

Second Regular Session  
Seventieth General Assembly  
**STATE OF COLORADO**

## ENGROSSED

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

LLS NO. 16-1236.01 Julie Pelegrin x2700

## SENATE BILL 16-187

## **SENATE SPONSORSHIP**

Hill,

## HOUSE SPONSORSHIP

Williams and Sias,

## House Committees

## Senate Committees

## Education

## A BILL FOR AN ACT

101 CONCERNING MEASURES AFFECTING THE OPERATION OF CHARTER  
102 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>.)*

**School performance plan.** If a charter school is operating under a school performance plan, the bill allows the charter school to submit a new plan every 2 years instead of annually.

**Exclusive chartering authority.** The bill directs the state board of education (state board) to consider applications to regain exclusive chartering authority only between November 1 and December 31 each

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
May 2, 2016

year. The bill clarifies the grounds on which a party may challenge a school district's exclusive chartering authority. If a local board loses exclusive chartering authority, the bill specifies that the local board must apply to regain exclusive chartering authority on or before October 1. If a local board allows the state charter school institute (institute) to authorize an institute charter school within the school district, the institute continues to oversee the institute charter school, regardless of subsequent actions taken by the local board, unless the institute charter school voluntarily converts to a district charter school.

**Open meetings.** The bill specifies that the governing board of an institute charter school is a local public body, not a state public body, for purposes of the open meetings law.

**Automatic waivers of statute and state rule.** The bill prohibits the state board from automatically waiving statutory requirements for a minimum number of teacher-pupil contact hours.

**Charter school network audit.** The bill allows a charter school network to meet the statutory requirements for charter school financial audits by completing a single network-wide audit that includes each of the charter schools in the network.

**Miscellaneous changes.** The bill clarifies that:

- ! An education management provider does not include a charter school network;
- ! At a charter school's request, a school district must include in the end-of-year itemized accounting of central administrative overhead costs for a charter school a list of the personnel who provided services to the charter school, including the personnel position and services provided;
- ! A school district must distribute state and federal money to charter schools on a per-pupil basis if the amount the school district received was calculated on a per-pupil basis that included the students enrolled in the charter school; and
- ! If a district charter school converts to an institute charter school, or an institute charter school converts to a district charter school, the converted school's funding is still calculated using the formula that applied to the school before the conversion.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-11-403, **amend**  
3           (5) (a) as follows:

4           **22-11-403.      School    performance    plan    -    contents.**

1       (5) (a) Notwithstanding any provision of this section to the contrary:

2           (I) The school principal and the school district superintendent, or

3       his or her designee, of a public school of a small rural school district may

4       adopt a school performance plan for the public school as described in

5       subsection (3) of this section every two years so long as the state board,

6       pursuant to section 22-11-210, requires the public school to implement a

7       performance plan; AND

8           (II) THE SCHOOL PRINCIPAL AND THE SCHOOL DISTRICT

9       SUPERINTENDENT, OR HIS OR HER DESIGNEE, OF A DISTRICT CHARTER

10      SCHOOL, OR THE SCHOOL PRINCIPAL OF AN INSTITUTE CHARTER SCHOOL,

11      MAY ADOPT A SCHOOL PERFORMANCE PLAN FOR THE PUBLIC SCHOOL AS

12      DESCRIBED IN SUBSECTION (3) OF THIS SECTION EVERY TWO YEARS SO

13      LONG AS THE STATE BOARD, PURSUANT TO SECTION 22-11-210, REQUIRES

14      THE PUBLIC SCHOOL TO IMPLEMENT A PERFORMANCE PLAN.

15           **SECTION 2.** In Colorado Revised Statutes, 22-30.5-504, **amend**

16       (7.5) (b) introductory portion and (8) as follows:

17           **22-30.5-504. Institute chartering authority - institute charter**

18      **schools - exclusive authority - retention - recovery - revocation.**       

19       (7.5) (b) A charter school, a charter school applicant, or an organization

20      that represents charter schools may request revocation of a local board of

21      education's exclusive authority only on the grounds that the local board,

22      since the date that the local board received exclusive authority, has

23      demonstrated a pattern of failing to comply with one or more of the

24      provisions of the "Charter Schools Act", part 1 of this article PARAGRAPH

