

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 22-0304.01 Alana Rosen x2606

**HOUSE BILL 22-1294**

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Education  
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**A BILL FOR AN ACT**

101      **CONCERNING ADDITIONAL PATHWAYS TO PROVIDE SPECIAL**  
102              **EDUCATION SERVICES TO CHILDREN WITH DISABILITIES IN**  
103              **CHARTER SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING**  
104              **AN APPROPRIATION.**

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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://leg.colorado.gov>.)*

The bill allows a district charter school or an institute charter school, upon approval of the authorizing school district board of education or the state charter school institute (CSI), respectively, to

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

SENATE  
Amended 2nd Reading  
April 21, 2022

HOUSE  
3rd Reading Unamended  
March 29, 2022

HOUSE  
Amended 2nd Reading  
March 28, 2022

develop and administer an enrollment preference plan to give enrollment preference to children with disabilities. In exercising the enrollment preference plan for children with disabilities, a charter school and an institute charter school shall ensure compliance with the obligation to provide a free appropriate public education in the least restrictive environment pursuant to the federal "Individuals with Disabilities Education Act". A charter school or an institute charter school may allow parents to voluntarily provide information regarding the existence of a child's disability.

The bill allows the state board of education (state board) to designate a charter school network or charter school collaborative that meets specified criteria as an administrative unit for the purpose of providing special education services to children with disabilities. If the state board designates a charter school network or charter school collaborative as an administrative unit, a charter school that is within the charter school network or is participating in the charter school collaborative is required to amend its charter contract to reflect that the charter school is participating in the administrative unit of the charter school network or charter school collaborative.

If the parents of a child with a disability remove the child in the middle of the school year from enrollment in the alternative administrative unit in which a district or institute charter school participates, that alternative administrative unit continues to be deemed the child's administrative unit of residence for the remainder of the school year and may be required to pay the tuition charge for excess costs to the administrative unit of attendance that enrolls the child for the remainder of the school year. The bill further clarifies provisions concerning the payment of tuition for excess costs when a child with a disability is enrolled in a district or institute charter school that participates in an alternative administrative unit that is a charter school network or charter school collaborative.

The bill allows a district charter school or an institute charter school, upon approval of the administrative unit of a charter school network or charter school collaborative, to enter into an agreement to participate in that administrative unit. The district charter school or institute charter school is required to amend its district charter contract or institute charter contract, respectively, to reflect that the district charter school or institute charter school is participating in the administrative unit of the charter school network or charter school collaborative.

The bill allows a district charter school, upon approval of the CSI, to enter into an agreement with the CSI to participate in the CSI's administrative unit. The district charter school is required to amend its charter contract to reflect that it is participating in the CSI's administrative unit.

The bill specifies that a charter school collaborative may provide

special education and related services to participating schools as authorized by the contract creating the charter school collaborative. Participating charter schools of the charter school collaborative shall share costs and financial support for special education and related services.

The bill clarifies that a charter school is not required to pay its authorizing school district for federally required educational services that are not available to the charter school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-104, **add**  
3 (3)(a.5) as follows:

4 **22-30.5-104. Charter school - requirements - authority - rules**  
5 **- definitions.** (3) (a.5) A CHARTER SCHOOL MAY GIVE PREFERENCE TO  
6 ENROLLING CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION  
7 22-20-103. UPON APPROVAL OF THE LOCAL BOARD OF EDUCATION, THE  
8 CHARTER SCHOOL MAY DEVELOP AND IMPLEMENT AN ENROLLMENT  
9 PREFERENCE PLAN TO INCREASE THE ENROLLMENT OF CHILDREN WITH  
10 DISABILITIES. IN EXERCISING THE ENROLLMENT PREFERENCE PLAN FOR  
11 CHILDREN WITH DISABILITIES, A CHARTER SCHOOL SHALL ENSURE  
12 COMPLIANCE WITH THE OBLIGATION TO PROVIDE A FREE APPROPRIATE  
13 PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT PURSUANT  
14 TO THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20  
15 U.S.C. SEC. 1400 ET SEQ., AS AMENDED. A CHARTER SCHOOL MAY ALLOW  
16 A PARENT TO VOLUNTARILY PROVIDE INFORMATION REGARDING WHETHER  
17 THE PARENT'S CHILD HAS A DISABILITY.

