE STATE BOARD SHALL PERMIT THE LOCAL BOARD THE OPPORTUNITY TO APPEAR AT A PUBLIC HEARING AND RESPOND

IN WRITING TO THE REQUEST FOR REVOCATION AND SHALL PERMIT THE REQUESTING PARTY THE OPPORTUNITY AT THE PUBLIC HEARING TO REBUT ANY ARGUMENTS MADE BY THE LOCAL BOARD. IF THE LOCAL BOARD INTENDS TO RESPOND TO THE REQUEST FOR REVOCATION, IT SHALL SUBMIT A COPY OF ITS RESPONSE IN WRITING, WITH SUPPORTING DOCUMENTATION, TO THE REQUESTING PARTY AND THE STATE BOARD AT LEAST FIFTEEN DAYS PRIOR TO THE PUBLIC HEARING. THE STATE BOARD SHALL DETERMINE WHETHER TO GRANT OR DENY THE REQUEST FOR REVOCATION, BASED ON THE CRITERIA FOR GRANTING EXCLUSIVE AUTHORITY SPECIFIED IN SUBSECTIONS (5) AND (6) OF THIS SECTION, WITHIN SIXTY DAYS AFTER RECEIVING THE NOTICE. IF THE STATE BOARD REVOKES THE LOCAL BOARD OF EDUCATION'S EXCLUSIVE AUTHORITY TO AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT, IT SHALL PROVIDE A WRITTEN EXPLANATION OF THE BASIS FOR THE REVOCATION.

(d) IF THE STATE BOARD REVOKES A LOCAL BOARD OF EDUCATION'S EXCLUSIVE AUTHORITY, THE LOCAL BOARD MAY APPLY TO RECOVER THE GRANT OF EXCLUSIVE AUTHORITY AS PROVIDED IN SUBSECTION (4) OF THIS SECTION AS SOON AS THE LOCAL BOARD DETERMINES IT HAS RESOLVED THE ISSUE THAT WAS THE BASIS FOR THE REVOCATION. THE STATE BOARD SHALL CONSIDER THE LOCAL BOARD OF EDUCATION'S APPLICATION AND EITHER GRANT OR DENY THE LOCAL BOARD EXCLUSIVE AUTHORITY AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

SECTION 4. 22-30.5-504, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-504. Institute chartering authority - institute charter schools.

(10)(a) AN INSTITUTE CHARTER SCHOOL THAT IS LOCATED WITHIN THE GEOGRAPHIC BOUNDARIES OF A SCHOOL DISTRICT THAT RECOVERS EXCLUSIVE AUTHORITY TO AUTHORIZE CHARTER SCHOOLS, AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, OR THAT PERMITTED THE ESTABLISHMENT OF THE INSTITUTE CHARTER SCHOOL WITHIN ITS GEOGRAPHIC BOUNDARIES, AS PROVIDED IN SUBSECTION (8) OF THIS SECTION, MAY APPLY TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH IT IS LOCATED TO CONVERT TO A DISTRICT CHARTER SCHOOL. TO CONVERT TO A DISTRICT CHARTER SCHOOL, THE INSTITUTE CHARTER SCHOOL SHALL SUBMIT AN APPLICATION TO THE LOCAL BOARD OF EDUCATION AS IF IT WERE APPLYING FOR A NEW CHARTER IN ACCORDANCE WITH THE PROVISIONS OF PART 1 OF THIS ARTICLE.

(b) AN APPLICATION TO CONVERT AN EXISTING INSTITUTE CHARTER SCHOOL TO A DISTRICT CHARTER SCHOOL SHALL INCLUDE EVIDENCE THAT AN ADEQUATE NUMBER OF PARENTS, TEACHERS, OR PUPILS, OR ANY COMBINATION THEREOF, SUPPORTS THE CONVERSION OF THE INSTITUTE CHARTER SCHOOL TO A DISTRICT CHARTER SCHOOL.

