

Summary of Charter School Bills, 2010 Session (As of July 15, 2010)

Signed into Law

Bill Number: **HB 10-1345**

Short Title: **Emergency Powers Over Charter Schools**

Sponsors: *Rep. Carroll T.
Sens. Steadman and King K.*

Status: Signed into Law

The act establishes a process for the Commissioner of Education to grant emergency powers during emergency situations at charter schools. The act sets out a process for charter school authorizers to request that the Commissioner of Education issue orders of external control over certain charter school functions during an emergency. The request must be a written statement that identifies the emergency that justified external control, the form(s) of external control requested, and that clearly states if the authorizer is requesting an order of reorganization. The commissioner may issue three types of orders, upon the request of an authorizer:

Appropriations:

The act is assessed as having a conditional fiscal impact. In the event of an emergency situation requiring that the commissioner authorize external control of an institute charter school, the CDE, the CSI, and the Department of Law will seek supplemental appropriations via the budget process.

- a temporary order;
- a preliminary order; or
- an order of reorganization.

The commissioner may issue a temporary order without notice to the affected charter school in the event that immediate and irreparable injury, loss, or damage will occur as a result of the emergency. Once the order is issued, the authorizer must provide a copy of it to the charter school immediately. A temporary order is valid for ten days, and may be extended for an additional ten days if good cause is shown.

A temporary or preliminary order may appoint the authorizer or another entity or person to act as a fiduciary. An authorizer is prohibited from acting as the fiduciary if more than one authorizer is party to the complaint or if the authorizer is requesting an order of reorganization.

The act also addresses matters concerning excess benefit transactions and defines excess benefit for the purposes of the bill. When a fiduciary who is not an authorizer is assigned to oversee a charter school and determines that a charter respondent has engaged in an excess benefit transaction, the fiduciary has the authority to:

- cancel in writing and without penalty any contract entered into by the charter school that awards the excess benefit to an individual or another entity and cancel any further compensation to the party that received the excess benefit; and
- file, in the name of the charter respondent, a civil action for recovery of the excess benefit and imposition of a civil penalty.

Summary of Charter School Bills, 2010 Session (As of July 15, 2010) (Cont.)

Signed into Law (cont.)	
<p>Bill Number: HB 10-1412</p> <p>Sponsors: <i>Rep. Carroll T.</i> <i>Sens. Johnston and Spence</i></p> <p>The act creates the Charter School and Charter Authorizer Standards Review Committee (the committee). The 13-member committee must submit recommendations to the State Board of Education (SBE) by August 1, 2011, on the following issues related to standards for charter schools and charter school authorizers, including standards for individual schools and charter management organizations:</p> <ul style="list-style-type: none"> • agency capacity; • the charter school application process; • performance contracting and school opening; • ongoing oversight and evaluation; • renewal decision-making; and • ethical issues, including but not limited to: excess benefits, executive compensation, nepotism, and conflicts of interest in charter school governance. <p>To accomplish this task, the act directs the committee to create two subcommittees at its first meeting: one to study and provide recommendations regarding charter school standards; and one to study and provide recommendations regarding charter school authorizer standards. Additional subcommittees may be established as necessary by the committee chair. From these recommendations, the SBE is required to promulgate rules detailing standards for charter schools and charter school authorizers.</p> <p>The act sets specific membership requirements for the 13-member committee and designates appointing authorities. The makeup of the committee must reflect, to the extent practicable, Colorado's ethnic, racial, and geographic diversity. Members of the committee must be appointed by October 1, 2010, and will serve without compensation. Under the act, the committee, including the subcommittees, may not receive staff support from the Colorado Department of Education.</p>	<p>Short Title: Charter School and Authorizer Standards</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p style="padding-left: 40px;">The act stipulates that committee members serve without compensation or staff support from the CDE. The SBE is required to appoint one member of the committee who is a representative of the CDE. The department has indicated that it can meet this commitment within existing appropriations.</p>

Summary of Charter School Bills, 2010 Session (As of July 15, 2010) (Cont.)