18 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-507, **add**  
19 (3)(a.5) as follows:

20 **22-30.5-507. Institute charter school - requirements -**  
21 **authority - rules - definitions.** (3) (a.5) AN INSTITUTE CHARTER SCHOOL

1 MAY GIVE ENROLLMENT PREFERENCE TO CHILDREN WITH DISABILITIES, AS  
2 DEFINED IN SECTION 22-20-103. UPON APPROVAL OF THE STATE CHARTER  
3 SCHOOL INSTITUTE, THE INSTITUTE CHARTER SCHOOL MAY DEVELOP AND  
4 IMPLEMENT AN ENROLLMENT PREFERENCE PLAN TO INCREASE THE  
5 ENROLLMENT OF CHILDREN WITH DISABILITIES. IN EXERCISING THE  
6 ENROLLMENT PREFERENCE PLAN FOR CHILDREN WITH DISABILITIES, AN  
7 INSTITUTE CHARTER SCHOOL SHALL ENSURE COMPLIANCE WITH THE  
8 OBLIGATION TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION IN THE  
9 LEAST RESTRICTIVE ENVIRONMENT PURSUANT TO THE FEDERAL  
10 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400  
11 ET SEQ., AS AMENDED. AN INSTITUTE CHARTER SCHOOL MAY ALLOW A  
12 PARENT TO VOLUNTARILY PROVIDE INFORMATION REGARDING WHETHER  
13 THE PARENT'S CHILD HAS A DISABILITY.

14 **SECTION 3.** In Colorado Revised Statutes, 22-20-103, **amend**  
15 (1); and **add** (3.4) and (3.5) as follows:

16 **22-20-103. Definitions - repeal.** As used in this part 1, unless the  
17 context otherwise requires:

18 (1) "Administrative unit" means a school district, a board of  
19 cooperative services, a multi-district administrative unit, A CHARTER  
20 SCHOOL NETWORK, A CHARTER SCHOOL COLLABORATIVE, or the state  
21 charter school institute, that is providing educational services to  
22 exceptional children and that is responsible for the local administration  
23 of this ~~article~~ ARTICLE 20.

24 (3.4) "CHARTER SCHOOL COLLABORATIVE" MEANS A CHARTER  
25 SCHOOL COLLABORATIVE FORMED PURSUANT TO SECTION 22-30.5-603.

26 (3.5) "CHARTER SCHOOL NETWORK" MEANS A CHARTER SCHOOL  
27 NETWORK FORMED PURSUANT TO SECTION 22-30.5-104.7.

1           **SECTION 4.** In Colorado Revised Statutes, 22-20-106, **amend**  
2 (1)(a) and (1)(b) as follows:

3           **22-20-106. Special education programs - early intervening**  
4 **services - rules.** (1) (a) Every school district in the state ~~shall be~~ IS either  
5 an administrative unit in itself or in a board of cooperative services that  
6 the department designates as an administrative unit or ~~participate~~ IS  
7 PARTICIPATING in a multi-district administrative unit. The department  
8 shall not recognize or authorize a group of school districts as an  
9 administrative unit unless the group of school districts qualifies as a  
10 multi-district administrative unit or is a board of cooperative services.

11           (b) The state charter school institute ~~shall be~~ IS an administrative  
12 unit for the purpose of delivering special education services to all institute  
13 charter schools, AND TO DISTRICT CHARTER SCHOOLS THAT ENTER INTO AN  
14 AGREEMENT WITH THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO  
15 SECTION 22-30.5-105.3, and shall meet the criteria established by the state  
16 board governing the duties and responsibilities of the director of special  
17 education. An administrative unit ~~shall also be~~ IS ALSO a school district,  
18 ~~or~~ board of cooperative services, CHARTER SCHOOL NETWORK, OR  
19 CHARTER SCHOOL COLLABORATIVE that meets criteria established by the  
20 state board governing the duties and responsibilities of the director of  
21 special education and is: ~~either a board of cooperative services that~~  
22 ~~conducts special education programs for all school districts that are~~  
23 ~~members of the board of cooperative services or is a school district that~~  
24 ~~meets criteria of geographic size, location, and number of pupils~~  
25 ~~established by the state board to achieve maximum efficiency in~~  
26 ~~administering programs of special education.~~

