

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0728.02 Julie Pelegrin x2700

SENATE BILL 15-216

SENATE SPONSORSHIP

Hill,

HOUSE SPONSORSHIP

Fields,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING A SCHOOL DISTRICT'S EXCLUSIVE AUTHORITY TO**
102 **AUTHORIZE CHARTER SCHOOLS LOCATED WITHIN THE**
103 **GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Under existing law, the state board of education (state board) must grant exclusive authority to a school district to authorize charter schools located within the geographic boundaries of the school district (exclusive chartering authority) if the school district meets specified requirements. The state charter school institute (institute) cannot authorize an institute

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 6, 2015

charter school within the boundaries of a school district that has exclusive chartering authority without the school district's consent.

To recover exclusive chartering authority, a school district must submit a resolution to the state board. The bill requires the school district to provide a copy of the resolution to each of the district's charter schools at least 30 days before submitting the resolution. On or before the date on which the school district submits the resolution to the state board, a charter school or an organization that represents charter schools may submit to the state board a written description of the ways in which the school district does or does not meet the requirements for exclusive chartering authority.

Under the bill, the state board must revoke a school district's exclusive chartering authority if the school district is accredited with either a priority improvement plan or turnaround plan for 3 consecutive school years, unless the school district has a memorandum of understanding with the institute that allows the institute to authorize charter schools within the geographic boundaries of the school district or otherwise gives the institute significant authorizing authority in partnership with the school district. The state board may reinstate the school district's exclusive chartering authority when the school district's accreditation status improves.

Under existing law, to recover exclusive chartering authority or retain it when challenged, a school district must demonstrate that it provides fair and equitable treatment to charter schools by taking actions identified in law. The bill also requires the school district to demonstrate compliance with the authorizer standards established in rules of the state board, requires the school district to demonstrate that it performs all of the actions specified in existing law, and adds the following actions that a school district must perform to recover its exclusive chartering authority or retain it when challenged:

- ! Annually issuing a charter application information packet;
- ! Adopting differentiated and streamlined application, renewal, and replication processes for high-quality charter schools; and
- ! Demonstrating that the school district closes or takes meaningful action to reform schools that are low-performing for 3 consecutive school years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-504, **amend**
3 (4), (5) (a), (5) (b) introductory portion, (7.5) (b) introductory portion, and
4 (8); and **add** (4.5) as follows:

1 **22-30.5-504. Institute chartering authority - institute charter**
2 **schools - exclusive authority - retention - recovery - revocation.**

3 (4) (a) A local board of education may seek to retain or recover exclusive
4 authority to authorize charter schools within the geographic boundaries
5 of the school district by presenting to the state board, on or before March
6 1 of the fiscal year prior to that for which the exclusive authority is to
7 apply, a written resolution adopted by the local board of education
8 indicating the intent to retain or recover exclusive authority to authorize
9 charter schools. The written resolution ~~shall~~ MUST be accompanied by a
10 written description of those portions of subsection (5) of this section that
11 the local board of education HAS DEMONSTRATED OR intends to
12 demonstrate. The local board of education shall provide a complete copy
13 of the resolution, including the description, to each charter school
14 authorized by the local board ~~on or~~ AT LEAST THIRTY DAYS before the date
15 the local board submits the resolution to the state board. A CHARTER
16 SCHOOL AUTHORIZED BY THE LOCAL BOARD, OR AN ORGANIZATION THAT
17 REPRESENTS CHARTER SCHOOLS, MAY SUBMIT TO THE STATE BOARD A
18 WRITTEN DESCRIPTION OF THE WAYS IN WHICH THE LOCAL BOARD HAS OR
19 HAS NOT COMPLIED WITH THE PROVISIONS OF SUBSECTION (5) OF THIS
20 SECTION ON OR BEFORE THE DATE THAT THE LOCAL BOARD SUBMITS ITS
21 RESOLUTION TO THE STATE BOARD.

22 (b) The state board shall determine within sixty days after
23 receiving the resolution whether to grant the local board of education
24 exclusive authority. If the state board denies the local board exclusive
25 authority to authorize charter schools within the geographic boundaries
26 of the school district, it ~~shall~~ MUST provide to the local board of education
27 a written explanation of the basis for the denial.