Signed into Law (cont.)	
<p>Bill Number: SB 10-111</p> <p>Sponsors: <i>Sen. King K.</i> <i>Rep. Massey</i></p>	<p>Short Title: Institute Charter Schools</p> <p>Status: Signed into Law</p>
<p>The act makes several changes to law affecting the State Charter School Institute (CSI) and the schools that the CSI charters. Specifically, this act:</p> <ul style="list-style-type: none"> • permits a BOCES to contract with an institute charter school for the provision of services and vice versa; • requires the CSI to convene a study group to study the feasibility and effect of identifying institute charter schools as a local education agency under federal law and to report their findings to the General Assembly; • creates a separate account in the State Charter School Institute Fund for school food authority moneys and gives the CSI continuous spending authority over this account; • renames the Institute Charter School Capital Construction Assistance Cash Fund and permits assistance from the fund to include other emergency needs, including special education needs; • extends from 60 days to 75 days the time allowed for the CSI to rule on a charter school application; • requires that each institute charter school collect and report certain information about its students for the school's first year of operation, and to update the information, if necessary, each May 1; • repeals provisions that would allow the institute to opt out of the state procurement code; • requires the institute board to meet at least once each year with the school accountability committees of the institute charter schools to discuss accountability and accreditation of institute charter schools; and • requires the CSI to withhold a certain amount of funding to institute charter schools in years where the total amount of total program funding is reduced under the School Finance Act. <p>The act takes effect August 11, 2010, assuming the General Assembly adjourns May 12, 2010, as scheduled and no referendum petition is filed.</p>	<p>Appropriations:</p> <p style="padding-left: 40px;">The act is assessed as having no fiscal impact because it has no affect on revenue or the workload for state agencies or for local school districts .</p>

Summary of Charter School Bills, 2010 Session (As of July 15, 2010) (Cont.)

Signed into Law (cont.)			
Bill Number:	SB 10-161	Short Title:	Charter School Collaboratives
Sponsors:	<i>Sen. King K. Rep. Massey</i>	Status:	Signed into Law
<p>The act authorizes the CSI and district charter schools to contract with boards of cooperative services (BOCES) and other district or institute charter schools. Under current law, the CSI and district charter schools can contract with school districts, state colleges and universities, the state of Colorado, school food authorities, and third parties for the use and maintenance of school buildings and grounds.</p> <p>The act also establishes the Charter School Collaborative Act, which permits charter schools to contract with each other to provide any function, service, or facility as authorized by law for each of the participating schools. Charter schools that contract with each other are considered a charter school collaborative and operate as a local education agency. The collaborative can apply directly for state and federal grants and operates as a local education provider or administrative unit for these purposes. A charter school needs approval of its authorizing district to form or join a collaborative only under certain circumstances.</p>		<p>Appropriations:</p> <p>The act is assessed as having a local fiscal impact. Expanding the options for charter schools to contract, both for facilities and in applying for grant programs, may result in savings from the schools being able to negotiate better contract rates and to combine resources for more efficient service delivery. Applying for state and federal grant programs as a collaborative may increase the charter school's ability to secure grant moneys. In some cases, the charter school collaborative may be in competition with other schools for a pool of limited resources; in others, it may increase the state's overall ability to obtain new moneys.</p>	

Summary of Charter School Bills, 2010 Session (As of July 15, 2010) (Cont.)

Withdrawn	
<p>Bill Number: HB 10-1343</p> <p>Sponsors: Rep. Carroll T.</p>	<p>Short Title: Charter Schools Governance Standards</p> <p>Status: Withdrawn</p>
<p>The bill directed the State Board of Education (SBE) to adopt quality standards for charter school operations, finance, and governance by July 1, 2011, based on nationally recognized industry standards. The standards would have addressed, at a minimum:</p> <ul style="list-style-type: none"> • excess benefits; • executive compensation; • nepotism; and • conflicts of interest in charter school governance. <p>The bill permitted the SBE to appoint a committee of educators, parents, industry leaders, and other interested parties to assist in developing the standards. The bill further stated that a charter school's operations must be consistent with the applicable operations, finance, and governance standards established by the SBE.</p> <p>Under the bill, an institute charter school application would have been required to include a statement that acknowledged the institute charter school's acceptance of and agreement to meet or exceed the standards of governance, finance, and operations established by the SBE. If the application were approved and the institute charter school enters into a contract, the statement of acceptance and agreement would have been required to be incorporated into the contract.</p>	<p>Appropriations:</p> <p style="padding-left: 40px;">For FY 2010-11, this bill was assessed as requiring an appropriation of \$43,194 General Fund and 0.5 FTE to the Colorado Department of Education.</p>

Summary of Charter School Bills, 2010 Session (As of July 15, 2010) (Cont.)

