22, C.R.S., IN THE CURRICULUM FOR PERSONS WHO ARE PREPARING TO ENTER THE TEACHING PROFESSION. SUCH POLICIES AND PROCEDURES SHALL NOT LIMIT THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO EVALUATE AND APPROVE THE PROGRAMS OF TEACHER PREPARATION OFFERED AT COLORADO INSTITUTIONS OF HIGHER EDUCATION PURSUANT TO SECTION 22-2-109, C.R.S.

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: June 3, 1993

CHAPTER 227

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 93-183

BY SENATORS Owen, Trujillo, Bird, Blickensderfer, Johnson, Roberts, Ruddick, Schaffer, Schroeder, Meiklejohn, Mutzebaugh, Norton, and Tebedo;
also REPRESENTATIVES Kerns, Agler, Anderson, Reeves, Adkins, Berry, Coffman, Dyer, Foster, Hagedorn, Jerke, Kaufman, Lawrence, May, Owen, Ratterree, and Sullivan.

AN ACT

CONCERNING CHARTER SCHOOLS.

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

SECTION 1. Title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 30.5
Charter Schools

22-30.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CHARTER SCHOOLS ACT".

22-30.5-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IT IS THE OBLIGATION OF ALL COLORADANS TO PROVIDE ALL CHILDREN WITH SCHOOLS THAT REFLECT HIGH EXPECTATIONS AND CREATE CONDITIONS IN ALL SCHOOLS WHERE THESE EXPECTATIONS CAN BE MET;

(b) EDUCATION REFORM IS IN THE BEST INTERESTS OF THE STATE IN ORDER TO STRENGTHEN THE PERFORMANCE OF ELEMENTARY AND SECONDARY PUBLIC SCHOOL PUPILS, THAT THE BEST EDUCATION DECISIONS ARE MADE BY THOSE WHO KNOW THE STUDENTS BEST AND WHO ARE RESPONSIBLE FOR IMPLEMENTING THE DECISIONS, AND, THEREFORE, THAT EDUCATORS AND PARENTS HAVE A RIGHT AND A RESPONSIBILITY TO PARTICIPATE IN THE EDUCATION INSTITUTIONS WHICH SERVE THEM;

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) DIFFERENT PUPILS LEARN DIFFERENTLY AND PUBLIC SCHOOL PROGRAMS SHOULD BE DESIGNED TO FIT THE NEEDS OF INDIVIDUAL PUPILS AND THAT THERE ARE EDUCATORS, CITIZENS, AND PARENTS IN COLORADO WHO ARE WILLING AND ABLE TO OFFER INNOVATIVE PROGRAMS, EDUCATIONAL TECHNIQUES, AND ENVIRONMENTS BUT WHO LACK A CHANNEL THROUGH WHICH THEY CAN DIRECT THEIR INNOVATIVE EFFORTS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THIS ARTICLE IS ENACTED FOR THE FOLLOWING PURPOSES:

(a) TO IMPROVE PUPIL LEARNING BY CREATING SCHOOLS WITH HIGH, RIGOROUS STANDARDS FOR PUPIL PERFORMANCE;

(b) TO INCREASE LEARNING OPPORTUNITIES FOR ALL PUPILS, WITH SPECIAL EMPHASIS ON EXPANDED LEARNING EXPERIENCES FOR PUPILS WHO ARE IDENTIFIED AS ACADEMICALLY LOW-ACHIEVING;

(c) TO ENCOURAGE DIVERSE APPROACHES TO LEARNING AND EDUCATION AND THE USE OF DIFFERENT AND INNOVATIVE TEACHING METHODS;

(d) TO ALLOW THE DEVELOPMENT OF DIFFERENT AND INNOVATIVE FORMS OF MEASURING PUPIL LEARNING AND ACHIEVEMENT;

(e) TO CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS, INCLUDING THE OPPORTUNITY TO BE RESPONSIBLE FOR THE LEARNING PROGRAM AT THE SCHOOL SITE;

(f) TO PROVIDE PARENTS AND PUPILS WITH EXPANDED CHOICES IN THE TYPES OF EDUCATION OPPORTUNITIES THAT ARE AVAILABLE WITHIN THE PUBLIC SCHOOL SYSTEM;

(g) TO ENCOURAGE PARENTAL AND COMMUNITY INVOLVEMENT WITH PUBLIC SCHOOLS;

(h) TO HOLD CHARTER SCHOOLS ACCOUNTABLE FOR MEETING STATE BOARD AND SCHOOL DISTRICT CONTENT STANDARDS AND TO PROVIDE SUCH SCHOOLS WITH A METHOD TO CHANGE ACCOUNTABILITY SYSTEMS.

