

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

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

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/billsummaries.>)

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.

SENATE
Amended 2nd Reading
April 26, 2010

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

==

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

20 (2) "CHARTER SCHOOL" MEANS A DISTRICT CHARTER SCHOOL
21 AUTHORIZED PURSUANT TO PART 1 OF THIS ARTICLE OR AN INSTITUTE
22 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF THIS ARTICLE.

23 (3) "COMPETITIVE STATE OR FEDERAL GRANTS" MEANS A GRANT
24 OF MONEYS AVAILABLE THROUGH A NONFORMULAIC GRANT PROGRAM
25 CREATED BY STATE OR FEDERAL STATUTE; EXCEPT THAT "COMPETITIVE
26 STATE OR FEDERAL GRANTS" DOES NOT INCLUDE A GRANT PROGRAM
27 CREATED IN THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION

1 ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, OR IN ITS IMPLEMENTING
2 REGULATIONS.

3 (4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
4 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

5 **22-30.5-603. Charter school collaborative - creation - public**

6 **status - structure.** (1) (a) TWO OR MORE CHARTER SCHOOLS MAY
7 CONTRACT WITH ONE ANOTHER TO FORM A CHARTER SCHOOL
8 COLLABORATIVE THAT IS A LEGAL ENTITY SEPARATE FROM THE
9 CONTRACTING CHARTER SCHOOLS AND IS AUTHORIZED TO PROVIDE ANY
10 FUNCTION, SERVICE, OR FACILITY THAT IS LAWFULLY AUTHORIZED FOR
11 EACH OF THE CONTRACTING CHARTER SCHOOLS. A CHARTER SCHOOL
12 NEED NOT OBTAIN THE APPROVAL OF ITS AUTHORIZER TO CREATE OR
13 PARTICIPATE IN A CHARTER SCHOOL COLLABORATIVE, EXCEPT AS
14 OTHERWISE REQUIRED IN PARAGRAPH (c) OF THIS SUBSECTION (1).

15 (b) A CHARTER SCHOOL COLLABORATIVE, OPERATING AS A LOCAL
16 EDUCATION AGENCY UNDER FEDERAL LAW, MAY APPLY DIRECTLY FOR A
17 COMPETITIVE STATE OR FEDERAL GRANT. A CHARTER SCHOOL
18 PARTICIPATING IN A CHARTER SCHOOL COLLABORATIVE THAT OPERATES
19 AS A LOCAL EDUCATION AGENCY SOLELY AS PROVIDED IN THIS PARAGRAPH

20 (b) NEED NOT OBTAIN THE APPROVAL OF ITS AUTHORIZER TO PARTICIPATE
21 IN THE CHARTER SCHOOL COLLABORATIVE.

22 (c) (I) IN ADDITION TO PROVIDING THE FUNCTIONS, SERVICES,
23 FACILITIES, AND PURPOSE AUTHORIZED IN PARAGRAPHS (a) AND (b) OF
24 THIS SUBSECTION (1), A CHARTER SCHOOL COLLABORATIVE MAY OPERATE
25 AS A LOCAL EDUCATION AGENCY UNDER FEDERAL LAW FOR A SPECIFIED,
26 LIMITED PURPOSE. A CHARTER SCHOOL MAY PARTICIPATE IN THE CHARTER
27 SCHOOL COLLABORATIVE FOR THE SPECIFIED, LIMITED PURPOSE PURSUANT

