

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 11-0506.01 Julie Pelegrin

**HOUSE BILL 11-1055**

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**HOUSE SPONSORSHIP**

**Beezley,**

**SENATE SPONSORSHIP**

**Spence,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING FACILITIES FOR USE BY 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 authorizes a charter school to request permission to occupy space in a school district facility or on school district land if the charter school determines the space is suitable and appropriate for its use. The school district must respond to the request within 30 days. If the school district denies the request, the charter school may seek an evaluation from the department of education (department) as to whether the facility space or land is available and appropriate. If the department

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  
3rd Reading Unamended  
March 11, 2011

HOUSE  
Amended 2nd Reading  
March 2, 2011

finds that it is, the school district must allow the charter school to occupy the facility space or land rent-free.

An institute charter school may request permission to occupy space in a facility or on land owned by a state agency if the institute charter school determines the space is suitable and appropriate for its use. The state agency must respond to the request within 30 days. If the state agency denies the request, the institute charter school may seek an evaluation from the department as to whether the facility space or land is available and appropriate. If the department finds that it is, the state agency must allow the institute charter school to occupy the facility space or land rent-free. An institute charter school operating in a state-owned facility may purchase the facility from the state agency, based on negotiated terms. If the institute charter school later sells the property, it must offer a right of first refusal to the state agency. A state agency is not required to hold unused state facilities for institute charter schools but may choose to sell them or lease them for other purposes.

If a school district sells a facility, it cannot include as part of the sale a term that would prevent the future use of the facility as a school building.

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

2 **SECTION 1.** 22-30.5-104 (7) (c), Colorado Revised Statutes, is  
3 amended, and the said 22-30.5-104 (7) is further amended BY THE  
4 ADDITION OF A NEW PARAGRAPH, to read:

5 **22-30.5-104. Charter school - requirements - authority.**  
6 (7) (b.5) (I) A CHARTER SCHOOL MAY REQUEST PERMISSION FROM A  
7 SCHOOL DISTRICT TO USE SPACE IN A SCHOOL DISTRICT FACILITY  
8 OWNED BY THE SCHOOL DISTRICT THAT THE CHARTER SCHOOL  
9 DETERMINES IS AVAILABLE AND IS SUITABLE AND APPROPRIATE FOR THE  
10 CHARTER SCHOOL'S USE. THE SCHOOL DISTRICT SHALL RESPOND TO THE  
11 REQUEST WITHIN SIXTY DAYS AFTER RECEIPT. IF THE SCHOOL DISTRICT  
12 DENIES THE REQUEST, THE CHARTER SCHOOL MAY REQUEST AN  
13 EVALUATION FROM THE DEPARTMENT TO DETERMINE WHETHER THE  
14 FACILITY SPACE IS AVAILABLE, IS OF ADEQUATE SIZE AND QUALITY,

1 AND IS APPROPRIATE FOR THE CHARTER SCHOOL'S USE. THE CHARTER  
2 SCHOOL SHALL BE RESPONSIBLE TO THE DEPARTMENT FOR THE COST OF  
3 THE EVALUATION. IF THE DEPARTMENT FINDS THE FACILITY SPACE IS  
4 AVAILABLE, ADEQUATE, AND APPROPRIATE, THE SCHOOL DISTRICT SHALL  
5 ALLOW THE CHARTER SCHOOL TO USE THE FACILITY SPACE. IF THE SCHOOL  
6 DISTRICT OR THE CHARTER SCHOOL IS DISSATISFIED WITH THE  
7 DEPARTMENT'S FINDINGS, THE DISSATISFIED PARTY MAY SUBMIT TO THE  
8 STATE BOARD, IN WRITING, AN APPEAL OF THE FINDINGS. THE  
9 DISSATISFIED PARTY SHALL SIMULTANEOUSLY SUBMIT A COPY OF THE  
10 APPEAL TO THE OTHER PARTY. BOTH PARTIES MAY SUBMIT TO THE STATE  
11 BOARD WRITTEN STATEMENTS IN SUPPORT OF THEIR RESPECTIVE  
12 POSITIONS. THE STATE BOARD SHALL DECIDE THE ISSUE AT ITS NEXT  
13 REGULARLY SCHEDULED MEETING THAT IS AT LEAST THIRTY DAYS AFTER  
14 THE DATE OF THE DEPARTMENT'S DECISION. THE STATE BOARD'S DECISION  
15 SHALL BE FINAL.