(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 SYSTEMS WHERE RESEARCH AND DEVELOPMENT IN DEVELOPING DIFFERENT LEARNING OPPORTUNITIES IS ACTIVELY PURSUED. AS SUCH, THE PROVISIONS OF THIS ARTICLE 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.

22-30.5-103. Definitions. (1) FOR PURPOSES OF THIS ARTICLE:

(a) "AT-RISK PUPIL" MEANS A PUPIL WHO, BECAUSE OF PHYSICAL, EMOTIONAL, SOCIOECONOMIC, OR CULTURAL FACTORS, IS LESS LIKELY TO SUCCEED IN A CONVENTIONAL EDUCATIONAL ENVIRONMENT.

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

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

22-30.5-104. Charter school - requirements - authority. (1) A CHARTER SCHOOL SHALL BE A PUBLIC, NONSECTARIAN, NONRELIGIOUS, NON-HOME-BASED SCHOOL WHICH OPERATES WITHIN A PUBLIC SCHOOL DISTRICT.

(2) A CHARTER SCHOOL SHALL BE A PUBLIC SCHOOL WHICH IS PART OF THE SCHOOL DISTRICT IN WHICH IT IS LOCATED AND SHALL BE ACCOUNTABLE TO THE LOCAL BOARD OF EDUCATION FOR PURPOSES OF ENSURING COMPLIANCE WITH APPLICABLE LAWS AND CHARTER PROVISIONS AND THE REQUIREMENT OF SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION.

(3) A CHARTER SCHOOL 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 SHALL BE SUBJECT TO ANY COURT-ORDERED DESEGREGATION PLAN IN EFFECT FOR THE SCHOOL DISTRICT. ENROLLMENT MUST BE OPEN TO ANY CHILD WHO RESIDES WITHIN THE SCHOOL DISTRICT.

(4) A CHARTER SCHOOL SHALL BE ADMINISTERED AND GOVERNED BY A GOVERNING BODY IN A MANNER AGREED TO BY THE CHARTER SCHOOL APPLICANT AND THE LOCAL BOARD OF EDUCATION.

(5) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 22-32-115 AND 22-53-104, A CHARTER SCHOOL SHALL NOT CHARGE TUITION.

(6) PURSUANT TO CONTRACT, A CHARTER SCHOOL MAY OPERATE FREE FROM SPECIFIED SCHOOL DISTRICT POLICIES AND STATE REGULATIONS. 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.

(7) (a) A CHARTER SCHOOL SHALL BE RESPONSIBLE FOR ITS OWN OPERATION INCLUDING, BUT NOT LIMITED TO, PREPARATION OF A BUDGET, CONTRACTING FOR SERVICES, AND PERSONNEL MATTERS.

(b) A CHARTER SCHOOL MAY NEGOTIATE AND CONTRACT WITH A SCHOOL DISTRICT, THE GOVERNING BODY OF A STATE COLLEGE OR UNIVERSITY, OR ANY THIRD PARTY FOR THE USE OF A SCHOOL BUILDING AND GROUNDS, THE OPERATION AND MAINTENANCE THEREOF, AND THE PROVISION OF ANY SERVICE, ACTIVITY, OR UNDERTAKING WHICH THE CHARTER SCHOOL IS REQUIRED TO

PERFORM IN ORDER TO CARRY OUT THE EDUCATIONAL PROGRAM DESCRIBED IN ITS CHARTER. ANY SERVICES FOR WHICH A CHARTER SCHOOL CONTRACTS WITH A SCHOOL DISTRICT SHALL BE PROVIDED BY THE DISTRICT AT COST.

