

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0227.01 Julie Pelegrin x2700

SENATE BILL 12-061

SENATE SPONSORSHIP

King K.,

HOUSE SPONSORSHIP

Massey,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES RELATING TO THE AUTHORIZATION OF**
102 **CHARTER SCHOOLS.**

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 adds to the minimum requirements for district and institute charter school applications. The new requirements are:

- ! An executive summary;
- ! A plan for evaluating student performance and procedures for taking corrective action when necessary;

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.*

- ! A description of the charter school's employment policies;
- ! A parent and community involvement plan;
- ! Measures that address whether and how the proposed charter school will address students' transportation and food service needs;
- ! A facilities plan;
- ! Student discipline, expulsion, and suspension policies;
- ! A plan for serving students with special needs; and
- ! A description of the proposed charter school's school management contract, if any.

The bill clarifies when a charter application is considered filed with a school district board or with the state charter school institute board (authorizer). The bill also extends by 15 days the annual period for filing district charter applications and the length of time an authorizer has to decide whether to authorize a charter. The bill also streamlines and clarifies the circumstances and timing by which an authorizer may request any information that is missing from a charter application. The bill extends the allowable initial term of a district charter school's charter to 5 years.

The bill requires a charter school annually to review with its authorizer the school's academic and financial performance. The results of the annual meetings form the basis for the eventual decision to revoke or renew the charter school's charter contract. Each authorizer must adopt procedures and timelines for the charter renewal process. At least 30 days before an authorizer decides whether to revoke or renew a charter contract, the authorizer's staff must provide written recommendations concerning the decision to the authorizer and the charter school. If a charter school operates under a turnaround plan for a second consecutive school year, it must meet certain reporting requirements, and the authorizer may revoke the charter if it finds the charter school is not making sufficient improvement. Each authorizer must adopt a policy that establishes procedures for closing a charter school when the charter contract is revoked or not renewed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-106, **repeal**
 3 **and reenact, with amendments,** (1) as follows:

4 **22-30.5-106. Charter application - contents.** (1) THE CHARTER
 5 SCHOOL APPLICATION IS A PROPOSED AGREEMENT UPON WHICH THE
 6 CHARTER APPLICANT AND THE CHARTERING LOCAL BOARD OF EDUCATION

1 NEGOTIATE A CHARTER CONTRACT. AT A MINIMUM, EACH CHARTER
2 SCHOOL APPLICATION INCLUDES:

3 (a) AN EXECUTIVE SUMMARY THAT OUTLINES THE ELEMENTS OF
4 THE APPLICATION AND PROVIDES AN OVERVIEW OF THE PROPOSED
5 CHARTER SCHOOL;

6 (b) THE VISION AND MISSION STATEMENTS OF THE PROPOSED
7 CHARTER SCHOOL;

8 (c) THE GOALS, OBJECTIVES, AND STUDENT PERFORMANCE
9 STANDARDS THE PROPOSED CHARTER SCHOOL EXPECTS TO ACHIEVE,
10 INCLUDING BUT NOT LIMITED TO THE PERFORMANCE INDICATORS SPECIFIED
11 IN SECTION 22-11-204 AND APPLICABLE STANDARDS AND GOALS SPECIFIED
12 IN FEDERAL LAW;

13 (d) EVIDENCE THAT AN ADEQUATE NUMBER OF PARENTS AND
14 PUPILS SUPPORT THE FORMATION OF A CHARTER SCHOOL;

15 (e) DESCRIPTIONS OF THE PROPOSED CHARTER SCHOOL'S
16 EDUCATIONAL PROGRAM, STUDENT PERFORMANCE STANDARDS, AND
17 CURRICULUM;

18 (f) A PLAN FOR EVALUATING STUDENT PERFORMANCE ACROSS THE
19 CURRICULUM, WHICH PLAN ALIGNS WITH THE PROPOSED CHARTER
20 SCHOOL'S MISSION AND EDUCATIONAL OBJECTIVES AND PROVIDES A
21 DESCRIPTION OF THE PROPOSED CHARTER SCHOOL'S MEASURABLE ANNUAL
22 TARGETS FOR THE MEASURES USED TO DETERMINE THE LEVELS OF
23 ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED IN SECTION
24 22-11-204, AND PROCEDURES FOR TAKING CORRECTIVE ACTION IF
25 STUDENT PERFORMANCE AT THE SCHOOL FALLS BELOW THE DESCRIBED
26 TARGETS;

27 (g) EVIDENCE THAT THE PLAN FOR THE PROPOSED CHARTER

1 SCHOOL IS ECONOMICALLY SOUND, INCLUDING A PROPOSED BUDGET FOR
2 A TERM OF AT LEAST FIVE YEARS. THE CHARTER APPLICATION SHALL ALSO
3 DESCRIBE THE METHOD FOR OBTAINING AN INDEPENDENT ANNUAL AUDIT
4 OF THE PROPOSED CHARTER SCHOOL'S FINANCIAL OPERATIONS CONSISTENT
5 WITH GENERALLY ACCEPTED AUDITING STANDARDS FOR GOVERNMENTAL
6 ENTITIES, INCLUDING ANY SERVICES PROVIDED BY THE STATE, A SCHOOL
7 DISTRICT, OR A THIRD PARTY.