27           (I) A BOARD OF COOPERATIVE SERVICES THAT CONDUCTS SPECIAL

1 EDUCATION PROGRAMS FOR ALL SCHOOL DISTRICTS THAT ARE MEMBERS  
2 OF THE BOARD OF COOPERATIVE SERVICES;

3 (II) A SCHOOL DISTRICT THAT MEETS CRITERIA ESTABLISHED BY  
4 THE STATE BOARD, INCLUDING GEOGRAPHIC SIZE AND LOCATION, TO  
5 ACHIEVE MAXIMUM EFFICIENCY IN ADMINISTERING PROGRAMS OF SPECIAL  
6 EDUCATION; OR

7 (III) A CHARTER SCHOOL NETWORK OR CHARTER SCHOOL  
8 COLLABORATIVE THAT IS DESIGNATED AND APPROVED AS AN  
9 ADMINISTRATIVE UNIT BY THE DEPARTMENT, DELIVERS SPECIAL  
10 EDUCATION SERVICES TO DISTRICT CHARTER SCHOOLS OR INSTITUTE  
11 CHARTER SCHOOLS, AND MEETS CRITERIA ESTABLISHED BY THE STATE  
12 BOARD THAT ARE SUBSTANTIALLY CONSISTENT WITH THE CRITERIA  
13 APPLIED TO BOARDS OF COOPERATIVE SERVICES AND SCHOOL DISTRICTS.

14 **SECTION 5.** In Colorado Revised Statutes, 22-20-109, **add** (5.5)  
15 as follows:

16 **22-20-109. Tuition - rules. (5.5)** (a) NOTWITHSTANDING THE  
17 PROVISIONS OF SUBSECTION (5) OF THIS SECTION, IF A CHILD WITH A  
18 DISABILITY ENROLLS IN A DISTRICT OR INSTITUTE CHARTER SCHOOL THAT  
19 PARTICIPATES IN AN ALTERNATIVE ADMINISTRATIVE UNIT, THE  
20 ALTERNATIVE ADMINISTRATIVE UNIT IS DEEMED THE ADMINISTRATIVE  
21 UNIT OF RESIDENCE AND OF ATTENDANCE SO LONG AS THE CHILD IS  
22 ENROLLED IN THE ALTERNATIVE ADMINISTRATIVE UNIT. IF THE PARENTS  
23 OF A CHILD WITH A DISABILITY REMOVE THE CHILD FROM ENROLLMENT  
24 IN THE ALTERNATIVE ADMINISTRATIVE UNIT AFTER THE ANNUAL COUNT  
25 DATE TO DETERMINE STATE FUNDING FOR CHILDREN WITH DISABILITIES,  
26 THE ALTERNATIVE ADMINISTRATIVE UNIT CONTINUES TO BE DEEMED THE  
27 ADMINISTRATIVE UNIT OF RESIDENCE FOR THAT CHILD FOR THE

1 REMAINDER OF THE SCHOOL YEAR AND MAY BE REQUIRED TO PAY THE  
2 TUITION CHARGE FOR EXCESS COSTS TO THE ADMINISTRATIVE UNIT OF  
3 ATTENDANCE THAT ENROLLS THE CHILD FOR THE REMAINDER OF THE  
4 SCHOOL YEAR.

5 (b) (I) IF A CHILD WITH A DISABILITY WHO IS ENROLLED IN AN  
6 ALTERNATIVE ADMINISTRATIVE UNIT IS PLACED BY AN IEP TEAM IN AN  
7 APPROVED FACILITY SCHOOL OR OTHER PRIVATE SETTING FOR SPECIAL  
8 EDUCATION PURPOSES, THE CHILD WITH A DISABILITY CONTINUES TO BE  
9 ENROLLED IN THE ALTERNATIVE ADMINISTRATIVE UNIT UNTIL:

10 (A) THE PARENTS OF THE CHILD WITH A DISABILITY INITIATE A  
11 CHANGE IN ENROLLMENT THAT RESULTS IN THE CHILD WITH A DISABILITY  
12 ATTENDING A SCHOOL AFFILIATED WITH A DIFFERENT ADMINISTRATIVE  
13 UNIT;

14 (B) THE CHILD WITH A DISABILITY IS NO LONGER ENROLLED IN THE  
15 SCHOOL OF THE ALTERNATIVE ADMINISTRATIVE UNIT BECAUSE THE CHILD  
16 WITH A DISABILITY IS NO LONGER ENTITLED BY AGE TO CONTINUE IN THE  
17 SCHOOL OF THE ALTERNATIVE ADMINISTRATIVE UNIT, UNLESS THE CHILD  
18 WITH A DISABILITY HAS REACHED THE AGE OF EIGHTEEN AND QUALIFIES  
19 FOR TRANSITION SERVICES AND IS ENROLLED IN A SCHOOL THAT OFFERS  
20 HIGH SCHOOL;