(c) A LOCAL BOARD OF EDUCATION'S APPROVAL OF AN APPLICATION FROM AN EXISTING INSTITUTE CHARTER SCHOOL SUBMITTED PURSUANT TO THIS SUBSECTION (10) SHALL NOT RELIEVE THE INSTITUTE CHARTER SCHOOL OF ANY PREEXISTING CONTRACTUAL OBLIGATIONS OR RELATIONSHIPS, INCLUDING OBLIGATIONS OF THE INSTITUTE CHARTER SCHOOL TO THE INSTITUTE; EXCEPT THAT THE INSTITUTE CHARTER SCHOOL SHALL NO LONGER BE SUBJECT TO THE OVERSIGHT AND CONTROL OF THE INSTITUTE. THE TRANSFER OF OVERSIGHT OF AN INSTITUTE CHARTER SCHOOL FROM THE INSTITUTE TO A SCHOOL DISTRICT SHALL NOT BE DEEMED A DISSOLUTION

OR OTHER EVENT THAT EMPOWERS OR OBLIGATES THE INSTITUTE TO WIND DOWN THE INSTITUTE CHARTER SCHOOL'S AFFAIRS OR TO DISPOSE OF THE INSTITUTE CHARTER SCHOOL'S ASSETS.

SECTION 5. The introductory portion to 22-30.5-505 (3), Colorado Revised Statutes, is amended to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3) The mission of the institute board shall be to foster high-quality public school choices offered through institute charter schools, including particularly schools THAT ARE FOCUSED ON CLOSING THE ACHIEVEMENT GAP for at-risk students. In discharging its duties pursuant to this part 5, the institute shall:

SECTION 6. 22-30.5-505, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3.5) THE INSTITUTE BOARD SHALL ENSURE THAT THE NAMES OF INSTITUTE BOARD MEMBERS AND THE SCHEDULE OF, AGENDAS FOR, AND MINUTES OF THE MEETINGS AND HEARINGS HELD BY THE INSTITUTE BOARD ARE PROMPTLY POSTED AND UPDATED ON THE STATE CHARTER SCHOOL INSTITUTE'S WEB SITE. THE DEPARTMENT ON ITS WEB SITE SHALL PROVIDE A LINK TO THE STATE CHARTER SCHOOL INSTITUTE'S WEB SITE.

(12) (a) ON OR BEFORE AUGUST 1, 2008, THE INSTITUTE SHALL COLLECT FROM INSTITUTE CHARTER SCHOOLS THE DATA SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (12). AT A MINIMUM, THE INSTITUTE SHALL REQUIRE THE INSTITUTE CHARTER SCHOOLS TO UPDATE THE COLLECTED DATA ON MARCH 1, MAY 1, AND JULY 1 OF EACH YEAR STARTING IN 2009. UPON RECEIPT OF A REQUEST FROM A SCHOOL DISTRICT, THE INSTITUTE SHALL PROVIDE A COPY OF THE COLLECTED DATA TO THE SCHOOL DISTRICT.

(b) THE DATA COLLECTED PURSUANT TO THIS SUBSECTION (12) SHALL INCLUDE, AT A MINIMUM:

(I) THE PROJECTED AGGREGATE NUMBER OF STUDENTS ENROLLING IN INSTITUTE CHARTER SCHOOLS FOR THE UPCOMING ACADEMIC YEAR WHO WERE ENROLLED IN SCHOOLS OF THE SCHOOL DISTRICT FOR THE PRECEDING ACADEMIC YEAR; AND

(II) FOR EACH STUDENT INCLUDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), TO THE EXTENT KNOWN:

(A) THE NAME OF THE SCHOOL IN WHICH THE STUDENT WAS ENROLLED IN THE PRECEDING ACADEMIC YEAR; AND

(B) THE NAME OF THE INSTITUTE CHARTER SCHOOL AND THE GRADE IN WHICH THE STUDENT IS ENROLLED FOR THE UPCOMING ACADEMIC YEAR.

SECTION 7. 22-30.5-507 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-30.5-507. Institute charter school - requirements - authority.

(1) (c) EACH INSTITUTE CHARTER SCHOOL AUTHORIZED ON OR AFTER JULY 1, 2008, SHALL INCLUDE WITHIN ITS NAME THE PHRASE "STATE CHARTER SCHOOL".

SECTION 8. 22-30.5-510 (1) (a), (1) (b), and (2), Colorado Revised Statutes, are amended, and the said 22-30.5-510 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

22-30.5-510. Institute charter school application - process - rule-making.

