

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 12-061

BY SENATOR(S) King K., Cadman, Grantham, King S., Lambert, Roberts, Spence, White;  
also REPRESENTATIVE(S) Massey, Casso, Holbert, Labuda, Murray, Priola, Summers, Todd, Williams A.

CONCERNING PROCEDURES RELATING TO THE AUTHORIZATION OF CHARTER SCHOOLS.

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

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

**22-30.5-106. Charter application - contents.** (1) THE CHARTER SCHOOL APPLICATION IS A PROPOSED AGREEMENT UPON WHICH THE CHARTER APPLICANT AND THE CHARTERING LOCAL BOARD OF EDUCATION NEGOTIATE A CHARTER CONTRACT. AT A MINIMUM, EACH CHARTER SCHOOL APPLICATION INCLUDES:

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

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

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

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

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

(h) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE PROPOSED CHARTER SCHOOL, INCLUDING THE NATURE AND EXTENT OF PARENTAL, PROFESSIONAL EDUCATOR, AND COMMUNITY INVOLVEMENT IN THE GOVERNANCE AND OPERATION OF THE PROPOSED CHARTER SCHOOL, THAT IS CONSISTENT WITH THE STANDARDS ADOPTED BY RULE OF THE STATE

BOARD PURSUANT TO SECTION 22-2-106 (1) (h);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) PERFORMANCE EVALUATION MEASURES;

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

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

(D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION.

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

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

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

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

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

(b) The local board of education shall receive and review all applications for charter schools. If the local board of education does not review a charter application, it shall be deemed to have denied the charter application. ~~Applications must be filed~~ A CHARTER APPLICANT MUST FILE

ITS APPLICATION with the local board of education by a date determined by the local board of education to be eligible for consideration for the following school year. AN APPLICATION IS CONSIDERED FILED WHEN THE SCHOOL DISTRICT ADMINISTRATION RECEIVES THE CHARTER APPLICATION FROM THE CHARTER APPLICANT EITHER IN HARD COPY OR ELECTRONICALLY. The date determined by the local board of education for filing of applications shall not be any earlier than ~~August 15~~ AUGUST 1 or any later than October 1. Prior to any change in the application deadline, the local board of education shall notify THE DEPARTMENT AND each charter school applicant in the district of the proposed change by certified letter. The local board of education shall not charge any application fees.

~~(c) If such board finds the charter school application is incomplete, the board shall request the necessary information from the charter applicant and give the charter applicant reasonable opportunity to provide additional information to the local board of education for review. The charter school application shall be reviewed by the district accountability committee prior to consideration by the local board of education.~~ WITHIN FIFTEEN DAYS AFTER RECEIVING A CHARTER SCHOOL APPLICATION, THE SCHOOL DISTRICT SHALL DETERMINE WHETHER THE APPLICATION CONTAINS THE MINIMUM COMPONENTS SPECIFIED IN SECTION 22-30.5-106 (1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE SCHOOL DISTRICT SHALL NOTIFY THE CHARTER APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE CHARTER APPLICATION. THE CHARTER APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE LOCAL BOARD OF EDUCATION FOR REVIEW. THE LOCAL BOARD OF EDUCATION IS NOT REQUIRED TO TAKE ACTION ON THE CHARTER APPLICATION IF THE CHARTER APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE SCHOOL DISTRICT MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE CHARTER APPLICANT TO RESPOND. THE SCHOOL DISTRICT MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY ADDITIONAL INFORMATION THE CHARTER APPLICANT PROVIDES THAT THE SCHOOL DISTRICT DOES NOT REQUEST. THE DISTRICT ACCOUNTABILITY COMMITTEE SHALL REVIEW THE COMPLETE CHARTER SCHOOL APPLICATION AT LEAST FIFTEEN DAYS, IF POSSIBLE, BEFORE THE LOCAL BOARD OF EDUCATION TAKES ACTION ON THE APPLICATION.

(2) After giving reasonable public notice, the local board of

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

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

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

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

(1.3) EACH SCHOOL DISTRICT SHALL ADOPT AND REVISE AS NECESSARY PROCEDURES AND TIMELINES FOR THE CHARTER-RENEWAL PROCESS, WHICH PROCEDURES AND TIMELINES ARE IN CONFORMANCE WITH THE REQUIREMENTS OF THIS PART 1. EACH SCHOOL DISTRICT SHALL ENSURE THAT EACH OF THE CHARTER SCHOOLS AUTHORIZED BY THE DISTRICT

RECEIVES A COPY OF THE DISTRICT'S CHARTER RENEWAL PROCEDURES AND TIMELINES AND ANY REVISIONS TO THE PROCEDURES AND TIMELINES.

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

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

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

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

(c) Repealed.

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

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

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

(b) Failed to meet or make ~~reasonable~~ ADEQUATE progress toward



achievement of the goals, objectives, content standards, pupil performance standards, targets for the measures used to determine the levels of attainment of the performance indicators, applicable federal requirements, or other terms identified in the charter contract;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) A DESCRIPTION OF THE GOVERNANCE AND OPERATION OF THE PROPOSED INSTITUTE CHARTER SCHOOL, INCLUDING THE NATURE AND EXTENT OF PARENTAL, PROFESSIONAL EDUCATOR, AND COMMUNITY INVOLVEMENT IN THE GOVERNANCE AND OPERATION OF THE PROPOSED INSTITUTE CHARTER SCHOOL, THAT IS CONSISTENT WITH THE STANDARDS

ADOPTED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-2-106 (1) (h);

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

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

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

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

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

(n) A FACILITIES PLAN THAT DETAILS VIABLE FACILITIES OPTIONS THAT ARE CONSISTENT WITH SECTION 22-32-124 AND THAT INCLUDES THE

REASONABLE COSTS OF THE FACILITY, WHICH ARE REFLECTED IN THE PROPOSED BUDGET;

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

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

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

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

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

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

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

(III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS

OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER; AND

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

(A) PERFORMANCE EVALUATION MEASURES;

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

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

(D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION.