8 (h) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE
9 PROPOSED CHARTER SCHOOL, INCLUDING THE NATURE AND EXTENT OF
10 PARENTAL, PROFESSIONAL EDUCATOR, AND COMMUNITY INVOLVEMENT IN
11 THE GOVERNANCE AND OPERATION OF THE PROPOSED CHARTER SCHOOL,
12 THAT IS CONSISTENT WITH THE STANDARDS ADOPTED BY RULE OF THE
13 STATE BOARD PURSUANT TO SECTION 22-2-106 (1) (h);

14 (i) AN EXPLANATION OF THE RELATIONSHIP THAT WILL EXIST
15 BETWEEN THE PROPOSED CHARTER SCHOOL AND ITS EMPLOYEES AND THE
16 PROPOSED CHARTER SCHOOL'S EMPLOYMENT POLICIES OR A PLAN FOR THE
17 TIMELY DEVELOPMENT OF EMPLOYMENT POLICIES;

18 (j) A PROPOSAL REGARDING THE PARTIES' RESPECTIVE LEGAL
19 LIABILITIES AND APPLICABLE INSURANCE COVERAGE, WHICH INSURANCE
20 COVERAGE SHALL INCLUDE, AT A MINIMUM, WORKERS' COMPENSATION,
21 LIABILITY INSURANCE, AND INSURANCE FOR THE PROPOSED CHARTER
22 SCHOOL'S FACILITY AND ITS CONTENTS;

23 (k) THE PROPOSED CHARTER SCHOOL'S EXPECTATIONS AND PLANS
24 FOR ONGOING PARENT AND COMMUNITY INVOLVEMENT;

25 (l) A DESCRIPTION OF THE PROPOSED CHARTER SCHOOL'S
26 ENROLLMENT POLICY, CONSISTENT WITH THE REQUIREMENTS OF SECTION
27 22-30.5-104 (3) AND RULES ADOPTED BY THE STATE BOARD PURSUANT TO

1 SECTION 22-2-106(1)(h), AND THE CRITERIA FOR ENROLLMENT DECISIONS;

2 (m) A STATEMENT OF WHETHER THE PROPOSED CHARTER SCHOOL
3 PLANS TO ADDRESS THE TRANSPORTATION OR FOOD SERVICE NEEDS OF ITS
4 STUDENTS WHILE THEY ARE ATTENDING THE SCHOOL. THE PROPOSED
5 CHARTER SCHOOL MAY CHOOSE NOT TO PROVIDE TRANSPORTATION OR
6 FOOD SERVICES, MAY CHOOSE TO DEVELOP OR FORM A CHARTER SCHOOL
7 COLLABORATIVE AS DESCRIBED IN SECTION 22-30.5-603 TO PROVIDE
8 TRANSPORTATION OR FOOD SERVICES, OR MAY CHOOSE TO NEGOTIATE
9 WITH A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PRIVATE
10 PROVIDER TO PROVIDE TRANSPORTATION OR FOOD SERVICES FOR ITS
11 STUDENTS. IF THE PROPOSED CHARTER SCHOOL CHOOSES TO PROVIDE
12 TRANSPORTATION OR FOOD SERVICES, THE APPLICATION SHALL INCLUDE
13 A PLAN FOR EACH PROVIDED SERVICE, WHICH PLAN, AT A MINIMUM, SHALL
14 SPECIFICALLY ADDRESS SERVING THE NEEDS OF LOW-INCOME STUDENTS,
15 COMPLYING WITH INSURANCE AND LIABILITY ISSUES, AND COMPLYING
16 WITH ANY APPLICABLE STATE OR FEDERAL RULES OR REGULATIONS.

17 (n) A FACILITIES PLAN THAT DETAILS VIABLE FACILITIES OPTIONS
18 THAT ARE CONSISTENT WITH SECTION 22-32-124 AND THE REASONABLE
19 COSTS OF THE FACILITY, WHICH ARE REFLECTED IN THE PROPOSED BUDGET;

20 (o) A LIST OF THE WAIVERS OF STATUTE, STATE RULE, AND SCHOOL
21 DISTRICT POLICIES THAT THE PROPOSED CHARTER SCHOOL IS REQUESTING,
22 WHICH LIST EXPLAINS THE RATIONALE FOR EACH REQUESTED WAIVER AND
23 THE MANNER IN WHICH THE PROPOSED CHARTER SCHOOL PLANS TO MEET
24 THE INTENT OF THE WAIVED STATUTE, RULE, OR POLICY;

25 (p) POLICIES REGARDING STUDENT DISCIPLINE, EXPULSION, AND
26 SUSPENSION THAT ARE CONSISTENT WITH THE INTENT AND PURPOSE OF
27 SECTION 22-33-106, PROVIDE ADEQUATELY FOR THE SAFETY OF STUDENTS

1 AND STAFF, AND PROVIDE A LEVEL OF DUE PROCESS FOR STUDENTS THAT,
2 AT A MINIMUM, COMPLIES WITH THE REQUIREMENTS OF THE FEDERAL
3 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400
4 ET SEQ.;

5 (q) A PLAN FOR SERVING STUDENTS WITH SPECIAL NEEDS,
6 INCLUDING BUDGET AND STAFF REQUIREMENTS, WHICH PLAN SHALL
7 INCLUDE IDENTIFYING AND MEETING THE LEARNING NEEDS OF AT-RISK
8 STUDENTS, STUDENTS WITH DISABILITIES, GIFTED AND TALENTED
9 STUDENTS, AND ENGLISH LANGUAGE LEARNERS;

10 (r) A DISPUTE RESOLUTION PROCESS, AS PROVIDED IN SECTION
11 22-30.5-107.5; AND

12 (s) IF THE PROPOSED CHARTER SCHOOL INTENDS TO CONTRACT
13 WITH AN EDUCATION MANAGEMENT PROVIDER:

14 (I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE
15 SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING AT THE
16 TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY, INCLUDING
17 DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND SCHOOL
18 MANAGEMENT SUCCESS;

19 (II) AN EXPLANATION OF AND EVIDENCE DEMONSTRATING THE
20 EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL
21 EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS IT IS
22 MANAGING;

23 (III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS
24 OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED
25 CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER; AND

26 (IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE
27 CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED CHARTER

1 SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER THAT SPECIFIES, AT
2 A MINIMUM, THE FOLLOWING MATERIAL TERMS:

3 (A) PERFORMANCE EVALUATION MEASURES;

4 (B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT
5 THAT THE GOVERNING BOARD WILL APPLY;

6 (C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE
7 PROPOSED CHARTER SCHOOL WILL PAY TO THE EDUCATION MANAGEMENT
8 PROVIDER; AND

9 (D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION.

