

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 15-0728.02 Julie Pelegrin x2700

**SENATE BILL 15-216**

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**SENATE SPONSORSHIP**

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**Fields,**

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**Senate Committees**  
Education

**House Committees**

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**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.**

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**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/billsummaries>.)*

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  
3rd Reading Unamended  
April 7, 2015

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.

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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~~ PROVIDE 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~~ PROVIDE 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.