21 (C) THE CHILD WITH A DISABILITY IS NO LONGER ENROLLED IN THE  
22 SCHOOL OF THE ALTERNATIVE ADMINISTRATIVE UNIT BECAUSE THE CHILD  
23 WITH A DISABILITY IS HOME-SCHOOLED OR ENROLLED IN A PRIVATE  
24 SCHOOL FOR GENERAL EDUCATION PURPOSES; OR

25 (D) THE PLACEMENT OF THE CHILD WITH A DISABILITY IN AN  
26 APPROVED FACILITY SCHOOL OR OTHER PRIVATE SETTING FOR SPECIAL  
27 EDUCATION PURPOSES ENDS AND, SUBSEQUENTLY, THE ENROLLMENT OF

1 THE CHILD WITH A DISABILITY IN THE ALTERNATIVE ADMINISTRATIVE UNIT  
2 ENDS FOR ANY REASON PERMITTED BY LAW.

3 (II) NOTHING IN THIS SUBSECTION (5.5)(b) MODIFIES SUBSECTION  
4 (5.5)(a) OF THIS SECTION.

5 (c) THE ALTERNATIVE ADMINISTRATIVE UNIT IN WHICH A DISTRICT  
6 OR INSTITUTE CHARTER SCHOOL PARTICIPATES SHALL NOT CHARGE THE  
7 DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN  
8 EDUCATING A CHILD WITH A DISABILITY UNLESS THE CHILD IS PLACED BY  
9 A MULTIDISCIPLINARY TEAM PURSUANT TO SECTION 22-20-108 (4) IN THE  
10 ALTERNATIVE ADMINISTRATIVE UNIT AND THE CHILD MEETS THE CRITERIA  
11 FOR FUNDING PURSUANT TO SECTION 22-20-114 (1)(c)(II).

12   
13 (d) IF THE ALTERNATIVE ADMINISTRATIVE UNIT CHARGES TUITION  
14 AS ALLOWED IN SUBSECTION (5.5)(c) OF THIS SECTION, THE AMOUNT OF  
15 THE TUITION CHARGED MUST BE DETERMINED PURSUANT TO RULES  
16 ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS  
17 SECTION. THE TUITION RESPONSIBILITY MUST BE REFLECTED IN A  
18 CONTRACT BETWEEN THE DISTRICT OR INSTITUTE CHARTER SCHOOL, THE  
19 DISTRICT OF RESIDENCE, AND THE ALTERNATIVE ADMINISTRATIVE UNIT IN  
20 WHICH THE DISTRICT OR INSTITUTE CHARTER SCHOOL PARTICIPATES. THE  
21 CONTRACT MUST BE IN A FORM APPROVED BY THE ALTERNATIVE  
22 ADMINISTRATIVE UNIT IN WHICH THE DISTRICT OR INSTITUTE CHARTER  
23 SCHOOL PARTICIPATES. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS  
24 SUBSECTION (5.5), SECTION 22-20-108 (8) DOES NOT APPLY.

25 (e) AS USED IN THIS SUBSECTION (5.5), "ALTERNATIVE  
26 ADMINISTRATIVE UNIT" HAS THE SAME MEANING AS PROVIDED IN SECTION  
27 22-30.5-103.



1           **SECTION 6.** In Colorado Revised Statutes, 22-30.5-103, **amend**  
2 (1); and **add** (1.3) as follows:

3           **22-30.5-103. Definitions.** As used in this part 1, unless the  
4 context otherwise requires:

5           (1) ~~"At-risk pupil" means a pupil who, because of physical,~~  
6 ~~emotional, socioeconomic, or cultural factors, is less likely to succeed in~~  
7 ~~a conventional educational environment~~ "ALTERNATIVE ADMINISTRATIVE  
8 UNIT" MEANS THE STATE CHARTER SCHOOL INSTITUTE ACTING IN  
9 ACCORDANCE WITH SECTION 22-30.5-105.3 AS THE ADMINISTRATIVE UNIT,  
10 PURSUANT TO SECTION 22-20-106 (1)(b), FOR A CHARTER SCHOOL  
11 AUTHORIZED BY A SCHOOL DISTRICT, A CHARTER SCHOOL NETWORK  
12 AUTHORIZED AND ACTING AS AN ADMINISTRATIVE UNIT PURSUANT TO  
13 SECTION 22-20-106 (1)(b), OR A CHARTER SCHOOL COLLABORATIVE  
14 AUTHORIZED AND ACTING AS AN ADMINISTRATIVE UNIT PURSUANT TO  
15 SECTION 22-20-106 (1)(b).