1 ~~(b)~~ (c) A party may challenge the grant of exclusive authority
2 made by the state board pursuant to subsection (5) of this section by filing
3 with the state board a notice of challenge within thirty days after the state
4 board grants exclusive authority. The notice ~~shall~~ MUST be accompanied
5 by a specific written description, with supporting documentation, of the
6 basis for the challenge. The challenging party, at the time of filing notice
7 with the state board, ~~shall~~ MUST provide a copy of the notice of challenge,
8 with the written description of the basis and supporting documentation,
9 to the local board of education that has been granted exclusive authority.
10 The state board shall permit the local board the opportunity to appear at
11 a public hearing and respond to the challenge and shall permit the
12 challenger the opportunity at the public hearing to rebut any arguments
13 made by the local board. If the local board of education intends to
14 respond to the challenge, it ~~shall~~ MUST submit a copy of its response in
15 writing, with supporting documentation, to the challenging party and the
16 state board at least fifteen days ~~prior to~~ BEFORE the public hearing. The
17 state board shall make a determination upon the challenge within sixty
18 days after ~~receipt of~~ RECEIVING the notice of challenge. In announcing its
19 determination, the state board ~~shall~~ MUST provide a written explanation
20 of the basis for its decision to either grant or deny to the local board
21 exclusive authority to authorize charter schools within the geographic
22 boundaries of the school district.

23 ~~(e)~~ (d) If a local board of education recovers exclusive authority
24 pursuant to this section to authorize charter schools within the geographic
25 boundaries of the school district, any institute charter schools authorized
26 within the geographic boundaries of the school district ~~prior to~~ BEFORE
27 the date on which the local board of education ~~recovered~~ RECOVERS

1 exclusive authority shall continue to be authorized by and accountable to
2 the institute; except that an institute charter school that is converted to a
3 district charter school pursuant to subsection (10) of this section shall be
4 IS accountable to the local board of education.

5 ~~(d)~~ (e) Each local board of education that has been granted, prior
6 to or BEFORE, on, or after April 17, 2008, IS GRANTED exclusive authority
7 to charter schools within the geographic boundaries of the school district,
8 shall retain RETAINS exclusive authority until the local board of education
9 voluntarily relinquishes the exclusive authority or the state board of
10 education revokes the exclusive authority pursuant to the provisions of
11 subsection (7.5) of this section. A local board of education that
12 voluntarily relinquishes exclusive authority may regain exclusive
13 authority by applying pursuant to the provisions of this subsection (4).

14 (4.5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
15 THIS SUBSECTION (4.5), BUT NOTWITHSTANDING ANY OTHER PROVISION OF
16 THIS SECTION TO THE CONTRARY, THE STATE BOARD SHALL REVOKE A
17 SCHOOL DISTRICT'S EXCLUSIVE AUTHORITY TO AUTHORIZE CHARTER
18 SCHOOLS WITHIN ITS GEOGRAPHIC BOUNDARIES IF THE SCHOOL DISTRICT,
19 PURSUANT TO SECTION 22-11-208, IS ACCREDITED WITH EITHER PRIORITY
20 IMPROVEMENT PLAN OR TURNAROUND PLAN FOR THREE OR MORE
21 CONSECUTIVE SCHOOL YEARS. THE REVOCATION TAKES EFFECT ON THE
22 DATE ON WHICH THE DEPARTMENT DETERMINES THAT THE SCHOOL
23 DISTRICT IS ACCREDITED WITH EITHER PRIORITY IMPROVEMENT PLAN OR
24 TURNAROUND PLAN FOR THE THIRD OR SUBSEQUENT CONSECUTIVE
25 SCHOOL YEAR. AFTER THE SCHOOL DISTRICT ATTAINS THE STATUS OF
26 ACCREDITED WITH IMPROVEMENT PLAN OR HIGHER, THE SCHOOL DISTRICT
27 MAY APPLY TO REGAIN THE EXCLUSIVE AUTHORITY TO AUTHORIZE

1 CHARTER SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL
2 DISTRICT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, AND THE
3 STATE BOARD MAY REINSTATE THE SCHOOL DISTRICT'S EXCLUSIVE
4 AUTHORITY AS PROVIDED IN THIS SECTION.

5 (b) (I) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION
6 (4.5) DO NOT APPLY IF THE SCHOOL DISTRICT, BEFORE IT IS ACCREDITED
7 WITH PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN FOR THE THIRD
8 CONSECUTIVE SCHOOL YEAR, ENTERS INTO AND COMPLIES WITH A
9 MEMORANDUM OF UNDERSTANDING WITH THE INSTITUTE AS DESCRIBED IN
10 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). THE MEMORANDUM OF ==
11 UNDERSTANDING MUST REMAIN IN EFFECT AT LEAST UNTIL THE SCHOOL
12 DISTRICT ATTAINS THE STATUS OF ACCREDITED WITH IMPROVEMENT PLAN
13 OR HIGHER. IF THE MEMORANDUM OF UNDERSTANDING CEASES TO BE
14 EFFECTIVE WHILE THE SCHOOL DISTRICT REMAINS ACCREDITED WITH
15 PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN, THE STATE BOARD
16 SHALL IMMEDIATELY REVOKE THE SCHOOL DISTRICT'S EXCLUSIVE
17 AUTHORITY TO AUTHORIZE CHARTER SCHOOLS WITHIN ITS GEOGRAPHIC
18 BOUNDARIES.

