

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0659.01 Julie Pelegrin x2700

HOUSE BILL 12-1225

HOUSE SPONSORSHIP

Ramirez,

SENATE SPONSORSHIP

Steadman,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DESIGNATION AS A MODEL CHARTER SCHOOL
102 AUTHORIZER.

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 creates a process by which a school district board of education or the state charter school institute (authorizer) may seek designation as a model authorizer. An authorizer may apply for model authorizer designation by submitting an application with supporting information and a fee. Model authorizer designation must be renewed

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.

1 CREATED IN SECTION 22-30.5-503.

2 (4) "LOCAL SCHOOL BOARD" MEANS A SCHOOL DISTRICT BOARD OF
3 EDUCATION.

4 (5) "MODEL AUTHORIZER" MEANS AN AUTHORIZER THAT IS
5 DESIGNATED AS A MODEL AUTHORIZER PURSUANT TO THIS PART 8.

6 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
7 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

8 **22-30.5-802. Model authorizer designation - benefits.** (1) AN
9 AUTHORIZER MAY APPLY TO THE STATE BOARD FOR DESIGNATION AS A
10 MODEL AUTHORIZER AS DESCRIBED IN THIS PART 8 BY SUBMITTING AN
11 APPLICATION, EVIDENCE OF GOOD PRACTICE, AND A FEE IN ACCORDANCE
12 WITH RULES ADOPTED BY THE STATE BOARD. DESIGNATION AS A MODEL
13 AUTHORIZER IS SUBJECT TO ANNUAL RENEWAL AND MAY BE RENEWED
14 INDEFINITELY.

15 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
16 CONTRARY:

17 (a) IF A DECISION OF A MODEL AUTHORIZER CONCERNING DENIAL
18 OF A CHARTER SCHOOL APPLICATION, NONRENEWAL OR REVOCATION OF A
19 CHARTER SCHOOL'S CHARTER OR CHARTER CONTRACT, OR THE
20 UNILATERAL IMPOSITION OF CONDITIONS ON A CHARTER APPLICANT OR
21 CHARTER SCHOOL IS APPEALED PURSUANT TO SECTION 22-30.5-108,
22 22-30.5-510 (4) AND (5), OR 22-30.5-511 (5), THERE IS A REBUTTABLE
23 PRESUMPTION THAT THE MODEL AUTHORIZER'S DECISION IS VALID. THE
24 STATE BOARD SHALL UPHOLD THE MODEL AUTHORIZER'S DECISION UNLESS
25 THE ENTITY BRINGING THE APPEAL PROVIDES SUFFICIENT EVIDENCE TO
26 OVERCOME THE PRESUMPTION, AS DETERMINED BY THE STATE BOARD.

27 (b) A MODEL AUTHORIZER IS NOT SUBJECT TO THE PROVISIONS OF

1 SECTIONS 22-30.5-106 AND 22-30.5-107, IF THE MODEL AUTHORIZER IS A
2 LOCAL SCHOOL BOARD, OR SECTIONS 22-30.5-509 AND 22-30.5-510, IF THE
3 MODEL AUTHORIZER IS THE INSTITUTE. A MODEL AUTHORIZER SHALL
4 ESTABLISH ITS OWN REQUIREMENTS FOR CHARTER APPLICATIONS AND THE
5 TIMING AND PROCEDURE FOR CONSIDERATION OF CHARTER APPLICATIONS.

6 (c) A MODEL AUTHORIZER IS NOT SUBJECT TO THE PROVISIONS OF
7 SECTION 22-30.5-110, IF THE MODEL AUTHORIZER IS A LOCAL SCHOOL
8 BOARD, OR SECTION 22-30.5-511 (1) TO (4), IF THE MODEL AUTHORIZER IS
9 THE INSTITUTE. A MODEL AUTHORIZER SHALL ESTABLISH THE PERIOD FOR
10 WHICH THE CHARTERS IT AUTHORIZES ARE VALID AND THE PROCEDURES
11 AND REQUIREMENTS FOR RENEWING AND REVOKING CHARTERS.

12 **22-30.5-803. Model authorizer practices - review - rubric -**
13 **rules.** (1) ON OR BEFORE JULY 15, 2013, THE STATE BOARD SHALL
14 PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE
15 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., TO ESTABLISH
16 STANDARDS AND PROCEDURES BY WHICH AN AUTHORIZER MAY BE
17 DESIGNATED AS A MODEL AUTHORIZER. THE RULES SHALL INCLUDE:

18 (a) IDENTIFICATION OF THE PRACTICES THAT AN AUTHORIZER IS
19 REQUIRED TO DEMONSTRATE TO BE DESIGNATED AS A MODEL AUTHORIZER,
20 WHICH PRACTICES INCLUDE BUT NEED NOT BE LIMITED TO THE PRACTICES
21 SPECIFIED IN SUBSECTION (2) OF THIS SECTION;

22 (b) THE PROCEDURES FOR APPLYING FOR DESIGNATION AS A MODEL
23 AUTHORIZER, INCLUDING APPLICATIONS FOR INITIAL AND RENEWED MODEL
24 AUTHORIZER DESIGNATION AND THE EVIDENCE OF PRACTICE THAT AN
25 AUTHORIZER SUBMITS WITH EACH APPLICATION;

26 (c) A SCORING RUBRIC THAT THE DEPARTMENT APPLIES IN
27 EVALUATING AN AUTHORIZER'S PERFORMANCE REGARDING THE REQUIRED

1 PRACTICES, INCLUDING THE RELATIVE WEIGHT ASSIGNED TO EACH
2 PRACTICE AND THE MINIMUM SCORES AN AUTHORIZER IS REQUIRED TO
3 ACHIEVE TO BE DESIGNATED AS A MODEL AUTHORIZER; AND

4 (d) THE FEE AN AUTHORIZER SUBMITS WHEN APPLYING FOR INITIAL
5 OR RENEWED DESIGNATION AS A MODEL AUTHORIZER. THE FEE AMOUNT
6 CANNOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE
7 DEPARTMENT IN REVIEWING APPLICATIONS FOR INITIAL OR RENEWED
8 DESIGNATION AS A MODEL AUTHORIZER.