1 TO THIS PARAGRAPH (c) ONLY IF THE CHARTER SCHOOL'S AUTHORIZER
2 SPECIFICALLY CONSENTS IN WRITING TO BOTH THE CHARTER SCHOOL'S
3 PARTICIPATION AND THE SPECIFIED, LIMITED PURPOSE. IF THE AUTHORIZER
4 DOES NOT CONSENT TO THE CHARTER SCHOOL'S PARTICIPATION, THE
5 CHARTER SCHOOL MAY CONTINUE TO PARTICIPATE IN THE CHARTER
6 SCHOOL COLLABORATIVE FOR PURPOSES OF THE FUNCTIONS, SERVICES,
7 FACILITIES, AND PURPOSE AUTHORIZED IN PARAGRAPHS (a) AND (b) OF
8 THIS SUBSECTION (1). AN AUTHORIZER MAY CONDITION ITS CONSENT ON
9 APPROPRIATE ARRANGEMENTS BETWEEN THE AUTHORIZER AND THE
10 CHARTER SCHOOL COLLABORATIVE CONCERNING INDEMNITY,
11 MAINTENANCE OF RESERVES, OR OTHER ASSURANCES AGAINST LIABILITY
12 WITH RESPECT TO ANY FUNCTION OF THE CHARTER SCHOOL
13 COLLABORATIVE THAT INVOLVES THE DISCHARGE OF LEGAL DUTIES OF THE
14 AUTHORIZER.

15 (II) A SPECIFIED, LIMITED PURPOSE FOR WHICH A CHARTER SCHOOL
16 COLLABORATIVE MAY OPERATE PURSUANT TO THIS PARAGRAPH (c) MAY
17 INCLUDE, BUT NEED NOT BE LIMITED TO, APPLYING FOR MONEYS FROM A
18 COMPETITIVE GRANT PROGRAM CREATED IN THE FEDERAL "INDIVIDUALS
19 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
20 AMENDED, OR ITS IMPLEMENTING REGULATIONS.

21 (2) A CHARTER SCHOOL COLLABORATIVE CREATED PURSUANT TO
22 THIS SECTION SHALL BE A PUBLIC ENTITY THAT EXISTS SEPARATELY FROM
23 THE INDIVIDUAL CHARTER SCHOOLS THAT ARE PARTICIPATING IN THE
24 COLLABORATIVE. THE CHARTER SCHOOL COLLABORATIVE SHALL HOLD
25 AND MAY EXERCISE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS,
26 LIABILITIES, AND DISABILITIES OF A PUBLIC ENTITY, INCLUDING BUT NOT
27 LIMITED TO THE POWER TO CONTRACT, TO SUE OR BE SUED, AND TO HOLD

1 TITLE TO PROPERTY. THE CHARTER SCHOOL COLLABORATIVE SHALL BE
2 SOLELY RESPONSIBLE FOR ITS DEBTS, LIABILITIES, AND OBLIGATIONS, AND
3 SAID DEBTS, LIABILITIES, OR OBLIGATIONS SHALL NOT BE THE
4 RESPONSIBILITY OF THE PARTICIPATING CHARTER SCHOOLS OR THEIR
5 AUTHORIZERS.

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

14 (4) (a) A CHARTER SCHOOL COLLABORATIVE, AS A SEPARATE
15 LEGAL ENTITY, SHALL EXERCISE ADMINISTRATIVE CONTROL OR DIRECTION
16 IN PROVIDING OR OPERATING SPECIFIED FUNCTIONS, SERVICES, OR
17 FACILITIES FOR THE PARTICIPATING CHARTER SCHOOLS. THE CONTRACT
18 CREATING A CHARTER SCHOOL COLLABORATIVE SHALL SET FORTH FULLY
19 THE PURPOSES, POWERS, RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES,
20 FINANCIAL AND OTHERWISE, OF THE CHARTER SCHOOL COLLABORATIVE
21 AND OF THE CONTRACTING CHARTER SCHOOLS. THE PARTICIPATING
22 CHARTER SCHOOLS SHALL DELEGATE TO THE CHARTER SCHOOL
23 COLLABORATIVE THE POWERS NECESSARY TO ENABLE THE CHARTER
24 SCHOOL COLLABORATIVE TO PROVIDE OR OPERATE THE FUNCTIONS,
25 SERVICES, OR FACILITIES SPECIFIED IN THE CONTRACT.