19 (II) AT A MINIMUM, A MEMORANDUM OF UNDERSTANDING
20 BETWEEN A SCHOOL DISTRICT AND THE INSTITUTE MUST PROVIDE THAT
21 THE INSTITUTE MAY AUTHORIZE INSTITUTE CHARTER SCHOOLS WITHIN THE
22 GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT OR, THROUGH THE
23 MEMORANDUM OF UNDERSTANDING, THE SCHOOL DISTRICT MUST AGREE
24 TO DEVELOP AND IMPLEMENT, WITH THE SUPPORT OF THE INSTITUTE:

25 (A) NEW CHARTER SCHOOL APPLICATION PROCEDURES AND
26 MATERIALS;

27 (B) A REQUEST FOR PROPOSALS PROCESS FOR SOLICITING QUALITY

1 CHARTER SCHOOL APPLICATIONS; AND

2 (C) ANNUAL CHARTER SCHOOL REVIEW AND EVALUATION
3 PROCEDURES.

4 (III) IF A SCHOOL DISTRICT ENTERS INTO AND IS IN COMPLIANCE
5 WITH A MEMORANDUM OF UNDERSTANDING, AS DESCRIBED IN
6 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), BY MARCH 15, 2015, THE
7 SCHOOL DISTRICT IS NOT REQUIRED TO HAVE ENTERED INTO THE
8 MEMORANDUM OF UNDERSTANDING BEFORE IT IS ACCREDITED WITH
9 PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN FOR THE THIRD
10 CONSECUTIVE SCHOOL YEAR.

11 (c) A SCHOOL DISTRICT THAT IS ACCREDITED PURSUANT TO
12 SECTION 22-11-208 WITH EITHER A PRIORITY IMPROVEMENT PLAN OR A
13 TURNAROUND PLAN FOR ONE OR TWO CONSECUTIVE YEARS IS
14 ENCOURAGED TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE
15 INSTITUTE OR WITH A SCHOOL DISTRICT THAT DEMONSTRATES A
16 PROLONGED PATTERN OF COMPLIANCE WITH THE PROVISIONS OF
17 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION. THE PARTNERSHIP
18 SHOULD BE DESIGNED TO ALLOW THE INSTITUTE OR THE SCHOOL DISTRICT
19 TO SHARE BEST PRACTICES IN CHARTER SCHOOL AUTHORIZING THAT THE
20 SCHOOL DISTRICT THAT IS ACCREDITED WITH PRIORITY IMPROVEMENT OR
21 TURNAROUND PLAN MAY ADOPT.

22 (5) (a) The state board ~~shall~~ MUST grant to a local board of
23 education exclusive authority to authorize charter schools within the
24 geographic boundaries of the school district if the state board determines,
25 after adequate notice and in a public hearing and after receiving input
26 from any charter schools authorized by the local board of education OR
27 FROM AN ORGANIZATION THAT REPRESENTS CHARTER SCHOOLS, that the

1 local board can show a recent pattern of providing fair and equitable
2 treatment to its charter schools AND COMPLYING WITH THE AUTHORIZER
3 STANDARDS ESTABLISHED BY RULE OF THE STATE BOARD through the local
4 board's demonstration of:

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

7 (A) Compliance with full and accurate accounting practices and
8 charges for central administrative overhead costs;

9 (B) Compliance with sections 22-30.5-112 and 22-30.5-112.1,
10 which permit a charter school to purchase, at its discretion, certain
11 services or a combination of services;

12 (C) The absence of a school district moratorium regarding charter
13 schools or the absence of any district-wide charter school enrollment
14 limits; and

15 (D) Compliance with valid orders of the state board; and

16 (II) ~~Any combination of~~ COMPLIANCE WITH the following:

17 (A) ~~The distribution~~ DISTRIBUTING to charter schools authorized
18 by the local board of a pro rata share of mill levy overrides, except for any
19 mill levied for a particular purpose that by its express terms is intended
20 to benefit a grade, a program, or a school and, as a result, is not available
21 to be offered to any charter school that did not participate in the mill levy
22 proceeds;

23 (B) ~~The provision of~~ PROVIDING assistance to charter schools to
24 meet their facilities needs by including those needs in local bond issues
25 or otherwise providing available land and facilities that are comparable
26 to those provided to other public school students in the same grade levels
27 within the school district;