9 (2) AT A MINIMUM, AN AUTHORIZER MUST DEMONSTRATE THE
10 FOLLOWING PRACTICES TO BE DESIGNATED AS A MODEL AUTHORIZER:

11 (a) THE AUTHORIZER CONSISTENTLY MEETS THE STANDARDS FOR
12 CHARTER SCHOOL AUTHORIZERS SPECIFIED IN STATE BOARD RULE;

13 (b) THE AUTHORIZER ACTIVELY ENGAGES IN NEW CHARTER
14 SCHOOL DEVELOPMENT BY REGULARLY ISSUING REQUESTS FOR PROPOSALS
15 FOR NEW CHARTER SCHOOLS;

16 (c) THE AUTHORIZER IS PROACTIVE IN SHARING OR OTHERWISE
17 ALLOWING EXISTING CHARTER SCHOOLS TO USE PUBLIC SCHOOL FACILITIES
18 AND LANDS THAT THE AUTHORIZER OWNS;

19 (d) THE AUTHORIZER EQUITABLY INCLUDES CHARTER SCHOOLS IN
20 ALL LOCAL MILL LEVY AND BOND ELECTIONS AND EQUITABLY ALLOCATES
21 TO CHARTER SCHOOLS A PORTION OF ANY REVENUES RECEIVED AS A
22 RESULT OF THESE ELECTIONS; AND

23 (e) THE AUTHORIZER PROVIDES STUDENT TRANSPORTATION
24 RESOURCES OR ASSISTANCE FOR PURPOSES OF TRANSPORTING CHARTER
25 SCHOOL STUDENTS.

26 (3) WHEN THE DEPARTMENT RECEIVES AN APPLICATION FOR
27 INITIAL OR RENEWED DESIGNATION AS A MODEL AUTHORIZER, THE

1 DEPARTMENT SHALL NOTIFY THE AUTHORIZER'S CHARTER SCHOOLS AND
2 GIVE THE CHARTER SCHOOLS OPPORTUNITY TO SUBMIT WRITTEN
3 STATEMENTS CONCERNING THE AUTHORIZER'S PRACTICES. A CHARTER
4 SCHOOL THAT SUBMITS WRITTEN COMMENTS SHALL SIMULTANEOUSLY
5 PROVIDE A COPY OF THE WRITTEN COMMENTS TO THE AUTHORIZER.

6 (4) (a) THE DEPARTMENT SHALL REVIEW EACH APPLICATION FOR
7 INITIAL OR RENEWED DESIGNATION AS A MODEL AUTHORIZER RECEIVED
8 PURSUANT TO THIS PART 8 AND MAKE RECOMMENDATIONS TO THE STATE
9 BOARD BASED ON THE AUTHORIZER'S PERFORMANCE ON THE RUBRIC. THE
10 DEPARTMENT MAY REQUEST ADDITIONAL INFORMATION IF IT DETERMINES
11 THE APPLICATION LACKS ANY INFORMATION NECESSARY TO COMPLETE THE
12 REVIEW AND RECOMMENDATION.

13 (b) THE STATE BOARD SHALL CONSIDER THE DEPARTMENT'S
14 RECOMMENDATIONS AND DECIDE WHETHER TO DESIGNATE THE APPLICANT
15 AS A MODEL AUTHORIZER OR RENEW THE APPLICANT'S DESIGNATION IN A
16 REGULARLY SCHEDULED PUBLIC MEETING AT WHICH THE STATE BOARD
17 SHALL ALLOW PUBLIC TESTIMONY CONCERNING THE APPLICATION FOR
18 INITIAL OR RENEWED DESIGNATION AS A MODEL AUTHORIZER.

19 **22-30.5-804. Model authorizer cash fund - created.** (1) THE
20 DEPARTMENT SHALL TRANSMIT ALL MONEYS RECEIVED PURSUANT TO THIS
21 PART 8 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE
22 MODEL AUTHORIZER CASH FUND, WHICH FUND IS HEREBY CREATED AND
23 REFERRED TO IN THIS PART 8 AS THE "CASH FUND". THE MONEYS IN THE
24 CASH FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
25 ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS
26 ASSOCIATED WITH IMPLEMENTING THIS PART 8.

27 (2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE CASH

1 FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 8 AS PROVIDED BY
2 LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME
3 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH
4 FUND TO THE CASH FUND. ANY UNEXPENDED AND UNENCUMBERED
5 MONEYS REMAINING IN THE CASH FUND AT THE END OF A FISCAL YEAR
6 REMAIN IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED
7 TO THE GENERAL FUND OR ANOTHER FUND.

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2012 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.