10 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-103, **add**
11 (3.5) as follows:

12 **22-30.5-103. Definitions.** As used in this part 1, unless the
13 context otherwise requires:

14 (3.5) "EDUCATION MANAGEMENT PROVIDER" MEANS A NONPROFIT,
15 NOT-FOR-PROFIT, OR FOR-PROFIT ENTITY THAT CONTRACTS WITH A
16 CHARTER SCHOOL TO PROVIDE, MANAGE, OR OVERSEE ALL OR
17 SUBSTANTIALLY ALL OF THE EDUCATIONAL SERVICES PROVIDED BY THE
18 CHARTER SCHOOL.

19 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-107, **amend**
20 (1) and (2) as follows:

21 **22-30.5-107. Charter application - process.** (1) (a) A charter
22 applicant cannot apply to, or enter into a charter contract with, a school
23 district unless a majority of the proposed charter school's pupils, other
24 than on-line pupils, will reside in the chartering school district or in
25 school districts contiguous thereto.

26 (b) The local board of education shall receive and review all
27 applications for charter schools. If the local board of education does not

1 review a charter application, it shall be deemed to have denied the charter
2 application. ~~Applications must be filed~~ A CHARTER APPLICANT MUST FILE
3 ITS APPLICATION with the local board of education by a date determined
4 by the local board of education to be eligible for consideration for the
5 following school year. AN APPLICATION IS CONSIDERED FILED WHEN THE
6 SCHOOL DISTRICT ADMINISTRATION RECEIVES THE CHARTER APPLICATION
7 FROM THE CHARTER APPLICANT EITHER IN HARD COPY OR
8 ELECTRONICALLY. The date determined by the local board of education
9 for filing of applications shall not be any earlier than ~~August 15~~ AUGUST
10 1 or any later than October 1. Prior to any change in the application
11 deadline, the local board of education shall notify THE DEPARTMENT AND
12 each charter school applicant in the district of the proposed change by
13 certified letter. The local board of education shall not charge any
14 application fees.

15 (c) If such board finds the charter school application is
16 incomplete, the board shall request the necessary information from the
17 charter applicant and give the charter applicant reasonable opportunity to
18 provide additional information to the local board of education for review.
19 The charter school application shall be reviewed by the district
20 accountability committee prior to consideration by the local board of
21 education. WITHIN FIFTEEN DAYS AFTER RECEIVING A CHARTER SCHOOL
22 APPLICATION, THE SCHOOL DISTRICT SHALL DETERMINE WHETHER THE
23 APPLICATION SATISFIES THE REQUIREMENTS SPECIFIED IN SECTION
24 22-30.5-106(1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT
25 COMPLETE, THE SCHOOL DISTRICT SHALL NOTIFY THE CHARTER APPLICANT
26 WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE
27 INFORMATION REQUIRED TO COMPLETE THE CHARTER APPLICATION. THE

1 CHARTER APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE
2 NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE LOCAL BOARD OF
3 EDUCATION FOR REVIEW. THE LOCAL BOARD OF EDUCATION IS NOT
4 REQUIRED TO TAKE ACTION ON THE CHARTER APPLICATION IF THE
5 CHARTER APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION
6 WITHIN THE FIFTEEN-DAY PERIOD. THE SCHOOL DISTRICT MAY REQUEST
7 ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE
8 REASONABLE TIME FOR THE CHARTER APPLICANT TO RESPOND. THE
9 SCHOOL DISTRICT MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY
10 ADDITIONAL INFORMATION THE CHARTER APPLICANT PROVIDES THAT THE
11 SCHOOL DISTRICT DOES NOT REQUEST. THE DISTRICT ACCOUNTABILITY
12 COMMITTEE SHALL REVIEW THE COMPLETE CHARTER SCHOOL APPLICATION
13 AT LEAST FIFTEEN DAYS, IF POSSIBLE, BEFORE THE LOCAL BOARD OF
14 EDUCATION TAKES ACTION ON THE APPLICATION. ___

15 (2) After giving reasonable public notice, the local board of
16 education shall hold community meetings in the affected areas or the
17 entire school district to obtain information to assist the local board of
18 education in its decision to approve a charter school application. The local
19 board of education shall rule by resolution on the application for a charter
20 school in a public hearing, upon reasonable public notice, within
21 ~~seventy-five~~ NINETY days after receiving the application filed pursuant to
22 subsection (1) of this section. All negotiations between the charter school
23 and the local board of education on the contract shall be concluded by,
24 and all terms of the contract agreed upon, no later than ninety days after
25 the local board of education rules by resolution on the application for a
26 charter school.

27 **SECTION 4.** In Colorado Revised Statutes, **amend** 22-30.5-110

1 as follows:

2 **22-30.5-110. Charter schools - term - renewal of charter -**
3 **grounds for nonrenewal or revocation.** (1) (a) WHEN A LOCAL BOARD
4 OF EDUCATION APPROVES a new charter application, ~~shall be approved by~~
5 ~~a local board of education for~~ THE CHARTER IS AUTHORIZED FOR a period
6 of at least ~~three~~ FOUR years. ~~A charter may be renewed~~ THE LOCAL BOARD
7 OF EDUCATION AND THE CHARTER SCHOOL MAY RENEW THE CHARTER for
8 successive periods AS PROVIDED IN THIS SECTION.

9 (b) DURING THE TERM OF A CHARTER, THE SCHOOL DISTRICT SHALL
10 ANNUALLY REVIEW THE CHARTER SCHOOL'S PERFORMANCE. AT A
11 MINIMUM, THE REVIEW INCLUDES THE CHARTER SCHOOL'S PROGRESS IN
12 MEETING THE OBJECTIVES IDENTIFIED IN THE PLAN THE CHARTER SCHOOL
13 IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE
14 RESULTS OF THE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL
15 AUDIT. THE SCHOOL DISTRICT SHALL PROVIDE TO THE CHARTER SCHOOL
16 WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS
17 OF THE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF EVIDENCE
18 THAT THE LOCAL BOARD OF EDUCATION TAKES INTO ACCOUNT IN
19 DECIDING WHETHER TO RENEW OR REVOKE THE CHARTER AND THAT
20 SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT. _____