(c) IN NO EVENT SHALL A CHARTER SCHOOL BE REQUIRED TO PAY RENT FOR SPACE WHICH IS DEEMED AVAILABLE, AS NEGOTIATED BY CONTRACT, IN SCHOOL DISTRICT FACILITIES. ALL OTHER COSTS FOR THE OPERATION AND MAINTENANCE OF THE FACILITIES USED BY THE CHARTER SCHOOL SHALL BE SUBJECT TO NEGOTIATION BETWEEN THE CHARTER SCHOOL AND THE SCHOOL DISTRICT.

22-30.5-105. Charter schools - contract contents - regulations. (1) AN APPROVED CHARTER APPLICATION SHALL CONSTITUTE AN AGREEMENT, AND THE TERMS THEREOF SHALL BE THE TERMS OF A CONTRACT BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION.

(2) THE CONTRACT BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION SHALL REFLECT ALL AGREEMENTS REGARDING THE RELEASE OF THE CHARTER SCHOOL FROM SCHOOL DISTRICT POLICIES.

(3) THE CONTRACT BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION SHALL REFLECT ALL REQUESTS FOR RELEASE OF THE CHARTER SCHOOL FROM STATE REGULATIONS. THE LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL SHALL JOINTLY REQUEST SUCH RELEASE FROM THE STATE BOARD.

(4) A MATERIAL REVISION OF THE TERMS OF THE CONTRACT MAY BE MADE ONLY WITH THE APPROVAL OF THE LOCAL BOARD OF EDUCATION AND THE GOVERNING BODY OF THE CHARTER SCHOOL.

22-30.5-106. Charter application - contents. (1) THE CHARTER SCHOOL APPLICATION SHALL BE A PROPOSED AGREEMENT AND SHALL INCLUDE:

(a) THE MISSION STATEMENT OF THE CHARTER SCHOOL, WHICH MUST BE CONSISTENT WITH THE PRINCIPLES OF THE GENERAL ASSEMBLY'S DECLARED PURPOSES AS SET FORTH IN SECTION 22-30.5-102 (2) AND (3);

(b) THE GOALS, OBJECTIVES, AND PUPIL PERFORMANCE STANDARDS TO BE ACHIEVED BY THE CHARTER SCHOOL;

(c) EVIDENCE THAT AN ADEQUATE NUMBER OF PARENTS, TEACHERS, PUPILS, OR ANY COMBINATION THEREOF SUPPORT THE FORMATION OF A CHARTER SCHOOL;

(d) A STATEMENT OF THE NEED FOR A CHARTER SCHOOL IN A SCHOOL DISTRICT OR IN A GEOGRAPHIC AREA WITHIN A SCHOOL DISTRICT;

(e) A DESCRIPTION OF THE CHARTER SCHOOL'S EDUCATIONAL PROGRAM, PUPIL PERFORMANCE STANDARDS, AND CURRICULUM, WHICH MUST MEET OR EXCEED ANY CONTENT STANDARDS ADOPTED BY THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED AND MUST BE DESIGNED TO ENABLE EACH PUPIL TO ACHIEVE SUCH STANDARDS;

(f) A DESCRIPTION OF THE CHARTER SCHOOL'S PLAN FOR EVALUATING PUPIL PERFORMANCE, THE TYPES OF ASSESSMENTS THAT WILL BE USED TO MEASURE PUPIL PROGRESS TOWARDS ACHIEVEMENT OF THE SCHOOL'S PUPIL PERFORMANCE STANDARDS, THE TIMELINE FOR ACHIEVEMENT OF SUCH STANDARDS, AND THE PROCEDURES FOR TAKING CORRECTIVE ACTION IN THE EVENT THAT PUPIL PERFORMANCE AT THE CHARTER SCHOOL FALLS BELOW SUCH STANDARDS;

(g) EVIDENCE THAT THE PLAN FOR THE CHARTER SCHOOL IS ECONOMICALLY SOUND FOR BOTH THE CHARTER SCHOOL AND THE SCHOOL DISTRICT, A PROPOSED BUDGET FOR THE TERM OF THE CHARTER, A DESCRIPTION OF THE MANNER IN WHICH AN ANNUAL AUDIT OF THE FINANCIAL AND ADMINISTRATIVE OPERATIONS OF THE CHARTER SCHOOL, INCLUDING ANY SERVICES PROVIDED BY THE SCHOOL DISTRICT, IS TO BE CONDUCTED, AND A PLAN FOR THE DISPLACEMENT OF PUPILS, TEACHERS, AND OTHER EMPLOYEES WHO WILL NOT ATTEND OR BE EMPLOYED IN THE CHARTER SCHOOL;