16 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF  
17 THIS PARAGRAPH (b.5) TO THE CONTRARY, A CHARTER SCHOOL MAY NOT  
18 REQUEST A DETERMINATION OF FACILITY AVAILABILITY BY THE  
19 DEPARTMENT IF THE AUTHORIZING SCHOOL DISTRICT MEETS ALL OF THE  
20 FOLLOWING REQUIREMENTS:

21 (A) THE SCHOOL DISTRICT HAS IN PLACE A LONG-TERM PLANNING  
22 PROCESS THAT INCLUDES THE DISTRICT'S CHARTER SCHOOLS AND  
23 ADDRESSES THE AVAILABILITY AND USE, INCLUDING THE SHARED USE, OF  
24 SPACE IN EXISTING AND PLANNED SCHOOL DISTRICT FACILITIES;

25 (B) THE SCHOOL DISTRICT HAS AN EQUITABLE AND TRANSPARENT  
26 PROCESS FOR ASSIGNING SPACE IN SCHOOL DISTRICT FACILITIES THAT  
27 TAKES INTO ACCOUNT PARENT DEMAND AND BUILDING QUALITY; AND

1 (C) THE SCHOOL DISTRICT ACCURATELY ASSESSES COSTS FOR  
2 CHARTER SCHOOLS TO OCCUPY SCHOOL DISTRICT PROPERTY.

3 (III) IF A SCHOOL DISTRICT CLAIMS TO MEET THE REQUIREMENTS  
4 SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5) AND THE  
5 CHARTER SCHOOL DISAGREES, THE CHARTER SCHOOL MAY APPEAL THE  
6 SCHOOL DISTRICT'S CLAIM TO THE STATE BOARD BY FILING A WRITTEN  
7 REQUEST FOR REVIEW WITH THE STATE BOARD AND SUBMITTING A COPY  
8 OF THE REQUEST TO THE SCHOOL DISTRICT. THE CHARTER SCHOOL AND  
9 THE SCHOOL DISTRICT MAY SUBMIT TO THE STATE BOARD WRITTEN  
10 EXPLANATIONS OF THEIR RESPECTIVE POSITIONS. THE STATE BOARD  
11 SHALL DECIDE WHETHER THE SCHOOL DISTRICT MEETS THE REQUIREMENTS  
12 SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5) AT ITS NEXT  
13 REGULARLY SCHEDULED MEETING THAT OCCURS AT LEAST THIRTY DAYS  
14 AFTER THE DATE ON WHICH IT RECEIVES THE REQUEST FOR REVIEW. THE  
15 STATE BOARD'S DECISION SHALL BE FINAL AND NOT SUBJECT TO APPEAL.

16 (c) In no event shall a charter school be required to pay rent for  
17 FACILITY space which [REDACTED] THAT is deemed available, ~~as negotiated by~~  
18 ~~contract, in school district facilities~~ AS PROVIDED IN PARAGRAPH (b.5) OF  
19 THIS SUBSECTION (7). All other costs for the operation and maintenance  
20 of the facilities used by the charter school shall be subject to negotiation  
21 between the charter school and the school district.

22 [REDACTED]

23 **SECTION 2.** 22-32-110 (1) (e), Colorado Revised Statutes, is  
24 amended to read:

25 **22-32-110. Board of education - specific powers.** (1) In  
26 addition to any other power granted to a board of education of a school  
27 district by law, each board of education of a school district shall have the

1 following specific powers, to be exercised in its judgment:

2 (e) To sell and convey district property which may not be needed  
3 within the foreseeable future for any purpose authorized by law, upon  
4 such terms and conditions as it may approve; and to lease any such  
5 property, pending sale thereof, under an agreement of lease, with or  
6 without an option to purchase the same. No finding that the property may  
7 not be needed within the foreseeable future shall be necessary if the  
8 property is sold and conveyed to a state agency or political subdivision of  
9 this state or if the board anticipates that the district will become the tenant  
10 of the property under a lease, with or without an option to purchase.

11 NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (e) TO THE  
12 CONTRARY, ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (e)  
13 AS AMENDED, A BOARD OF EDUCATION SHALL NOT INCLUDE IN THE SALE  
14 OF A SCHOOL DISTRICT FACILITY ANY TERMS THAT WOULD PREVENT THE  
15 USE OF THE FACILITY AS A SCHOOL BUILDING AT ANY TIME AFTER THE  
16 SALE.

17 **SECTION 3. Act subject to petition - effective date.** This act  
18 shall take effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part shall not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2012 and shall take effect on the date of the official  
26 declaration of the vote thereon by the governor.