Withdrawn (cont.)	
<p>Bill Number: HB 10-1344</p> <p>Sponsors: <i>Rep. Carroll T.</i></p>	<p>Short Title: Authorizing Standards Charter Schools</p> <p>Status: Withdrawn</p>
<p>The bill required the SBE to establish authorizing standards for chartering authorities. By January 1, 2011, the SBE would have been required to adopt standards that included, at a minimum:</p> <ul style="list-style-type: none"> • approaching authorization of charter schools deliberately and thoughtfully, with the intent to improve the quality of public school options; • supporting and advancing the purposes of the charter school laws; • being a catalyst for charter school development to satisfy any unmet educational needs of the school district; • striving for clarity, consistency, and transparency in developing and implementing charter authorizing policies and procedures and using formal policies, whenever possible, to guide its work as an authorizer; • being a source of accurate, intelligible, performance-based information about the charter schools that it has authorized; • holding charter schools it has authorized accountable for their performance; • using objective and verifiable measures of student achievement as the primary measure of charter school quality; • helping parents and students make decisions and stay informed about the quality of education provided in charter schools; • making the well-being of students the fundamental value informing all of its decision-making and actions; and • taking into account, in all decision making, the size, mission, and any special populations served by a charter school and making all decisions commensurate with these features of the school. <p>The bill also required that the standards take into account and appropriately reflect accepted national standards for charter school approvals, renewals, revocation, and appeals. The bill permitted the SBE to appoint a committee of educators, parents, industry leaders, and other interested parties to assist in developing the standards.</p> <p>By July 1, 2011, every authorizer, including the state Charter School Institute, would have been required to certify to the SBE that it met the authorizing standards. In addition, the bill would have required that each local board of education meet or exceed the SBE authorizing standards. Under the bill, authorizers could have met the standards by contracting with a third party that meets the standards to perform its authorizing function, including a board of cooperative educational services (BOCES), the state Charter School Institute, or another authorizer.</p>	<p>Appropriations:</p> <p style="padding-left: 40px;">For FY 2010-11, this bill was assessed as requiring an appropriation of \$43,194 General Fund and 0.5 FTE to the Colorado Department of Education.</p>

Summary of Charter School Bills, 2010 Session (As of July 15, 2010) (Cont.)

Postponed Indefinitely	
<p>Bill Number: HB 10-1419</p> <p>Sponsors: <i>Rep. Middleton, Sen. Bacon</i></p>	<p>Short Title: Charter School Application Process</p> <p>Status: Postponed Indefinitely</p>
<p>The bill, which was postponed indefinitely, would have required that local school boards:</p> <ul style="list-style-type: none"> • maintain a record of each charter school application review, including any documents pertaining to the decision, documentation of witness interviews, and meeting minutes; • notify a charter applicant within seven calendar days if an application is incomplete, and provide seven days for the applicant to provide the additional information; and • provide specific finding of fact in stating its reasons for denial or refusal to review a charter school application. <p>The bill also would have required the SBE to promulgate rules that established the standards for charter schools to be applied by a school district. If a local school board decision were appealed to the SBE, the appealing person would have had the burden of proving that the board failed to make its decision based on the charter school standards established by the SBE, was not supported by the record, or was based on some other grounds permitted by law. Under the bill, the SBE would have been prohibited from considering in its appeal review any evidence, information, or documents that were not contained in the appeal.</p> <p>Finally, the bill required witnesses who testify at a community meeting regarding a charter school application to identify any affiliation they had with the school district or charter applicant. Discussion at the community meetings would have been limited to the application of the standards governing charter schools to the charter application.</p>	<p>Appropriations:</p> <p>The bill was assessed as having no fiscal impact because the proposed changes to the application, review, and appeals process for charter schools and local boards of education could have been accommodated with existing resources. Nothing in the bill would have changed revenue or expenses at either the state or local level.</p>