(h) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE CHARTER SCHOOL, INCLUDING THE NATURE AND EXTENT OF PARENTAL, PROFESSIONAL EDUCATOR, AND COMMUNITY INVOLVEMENT IN THE GOVERNANCE AND OPERATION OF THE CHARTER SCHOOL;

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

(j) AN AGREEMENT BETWEEN THE PARTIES REGARDING THEIR RESPECTIVE LEGAL LIABILITY AND APPLICABLE INSURANCE COVERAGE;

(k) A DESCRIPTION OF HOW THE CHARTER SCHOOL PLANS TO MEET THE TRANSPORTATION NEEDS OF ITS PUPILS AND, IF THE CHARTER SCHOOL PLANS TO PROVIDE TRANSPORTATION FOR PUPILS, A PLAN FOR ADDRESSING THE TRANSPORTATION NEEDS OF LOW-INCOME AND ACADEMICALLY LOW-ACHIEVING PUPILS.

(2) NO PERSON, GROUP, OR ORGANIZATION MAY SUBMIT AN APPLICATION TO CONVERT A PRIVATE SCHOOL OR A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM INTO A CHARTER SCHOOL OR TO CREATE A CHARTER SCHOOL WHICH IS A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM AS DEFINED IN SECTION 22-33-104.5.

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. 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 ON THE APPLICATION FOR A CHARTER SCHOOL IN A PUBLIC HEARING, UPON REASONABLE PUBLIC NOTICE, WITHIN SIXTY DAYS AFTER RECEIVING THE APPLICATION.

(3) IF A LOCAL BOARD OF EDUCATION DENIES A CHARTER SCHOOL APPLICATION, THE CHARTER APPLICANT MAY APPEAL THE DENIAL TO THE STATE BOARD PURSUANT TO SECTION 22-30.5-108.

22-30.5-108. Appeal - standard of review - procedures. (1) ACTING PURSUANT TO ITS SUPERVISORY POWER AS PROVIDED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION, THE STATE BOARD, UPON RECEIPT OF A NOTICE OF APPEAL OR UPON ITS OWN MOTION, MAY REVIEW DECISIONS OF ANY LOCAL BOARD OF EDUCATION CONCERNING CHARTER SCHOOLS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(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 WITHIN THIRTY DAYS OF THE LOCAL BOARD'S DECISION.

(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, THE APPEAL AND REVIEW PROCESS SHALL BE AS FOLLOWS:

(a) WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL OR THE MAKING OF A MOTION TO REVIEW BY THE STATE BOARD AND AFTER REASONABLE PUBLIC NOTICE, THE STATE BOARD, AT A PUBLIC HEARING WHICH MAY BE HELD IN THE DISTRICT WHERE THE PROPOSED CHARTER SCHOOL IS LOCATED, SHALL REVIEW THE DECISION OF THE LOCAL BOARD OF EDUCATION AND MAKE ITS FINDINGS. IF THE STATE BOARD FINDS THAT THE LOCAL BOARD'S DECISION WAS CONTRARY TO THE BEST INTERESTS OF THE PUPILS, SCHOOL DISTRICT, OR COMMUNITY, THE STATE BOARD SHALL REMAND SUCH DECISION TO THE LOCAL BOARD OF EDUCATION WITH WRITTEN INSTRUCTIONS FOR RECONSIDERATION THEREOF. SAID INSTRUCTIONS SHALL INCLUDE SPECIFIC RECOMMENDATIONS CONCERNING THE MATTERS REQUIRING RECONSIDERATION.

(b) WITHIN THIRTY DAYS FOLLOWING THE REMAND OF A DECISION TO THE LOCAL BOARD OF EDUCATION AND AFTER REASONABLE PUBLIC NOTICE, THE LOCAL BOARD OF EDUCATION, AT A PUBLIC HEARING, SHALL RECONSIDER ITS DECISION AND MAKE A FINAL DECISION.