16           (1.3) "AT-RISK PUPIL" MEANS A PUPIL WHO, BECAUSE OF PHYSICAL,  
17 EMOTIONAL, SOCIOECONOMIC, OR CULTURAL FACTORS, IS LESS LIKELY TO  
18 SUCCEED IN A CONVENTIONAL EDUCATIONAL ENVIRONMENT.

19           **SECTION 7.** In Colorado Revised Statutes, **add** 22-30.5-105.3  
20 as follows:

21           **22-30.5-105.3. Charter schools - alternative administrative**  
22 **units - process.** (1) A CHARTER SCHOOL THAT IS PART OF A CHARTER  
23 SCHOOL NETWORK OR A MEMBER OF A CHARTER SCHOOL COLLABORATIVE,  
24 WHICH NETWORK OR COLLABORATIVE IS AUTHORIZED AS AN  
25 ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, SHALL NOTIFY  
26 ITS AUTHORIZING SCHOOL DISTRICT OF ITS INTENT TO PARTICIPATE IN THE  
27 ADMINISTRATIVE UNIT OF THE NETWORK OR COLLABORATIVE WITH WHICH

1 THE CHARTER SCHOOL IS AFFILIATED. AFTER THE DEPARTMENT APPROVES  
2 THE APPLICATION OF A CHARTER SCHOOL NETWORK OR COLLABORATIVE  
3 TO FORM AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SECTION  
4 22-20-106, THE CHARTER SCHOOL THAT IS PART OF THE CHARTER SCHOOL  
5 NETWORK OR COLLABORATIVE AUTHORIZED AS AN ADMINISTRATIVE UNIT  
6 AND ITS AUTHORIZING SCHOOL DISTRICT SHALL AMEND THE CHARTER  
7 CONTRACT, PURSUANT TO THIS SUBSECTION (1), AS NECESSARY TO ALLOW  
8 THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE  
9 ADMINISTRATIVE UNIT.

10 (2) (a) A CHARTER SCHOOL MAY ENTER INTO AN AGREEMENT TO  
11 PARTICIPATE IN AN EXISTING ALTERNATIVE ADMINISTRATIVE UNIT IF THE  
12 CHARTER SCHOOL:

13 (I) DEMONSTRATES THE CAPACITY AND COMMITMENT TO SERVE  
14 CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103,  
15 THROUGH AN ANALYSIS OF THE CHARTER SCHOOL'S EXISTING RECORD OF  
16 SERVING CHILDREN WITH DISABILITIES OR BY EXPRESSLY SUBMITTING A  
17 PLAN TO THE ALTERNATIVE ADMINISTRATIVE UNIT ARTICULATING AN  
18 EXISTING OR INTENDED COMMITMENT;

19 (II) CREATES A STRATEGIC PLAN FOR THE ENROLLMENT OF  
20 CHILDREN WITH DISABILITIES IN THE CHARTER SCHOOL TO INCREASE  
21 EDUCATIONAL OPTIONS FOR FAMILIES WITH CHILDREN WITH DISABILITIES;

22 (III) HAS OR DEVELOPS AND IMPLEMENTS SPECIAL EDUCATION  
23 PROGRAMMING THAT RESULTS IN THE CONTINUED ENROLLMENT OF  
24 CHILDREN WITH DISABILITIES;

25 (IV) HAS OR DEVELOPS AND IMPLEMENTS MULTI-TIERED SYSTEMS  
26 OF SUPPORT TO IDENTIFY AND REFER CHILDREN WITH DISABILITIES TO  
27 SPECIAL EDUCATION SERVICES; AND

1 (V) DEMONSTRATES HOW THE AGREEMENT WITH THE  
2 ALTERNATIVE ADMINISTRATIVE UNIT WILL ALLOW THE CHARTER SCHOOL  
3 TO BETTER AND MORE EFFICIENTLY SERVE CHILDREN WITH DISABILITIES.