21 (1.3) EACH SCHOOL DISTRICT SHALL ADOPT AND REVISE AS
22 NECESSARY PROCEDURES AND TIMELINES FOR THE CHARTER-RENEWAL
23 PROCESS, WHICH PROCEDURES AND TIMELINES ARE IN CONFORMANCE WITH
24 THE REQUIREMENTS OF THIS PART 1. EACH SCHOOL DISTRICT SHALL
25 ENSURE THAT EACH OF THE CHARTER SCHOOLS AUTHORIZED BY THE
26 DISTRICT RECEIVES A COPY OF THE DISTRICT'S CHARTER RENEWAL
27 PROCEDURES AND TIMELINES AND ANY REVISIONS TO THE PROCEDURES

1 AND TIMELINES.

2 (1.5) No later than December 1 of the year prior to the year in
3 which the charter expires, the governing body of a charter school shall
4 submit a renewal application to the chartering local board of education.
5 The chartering local board of education shall rule by resolution on the
6 renewal application no later than February 1 of the year in which the
7 charter expires, or by a mutually agreed upon date.

8 (2) A charter school renewal application submitted to the
9 chartering local board of education shall contain:

10 (a) A report on the progress of the charter school in achieving the
11 goals, objectives, pupil performance standards, content standards, targets
12 for the measures used to determine the levels of attainment of the
13 performance indicators, and other terms of the charter contract and the
14 results achieved by the charter school's students on the assessments
15 administered through the Colorado student assessment program; ~~and~~

16 (b) A financial statement that discloses the costs of administration,
17 instruction, and other spending categories for the charter school that is
18 understandable to the general public and that will allow comparison of
19 such costs to other schools or other comparable organizations, in a format
20 required by the state board of education; AND

21 (c) Repealed.

22 (d) ANY INFORMATION OR MATERIAL RESULTING FROM THE
23 CHARTER SCHOOL'S ANNUAL REVIEWS AS DESCRIBED IN SUBSECTION (1) OF
24 THIS SECTION.

25 (3) A charter may be revoked or not renewed by the chartering
26 local board of education if it determines that the charter school did any of
27 the following:

1 (a) Committed a material violation of any of the conditions,
2 standards, or procedures set forth in the charter contract;

3 (b) Failed to meet or make reasonable SIGNIFICANT progress
4 toward achievement of the goals, objectives, content standards, pupil
5 performance standards, targets for the measures used to determine the
6 levels of attainment of the performance indicators, applicable federal
7 requirements, or other terms identified in the charter contract;

8 (c) Failed to meet generally accepted standards of fiscal
9 management; or

10 (d) Violated any provision of law from which the charter school
11 was not specifically exempted.

12 (3.5) IF A CHARTER SCHOOL IS REQUIRED TO IMPLEMENT A
13 TURNAROUND PLAN PURSUANT TO SECTION 22-11-210 (2) FOR A SECOND
14 CONSECUTIVE SCHOOL YEAR, THE CHARTER SCHOOL SHALL PRESENT TO ITS
15 AUTHORIZING LOCAL BOARD OF EDUCATION, IN ADDITION TO THE
16 TURNAROUND PLAN, A SUMMARY OF THE CHANGES MADE BY THE CHARTER
17 SCHOOL TO IMPROVE ITS PERFORMANCE, THE PROGRESS MADE IN
18 IMPLEMENTING THE CHANGES, AND EVIDENCE, AS REQUESTED BY THE
19 LOCAL BOARD OF EDUCATION, THAT THE CHARTER SCHOOL IS MAKING
20 SUFFICIENT IMPROVEMENT TO ATTAIN A HIGHER ACCREDITATION
21 CATEGORY WITHIN TWO SCHOOL YEARS OR SOONER. IF THE LOCAL BOARD
22 OF EDUCATION FINDS THAT THE CHARTER SCHOOL'S EVIDENCE OF
23 IMPROVEMENT IS NOT SUFFICIENT OR IF THE CHARTER SCHOOL IS REQUIRED
24 TO IMPLEMENT A TURNAROUND PLAN FOR A THIRD CONSECUTIVE SCHOOL
25 YEAR, THE LOCAL BOARD OF EDUCATION MAY REVOKE THE SCHOOL'S
26 CHARTER.

27 (4) (Deleted by amendment, L. 2004, p. 1582, § 9, effective June

1 3, 2004.)

2 (4.5) (a) AT LEAST FIFTEEN DAYS PRIOR TO THE DATE ON WHICH A
3 LOCAL BOARD OF EDUCATION WILL CONSIDER WHETHER TO REVOKE OR
4 RENEW A CHARTER, THE ___ SCHOOL DISTRICT SHALL PROVIDE TO THE
5 LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL A WRITTEN
6 RECOMMENDATION, INCLUDING THE REASONS SUPPORTING THE
7 RECOMMENDATION, CONCERNING WHETHER TO REVOKE OR RENEW THE
8 CHARTER.

9 (b) If a local board of education revokes or does not renew a
10 charter, the board shall state its reasons for the revocation or nonrenewal.

11 ~~(5) A decision to revoke or not to renew a charter may be~~
12 ~~appealed or facilitation may be sought pursuant to the provisions of~~
13 ~~section 22-30.5-108~~ IF A LOCAL BOARD OF EDUCATION REVOKES OR DOES
14 NOT RENEW A CHARTER, THE CHARTER SCHOOL MAY APPEAL THE DECISION
15 PURSUANT TO SECTION 22-30.5-108.

16 (6) EACH SCHOOL DISTRICT SHALL ADOPT PROCEDURES FOR
17 CLOSING A CHARTER SCHOOL FOLLOWING REVOCATION OR NONRENEWAL
18 OF THE CHARTER SCHOOL'S CHARTER. AT A MINIMUM, THE PROCEDURES
19 SHALL ENSURE THAT:

20 (a) WHEN PRACTICABLE AND IN THE BEST INTEREST OF THE
21 STUDENTS OF THE CHARTER SCHOOL, THE CHARTER SCHOOL CONTINUES TO
22 OPERATE THROUGH THE END OF THE SCHOOL YEAR. IF THE SCHOOL
23 DISTRICT DETERMINES IT IS NECESSARY TO CLOSE THE CHARTER SCHOOL
24 PRIOR TO THE END OF THE SCHOOL YEAR, THE SCHOOL DISTRICT SHALL
25 WORK WITH THE CHARTER SCHOOL TO DETERMINE AN EARLIER CLOSURE
26 DATE.