(c) IF THE LOCAL BOARD OF EDUCATION'S FINAL DECISION IS STILL TO DENY, REFUSE TO RENEW, OR REVOKE A CHARTER, A SECOND NOTICE OF APPEAL MAY BE FILED WITH THE STATE BOARD WITHIN THIRTY DAYS FOLLOWING SUCH FINAL

DECISION.

(d) WITHIN THIRTY DAYS FOLLOWING RECEIPT OF THE SECOND NOTICE OF APPEAL OR THE MAKING OF A MOTION FOR A SECOND REVIEW BY THE STATE BOARD AND AFTER REASONABLE PUBLIC NOTICE, THE STATE BOARD, AT A PUBLIC HEARING, SHALL DETERMINE WHETHER THE FINAL DECISION OF THE LOCAL BOARD OF EDUCATION WAS CONTRARY TO THE BEST INTERESTS OF THE PUPILS, SCHOOL DISTRICT, OR COMMUNITY. IF SUCH A FINDING IS MADE, THE STATE BOARD SHALL REMAND SUCH FINAL DECISION TO THE LOCAL BOARD WITH INSTRUCTIONS TO APPROVE THE CHARTER APPLICATION. THE DECISION OF THE STATE BOARD SHALL BE FINAL AND NOT SUBJECT TO APPEAL.

(4) IF THE NOTICE OF APPEAL, OR THE MOTION TO REVIEW BY THE STATE BOARD, RELATES TO A LOCAL BOARD'S DECISION TO GRANT A CHARTER, THE APPEAL AND REVIEW PROCESS SHALL BE AS FOLLOWS:

(a) (I) WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL OR THE MAKING OF A MOTION TO REVIEW BY THE STATE BOARD AND AFTER REASONABLE PUBLIC NOTICE, THE STATE BOARD, AT A PUBLIC HEARING WHICH MAY BE HELD IN THE DISTRICT WHERE THE PROPOSED CHARTER SCHOOL IS LOCATED, SHALL REVIEW THE DECISION OF THE LOCAL BOARD OF EDUCATION AND DETERMINE WHETHER SUCH DECISION WAS ARBITRARY AND CAPRICIOUS OR WHETHER THE ESTABLISHMENT OR OPERATION OF THE PROPOSED CHARTER SCHOOL WOULD:

(A) VIOLATE ANY FEDERAL OR STATE LAWS CONCERNING CIVIL RIGHTS;

(B) VIOLATE ANY COURT ORDER;

(C) THREATEN THE HEALTH AND SAFETY OF PUPILS IN THE SCHOOL DISTRICT;

(D) VIOLATE THE PROVISIONS OF SECTION 22-30.5-109 (2), PRESCRIBING THE PERMISSIBLE NUMBER OF CHARTER SCHOOLS; OR

(E) BE INCONSISTENT WITH THE EQUITABLE DISTRIBUTION OF CHARTER SCHOOLS AMONG SCHOOL DISTRICTS.

(II) IF SUCH A DETERMINATION IS MADE, THE STATE BOARD SHALL REMAND SUCH DECISION TO THE LOCAL BOARD WITH INSTRUCTIONS TO DENY THE CHARTER APPLICATION. THE DECISION OF THE STATE BOARD SHALL BE FINAL AND NOT SUBJECT TO APPEAL.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER THE REQUIREMENT THAT A CHARTER SCHOOL BE A PART OF THE SCHOOL DISTRICT IN WHICH IT IS LOCATED AND ACCOUNTABLE TO THE LOCAL BOARD OF EDUCATION PURSUANT TO SECTION 22-30.5-104 (2).

22-30.5-109. Charter schools - restrictions - establishment - number. (1) SCHOOL DISTRICTS MAY, BUT SHALL NOT BE OBLIGATED TO, ESTABLISH CHARTER SCHOOLS PRIOR TO THE 1994-95 SCHOOL YEAR. A LOCAL BOARD OF EDUCATION MAY REASONABLY LIMIT THE NUMBER OF CHARTER SCHOOLS IN THE

SCHOOL DISTRICT.