26 (b) IN ADDITION TO ANY DUTY REQUIRED TO BE PERFORMED BY
27 LAW OR BY THE CONTRACT CREATING A CHARTER SCHOOL

1 COLLABORATIVE, THE COLLABORATIVE SHALL HAVE AND PERFORM THE
2 FOLLOWING DUTIES:

3 (I) TO ACT CONSISTENTLY WITH THE PROVISIONS OF THIS ARTICLE;

4 (II) TO ABIDE BY THE CONTRACT THAT CREATES AND ORGANIZES
5 THE CHARTER SCHOOL COLLABORATIVE; AND

6 (III) TO ACT CONSISTENTLY WITH THE CHARTER CONTRACT AND
7 MISSION OF EACH CHARTER SCHOOL THAT PARTICIPATES IN THE CHARTER
8 SCHOOL COLLABORATIVE.

9 (5) A CONTRACT TO ESTABLISH A CHARTER SCHOOL
10 COLLABORATIVE SHALL, AT A MINIMUM, SPECIFY:

11 (a) THE NAME AND PURPOSE OF THE CHARTER SCHOOL
12 COLLABORATIVE AND THE FUNCTIONS, SERVICES, OR FACILITIES THAT THE
13 CHARTER SCHOOL COLLABORATIVE SHALL PROVIDE OR OPERATE;

14 (b) THE ESTABLISHMENT AND ORGANIZATION OF A BOARD OF
15 DIRECTORS OF THE CHARTER SCHOOL COLLABORATIVE, INCLUDING BUT
16 NOT LIMITED TO:

17 (I) THE NUMBER OF DIRECTORS, THE MANNER OF APPOINTMENT,
18 THE TERMS OF OFFICE, THE AMOUNT OF COMPENSATION, IF ANY, AND THE
19 PROCEDURES FOR FILLING VACANCIES;

20 (II) THE OFFICERS OF THE CHARTER SCHOOL COLLABORATIVE, THE
21 MANNER OF THEIR SELECTION, AND THEIR DUTIES;

22 (III) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD OF
23 DIRECTORS; EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN
24 THE CONTRACT, A MAJORITY OF DIRECTORS SHALL CONSTITUTE A QUORUM
25 AND A MAJORITY OF A QUORUM SHALL BE NECESSARY TO AUTHORIZE ANY
26 ACTION TAKEN BY THE BOARD OF DIRECTORS;

27 (c) PROVISIONS FOR THE DISPOSITION, DIVISION, OR DISTRIBUTION

1 OF ANY PROPERTY OR ASSETS OF THE CHARTER SCHOOL COLLABORATIVE;

2 (d) THE TERM OF THE CONTRACT, WHICH MAY BE CONTINUED FOR
3 A DEFINITE TERM OR UNTIL RESCINDED OR TERMINATED, AND THE
4 METHOD, IF ANY, BY WHICH IT MAY BE RESCINDED OR TERMINATED;
5 EXCEPT THAT THE CONTRACT MAY NOT BE RESCINDED OR TERMINATED SO
6 LONG AS THE CHARTER SCHOOL COLLABORATIVE HAS OBLIGATIONS
7 OUTSTANDING, UNLESS PROVISIONS FOR FULL PAYMENT OF THE
8 OBLIGATIONS, BY ESCROW OR OTHERWISE, ARE MADE PURSUANT TO THE
9 TERMS OF THE OBLIGATIONS; AND

10 (e) THE TERMS, IF ANY, UNDER WHICH A CHARTER SCHOOL THAT
11 IS NOT INITIALLY A PARTICIPANT IN THE CHARTER SCHOOL
12 COLLABORATIVE MAY JOIN THE COLLABORATIVE AND UNDER WHICH A
13 CHARTER SCHOOL PARTICIPANT MAY WITHDRAW FROM THE CHARTER
14 SCHOOL COLLABORATIVE. ___

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.