27 (b) THE SCHOOL DISTRICT WORKS WITH THE PARENTS OF THE

1 STUDENTS WHO ARE ENROLLED IN THE CHARTER SCHOOL WHEN THE
2 CHARTER IS REVOKED OR NOT RENEWED TO ENSURE THAT THE STUDENTS
3 ARE ENROLLED IN SCHOOLS THAT MEET THEIR EDUCATIONAL NEEDS; AND

4 (c) THE CHARTER SCHOOL MEETS ITS FINANCIAL, LEGAL, AND
5 REPORTING OBLIGATIONS DURING THE PERIOD THAT THE CHARTER SCHOOL
6 IS CONCLUDING OPERATIONS.

7 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-509, **repeal**
8 **and reenact, with amendments,** (1) as follows:

9 **22-30.5-509. Institute charter school application - contents.**

10 (1) THE INSTITUTE CHARTER SCHOOL APPLICATION IS A PROPOSED
11 AGREEMENT UPON WHICH THE INSTITUTE CHARTER APPLICANT AND THE
12 INSTITUTE NEGOTIATE A CHARTER CONTRACT. AT A MINIMUM, EACH
13 INSTITUTE CHARTER SCHOOL APPLICATION INCLUDES:

14 (a) AN EXECUTIVE SUMMARY THAT OUTLINES THE ELEMENTS OF
15 THE APPLICATION AND PROVIDES AN OVERVIEW OF THE PROPOSED
16 INSTITUTE CHARTER SCHOOL;

17 (b) THE VISION AND MISSION STATEMENTS OF THE PROPOSED
18 INSTITUTE CHARTER SCHOOL;

19 (c) THE GOALS, OBJECTIVES, AND STUDENT PERFORMANCE
20 STANDARDS THE PROPOSED INSTITUTE CHARTER SCHOOL EXPECTS TO
21 ACHIEVE, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE INDICATORS
22 SPECIFIED IN SECTION 22-11-204 AND APPLICABLE STANDARDS AND GOALS
23 SPECIFIED IN FEDERAL LAW;

24 (d) EVIDENCE THAT AN ADEQUATE NUMBER OF PARENTS AND
25 PUPILS SUPPORT THE FORMATION OF AN INSTITUTE CHARTER SCHOOL;

26 (e) DESCRIPTIONS OF THE PROPOSED INSTITUTE CHARTER SCHOOL'S
27 EDUCATIONAL PROGRAM, STUDENT PERFORMANCE STANDARDS, AND

1 CURRICULUM;

2 (f) A PLAN FOR EVALUATING STUDENT PERFORMANCE ACROSS THE
3 CURRICULUM, WHICH PLAN ALIGNS WITH THE PROPOSED INSTITUTE
4 CHARTER SCHOOL'S MISSION AND EDUCATIONAL OBJECTIVES AND
5 PROVIDES A DESCRIPTION OF THE PROPOSED INSTITUTE CHARTER SCHOOL'S
6 MEASURABLE ANNUAL TARGETS FOR THE MEASURES USED TO DETERMINE
7 THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS SPECIFIED
8 IN SECTION 22-11-204 AND PROCEDURES FOR TAKING CORRECTIVE ACTION
9 IF STUDENT PERFORMANCE AT THE SCHOOL FALLS BELOW THE DESCRIBED
10 TARGETS;

11 (g) EVIDENCE THAT THE PLAN FOR THE PROPOSED INSTITUTE
12 CHARTER SCHOOL IS ECONOMICALLY SOUND, INCLUDING A PROPOSED
13 BUDGET FOR A TERM OF AT LEAST FIVE YEARS. THE INSTITUTE CHARTER
14 APPLICATION SHALL ALSO DESCRIBE THE METHOD FOR OBTAINING AN
15 INDEPENDENT ANNUAL AUDIT OF THE PROPOSED INSTITUTE CHARTER
16 SCHOOL'S FINANCIAL OPERATIONS CONSISTENT WITH GENERALLY
17 ACCEPTED AUDITING STANDARDS FOR GOVERNMENTAL ENTITIES,
18 INCLUDING ANY SERVICES PROVIDED BY THE STATE, A SCHOOL DISTRICT,
19 OR A THIRD PARTY.

20 (h) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE
21 PROPOSED INSTITUTE CHARTER SCHOOL, INCLUDING THE NATURE AND
22 EXTENT OF PARENTAL, PROFESSIONAL EDUCATOR, AND COMMUNITY
23 INVOLVEMENT IN THE GOVERNANCE AND OPERATION OF THE PROPOSED
24 INSTITUTE CHARTER SCHOOL, THAT IS CONSISTENT WITH THE STANDARDS
25 ADOPTED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-2-106
26 (1) (h);

27 (i) AN EXPLANATION OF THE RELATIONSHIP THAT WILL EXIST

1 BETWEEN THE PROPOSED INSTITUTE CHARTER SCHOOL AND ITS EMPLOYEES
2 AND THE PROPOSED INSTITUTE CHARTER SCHOOL'S EMPLOYMENT POLICIES;

3 (j) A PROPOSAL REGARDING THE PARTIES' RESPECTIVE LEGAL
4 LIABILITIES AND APPLICABLE INSURANCE COVERAGE, WHICH INSURANCE
5 COVERAGE SHALL INCLUDE, AT A MINIMUM, WORKERS' COMPENSATION,
6 LIABILITY INSURANCE, AND INSURANCE FOR THE PROPOSED INSTITUTE
7 CHARTER SCHOOL'S FACILITY AND ITS CONTENTS;

8 (k) THE PROPOSED INSTITUTE CHARTER SCHOOL'S EXPECTATIONS
9 AND PLANS FOR ONGOING PARENT AND COMMUNITY INVOLVEMENT;