(2) (a) NO MORE THAN FIFTY CHARTERS SHALL BE GRANTED PRIOR TO JULY 1, 1997, AND AT LEAST THIRTEEN OF SAID FIFTY 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.

(b) LOCAL BOARDS OF EDUCATION WHICH GRANT CHARTER SCHOOL APPLICATIONS SHALL REPORT SUCH ACTION TO THE STATE BOARD AND SHALL SPECIFY WHETHER OR NOT SUCH SCHOOL IS DESIGNED TO INCREASE THE EDUCATIONAL OPPORTUNITIES OF AT-RISK PUPILS. THE STATE BOARD SHALL PROMPTLY NOTIFY THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT WHEN THE LIMITS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) HAVE BEEN REACHED.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PRIORITY OF CONSIDERATION BE GIVEN TO CHARTER SCHOOL APPLICATIONS DESIGNED TO INCREASE THE EDUCATIONAL OPPORTUNITIES OF AT-RISK PUPILS, AS DEFINED IN SECTION 22-30.5-103.

(4) IF OTHERWISE QUALIFIED, NOTHING IN THIS ARTICLE 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.

(5) NOTHING IN THIS ARTICLE 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.

22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation. (1) A CHARTER MAY BE APPROVED OR RENEWED FOR A PERIOD NOT TO EXCEED FIVE ACADEMIC YEARS.

(2) A CHARTER SCHOOL RENEWAL APPLICATION SUBMITTED TO THE LOCAL BOARD OF EDUCATION SHALL CONTAIN:

(a) A REPORT ON THE PROGRESS OF THE CHARTER SCHOOL IN ACHIEVING THE GOALS, OBJECTIVES, PUPIL PERFORMANCE STANDARDS, CONTENT STANDARDS, AND OTHER TERMS OF THE INITIAL APPROVED CHARTER APPLICATION; AND

(b) A FINANCIAL STATEMENT THAT DISCLOSES THE COSTS OF ADMINISTRATION, INSTRUCTION, AND OTHER SPENDING CATEGORIES FOR THE CHARTER SCHOOL THAT IS UNDERSTANDABLE TO THE GENERAL PUBLIC AND THAT WILL ALLOW COMPARISON OF SUCH COSTS TO OTHER SCHOOLS OR OTHER COMPARABLE ORGANIZATIONS, IN A FORMAT REQUIRED BY THE STATE BOARD OF EDUCATION.

(3) A CHARTER MAY BE REVOKED OR NOT RENEWED BY THE LOCAL BOARD OF EDUCATION IF SUCH BOARD DETERMINES THAT THE CHARTER SCHOOL DID ANY OF THE FOLLOWING:

(a) COMMITTED A MATERIAL VIOLATION OF ANY OF THE CONDITIONS, STANDARDS, OR PROCEDURES SET FORTH IN THE CHARTER APPLICATION;

(b) FAILED TO MEET OR MAKE REASONABLE PROGRESS TOWARD ACHIEVEMENT OF THE CONTENT STANDARDS OR PUPIL PERFORMANCE STANDARDS IDENTIFIED IN THE CHARTER APPLICATION;

(c) FAILED TO MEET GENERALLY ACCEPTED STANDARDS OF FISCAL MANAGEMENT; OR

(d) VIOLATED ANY PROVISION OF LAW FROM WHICH THE CHARTER SCHOOL WAS NOT SPECIFICALLY EXEMPTED.

(4) IN ADDITION, A CHARTER MAY BE NOT RENEWED UPON A DETERMINATION BY THE LOCAL BOARD OF EDUCATION THAT IT IS NOT IN THE INTEREST OF THE PUPILS RESIDING WITHIN THE SCHOOL DISTRICT TO CONTINUE THE OPERATION OF THE CHARTER SCHOOL.

(5) A DECISION TO REVOKE OR NOT TO RENEW A CHARTER MAY BE APPEALED PURSUANT TO THE PROVISIONS OF SECTION 22-30.5-108.

