

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0536.01 Julie Pelegrin

SENATE BILL 10-161

SENATE SPONSORSHIP

King K.,

HOUSE SPONSORSHIP

Massey,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZING CHARTER SCHOOLS TO ENTER INTO
102 CONTRACTUAL AGREEMENTS.

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/billssummaries>.)

The bill authorizes a charter school to contract with a board of cooperative services or another charter school for buildings and services. The bill authorizes a board of cooperative services to contract with a district charter school or an institute charter school to provide services and buildings.

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.

The bill authorizes charter schools to form charter school collaboratives to perform any function appropriately performed by a charter school, including applying for state or federal grants. If the charter school collaborative was formed with the consent of the authorizers of the member charter schools, the collaborative may serve as a local education agency or administrative unit.

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

2 **SECTION 1.** 22-30.5-104 (7) (b), Colorado Revised Statutes, is
3 amended to read:

4 **22-30.5-104. Charter school - requirements - authority.**

5 (7) (b) A charter school may negotiate and contract with a school district,
6 the governing body of a state college or university, the state of Colorado,
7 a school food authority, A BOARD OF COOPERATIVE SERVICES, ANOTHER
8 DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, or any third
9 party for the use of a school building and grounds, the operation and
10 maintenance thereof, and the provision of any service, activity, or
11 undertaking that the charter school is required or chooses to perform in
12 order to carry out the educational program described in its charter
13 contract. Any services for which a charter school contracts with a school
14 district shall be provided by the district at cost. The charter school shall
15 have standing to sue and be sued in its own name for the enforcement of
16 any contract created pursuant to this paragraph (b).

17 **SECTION 2.** 22-30.5-507 (8) (b), Colorado Revised Statutes, is
18 amended to read:

19 **22-30.5-507. Institute charter school - requirements -**

20 **authority.** (8) (b) An institute charter school may negotiate and contract
21 with a school district, the governing body of a state college or university,
22 a school food authority, A BOARD OF COOPERATIVE SERVICES, ANOTHER

1 INSTITUTE CHARTER SCHOOL, A DISTRICT CHARTER SCHOOL, or any third
2 party for the use of a school building and grounds, the operation and
3 maintenance thereof, and the provision of any service, activity, or
4 undertaking that the institute charter school is required to perform in
5 order to carry out the educational program described in its charter
6 contract. The institute charter school shall have standing to sue and be
7 sued in its own name for the enforcement of any contract created pursuant
8 to this paragraph (b).

9 **SECTION 3.** 22-5-103, Colorado Revised Statutes, is amended
10 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
11 read:

12 **22-5-103. Definitions.** As used in this article, unless the context
13 otherwise requires:

14 (2.3) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL
15 AUTHORIZED BY A SCHOOL DISTRICT BOARD OF EDUCATION PURSUANT TO
16 PART 1 OF ARTICLE 30.5 OF THIS TITLE.

17 (2.7) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL
18 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
19 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

20 **SECTION 4.** 22-5-108 (1), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **22-5-108. Powers of board of cooperative services.** (1) In
23 addition to any other powers granted by law, the board of cooperative
24 services shall have the following specific powers, to be exercised in its
25 judgment:

26 (i) TO CONTRACT WITH A DISTRICT CHARTER SCHOOL OR AN
27 INSTITUTE CHARTER SCHOOL PURSUANT TO SECTION 22-30.5-104 (7) (b)

1 OR 22-30.5-507 (8) (b), RESPECTIVELY, FOR THE USE OF A SCHOOL
2 BUILDING AND GROUNDS, THE OPERATION AND MAINTENANCE OF THE
3 BUILDING AND GROUNDS, AND THE PROVISION OF ANY SERVICE, ACTIVITY,
4 OR UNDERTAKING THAT THE DISTRICT CHARTER SCHOOL OR INSTITUTE
5 CHARTER SCHOOL IS REQUIRED TO PERFORM TO CARRY OUT THE
6 EDUCATIONAL PROGRAM DESCRIBED IN ITS CHARTER CONTRACT.

7 **SECTION 5.** Article 30.5 of title 22, Colorado Revised Statutes,
8 is amended BY THE ADDITION OF A NEW PART to read:

9 **PART 6**

10 **CHARTER SCHOOL COLLABORATIVES**

11 **22-30.5-601. Short title.** THIS PART 6 SHALL BE KNOWN AND MAY
12 BE CITED AS THE "CHARTER SCHOOL COLLABORATIVE ACT".

13 **22-30.5-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "ADMINISTRATIVE UNIT" MEANS A COLLABORATIVE OF
16 CHARTER SCHOOLS THAT MEETS THE REQUIREMENTS FOR ADMINISTRATIVE
17 UNITS SPECIFIED IN ARTICLE 20 OF THIS TITLE AND BY RULE OF THE STATE
18 BOARD AND IS AUTHORIZED TO PROVIDE SERVICES FOR EXCEPTIONAL
19 CHILDREN PURSUANT TO ARTICLE 20 OF THIS TITLE.

20 (2) "AUTHORIZER" MEANS A SCHOOL DISTRICT BOARD OF
21 EDUCATION THAT AUTHORIZES A DISTRICT CHARTER SCHOOL PURSUANT
22 TO PART 1 OF THIS ARTICLE OR THE STATE CHARTER SCHOOL INSTITUTE
23 BOARD CREATED IN SECTION 22-30.5-505.