4 (b) A CHARTER SCHOOL MAY SUBMIT A REQUEST TO AN EXISTING  
5 ALTERNATIVE ADMINISTRATIVE UNIT TO ENTER INTO AN AGREEMENT TO  
6 PARTICIPATE IN THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT. AN  
7 EXISTING ALTERNATIVE ADMINISTRATIVE UNIT MAY ENTER INTO AN  
8 AGREEMENT ONLY IF THE EXISTING ALTERNATIVE ADMINISTRATIVE UNIT  
9 DETERMINES THAT THE CHARTER SCHOOL MEETS THE CRITERIA SET FORTH  
10 IN SUBSECTION (2)(a) OF THIS SECTION.

11 (c) A CHARTER SCHOOL THAT ENTERS INTO AN AGREEMENT TO  
12 PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO  
13 SUBSECTION (2)(b) OF THIS SECTION SHALL NOTIFY ITS AUTHORIZING  
14 SCHOOL DISTRICT OF THE INTENT TO PARTICIPATE IN AN ALTERNATIVE  
15 ADMINISTRATIVE UNIT. AFTER THE DEPARTMENT APPROVES AN  
16 APPLICATION FOR THE REORGANIZATION OF THE ALTERNATIVE  
17 ADMINISTRATIVE UNIT TO INCLUDE THE CHARTER SCHOOL, THE CHARTER  
18 SCHOOL AND ITS AUTHORIZING SCHOOL DISTRICT SHALL AMEND THE  
19 CHARTER CONTRACT, PURSUANT TO THIS SECTION, AS NECESSARY TO  
20 ALLOW THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE  
21 ADMINISTRATIVE UNIT.

22 (3) (a) IF THE AUTHORIZING SCHOOL DISTRICT OBJECTS TO  
23 AMENDING A CHARTER SCHOOL'S CONTRACT TO ALLOW PARTICIPATION IN  
24 AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (1) OR  
25 (2) OF THIS SECTION, THE AUTHORIZING SCHOOL DISTRICT SHALL PROVIDE  
26 TO THE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS FOR  
27 ITS OBJECTION. IF THE DEPARTMENT HAS APPROVED AN ALTERNATIVE

1 ADMINISTRATIVE UNIT TO INCLUDE THE CHARTER SCHOOL BUT THE  
2 CHARTER SCHOOL AND ITS AUTHORIZING SCHOOL DISTRICT CANNOT AGREE  
3 ON AN AMENDMENT TO THE CHARTER CONTRACT FOR THE CHARTER  
4 SCHOOL TO PARTICIPATE IN THE ALTERNATIVE ADMINISTRATIVE UNIT, THE  
5 CHARTER SCHOOL MAY FILE A NOTICE WITH THE STATE BOARD AS  
6 PROVIDED IN SECTION 22-30.5-108 TO APPEAL THE DECISION OF ITS  
7 AUTHORIZING SCHOOL DISTRICT AS A UNILATERAL IMPOSITION OF  
8 CONDITIONS ON THE CHARTER SCHOOL. THE STATE BOARD SHALL DECIDE  
9 THE APPEAL PURSUANT TO SECTION 22-30.5-108.

10 (b) NEGOTIATIONS TO AMEND THE CHARTER CONTRACT TO ALLOW  
11 THE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE  
12 ADMINISTRATIVE UNIT MUST NOT INCLUDE NEGOTIATIONS REGARDING  
13 TERMS OF THE CHARTER CONTRACT THAT ARE NOT DIRECTLY IMPACTED BY  
14 THE CHARTER SCHOOL'S PARTICIPATION IN THE ALTERNATIVE  
15 ADMINISTRATIVE UNIT AND MUST NOT UNILATERALLY REOPEN THE  
16 CHARTER SCHOOL'S AUTHORIZATION. THE AMENDED CONTRACT MAY  
17 INCLUDE PROVISIONS PERMITTING CONSIDERATION OF THE CHARTER  
18 SCHOOL'S SPECIAL EDUCATION PERFORMANCE AS PART OF THE OVERALL  
19 CHARTER SCHOOL PERFORMANCE.

20 (4) (a) A CHARTER SCHOOL THAT PARTICIPATES IN AN  
21 ALTERNATIVE ADMINISTRATIVE UNIT IS NOT RESPONSIBLE FOR PAYING ANY  
22 PORTION OF THE SPECIAL EDUCATION COSTS OF ITS AUTHORIZING SCHOOL  
23 DISTRICT.