10 (l) A DESCRIPTION OF THE PROPOSED INSTITUTE CHARTER
11 SCHOOL'S ENROLLMENT POLICY, CONSISTENT WITH THE REQUIREMENTS OF
12 SECTION 22-30.5-104 (3) AND RULES ADOPTED BY THE STATE BOARD
13 PURSUANT TO SECTION 22-2-106 (1) (h), AND THE CRITERIA FOR
14 ENROLLMENT DECISIONS;

15 (m) A STATEMENT OF WHETHER THE PROPOSED INSTITUTE
16 CHARTER SCHOOL PLANS TO ADDRESS THE TRANSPORTATION OR FOOD
17 SERVICE NEEDS OF ITS STUDENTS WHILE THEY ARE ATTENDING THE
18 SCHOOL. THE PROPOSED INSTITUTE CHARTER SCHOOL MAY CHOOSE NOT
19 TO PROVIDE TRANSPORTATION OR FOOD SERVICES, MAY CHOOSE TO
20 DEVELOP OR FORM A CHARTER SCHOOL COLLABORATIVE AS DESCRIBED IN
21 SECTION 22-30.5-603 TO PROVIDE TRANSPORTATION OR FOOD SERVICES,
22 OR MAY CHOOSE TO NEGOTIATE WITH A SCHOOL DISTRICT, BOARD OF
23 COOPERATIVE SERVICES, OR PRIVATE PROVIDER TO PROVIDE
24 TRANSPORTATION OR FOOD SERVICES FOR ITS STUDENTS. IF THE PROPOSED
25 INSTITUTE CHARTER SCHOOL CHOOSES TO PROVIDE TRANSPORTATION OR
26 FOOD SERVICES, THE APPLICATION SHALL INCLUDE A PLAN FOR EACH
27 PROVIDED SERVICE, WHICH PLAN, AT A MINIMUM, SHALL SPECIFICALLY

1 ADDRESS SERVING THE NEEDS OF LOW-INCOME AND ACADEMICALLY
2 LOW-ACHIEVING STUDENTS, COMPLYING WITH INSURANCE AND LIABILITY
3 ISSUES, AND COMPLYING WITH ANY APPLICABLE STATE OR FEDERAL RULES
4 OR REGULATIONS.

5 (n) A FACILITIES PLAN THAT DETAILS VIABLE FACILITIES OPTIONS
6 THAT ARE CONSISTENT WITH SECTION 22-32-124 AND THAT INCLUDES THE
7 REASONABLE COSTS OF THE FACILITY, WHICH ARE REFLECTED IN THE
8 PROPOSED BUDGET;

9 (o) A LIST OF THE WAIVERS OF STATUTE AND STATE RULES THAT
10 THE PROPOSED INSTITUTE CHARTER SCHOOL IS REQUESTING, WHICH LIST
11 EXPLAINS THE RATIONALE FOR EACH REQUESTED WAIVER AND THE
12 MANNER IN WHICH THE PROPOSED INSTITUTE CHARTER SCHOOL PLANS TO
13 MEET THE INTENT OF THE WAIVED STATUTE OR RULE;

14 (p) POLICIES REGARDING STUDENT DISCIPLINE, EXPULSION, AND
15 SUSPENSION THAT ARE CONSISTENT WITH THE INTENT AND PURPOSE OF
16 SECTION 22-33-106, PROVIDE ADEQUATELY FOR THE SAFETY OF STUDENTS
17 AND STAFF, AND PROVIDE A LEVEL OF DUE PROCESS FOR STUDENTS THAT,
18 AT A MINIMUM, COMPLIES WITH THE REQUIREMENTS OF THE FEDERAL
19 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400
20 ET SEQ.;

21 (q) A PLAN FOR SERVING STUDENTS WITH SPECIAL NEEDS,
22 INCLUDING BUDGET AND STAFF REQUIREMENTS, WHICH PLAN SHALL
23 INCLUDE IDENTIFYING AND MEETING THE LEARNING NEEDS OF AT-RISK
24 STUDENTS, STUDENTS WITH DISABILITIES, GIFTED AND TALENTED
25 STUDENTS, AND ENGLISH LANGUAGE LEARNERS;

26 (r) A DISPUTE RESOLUTION PROCESS, AS PROVIDED IN SECTION
27 22-30.5-107.5; AND

1 (s) IF THE PROPOSED INSTITUTE CHARTER SCHOOL INTENDS TO
2 CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER:

3 (I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE
4 SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING AT THE
5 TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY, INCLUDING
6 DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND SCHOOL
7 MANAGEMENT SUCCESS;

8 (II) AN EXPLANATION OF AND EVIDENCE DEMONSTRATING THE
9 EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL
10 EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS IT IS
11 MANAGING;

12 (III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS
13 OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED
14 INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT
15 PROVIDER; AND

16 (IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE
17 CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED
18 INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT
19 PROVIDER THAT SPECIFIES, AT A MINIMUM, THE FOLLOWING MATERIAL
20 TERMS:

21 (A) PERFORMANCE EVALUATION MEASURES;

22 (B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT
23 THAT THE GOVERNING BOARD WILL APPLY;

24 (C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE
25 PROPOSED INSTITUTE CHARTER SCHOOL WILL PAY TO THE EDUCATION
26 MANAGEMENT PROVIDER; AND

27 (D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION.

1 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-502, **add**
2 (4.5) as follows:

3 **22-30.5-502. Definitions.** As used in this part 5, unless the
4 context otherwise requires:

5 (4.5) "EDUCATION MANAGEMENT PROVIDER" MEANS A NONPROFIT,
6 NOT-FOR-PROFIT, OR FOR-PROFIT ENTITY THAT CONTRACTS WITH AN
7 INSTITUTE CHARTER SCHOOL TO PROVIDE, MANAGE, OR OVERSEE ALL OR
8 SUBSTANTIALLY ALL OF THE EDUCATIONAL SERVICES PROVIDED BY THE
9 INSTITUTE CHARTER SCHOOL.