25      (a) OF SUBSECTION (5) OF THIS SECTION. A charter school, a charter school

26      applicant, or an organization that represents charter schools may not

27      request revocation of a local board of education's exclusive authority

1 solely on the basis of:

2 (8) Notwithstanding any other provision of this section to the  
3 contrary, a local board of education may permit the establishment of one  
4 or more institute charter schools within the geographic boundaries of the  
5 school district by adopting a favorable resolution and submitting the  
6 resolution to the state board. ~~The resolution shall be effective until it is~~  
7 ~~rescinded by resolution of the local board of education~~ AN INSTITUTE  
8 CHARTER SCHOOL THAT IS ESTABLISHED WITH PERMISSION GRANTED IN A  
9 RESOLUTION ADOPTED BY THE LOCAL BOARD OF THE SCHOOL DISTRICT IN  
10 WHICH THE INSTITUTE CHARTER SCHOOL IS LOCATED CONTINUES TO BE  
11 AUTHORIZED BY AND ACCOUNTABLE TO THE INSTITUTE REGARDLESS OF  
12 LATER ACTIONS BY THE LOCAL BOARD UNLESS THE INSTITUTE CHARTER  
13 SCHOOL VOLUNTARILY CONVERTS TO A DISTRICT CHARTER SCHOOL AS  
14 PROVIDED IN SUBSECTION (10) OF THIS SECTION.

15       ==

16       **SECTION 3.** In Colorado Revised Statutes, 22-30.5-104, **amend**  
17 (6) (b) (II) as follows:

18       **22-30.5-104. Charter school - requirements - authority.**

19 (6) (b) The state board shall promulgate rules that list the automatic  
20 waivers for all charter schools. In promulgating the list of automatic  
21 waivers, the state board shall consider the overall impact and complexity  
22 of the requirements specified in the statute and the potential consequences  
23 that waiving the statute may have on the practices of a charter school.  
24 Notwithstanding any provision of this paragraph (b) to the contrary, the  
25 state board shall not include the following statutes on the list of automatic  
26 waivers:

27 (II) Section 22-32-109 (1) (n), ~~(I) and (1) (n) (II) (B)~~, concerning

1 the annual school calendar AND TEACHER-PUPIL CONTACT HOURS; and

2 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-104.7, **add**  
3 (6) as follows:

4 **22-30.5-104.7. Charter school networks - authority -**  
5 **definitions.** (6) EACH CHARTER SCHOOL NETWORK SHALL COMPLY WITH  
6 THE AUDIT REQUIREMENTS IMPOSED ON CHARTER SCHOOLS AS FOLLOWS:

7 (a) THE CHARTER SCHOOL NETWORK SHALL BE AUDITED AS AN  
8 ORGANIZATION, TREATING THE CHARTER SCHOOL NETWORK AS A SINGLE  
9 LEGAL ENTITY;

10 (b) THE CHARTER SCHOOL NETWORK SHALL REPORT AS  
11 SUPPLEMENTARY INFORMATION IN ITS AUDITED FINANCIAL STATEMENTS  
12 A BALANCE SHEET AND STATEMENT OF REVENUES, EXPENDITURES, AND  
13 CHANGES IN FUND BALANCES USING THE MODIFIED ACCRUAL BASIS OF  
14 ACCOUNTING FOR EACH CHARTER SCHOOL CAMPUS THAT HAS A SEPARATE  
15 SCHOOL CODE WITHIN THE CHARTER SCHOOL NETWORK; AND

16 (c) THE AUDIT MUST ADDRESS COMPLIANCE WITH PARAGRAPH (d)  
17 OF SUBSECTION (2) OF THIS SECTION.

18 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-103, **amend**  
19 (3.5) as follows:

20 **22-30.5-103. Definitions.** As used in this part 1, unless the  
21 context otherwise requires:

22 (3.5) "Education management provider" means a nonprofit,  
23 not-for-profit, or for-profit entity that contracts with a charter school to  
24 provide, manage, or oversee all or substantially all of the educational  
25 services provided by the charter school. Education management provider  
26 does not include A CHARTER SCHOOL NETWORK AS DEFINED IN SECTION  
27 22-30.5-104.7 OR a charter school collaborative established pursuant to

1 part 6 of article 30.5 of this title.

2 =====

3 **SECTION 6. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2016 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.