22-30.5-111. Charter schools - employee options. (1) DURING THE FIRST YEAR THAT A TEACHER EMPLOYED BY A SCHOOL DISTRICT IS EMPLOYED BY A CHARTER SCHOOL, SUCH TEACHER SHALL BE CONSIDERED TO BE ON A ONE-YEAR LEAVE OF ABSENCE FROM THE SCHOOL DISTRICT. SUCH LEAVE OF ABSENCE SHALL COMMENCE ON THE FIRST DAY OF SERVICES FOR THE CHARTER SCHOOL. UPON THE REQUEST OF THE TEACHER, THE ONE-YEAR LEAVE OF ABSENCE SHALL BE RENEWED FOR UP TO TWO ADDITIONAL ONE-YEAR PERIODS UPON THE MUTUAL AGREEMENT OF THE TEACHER AND THE SCHOOL DISTRICT. AT THE END OF THREE YEARS, THE RELATIONSHIP BETWEEN THE TEACHER AND THE SCHOOL DISTRICT SHALL BE DETERMINED BY THE SCHOOL DISTRICT AND SUCH DISTRICT SHALL PROVIDE NOTICE TO THE TEACHER OF THE RELATIONSHIP.

(2) THE LOCAL BOARD OF EDUCATION SHALL DETERMINE BY POLICY OR BY NEGOTIATED AGREEMENT, IF ONE EXISTS, THE EMPLOYMENT STATUS OF SCHOOL DISTRICT EMPLOYEES EMPLOYED BY THE CHARTER SCHOOL WHO SEEK TO RETURN TO EMPLOYMENT WITH PUBLIC SCHOOLS IN THE SCHOOL DISTRICT.

(3) EMPLOYEES OF A CHARTER SCHOOL SHALL BE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OR THE DENVER PUBLIC SCHOOLS RETIREMENT SYSTEM, WHICHEVER IS APPLICABLE. THE CHARTER SCHOOL AND THE TEACHER SHALL CONTRIBUTE THE APPROPRIATE RESPECTIVE AMOUNTS AS REQUIRED BY THE FUNDS OF SUCH ASSOCIATION OR SYSTEM.

22-30.5-112. Charter schools - financing - guidelines. (1) FOR PURPOSES OF THE "PUBLIC SCHOOL FINANCE ACT OF 1988", ARTICLE 53 OF THIS TITLE, PUPILS ENROLLED IN A CHARTER SCHOOL SHALL BE INCLUDED IN THE PUPIL ENROLLMENT OF THE DISTRICT WITHIN WHICH THE PUPIL RESIDES. THE SCHOOL DISTRICT OF RESIDENCE SHALL REPORT TO THE DEPARTMENT OF EDUCATION THE NUMBER OF PUPILS INCLUDED IN THE SCHOOL DISTRICT OF RESIDENCE'S PUPIL ENROLLMENT THAT ARE ACTUALLY ENROLLED IN EACH CHARTER SCHOOL.

(2) (a) AS PART OF THE CHARTER SCHOOL CONTRACT, THE CHARTER SCHOOL AND THE SCHOOL DISTRICT SHALL AGREE ON FUNDING AND ANY SERVICES TO BE PROVIDED BY THE SCHOOL DISTRICT TO THE CHARTER SCHOOL. THE CHARTER SCHOOL AND THE SCHOOL DISTRICT SHALL BEGIN DISCUSSIONS ON THE CONTRACT USING EIGHTY PERCENT OF THE DISTRICT PER PUPIL OPERATING REVENUES. AS USED IN THIS SUBSECTION (2), DISTRICT "PER PUPIL OPERATING REVENUES" SHALL HAVE THE SAME MEANING AS THAT PROVIDED IN SECTION 22-53-103.

(b) ALL SERVICES CENTRALLY OR OTHERWISE PROVIDED BY THE SCHOOL DISTRICT INCLUDING, BUT NOT LIMITED TO, FOOD SERVICES, CUSTODIAL SERVICES, MAINTENANCE, CURRICULUM, MEDIA SERVICES, LIBRARIES, AND WAREHOUSING SHALL BE SUBJECT TO NEGOTIATION BETWEEN A CHARTER SCHOOL AND THE SCHOOL DISTRICT AND PAID FOR OUT OF THE REVENUES NEGOTIATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) IN NO EVENT SHALL THE AMOUNT OF FUNDING NEGOTIATED PURSUANT TO THIS SUBSECTION (2) BE LESS THAN EIGHTY PERCENT OF THE DISTRICT PER PUPIL OPERATING REVENUES MULTIPLIED BY THE NUMBER OF PUPILS ENROLLED IN THE CHARTER SCHOOL.

(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT FUNDING AND SERVICE AGREEMENTS PURSUANT TO THIS SUBSECTION (2) SHALL BE NEITHER A FINANCIAL INCENTIVE NOR A FINANCIAL DISINCENTIVE TO THE ESTABLISHMENT OF A CHARTER SCHOOL.

(e) FEES COLLECTED FROM STUDENTS ENROLLED AT A CHARTER SCHOOL SHALL BE RETAINED BY SUCH CHARTER SCHOOL.

(3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE PROPORTIONATE SHARE OF STATE AND FEDERAL RESOURCES GENERATED BY STUDENTS WITH DISABILITIES OR STAFF SERVING THEM SHALL BE DIRECTED TO CHARTER SCHOOLS ENROLLING SUCH STUDENTS BY THEIR SCHOOL DISTRICTS OR ADMINISTRATIVE UNITS. THE PROPORTIONATE SHARE OF MONEYS GENERATED UNDER OTHER FEDERAL OR STATE CATEGORICAL AID PROGRAMS SHALL BE DIRECTED TO CHARTER SCHOOLS SERVING STUDENTS ELIGIBLE FOR SUCH AID.

(4) THE GOVERNING BODY OF A CHARTER SCHOOL IS AUTHORIZED TO ACCEPT GIFTS, DONATIONS, OR GRANTS OF ANY KIND MADE TO THE CHARTER SCHOOL AND TO EXPEND OR USE SAID GIFTS, DONATIONS, OR GRANTS IN ACCORDANCE WITH THE CONDITIONS PRESCRIBED BY THE DONOR; HOWEVER, NO GIFT, DONATION, OR GRANT SHALL BE ACCEPTED BY THE GOVERNING BODY IF SUBJECT TO ANY CONDITION CONTRARY TO LAW OR CONTRARY TO THE TERMS OF THE CONTRACT BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION.

(5) THE DEPARTMENT OF EDUCATION WILL PREPARE AN ANNUAL REPORT AND EVALUATION FOR THE GOVERNOR AND THE GENERAL ASSEMBLY ON THE SUCCESS OR FAILURE OF CHARTER SCHOOLS, THEIR RELATIONSHIP TO OTHER SCHOOL REFORM EFFORTS, AND SUGGESTED CHANGES IN STATE LAW NECESSARY TO STRENGTHEN OR CHANGE THE CHARTER SCHOOL PROGRAM.

(6) THE DEPARTMENT OF EDUCATION WILL PROVIDE TECHNICAL ASSISTANCE TO PERSONS AND GROUPS PREPARING OR REVISING CHARTER APPLICATIONS.

22-30.5-113. Charter schools - evaluation - report. (1) THE STATE BOARD SHALL COMPILE EVALUATIONS OF CHARTER SCHOOLS RECEIVED FROM LOCAL BOARDS OF EDUCATION. THE STATE BOARD SHALL REVIEW INFORMATION REGARDING THE REGULATIONS AND POLICIES FROM WHICH CHARTER SCHOOLS WERE RELEASED PURSUANT TO SECTION 22-30.5-105 TO DETERMINE IF THE RELEASES ASSISTED OR IMPEDED THE CHARTER SCHOOLS IN MEETING THEIR STATED GOALS AND OBJECTIVES.

(2) THE STATE BOARD SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY ON ITS FINDINGS NO LATER THAN JANUARY 1, 1997.

(3) IN PREPARING THE REPORT REQUIRED BY THIS SECTION, THE STATE BOARD SHALL COMPARE THE PERFORMANCE OF CHARTER SCHOOL PUPILS WITH THE PERFORMANCE OF ETHNICALLY AND ECONOMICALLY COMPARABLE GROUPS OF PUPILS IN OTHER PUBLIC SCHOOLS WHO ARE ENROLLED IN ACADEMICALLY COMPARABLE COURSES.

22-30.5-114. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 2. 22-2-117 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-2-117. Additional power - state board - waiver of requirements - repeal. (4) This section is repealed, effective July 1, ~~1994~~ 1998.

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: June 3, 1993