10 **SECTION 7.** In Colorado Revised Statutes, 22-30.5-510, **amend**
11 (1) (a) and (2) (b) as follows:

12 **22-30.5-510. Institute charter school application - process -**
13 **rule-making.** (1) (a) Except as otherwise provided in section
14 22-30.5-506 (2), the institute shall receive and review all applications for
15 institute charter schools. An application for an institute charter school
16 may be submitted by one or more individuals, by a nonprofit,
17 governmental, or other entity or organization, or by an existing charter
18 school authorized by a district. An entity applying for an institute charter
19 school shall file an application with the institute by a date determined by
20 rule of the institute board to be eligible for consideration for the following
21 school year. AN APPLICATION IS CONSIDERED FILED WHEN THE INSTITUTE
22 RECEIVES THE INSTITUTE CHARTER APPLICATION FROM THE INSTITUTE
23 CHARTER APPLICANT EITHER IN HARD COPY OR ELECTRONICALLY. Prior to
24 any change in the application deadline, the institute shall notify each
25 known institute charter school applicant of the proposed change by
26 certified letter. If the institute finds the institute charter school application
27 is incomplete, the institute shall request the necessary information from

1 the applicant. WITHIN FIFTEEN DAYS AFTER RECEIVING AN INSTITUTE
2 CHARTER SCHOOL APPLICATION, THE INSTITUTE SHALL DETERMINE
3 WHETHER THE APPLICATION SATISFIES THE REQUIREMENTS SPECIFIED IN
4 SECTION 22-30.5-509 (1) AND IS THEREFORE COMPLETE. IF THE
5 APPLICATION IS NOT COMPLETE, THE INSTITUTE SHALL NOTIFY THE
6 APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE
7 INFORMATION REQUIRED TO COMPLETE THE INSTITUTE CHARTER
8 APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT
9 RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE
10 INSTITUTE FOR REVIEW. THE INSTITUTE IS NOT REQUIRED TO TAKE ACTION
11 ON THE INSTITUTE CHARTER APPLICATION IF THE APPLICANT DOES NOT
12 PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD.
13 THE INSTITUTE MAY REQUEST ADDITIONAL INFORMATION DURING THE
14 REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO
15 RESPOND. THE INSTITUTE MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY
16 ADDITIONAL INFORMATION THE APPLICANT PROVIDES THAT THE INSTITUTE
17 DOES NOT REQUEST.

18 (2) (b) The institute board shall rule by resolution on the
19 application for an institute charter school in a public hearing, following
20 reasonable public notice, within ~~seventy-five~~ NINETY days after receiving
21 the application filed pursuant to subsection (1) of this section. At the
22 public hearing, prior to adopting the resolution, the institute board shall
23 make available to persons in attendance at the hearing a written summary
24 of the testimony received at the meeting held pursuant to paragraph (a) of
25 this subsection (2) and, on the record, shall consider the testimony and its
26 application to the institute board's decision.

27 **SECTION 8.** In Colorado Revised Statutes, **amend** 22-30.5-511

1 as follows:

2 **22-30.5-511. Institute charter schools - term - renewal of**
3 **contract - grounds for nonrenewal or revocation - appeal.** (1) (a) THE

4 INSTITUTE MAY APPROVE a new charter contract for an institute charter
5 school ~~may be approved for succeeding periods of at least three academic~~
6 ~~years but not more than five~~ FOR A PERIOD OF FOUR academic years, and
7 the INSTITUTE MAY RENEW THE charter contract ~~may be renewed for a~~
8 ~~period~~ SUCCEEDING PERIODS not to exceed five academic years.

9 (b) Notwithstanding the provisions of paragraph (a) of this
10 subsection (1) to the contrary, an institute charter school and the institute
11 may agree to extend the length of the charter contract beyond five
12 academic years for the purpose of enhancing the terms of any lease or
13 financial obligation.

14 (2) An institute charter school shall submit an annual report to the
15 institute on the institute charter school's progress in achieving the goals,
16 objectives, pupil performance standards, content standards, targets for the
17 measures used to determine the levels of attainment of the performance
18 indicators, and other terms of the pending charter contract. The institute
19 shall consider, during the review of a renewal application, the annual
20 reports submitted by the institute charter school during the term of the
21 pending charter contract. DURING THE TERM OF A CHARTER CONTRACT,
22 THE INSTITUTE SHALL ANNUALLY REVIEW THE INSTITUTE CHARTER
23 SCHOOL'S PERFORMANCE. AT A MINIMUM, THE REVIEW INCLUDES THE
24 INSTITUTE CHARTER SCHOOL'S PROGRESS IN MEETING THE OBJECTIVES
25 IDENTIFIED IN THE PLAN THE INSTITUTE CHARTER SCHOOL IS REQUIRED TO
26 IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE
27 INSTITUTE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT.

1 THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL
2 WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS
3 OF THE INSTITUTE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF
4 EVIDENCE THAT THE INSTITUTE BOARD TAKES INTO ACCOUNT IN DECIDING
5 WHETHER TO RENEW OR REVOKE THE CHARTER CONTRACT AND THAT
6 SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT. ___

7 (2.5) THE INSTITUTE ___ SHALL ADOPT AND REVISE AS NECESSARY
8 PROCEDURES AND TIMELINES FOR THE CHARTER-RENEWAL PROCESS,
9 WHICH PROCEDURES AND TIMELINES ARE IN CONFORMANCE WITH THE
10 REQUIREMENTS OF THIS PART 5. THE INSTITUTE SHALL ENSURE THAT EACH
11 OF THE INSTITUTE CHARTER SCHOOLS RECEIVES A COPY OF THE
12 INSTITUTE'S CHARTER RENEWAL PROCEDURES AND TIMELINES AND ANY
13 REVISIONS TO THE PROCEDURES AND TIMELINES.