1 (C) ~~The distribution~~ DISTRIBUTE to charter schools authorized
2 by the local board of a pro rata share of federal and state grants received
3 by the school district, except for any grant received for a particular
4 purpose that by its express terms is intended to benefit a student
5 population not able to be served by, or a program not able to be offered
6 at, a charter school ~~which~~ THAT did not receive a proportionate share of
7 such grant proceeds;

8 (D) ~~The provision of~~ PROVIDING adequate staff and other
9 resources to serve charter schools authorized by the local board, which
10 services ~~are provided by~~ the school district PROVIDES at a cost to the
11 charter schools that does not exceed their actual cost to the school district,
12 or, in the case of federally required educational services, the amount
13 specified in section 22-30.5-112 (2) (a.8);

14 (E) ~~The lack of~~ NOT IMPLEMENTING a policy or practice of
15 imposing individual charter school enrollment limits, except as otherwise
16 provided in article 36 of this title; ~~or~~

17 (F) ANNUALLY ISSUING A CHARTER APPLICATION INFORMATION
18 PACKET OR NEW SCHOOL REQUEST FOR PROPOSALS THAT IS
19 WELL-PUBLICIZED AND PROVIDES CLEAR GUIDANCE AND REQUIREMENTS
20 REGARDING THE CHARTER APPLICATION CONTENT, FORMAT, AND
21 TIMELINES, AS WELL AS A CLEAR EXPLANATION OF THE CRITERIA FOR
22 EVALUATING CHARTER APPLICATIONS;

23 (G) ADOPTING AND USING DIFFERENTIATED AND STREAMLINED
24 CHARTER APPLICATION, RENEWAL, AND REPLICATION PROCESSES FOR
25 HIGH-QUALITY CHARTER SCHOOLS;

26 (F) (H) ~~The provision of~~ PROVIDING an adequate number of
27 HIGH-QUALITY educational choice programs to serve students exercising

1 their rights to transfer pursuant to the "No Child Left Behind Act of
2 2001", Public Law 107-110, and DEMONSTRATING a history of charter
3 school approval that encourages HIGH-QUALITY programs that serve
4 at-risk student populations; AND

5 (I) CLOSING OR TAKING OTHER MEANINGFUL ACTION CONCERNING
6 SCHOOLS THAT ARE REQUIRED TO IMPLEMENT PRIORITY IMPROVEMENT OR
7 TURNAROUND PLANS PURSUANT TO SECTION 22-11-210 FOR THREE OR
8 MORE CONSECUTIVE SCHOOL YEARS AND THEREBY DECREASING THE
9 NUMBER OF EDUCATIONAL PROGRAMS WITHIN THE SCHOOL DISTRICT THAT
10 INADEQUATELY SERVE STUDENTS.

11 (b) Notwithstanding any ~~other~~ provision of PARAGRAPH (a) OF this
12 subsection (5) to the contrary, the state board ~~shall~~ MUST grant to a local
13 board of education exclusive authority to authorize charter schools within
14 the geographic boundaries of the school district if the local board certifies
15 that:

16 (7.5) (b) A charter school, a charter school applicant, or an
17 organization that represents charter schools may request revocation of a
18 local board of education's exclusive authority ~~only~~ on the grounds that the
19 local board, since the date that the local board received exclusive
20 authority, has demonstrated a pattern of failing to comply with one or
21 more of the provisions of the ~~"Charter Schools Act", part 1 of this article,~~
22 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION. A charter school, a
23 charter school applicant, or an organization that represents charter schools
24 may not request revocation of a local board of education's exclusive
25 authority solely on the basis of:

26 (8) Notwithstanding any other provision of this section to the
27 contrary, a local board of education may permit the establishment of one

1 or more institute charter schools within the geographic boundaries of the
2 school district by adopting a favorable resolution and submitting the
3 resolution to the state board. ~~The resolution shall be effective until it is~~
4 ~~rescinded by resolution of the local board of education~~ AN INSTITUTE
5 CHARTER SCHOOL THAT IS ESTABLISHED WITH PERMISSION GRANTED IN A
6 RESOLUTION CONTINUES TO BE AUTHORIZED BY AND ACCOUNTABLE TO
7 THE INSTITUTE REGARDLESS OF LATER ACTIONS BY THE LOCAL BOARD
8 UNLESS THE INSTITUTE CHARTER SCHOOL VOLUNTARILY CONVERTS TO A
9 DISTRICT CHARTER SCHOOL AS PROVIDED IN SUBSECTION (10) OF THIS
10 SECTION.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.