24 (b) FOR A CHILD WITH DISABILITIES WHO IS ENROLLED IN A  
25 CHARTER SCHOOL THAT PARTICIPATES IN AN ALTERNATIVE  
26 ADMINISTRATIVE UNIT, THE ALTERNATIVE ADMINISTRATIVE UNIT, FOR THE  
27 DURATION OF THE CHILD'S ENROLLMENT IN THE CHARTER SCHOOL, IS

1 SOLELY LEGALLY AND FISCALLY RESPONSIBLE FOR SPECIALIZED  
2 INSTRUCTION AND RELATED SERVICES TO PROVIDE A FREE APPROPRIATE  
3 PUBLIC EDUCATION FOR THE CHILD AND FOR DISPUTE RESOLUTION  
4 PURSUANT TO THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT",  
5 ARTICLE 20 OF THIS TITLE 22, AND THE FEDERAL "INDIVIDUALS WITH  
6 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS  
7 AMENDED. DISPUTE RESOLUTION INCLUDES, BUT IS NOT LIMITED TO,  
8 RESOLUTION OF STATE COMPLAINTS, DUE PROCESS HEARINGS, AND  
9 INVESTIGATIONS BY THE FEDERAL DEPARTMENT OF EDUCATION.

10 (5) A SCHOOL DISTRICT SHALL NOT REQUIRE A CHARTER SCHOOL  
11 TO PARTICIPATE IN AN ALTERNATIVE ADMINISTRATIVE UNIT AS A  
12 CONDITION OF APPROVAL OF ITS APPLICATION OR APPROVAL OR RENEWAL  
13 OF ITS CONTRACT WITH THE SCHOOL DISTRICT.

14 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-502, **amend**  
15 (1); and **add** (1.3) as follows:

16 **22-30.5-502. Definitions.** As used in this part 5, unless the  
17 context otherwise requires:

18 (1) ~~"At-risk student" means a student:~~

19 (a) ~~Who is eligible to receive free or reduced-cost lunch pursuant~~  
20 ~~to the provisions of the federal "Richard B. Russell National School~~  
21 ~~Lunch Act", 42 U.S.C. sec. 1751 et seq.; or~~

22 (b) ~~Who has performed below the level of meeting expectations,~~  
23 ~~as identified by rule of the state board, on a statewide English language~~  
24 ~~arts or mathematics assessment~~ "ALTERNATIVE ADMINISTRATIVE UNIT"  
25 HAS THE SAME MEANING AS SET FORTH IN SECTION 22-30.5-103 (1).

26 (1.3) "AT-RISK STUDENT" MEANS A STUDENT:

27 (a) WHO IS ELIGIBLE TO RECEIVE FREE OR REDUCED-PRICE LUNCH

1 PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL  
2 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; OR

3 (b) WHO HAS PERFORMED BELOW THE LEVEL OF MEETING  
4 EXPECTATIONS, AS IDENTIFIED BY RULE OF THE STATE BOARD, ON A  
5 STATEWIDE ENGLISH LANGUAGE ARTS OR MATHEMATICS ASSESSMENT.

6 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-505, **amend**  
7 (4) introductory portion, (4)(k), and (4)(l); and **add** (4)(m) and (21) as  
8 follows:

9 **22-30.5-505. State charter school institute - institute board -**  
10 **appointment - powers and duties - rules.** (4) In addition to any other  
11 powers granted by law to the institute board, the institute board ~~shall have~~  
12 HAS the following powers:

13 (k) To promulgate rules in accordance with article 4 of title 24  
14 ~~C.R.S.~~, for the administration of this part 5; and

15 (l) To award grants from the institute charter school assistance  
16 fund as provided in section 22-30.5-515.5; AND

17 (m) TO ENTER INTO AN AGREEMENT WITH A DISTRICT CHARTER  
18 SCHOOL AS PROVIDED IN SECTION 22-30.5-105.3 TO ALLOW THE DISTRICT  
19 CHARTER SCHOOL TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF THE  
20 STATE CHARTER SCHOOL INSTITUTE TO PROVIDE SERVICES PURSUANT TO  
21 ARTICLE 20 OF THIS TITLE 22.