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

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

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

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

**22-30.5-510. Institute charter school application - process - rule-making.** (1) (a) Except as otherwise provided in section 22-30.5-506 (2), the institute shall receive and review all applications for institute charter schools. An application for an institute charter school may be submitted by one or more individuals, by a nonprofit, governmental, or other entity or organization, or by an existing charter school authorized by a district. An

entity applying for an institute charter school shall file an application with the institute by a date determined by rule of the institute board to be eligible for consideration for the following school year. AN APPLICATION IS CONSIDERED FILED WHEN THE INSTITUTE RECEIVES THE INSTITUTE CHARTER APPLICATION FROM THE INSTITUTE CHARTER APPLICANT EITHER IN HARD COPY OR ELECTRONICALLY. Prior to any change in the application deadline, the institute shall notify each known institute charter school applicant of the proposed change by certified letter. ~~If the institute finds the institute charter school application is incomplete, the institute shall request the necessary information from the applicant.~~ WITHIN FIFTEEN DAYS AFTER RECEIVING AN INSTITUTE CHARTER SCHOOL APPLICATION, THE INSTITUTE SHALL DETERMINE WHETHER THE APPLICATION CONTAINS THE MINIMUM COMPONENTS SPECIFIED IN SECTION 22-30.5-509 (1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE INSTITUTE SHALL NOTIFY THE APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE INSTITUTE CHARTER APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE INSTITUTE FOR REVIEW. THE INSTITUTE IS NOT REQUIRED TO TAKE ACTION ON THE INSTITUTE CHARTER APPLICATION IF THE APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE INSTITUTE MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO RESPOND. THE INSTITUTE MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY ADDITIONAL INFORMATION THE APPLICANT PROVIDES THAT THE INSTITUTE DOES NOT REQUEST.

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

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

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

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

~~(2) An institute charter school shall submit an annual report to the institute on the institute charter school's progress in achieving the goals, objectives, pupil performance standards, content standards, targets for the measures used to determine the levels of attainment of the performance indicators, and other terms of the pending charter contract. The institute shall consider, during the review of a renewal application, the annual reports submitted by the institute charter school during the term of the pending charter contract. DURING THE TERM OF A CHARTER CONTRACT, THE INSTITUTE SHALL ANNUALLY REVIEW THE INSTITUTE CHARTER SCHOOL'S PERFORMANCE. AT A MINIMUM, THE REVIEW INCLUDES THE INSTITUTE CHARTER SCHOOL'S PROGRESS IN MEETING THE OBJECTIVES IDENTIFIED IN THE PLAN THE INSTITUTE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE INSTITUTE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT. THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS OF THE INSTITUTE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF EVIDENCE THAT THE INSTITUTE BOARD TAKES INTO ACCOUNT IN DECIDING WHETHER TO RENEW OR REVOKE THE CHARTER CONTRACT AND THAT SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT.~~

(2.5) THE INSTITUTE SHALL ADOPT AND REVISE AS NECESSARY PROCEDURES AND TIMELINES FOR THE CHARTER-RENEWAL PROCESS, WHICH PROCEDURES AND TIMELINES ARE IN CONFORMANCE WITH THE REQUIREMENTS OF THIS PART 5. THE INSTITUTE SHALL ENSURE THAT EACH OF THE INSTITUTE CHARTER SCHOOLS RECEIVES A COPY OF THE INSTITUTE'S



CHARTER RENEWAL PROCEDURES AND TIMELINES AND ANY REVISIONS TO THE PROCEDURES AND TIMELINES.

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

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

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

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

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

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

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

(4.5) IF AN INSTITUTE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT A TURNAROUND PLAN PURSUANT TO SECTION 22-11-210 (2) FOR A SECOND CONSECUTIVE SCHOOL YEAR, THE INSTITUTE CHARTER SCHOOL SHALL PRESENT TO THE INSTITUTE BOARD, IN ADDITION TO THE TURNAROUND PLAN, A SUMMARY OF THE CHANGES MADE BY THE INSTITUTE CHARTER SCHOOL TO IMPROVE ITS PERFORMANCE, THE PROGRESS MADE IN IMPLEMENTING THE CHANGES, AND EVIDENCE, AS REQUESTED BY THE INSTITUTE BOARD, THAT THE INSTITUTE CHARTER SCHOOL IS MAKING SUFFICIENT IMPROVEMENT TO

ATTAIN A HIGHER ACCREDITATION CATEGORY WITHIN TWO SCHOOL YEARS OR SOONER. IF THE INSTITUTE BOARD FINDS THAT THE INSTITUTE CHARTER SCHOOL'S EVIDENCE OF IMPROVEMENT IS NOT SUFFICIENT OR IF THE INSTITUTE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT A TURNAROUND PLAN FOR A THIRD CONSECUTIVE SCHOOL YEAR, THE INSTITUTE BOARD MAY REVOKE THE SCHOOL'S CHARTER CONTRACT.

(5) (a) AT LEAST FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE INSTITUTE BOARD WILL CONSIDER WHETHER TO REVOKE OR RENEW A CHARTER CONTRACT, THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE BOARD AND THE INSTITUTE CHARTER SCHOOL A WRITTEN RECOMMENDATION, INCLUDING THE REASONS SUPPORTING THE RECOMMENDATION, CONCERNING WHETHER TO REVOKE OR RENEW THE CHARTER CONTRACT.

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

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

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

reinstate the charter contract of the institute charter school. The decision of the state board shall be final and not subject to appeal.

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

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

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

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

**SECTION 9. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO