

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

**REVISED**

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

LLS NO. 12-0227.01 Julie Pelegrin x2700

**SENATE BILL 12-061**

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**SENATE SPONSORSHIP**

**King K.,**

**HOUSE SPONSORSHIP**

**Massey,**

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**Senate Committees**  
Education

**House Committees**  
Education

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**A BILL FOR AN ACT**

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

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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>.)*

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.*

HOUSE  
Am ended 2nd Reading  
March 26, 2012

SENATE  
Am ended 3rd Reading  
February 16, 2012

SENATE  
Am ended 2nd Reading  
February 15, 2012

- ! 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.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-30.5-106, **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 STATEMENTS  
5 CONSISTENT WITH GENERALLY ACCEPTED AUDITING STANDARDS AND  
6 CIRCULAR A-133 OF THE UNITED STATES OFFICE OF MANAGEMENT AND  
7 BUDGET, AS ORIGINALLY PUBLISHED IN THE FEDERAL REGISTER OF JUNE  
8 30, 1997, AND AS SUBSEQUENTLY AMENDED.

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

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

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

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

26 (l) A DESCRIPTION OF THE PROPOSED CHARTER SCHOOL'S  
27 ENROLLMENT POLICY, CONSISTENT WITH THE REQUIREMENTS OF SECTION

1 22-30.5-104 (3) AND RULES ADOPTED BY THE STATE BOARD PURSUANT TO  
2 SECTION 22-2-106 (1) (h), AND THE CRITERIA FOR ENROLLMENT DECISIONS;

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

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

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

26 (p) POLICIES REGARDING STUDENT DISCIPLINE, EXPULSION, AND  
27 SUSPENSION THAT ARE CONSISTENT WITH THE INTENT AND PURPOSE OF

1 SECTION 22-33-106, PROVIDE ADEQUATELY FOR THE SAFETY OF STUDENTS  
2 AND STAFF, AND PROVIDE A LEVEL OF DUE PROCESS FOR STUDENTS THAT,  
3 AT A MINIMUM, COMPLIES WITH THE REQUIREMENTS OF THE FEDERAL  
4 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400  
5 ET SEQ.;

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

11 (r) A DISPUTE RESOLUTION PROCESS, AS PROVIDED IN SECTION  
12 22-30.5-107.5; AND

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

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

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

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

27 (IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE

1 CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED CHARTER  
2 SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER THAT SPECIFIES, AT  
3 A MINIMUM, THE FOLLOWING MATERIAL TERMS:

4 (A) PERFORMANCE EVALUATION MEASURES;

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

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

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

11 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-103, **add**  
12 (3.5) as follows:

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

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

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

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

27 (b) The local board of education shall receive and review all

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

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

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

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

1           **SECTION 4.** In Colorado Revised Statutes, **amend** 22-30.5-110  
2 as follows:

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

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

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

1 PROCEDURES AND TIMELINES AND ANY REVISIONS TO THE PROCEDURES  
2 AND TIMELINES.

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

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

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

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

22 (c) Repealed.

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

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

1 the following:

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

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

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

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

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

1 (4) (Deleted by amendment, L. 2004, p. 1582, § 9, effective June  
2 3, 2004.)

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

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

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

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

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

1 (b) THE SCHOOL DISTRICT WORKS WITH THE PARENTS OF THE  
2 STUDENTS WHO ARE ENROLLED IN THE CHARTER SCHOOL WHEN THE  
3 CHARTER IS REVOKED OR NOT RENEWED TO ENSURE THAT THE STUDENTS  
4 ARE ENROLLED IN SCHOOLS THAT MEET THEIR EDUCATIONAL NEEDS; AND

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

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

10 **22-30.5-509. Institute charter school application - contents.**

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

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

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

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

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

27 (e) DESCRIPTIONS OF THE PROPOSED INSTITUTE CHARTER SCHOOL'S

1 EDUCATIONAL PROGRAM, STUDENT PERFORMANCE STANDARDS, AND  
2 CURRICULUM;

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

12 (g) EVIDENCE THAT THE PLAN FOR THE PROPOSED INSTITUTE  
13 CHARTER SCHOOL IS ECONOMICALLY SOUND, INCLUDING A PROPOSED  
14 BUDGET FOR A TERM OF AT LEAST FIVE YEARS. THE INSTITUTE CHARTER  
15 APPLICATION SHALL ALSO DESCRIBE THE METHOD FOR OBTAINING AN  
16 INDEPENDENT ANNUAL AUDIT OF THE PROPOSED INSTITUTE CHARTER  
17 SCHOOL'S FINANCIAL STATEMENTS CONSISTENT WITH GENERALLY  
18 ACCEPTED AUDITING STANDARDS AND CIRCULAR A-133 OF THE UNITED  
19 STATES OFFICE OF MANAGEMENT AND BUDGET, AS ORIGINALLY PUBLISHED  
20 IN THE FEDERAL REGISTER OF JUNE 30, 1997, AND AS SUBSEQUENTLY  
21 AMENDED. ■

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

1 (1) (h);

2 (i) AN EXPLANATION OF THE RELATIONSHIP THAT WILL EXIST  
3 BETWEEN THE PROPOSED INSTITUTE CHARTER SCHOOL AND ITS EMPLOYEES  
4 AND THE PROPOSED INSTITUTE CHARTER SCHOOL'S EMPLOYMENT POLICIES;

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

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

12 (l) A DESCRIPTION OF THE PROPOSED INSTITUTE CHARTER  
13 SCHOOL'S ENROLLMENT POLICY, CONSISTENT WITH THE REQUIREMENTS OF  
14 SECTION 22-30.5-507 (3) AND RULES ADOPTED BY THE STATE BOARD  
15 PURSUANT TO SECTION 22-2-106 (1) (h), AND THE CRITERIA FOR  
16 ENROLLMENT DECISIONS;

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

1 FOOD SERVICES, THE APPLICATION SHALL INCLUDE A PLAN FOR EACH  
2 PROVIDED SERVICE, WHICH PLAN, AT A MINIMUM, SHALL SPECIFICALLY  
3 ADDRESS SERVING THE NEEDS OF LOW-INCOME AND ACADEMICALLY  
4 LOW-ACHIEVING STUDENTS, COMPLYING WITH INSURANCE AND LIABILITY  
5 ISSUES, AND COMPLYING WITH ANY APPLICABLE STATE OR FEDERAL RULES  
6 OR REGULATIONS.

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

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

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

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

1 (r) A DISPUTE RESOLUTION PROCESS, AS PROVIDED IN SECTION  
2 22-30.5-107.5; AND

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

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

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

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

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

23 (A) PERFORMANCE EVALUATION MEASURES;

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

26 (C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE  
27 PROPOSED INSTITUTE CHARTER SCHOOL WILL PAY TO THE EDUCATION

1 MANAGEMENT PROVIDER; AND

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

3 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-502, **add**  
4 (4.5) as follows:

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

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

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

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

1 certified letter. If the institute finds the institute charter school application  
2 is incomplete, the institute shall request the necessary information from  
3 the applicant. WITHIN FIFTEEN DAYS AFTER RECEIVING AN INSTITUTE  
4 CHARTER SCHOOL APPLICATION, THE INSTITUTE SHALL DETERMINE  
5 WHETHER THE APPLICATION CONTAINS THE MINIMUM COMPONENTS  
6 SPECIFIED IN SECTION 22-30.5-509 (1) AND IS THEREFORE COMPLETE. IF  
7 THE APPLICATION IS NOT COMPLETE, THE INSTITUTE SHALL NOTIFY THE  
8 APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE  
9 INFORMATION REQUIRED TO COMPLETE THE INSTITUTE CHARTER  
10 APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT  
11 RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE  
12 INSTITUTE FOR REVIEW. THE INSTITUTE IS NOT REQUIRED TO TAKE ACTION  
13 ON THE INSTITUTE CHARTER APPLICATION IF THE APPLICANT DOES NOT  
14 PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD.  
15 THE INSTITUTE MAY REQUEST ADDITIONAL INFORMATION DURING THE  
16 REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO  
17 RESPOND. THE INSTITUTE MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY  
18 ADDITIONAL INFORMATION THE APPLICANT PROVIDES THAT THE INSTITUTE  
19 DOES NOT REQUEST.

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

1 application to the institute board's decision.

2 **SECTION 8.** In Colorado Revised Statutes, **amend** 22-30.5-511  
3 as follows:

4 **22-30.5-511. Institute charter schools - term - renewal of**  
5 **contract - grounds for nonrenewal or revocation - appeal.** (1) (a) THE  
6 INSTITUTE MAY APPROVE a new charter contract for an institute charter  
7 school ~~may be approved for succeeding periods of at least three academic~~  
8 ~~years but not more than five FOR A PERIOD OF FOUR~~ academic years, and  
9 the INSTITUTE MAY RENEW THE charter contract ~~may be renewed~~ for a  
10 ~~period~~ SUCCEEDING PERIODS not to exceed five academic years.

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

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

1 IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE  
2 INSTITUTE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT.  
3 THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL  
4 WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS  
5 OF THE INSTITUTE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF  
6 EVIDENCE THAT THE INSTITUTE BOARD TAKES INTO ACCOUNT IN DECIDING  
7 WHETHER TO RENEW OR REVOKE THE CHARTER CONTRACT AND THAT  
8 SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT. \_\_\_

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

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

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

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

27 (c) Was required to adopt a turnaround plan and the state board

1 recommended pursuant to section 22-11-210 that the institute charter  
2 school be restructured;

3 (d) Failed to meet generally accepted standards of fiscal  
4 management; or

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

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

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

26 (5) (a) AT LEAST FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE  
27 INSTITUTE BOARD WILL CONSIDER WHETHER TO REVOKE OR RENEW A

1 CHARTER CONTRACT, THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE  
2 BOARD AND THE INSTITUTE CHARTER SCHOOL A WRITTEN  
3 RECOMMENDATION, INCLUDING THE REASONS SUPPORTING THE  
4 RECOMMENDATION, CONCERNING WHETHER TO REVOKE OR RENEW THE  
5 CHARTER CONTRACT.

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

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

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

1 interests of the pupils attending the institute charter school, the state  
2 board shall remand such final decision to the institute board with  
3 instructions to renew or reinstate the charter contract of the institute  
4 charter school. The decision of the state board shall be final and not  
5 subject to appeal.

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

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

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

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

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