(1) (a) Except as otherwise provided in section 22-30.5-506 (2), the institute shall receive and review all applications for institute charter schools. An application for an institute charter school may be submitted by one or more individuals, by a non-profit, governmental, or other entity or organization, or by an existing charter school authorized by a district. ~~The institute's approval of an application from an existing charter school shall not relieve the charter school of any pre-existing contractual obligations or relationships, including obligations of the charter school due to the school district that authorized the charter school. The transfer of oversight of a charter school from a school district to the institute shall not be deemed a dissolution or other event that empowers or obligates the school district to wind down the charter school's affairs or to dispose of the charter school's assets.~~ An entity applying for an institute charter school shall file an application with the institute by a date determined by rule of the institute board to be eligible for consideration for the following school year. Prior to any change in the application deadline, the institute shall notify each known institute charter school applicant of the proposed change by certified letter. If the institute finds the institute charter school application is incomplete, the institute shall request the necessary information from the applicant.

(a.3) AN APPLICATION TO CONVERT AN EXISTING CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT TO AN INSTITUTE CHARTER SCHOOL SHALL INCLUDE EVIDENCE THAT AN ADEQUATE NUMBER OF PARENTS, TEACHERS, OR PUPILS OR ANY COMBINATION THEREOF SUPPORT THE CONVERSION TO AN INSTITUTE CHARTER SCHOOL.

(a.5) THE INSTITUTE'S APPROVAL OF AN APPLICATION FROM AN EXISTING CHARTER SCHOOL SHALL NOT RELIEVE THE CHARTER SCHOOL OF ANY PREEXISTING CONTRACTUAL OBLIGATIONS OR RELATIONSHIPS, INCLUDING OBLIGATIONS OF THE CHARTER SCHOOL TO THE SCHOOL DISTRICT THAT OVERSEES THE CHARTER SCHOOL; EXCEPT THAT THE CHARTER SCHOOL SHALL NO LONGER BE SUBJECT TO THE OVERSIGHT AND CONTROL OF THE SCHOOL DISTRICT. THE TRANSFER OF OVERSIGHT OF A CHARTER SCHOOL FROM A SCHOOL DISTRICT TO THE INSTITUTE SHALL NOT BE DEEMED A DISSOLUTION OR OTHER EVENT THAT EMPOWERS OR OBLIGATES THE SCHOOL DISTRICT TO WIND DOWN THE CHARTER SCHOOL'S AFFAIRS OR TO DISPOSE OF THE CHARTER SCHOOL'S ASSETS.

(b) The institute board shall set forth by rule all necessary procedures for the application process and for application review by the institute and the institute board. The rules shall describe a rigorous review of the application that includes, but is not necessarily limited to, the following key evaluative areas involving the institute charter school:

(I) THE NUMBER OF AT-RISK STUDENTS THAT THE INSTITUTE CHARTER SCHOOL ANTICIPATES SERVING, BOTH AS AN ABSOLUTE NUMBER AND AS A PERCENTAGE OF THE ENTIRE STUDENT BODY EXPECTED TO ENROLL AT THE INSTITUTE CHARTER SCHOOL;

~~(II)~~ Curriculum and instructional program;

~~(III)~~ Nonacademic program characteristics;

~~(IV)~~ Financial viability;

~~(V)~~ Appropriate governance model and proposed practices;

~~(VI)~~ Appropriate, consistent, clear, and measurable accountability systems;
and

~~(VII)~~ The extent to which the instructional program fits the mission statement of the institute charter school;

(VIII) WHETHER THE INSTITUTE CHARTER SCHOOL WILL PROVIDE AN EDUCATIONAL OPTION THAT SUBSTANTIALLY DIFFERS FROM THE EDUCATIONAL OPPORTUNITIES PROVIDED BY EXISTING SCHOOLS OF THE SCHOOL DISTRICT THAT HAVE CAPACITY TO ACCOMMODATE ADDITIONAL STUDENTS;

(IX) THE INSTITUTE CHARTER SCHOOL'S PLAN FOR OUTREACH AND RECRUITMENT OF STUDENTS WHOSE RACE, GENDER, AND ETHNICITY REFLECT THE DEMOGRAPHICS OF THE COMMUNITY THAT THE INSTITUTE CHARTER SCHOOL INTENDS TO SERVE; AND

(X) THE INSTITUTE CHARTER SCHOOL'S PLAN FOR IDENTIFYING AND REDUCING THE ACADEMIC ACHIEVEMENT GAPS AMONG ITS STUDENT POPULATION.

