

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 01-0757.01 Michael Dohr

**SENATE BILL 01-165**

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**SENATE SPONSORSHIP**

**Windels,**

**HOUSE SPONSORSHIP**

**King,**

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**Senate Committees**  
Education

**House Committees**  
Education

HOUSE  
3rd Reading Unamended  
March 21, 2001

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**A BILL FOR AN ACT**

101 **CONCERNING TIMING ISSUES FOR CHARTER SCHOOLS.**

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HOUSE  
Amended 2nd Reading  
March 19, 2001

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Changes the charter school application deadline from October 1 to August 15.

Changes the charter school renewal application deadline from December 1 to the first school day in January. Changes the resolution deadline for renewal applications from February 1 to March 15.

Clarifies the timing for a hearing regarding building codes for charter schools.

SENATE  
3rd Reading Unamended  
February 26, 2001

SENATE  
Amended 2nd Reading  
February 21, 2001

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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.*

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

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6 **SECTION 1.** 22-32-124 (1.5), Colorado Revised Statutes, is  
7 amended to read:

8 **22-32-124. Building codes - zoning - planning.** (1.5) (a) AS  
9 USED IN THIS SUBSECTION (1.5), "THE BODY" MEANS THE PLANNING  
10 COMMISSION OR GOVERNING BODY, IF NO PLANNING COMMISSION EXISTS.

11 (b) Prior to contracting for a facility, a charter school shall advise  
12 in writing the planning commission, or governing body if no planning  
13 commission exists, which has jurisdiction over the territory in which the  
14 site is proposed to be located. The ~~relevant planning commission or~~  
15 ~~governing~~ body may request the charter school to submit a site  
16 development plan for the proposed facility, but must issue ~~such~~ A request,  
17 if any, within ten days after receiving the written advisement. If requested  
18 by the ~~relevant planning commission or governing~~ body, the charter  
19 school, acting on behalf of its sponsoring school board, shall submit ~~such~~  
20 a site development plan. The ~~relevant planning commission or governing~~  
21 body may review and comment on ~~such~~ THE plan to the governing body  
22 of the charter school, but must do so, if at all, within thirty days after  
23 receiving ~~such~~ THE plan. NO PROVISION OF THIS SECTION SHALL BE  
24 CONSTRUED TO REQUIRE THE APPROVAL OF ANY PLANNING COMMISSION OR  
25 OTHER GOVERNING BODY IN CONNECTION WITH ANY SITE DEVELOPMENT  
26 PLAN OR SIMILAR PLAN. NOR SHALL ANY PROVISION OF THIS SECTION BE  
27 CONSTRUED TO AUTHORIZE OR CONFER JURISDICTION TO ANY PLANNING

1 COMMISSION OR OTHER GOVERNING BODY OTHER THAN THE RIGHTS TO  
2 COMMENT AND TO REQUEST A HEARING AS PROVIDED IN THIS PARAGRAPH  
3 (b). The relevant planning commission or governing body, if not satisfied  
4 with the response to such ITS comments, may request a hearing before the  
5 board of education regarding such THE plan. Such A hearing, IF  
6 REQUESTED, SHALL BE REQUESTED WITHIN THIRTY-FIVE DAYS AFTER  
7 RECEIVING THE CHARTER SCHOOL SITE DEVELOPMENT PLAN. THE HEARING  
8 shall be held, if at all, HELD within thirty days after RECEIVING the request  
9 of FROM the relevant planning commission or governing  
10 body. The charter school then may proceed with its site development plan  
11 unless prohibited from doing so by school board resolution.

12 **SECTION 2.** 22-30.5-110 (1), Colorado Revised Statutes, is  
13 amended to read:

14 **22-30.5-110. Charter schools - term - renewal of charter -**  
15 **grounds for nonrenewal or revocation.** (1) A new charter may be  
16 approved for a period of at least three years but not more than five  
17 academic years. A charter may be renewed for a period not to exceed five  
18 years. UPON CONTRACT RENEWAL, A CHARTER SCHOOL SHALL NOT HAVE  
19 AN ENROLLMENT CAP IMPOSED UPON IT IF IT IS IN COMPLIANCE WITH THE  
20 PROVISIONS OF SUBSECTION (3) OF THIS SECTION.

21 **SECTION 3.** 22-30.5-112 (2), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **22-30.5-112. Charter schools - financing -**  
24 **guidelines.** (2) (a.4) (I) WITHIN NINETY DAYS AFTER THE END OF EACH  
25 FISCAL YEAR, EACH SCHOOL DISTRICT SHALL PROVIDE TO EACH CHARTER  
26 SCHOOL WITHIN ITS DISTRICT AN ITEMIZED ACCOUNTING OF ALL ITS  
27 CENTRAL ADMINISTRATIVE OVERHEAD COSTS. THE ACTUAL CENTRAL

1 ADMINISTRATIVE OVERHEAD COSTS SHALL BE THE AMOUNT CHARGED TO  
2 THE CHARTER SCHOOL. ANY DIFFERENCE, WITHIN THE LIMITATIONS OF  
3 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2) AND  
4 PARAGRAPH (a.3) OF THIS SUBSECTION (2), BETWEEN THE AMOUNT  
5 INITIALLY CHARGED TO THE CHARTER SCHOOL AND THE ACTUAL COST  
6 SHALL BE RECONCILED AND PAID TO THE OWED PARTY.

7 (II) WITHIN NINETY DAYS AFTER THE END OF EACH FISCAL YEAR,  
8 EACH SCHOOL DISTRICT SHALL PROVIDE TO EACH CHARTER SCHOOL WITHIN  
9 ITS DISTRICT AN ITEMIZED ACCOUNTING OF ALL THE ACTUAL COSTS OF  
10 DISTRICT SERVICES THE CHARTER SCHOOL CHOSE AT ITS DISCRETION TO  
11 PURCHASE FROM THE DISTRICT, CALCULATED IN ACCORDANCE WITH  
12 PARAGRAPH (b) OF THIS SUBSECTION (2). ANY DIFFERENCE BETWEEN THE  
13 AMOUNT INITIALLY CHARGED TO THE CHARTER SCHOOL AND THE ACTUAL  
14 COST SHALL BE RECONCILED AND PAID TO THE OWED PARTY.

15 (III) IF EITHER PARTY DISPUTES AN ITEMIZED ACCOUNTING  
16 PROVIDED PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH  
17 (a.4), ANY CHARGES INCLUDED IN AN ACCOUNTING, OR CHARGES TO EITHER  
18 PARTY, THAT PARTY IS ENTITLED TO REQUEST A THIRD-PARTY REVIEW AT  
19 THE REQUESTING PARTY'S EXPENSE. THE REVIEW SHALL BE CONDUCTED BY  
20 THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT'S DETERMINATION  
21 SHALL BE FINAL.

22 **SECTION 4. Effective date.** This act shall take effect July 1,  
23 2001.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.