24 (3) "CHARTER SCHOOL" MEANS A DISTRICT CHARTER SCHOOL
25 AUTHORIZED PURSUANT TO PART 1 OF THIS ARTICLE OR AN INSTITUTE
26 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF THIS ARTICLE.

27 (4) "COMPETITIVE STATE OR FEDERAL GRANTS" MEANS A GRANT

1 OF MONEYS AVAILABLE THROUGH A GRANT PROGRAM CREATED BY STATE
2 OR FEDERAL STATUTE; EXCEPT THAT "COMPETITIVE STATE OR FEDERAL
3 GRANTS" DOES NOT INCLUDE A GRANT PROGRAM CREATED IN THE FEDERAL
4 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400
5 ET SEQ., AS AMENDED, OR IN ITS IMPLEMENTING REGULATIONS.

6 (5) "LOCAL EDUCATION AGENCY" MEANS A GOVERNMENTAL BODY
7 THAT IS IDENTIFIED IN COLORADO LAW AS A LOCAL EDUCATION AGENCY
8 FOR PURPOSES OF TITLE 20, U.S.C.

9 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
10 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

11 **22-30.5-603. Charter school collaborative - creation - public**

12 **status.** (1) TWO OR MORE CHARTER SCHOOLS MAY CONTRACT WITH ONE
13 ANOTHER TO FORM A CHARTER SCHOOL COLLABORATIVE TO PROVIDE ANY
14 FUNCTION, SERVICE, OR FACILITY THAT IS LAWFULLY AUTHORIZED FOR
15 EACH OF THE CONTRACTING CHARTER SCHOOLS. IN ADDITION, A CHARTER
16 SCHOOL COLLABORATIVE MAY APPLY DIRECTLY FOR COMPETITIVE STATE
17 OR FEDERAL GRANTS. A CHARTER SCHOOL NEED NOT OBTAIN THE
18 APPROVAL OF ITS AUTHORIZER TO CREATE OR PARTICIPATE IN A CHARTER
19 SCHOOL COLLABORATIVE.

20 (2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS
21 SECTION TO THE CONTRARY, A CHARTER SCHOOL COLLABORATIVE MAY
22 OPERATE AS A LOCAL EDUCATION AGENCY OR AN ADMINISTRATIVE UNIT
23 FOR ANY PURPOSE AUTHORIZED IN STATE OR FEDERAL LAW ONLY IF THE
24 AUTHORIZER OF EACH CHARTER SCHOOL THAT IS PARTICIPATING IN THE
25 COLLABORATIVE SPECIFICALLY CONSENTED TO THE CHARTER SCHOOL'S
26 PARTICIPATION IN THE CHARTER SCHOOL COLLABORATIVE.

27 (3) A CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL

1 SET FORTH FULLY THE PURPOSES, POWERS, RIGHTS, OBLIGATIONS, AND
2 RESPONSIBILITIES, FINANCIAL AND OTHERWISE, OF THE CONTRACTING
3 PARTIES.

4 (4) A CONTRACT ENTERED INTO PURSUANT TO THIS SECTION MAY
5 PROVIDE FOR THE JOINT EXERCISE OF A FUNCTION, SERVICE, OR FACILITY,
6 INCLUDING THE ESTABLISHMENT OF A SEPARATE LEGAL ENTITY TO DO SO.

7 (5) A CHARTER SCHOOL COLLABORATIVE CREATED PURSUANT TO
8 THIS SECTION SHALL BE DEEMED A LOCAL PUBLIC BODY FOR PURPOSES OF
9 THE OPEN MEETING REQUIREMENTS OF SECTION 24-6-402, C.R.S. EXCEPT
10 AS OTHERWISE SPECIFICALLY AUTHORIZED IN THIS SECTION, A CHARTER
11 SCHOOL COLLABORATIVE SHALL BE SUBJECT TO ALL STATE STATUTES
12 REGULATING CHARTER SCHOOLS AS PUBLIC ENTITIES AS IF THE CHARTER
13 SCHOOL COLLABORATIVE WERE AUTHORIZED BY A SCHOOL DISTRICT
14 BOARD OF EDUCATION OR THE STATE CHARTER SCHOOL INSTITUTE BOARD.

15 **22-30.5-604. Charter school collaborative - nonexclusive.**
16 NOTHING IN THIS PART 6 SHALL PROHIBIT A CHARTER SCHOOL FROM
17 PARTICIPATING AS A MEMBER IN AN ORGANIZATION FORMED FOR THE
18 PURPOSE OF MUTUAL SUPPORT, CONTRACTING FOR SERVICES,
19 PARTICIPATING IN INTERGOVERNMENTAL AGREEMENTS OTHERWISE
20 AUTHORIZED BY LAW, OR PARTICIPATING IN ANY OTHER FORM OF
21 ORGANIZATION AUTHORIZED BY LAW AND APPROPRIATE TO COLORADO
22 PUBLIC OR NONPROFIT ORGANIZATIONS.

23 **SECTION 6. Act subject to petition - effective date.** This act
24 shall take effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part shall not take effect
3 unless approved by the people at the general election to be held in
4 November 2010 and shall take effect on the date of the official
5 declaration of the vote thereon by the governor.