14 (3) The institute board may revoke or deny renewal of a charter
15 contract if the institute board determines that the institute charter school
16 did any of the following:

17 (a) Committed a material violation of any of the conditions,
18 standards, or procedures set forth in the charter contract of the institute
19 charter school;

20 (b) Failed to meet or make reasonable SIGNIFICANT progress
21 toward achievement of the content standards, pupil performance
22 standards, or targets for the measures used to determine the levels of
23 attainment of the performance indicators identified in the charter contract
24 of the institute charter school;

25 (c) Was required to adopt a turnaround plan and the state board
26 recommended pursuant to section 22-11-210 that the institute charter
27 school be restructured;

1 (d) Failed to meet generally accepted standards of fiscal
2 management; or

3 (e) Violated any provision of law from which the institute charter
4 school was not specifically exempted.

5 (4) In addition, the institute board may deny renewal of a charter
6 contract upon a determination by the institute board that it is not in the
7 best interests of the pupils attending the institute charter school to
8 continue the operation of the institute charter school.

9 (4.5) IF AN INSTITUTE CHARTER SCHOOL IS REQUIRED TO
10 IMPLEMENT A TURNAROUND PLAN PURSUANT TO SECTION 22-11-210 (2)
11 FOR A SECOND CONSECUTIVE SCHOOL YEAR, THE INSTITUTE CHARTER
12 SCHOOL SHALL PRESENT TO THE INSTITUTE BOARD, IN ADDITION TO THE
13 TURNAROUND PLAN, A SUMMARY OF THE CHANGES MADE BY THE
14 INSTITUTE CHARTER SCHOOL TO IMPROVE ITS PERFORMANCE, THE
15 PROGRESS MADE IN IMPLEMENTING THE CHANGES, AND EVIDENCE, AS
16 REQUESTED BY THE INSTITUTE BOARD, THAT THE INSTITUTE CHARTER
17 SCHOOL IS MAKING SUFFICIENT IMPROVEMENT TO ATTAIN A HIGHER
18 ACCREDITATION CATEGORY WITHIN TWO SCHOOL YEARS OR SOONER. IF
19 THE INSTITUTE BOARD FINDS THAT THE INSTITUTE CHARTER SCHOOL'S
20 EVIDENCE OF IMPROVEMENT IS NOT SUFFICIENT OR IF THE INSTITUTE
21 CHARTER SCHOOL IS REQUIRED TO IMPLEMENT A TURNAROUND PLAN FOR
22 A THIRD CONSECUTIVE SCHOOL YEAR, THE INSTITUTE BOARD MAY REVOKE
23 THE SCHOOL'S CHARTER CONTRACT.

24 (5) (a) AT LEAST FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE
25 INSTITUTE BOARD WILL CONSIDER WHETHER TO REVOKE OR RENEW A
26 CHARTER CONTRACT, THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE
27 BOARD AND THE INSTITUTE CHARTER SCHOOL A WRITTEN

1 RECOMMENDATION, INCLUDING THE REASONS SUPPORTING THE
2 RECOMMENDATION, CONCERNING WHETHER TO REVOKE OR RENEW THE
3 CHARTER CONTRACT.

4 (b) If the institute BOARD revokes or denies renewal of a charter
5 contract of an institute charter school, the institute board shall state its
6 reasons for the revocation or denial.

7 ~~(b)~~ (6) (a) The state board, upon receipt of a notice of appeal
8 or upon its own motion, may review decisions of the institute board
9 concerning the revocation or nonrenewal of an institute charter school's
10 charter contract. An institute charter school or any other person who
11 wishes to appeal a decision of the institute board concerning the
12 revocation or nonrenewal of a charter contract shall provide the state
13 board and the institute board with a notice of appeal within thirty days
14 after the institute board's decision. The person bringing the appeal shall
15 limit the grounds of the appeal to the grounds for the revocation or the
16 nonrenewal of the charter contract specified by the institute board. The
17 notice shall include a brief statement of the reasons the person contends
18 the institute board's revocation or nonrenewal of the charter contract was
19 in error.

20 ~~(H)~~ (b) Within sixty days after receipt of the notice of appeal or
21 the making of a motion to review by the state board and after reasonable
22 public notice, the state board, at a public hearing which may be held in
23 the school district in which the institute charter school is located, shall
24 review the decision of the institute board and make its findings. If the
25 state board finds that the institute board's decision was contrary to the best
26 interests of the pupils attending the institute charter school, the state
27 board shall remand such final decision to the institute board with

1 instructions to renew or reinstate the charter contract of the institute
2 charter school. The decision of the state board shall be final and not
3 subject to appeal.

4 (7) THE INSTITUTE SHALL ADOPT PROCEDURES FOR CLOSING AN
5 INSTITUTE CHARTER SCHOOL FOLLOWING REVOCATION OR NONRENEWAL
6 OF THE INSTITUTE CHARTER SCHOOL'S CHARTER CONTRACT. AT A
7 MINIMUM, THE PROCEDURES SHALL ENSURE THAT:

8 (a) WHEN PRACTICABLE AND IN THE BEST INTEREST OF THE
9 STUDENTS OF THE INSTITUTE CHARTER SCHOOL, THE INSTITUTE CHARTER
10 SCHOOL CONTINUES TO OPERATE THROUGH THE END OF THE SCHOOL YEAR.
11 IF THE INSTITUTE DETERMINES IT IS NECESSARY TO CLOSE THE INSTITUTE
12 CHARTER SCHOOL PRIOR TO THE END OF THE SCHOOL YEAR, THE INSTITUTE
13 SHALL WORK WITH THE INSTITUTE CHARTER SCHOOL TO DETERMINE AN
14 EARLIER CLOSURE DATE.

15 (b) THE INSTITUTE WORKS WITH THE PARENTS OF THE STUDENTS
16 WHO ARE ENROLLED IN THE INSTITUTE CHARTER SCHOOL WHEN THE
17 CHARTER CONTRACT IS REVOKED OR NOT RENEWED TO ENSURE THAT THE
18 STUDENTS ARE ENROLLED IN SCHOOLS THAT MEET THEIR EDUCATIONAL
19 NEEDS; AND

20 (c) THE INSTITUTE CHARTER SCHOOL MEETS ITS FINANCIAL, LEGAL,
21 AND REPORTING OBLIGATIONS DURING THE PERIOD THAT THE INSTITUTE
22 CHARTER SCHOOL IS CONCLUDING OPERATIONS.

23 **SECTION 9. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.