

CHAPTER 248

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 10-1412

BY REPRESENTATIVE(S) Carroll T., Apuan, Kerr J., King S., Labuda, Loooper, Massey, Pace, Schafer S., Stephens, Acree, Gardner B., Lambert, Nikkel, Summers;
also SENATOR(S) Johnston and Spence, Bacon.

AN ACT

CONCERNING THE CREATION OF THE CHARTER SCHOOL AND CHARTER AUTHORIZER STANDARDS REVIEW COMMITTEE.

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

SECTION 1. Part 1 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-30.5-104.5. Charter school and charter authorizer standards review committee - creation - duties - repeal. (1) (a) THERE IS HEREBY CREATED THE CHARTER SCHOOL AND CHARTER AUTHORIZER STANDARDS REVIEW COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE PURPOSE OF THE COMMITTEE SHALL BE TO MAKE RECOMMENDATIONS TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING STANDARDS FOR CHARTER SCHOOLS AND CHARTER SCHOOL AUTHORIZERS.

(b) THE COMMITTEE SHALL CONSIST OF THIRTEEN MEMBERS, WHO SHALL BE APPOINTED ON OR BEFORE OCTOBER 1, 2010, AS FOLLOWS:

(I) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

(A) ONE MEMBER WHO IS A REPRESENTATIVE OF A BOARD OF COOPERATIVE SERVICES;

(B) ONE MEMBER WHO IS A CHARTER SCHOOL FOUNDER OR CHARTER SCHOOL BOARD MEMBER;

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

(C) ONE MEMBER WHO IS A CHARTER SCHOOL ADMINISTRATOR WITH EXPERTISE IN BUSINESS AND FINANCE.

(II) THE PRESIDENT OF THE SENATE SHALL APPOINT:

(A) ONE MEMBER WHO IS A MEMBER OF A LOCAL BOARD OF A SCHOOL DISTRICT WITH EXCLUSIVE CHARTERING AUTHORITY PURSUANT TO SECTION 22-30.5-504;

(B) ONE MEMBER WHO IS A CHARTER SCHOOL TEACHER; AND

(C) ONE MEMBER WHO IS A REPRESENTATIVE OF A NATIONAL ORGANIZATION THAT HAS EXPERIENCE IN DEVELOPING STANDARDS FOR CHARTER SCHOOL AUTHORIZERS;

(III) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE MEMBER WHO IS A PARENT OF A CHILD ENROLLED IN A PUBLIC SCHOOL AND WHO ALSO SERVES ON THE DISTRICT ACCOUNTABILITY COMMITTEE FOR HIS OR HER SCHOOL DISTRICT, AND ONE MEMBER WHO IS A PARENT OF A CHILD ENROLLED IN A CHARTER SCHOOL OR IN AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF THIS ARTICLE;

(IV) THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE MEMBER WHO IS A MEMBER OF A LOCAL SCHOOL BOARD OF A SCHOOL DISTRICT THAT SHARES CHARTERING AUTHORITY WITH THE STATE CHARTER SCHOOL INSTITUTE, AND ONE MEMBER WHO IS A SCHOOL DISTRICT ADMINISTRATOR WITH EXPERTISE IN FINANCIAL POLICIES AND PROCEDURES FROM A SCHOOL DISTRICT THAT HAS AUTHORIZED A CHARTER SCHOOL;

(V) THE GOVERNOR SHALL APPOINT:

(A) ONE MEMBER WHO IS A REPRESENTATIVE OF THE STATE CHARTER SCHOOL INSTITUTE; AND

(B) ONE MEMBER WHO IS A SCHOOL DISTRICT ADMINISTRATOR WITH EXPERIENCE WITH CHARTER SCHOOL AUTHORIZING; AND

(VI) THE STATE BOARD SHALL APPOINT ONE MEMBER WHO IS A REPRESENTATIVE FROM THE DEPARTMENT.

(c) THE COMPOSITION OF THE COMMITTEE SHALL REFLECT, TO THE EXTENT PRACTICABLE, COLORADO'S ETHNIC, RACIAL, AND GEOGRAPHIC DIVERSITY.

(d) MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION, AND THE COMMITTEE SHALL NOT RECEIVE STAFF SUPPORT FROM THE DEPARTMENT.

(e) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL CONVENE THE FIRST MEETING OF THE COMMITTEE ON OR AFTER OCTOBER 1, 2010. THE COMMITTEE SHALL ELECT FROM ITS MEMBERSHIP A CHAIR AND A VICE-CHAIR OF THE COMMITTEE AT THE FIRST MEETING OF THE COMMITTEE.

(2) THE COMMITTEE SHALL CREATE TWO SUBCOMMITTEES AT ITS FIRST MEETING.

ONE SUBCOMMITTEE SHALL STUDY AND PROVIDE RECOMMENDATIONS TO THE COMMITTEE CONCERNING CHARTER SCHOOL STANDARDS; THE SECOND SUBCOMMITTEE SHALL STUDY AND PROVIDE RECOMMENDATIONS TO THE COMMITTEE CONCERNING STANDARDS FOR CHARTER SCHOOL AUTHORIZERS. THE CHAIR OF THE COMMITTEE MAY ESTABLISH ADDITIONAL SUBCOMMITTEES AS NECESSARY TO COMPLETE THE WORK OF THE COMMITTEE.

(3) ON OR BEFORE AUGUST 1, 2011, THE COMMITTEE SHALL COMPLETE ITS WORK AND SUBMIT RECOMMENDATIONS TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE FOLLOWING ISSUES RELATED TO STANDARDS FOR CHARTER SCHOOLS AND CHARTER SCHOOL AUTHORIZERS, INCLUDING STANDARDS FOR INDIVIDUAL SCHOOLS AND CHARTER MANAGEMENT ORGANIZATIONS:

(a) AGENCY CAPACITY;

(b) THE APPLICATION PROCESS FOR CHARTER SCHOOLS;

(c) PERFORMANCE CONTRACTING AND SCHOOL OPENING;

(d) ONGOING OVERSIGHT AND EVALUATION;

(e) RENEWAL DECISION-MAKING;

(f) ETHICAL ISSUES, INCLUDING BUT NOT LIMITED TO EXCESS BENEFITS, EXECUTIVE COMPENSATION, NEPOTISM, AND CONFLICTS OF INTEREST IN CHARTER SCHOOL GOVERNANCE; AND

(g) NONDISCRIMINATION, INCLUDING APPLICABLE STANDARDS AND ACCOUNTABILITY RELATING TO FEDERAL AND STATE ANTI-DISCRIMINATION LAWS, INCLUDING THE AUTHORIZER'S ROLE IN MONITORING, OVERSEEING, AND COMPLIANCE THEREWITH AND THE CHARTER SCHOOL'S DEMONSTRATION OF COMPLIANCE.

(4) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 30, 2011. NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-1203, C.R.S., THE COMMITTEE SHALL NOT BE SUBJECT TO REVIEW PRIOR TO REPEAL.

SECTION 2. 22-2-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-2-106. State board - duties. (1) It is the duty of the state board:

(h) ON OR BEFORE JANUARY 15, 2012, TO ADOPT BY RULE STANDARDS FOR CHARTER SCHOOLS AND CHARTER SCHOOL AUTHORIZERS BASED ON THE RECOMMENDATIONS MADE BY THE CHARTER SCHOOL AND CHARTER AUTHORIZER STANDARDS REVIEW COMMITTEE PURSUANT TO SECTION 22-30.5-104.5.

SECTION 3. 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 21, 2010