(d) WHEN THE INSTITUTE DETERMINES THAT IT HAS RECEIVED A COMPLETE APPLICATION FOR AN INSTITUTE CHARTER SCHOOL, THE INSTITUTE SHALL SEND NOTICE TO THE LOCAL BOARD OF EDUCATION AND THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE FOR THE SCHOOL DISTRICT IN WHICH THE PROPOSED INSTITUTE CHARTER SCHOOL IS TO BE LOCATED. AT A MINIMUM, THE NOTICE SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE SCHEDULE BY WHICH THE INSTITUTE WILL REVIEW THE APPLICATION AND DETERMINE WHETHER TO AUTHORIZE THE INSTITUTE CHARTER SCHOOL;

(II) THE DATES AND LOCATIONS OF MEETINGS AT WHICH THE INSTITUTE WILL CONSIDER THE APPLICATION, INCLUDING AT LEAST ONE MEETING WITHIN THE SCHOOL DISTRICT;

(III) INSTRUCTIONS SPECIFYING HOW THE LOCAL BOARD MAY REQUEST INFORMATION FROM THE INSTITUTE REGARDING:

(A) THE LOCATION OF THE PROPOSED INSTITUTE CHARTER SCHOOL, IF KNOWN;
AND

(B) ENROLLMENT PROJECTIONS FOR THE PROPOSED INSTITUTE CHARTER SCHOOL, INCLUDING THE PROJECTED NUMBER OF AT-RISK STUDENTS; AND

(IV) AN INVITATION TO THE LOCAL BOARD OF EDUCATION TO SEND COMMENTS TO THE INSTITUTE REGARDING THE SCHOOL DISTRICT'S CONCERNS WITH ANY PORTION OF THE APPLICATION, INCLUDING ANY COMMENTS CONCERNING WHETHER THE PROPOSED NEW INSTITUTE CHARTER SCHOOL SUBSTANTIALLY DIFFERS FROM EXISTING EDUCATIONAL OPTIONS WITHIN THE SCHOOL DISTRICT THAT HAVE THE CAPACITY TO ACCOMMODATE ADDITIONAL STUDENTS.

(2) (a) PRIOR TO RULING ON THE APPLICATION FOR AN INSTITUTE CHARTER SCHOOL, ONE OR MORE REPRESENTATIVES OF THE INSTITUTE BOARD SHALL HOLD A PUBLIC MEETING IN THE SCHOOL DISTRICT IN WHICH THE INSTITUTE CHARTER SCHOOL WOULD BE LOCATED. AT THE MEETING, THE REPRESENTATIVES OF THE INSTITUTE BOARD, AT A MINIMUM, SHALL TAKE PUBLIC TESTIMONY REGARDING WHETHER TO APPROVE OR DISAPPROVE THE APPLICATION FOR AN INSTITUTE CHARTER SCHOOL.

(b) The institute board shall rule by resolution on the application for an institute charter school in a public hearing, following reasonable public notice, within sixty days after receiving the application filed pursuant to subsection (1) of this section. AT THE PUBLIC HEARING, PRIOR TO ADOPTING THE RESOLUTION, THE INSTITUTE BOARD SHALL MAKE AVAILABLE TO PERSONS IN ATTENDANCE AT THE HEARING A WRITTEN SUMMARY OF THE TESTIMONY RECEIVED AT THE MEETING HELD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) AND, ON THE RECORD, SHALL CONSIDER THE TESTIMONY AND ITS APPLICATION TO THE INSTITUTE BOARD'S DECISION.

(c) All negotiations between the institute charter school and the institute on the charter contract shall be concluded, and all terms of the charter contract agreed upon, no later than forty-five days after the institute board approves the application for an institute charter school.

SECTION 9. 22-30.5-503 (1) (b) (II), Colorado Revised Statutes, is amended to read:

22-30.5-503. State charter school institute - establishment. (1) (b) In addition to any other powers or duties granted by law to the institute, the institute shall:

(II) Assist in the conversion of a school district charter school to an institute charter school pursuant to section 22-30.5-510 (1); ~~(a)~~;

SECTION 10. 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: April 17, 2008