22 (21) (a) AN INSTITUTE CHARTER SCHOOL THAT IS PART OF A  
23 CHARTER SCHOOL NETWORK OR A MEMBER OF A CHARTER SCHOOL  
24 COLLABORATIVE, WHICH NETWORK OR COLLABORATIVE IS AUTHORIZED AS  
25 AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, SHALL  
26 NOTIFY THE INSTITUTE OF ITS INTENT TO PARTICIPATE IN THE  
27 ADMINISTRATIVE UNIT OF THE NETWORK OR COLLABORATIVE WITH WHICH

1 THE INSTITUTE CHARTER SCHOOL IS AFFILIATED. THE INSTITUTE CHARTER  
2 SCHOOL AND THE INSTITUTE SHALL AMEND THE INSTITUTE CHARTER  
3 CONTRACT, PURSUANT TO THIS SECTION, AS NECESSARY TO ALLOW THE  
4 INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE ALTERNATIVE  
5 ADMINISTRATIVE UNIT.

6 (b) AN INSTITUTE CHARTER SCHOOL MAY SUBMIT A REQUEST TO  
7 AN EXISTING ALTERNATIVE ADMINISTRATIVE UNIT THAT IS NOT THE  
8 INSTITUTE TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE  
9 EXISTING ALTERNATIVE ADMINISTRATIVE UNIT. AN EXISTING  
10 ALTERNATIVE ADMINISTRATIVE UNIT THAT IS NOT THE INSTITUTE MAY  
11 ENTER INTO AN AGREEMENT ONLY IF THE EXISTING ALTERNATIVE  
12 ADMINISTRATIVE UNIT DETERMINES THAT THE INSTITUTE CHARTER  
13 SCHOOL MEETS THE CRITERIA SET FORTH IN SECTION 22-30.5-105.3 (2)(a).

14 (c) AN INSTITUTE CHARTER SCHOOL THAT ENTERS INTO AN  
15 AGREEMENT WITH AN ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO  
16 SUBSECTION (21)(b) OF THIS SECTION SHALL NOTIFY THE INSTITUTE OF ITS  
17 INTENT TO PARTICIPATE IN THE ADMINISTRATIVE UNIT OF A CHARTER  
18 SCHOOL NETWORK OR CHARTER SCHOOL COLLABORATIVE THAT IS  
19 AUTHORIZED AS AN ADMINISTRATIVE UNIT PURSUANT TO SECTION  
20 22-20-106. THE INSTITUTE CHARTER SCHOOL AND THE INSTITUTE SHALL  
21 AMEND THE INSTITUTE CHARTER SCHOOL CONTRACT AS NECESSARY TO  
22 ALLOW THE INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE  
23 ALTERNATIVE ADMINISTRATIVE UNIT.

24 (d) IF THE INSTITUTE OBJECTS TO AMENDING AN INSTITUTE  
25 CHARTER SCHOOL'S CONTRACT TO ALLOW PARTICIPATION IN AN  
26 ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (21)(a)  
27 OR (21)(b) OF THIS SECTION, THE INSTITUTE SHALL PROVIDE TO THE

1 INSTITUTE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS  
2 FOR ITS OBJECTION.

3 (e) NEGOTIATIONS TO AMEND THE INSTITUTE CHARTER CONTRACT  
4 TO ALLOW THE INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN THE  
5 ALTERNATIVE ADMINISTRATIVE UNIT PURSUANT TO THIS SUBSECTION (21)  
6 MUST NOT INCLUDE NEGOTIATIONS REGARDING TERMS OF THE INSTITUTE  
7 CHARTER CONTRACT THAT ARE NOT DIRECTLY IMPACTED BY THE  
8 INSTITUTE CHARTER SCHOOL'S PARTICIPATION IN THE ALTERNATIVE  
9 ADMINISTRATIVE UNIT AND MUST NOT UNILATERALLY REOPEN THE  
10 INSTITUTE CHARTER SCHOOL'S AUTHORIZATION. THE AMENDED CONTRACT  
11 MAY INCLUDE PROVISIONS PERMITTING CONSIDERATION OF THE INSTITUTE  
12 CHARTER SCHOOL'S SPECIAL EDUCATION PERFORMANCE AS PART OF THE  
13 OVERALL INSTITUTE CHARTER SCHOOL PERFORMANCE.

14 (f) THE STATE CHARTER SCHOOL INSTITUTE SHALL NOT REQUIRE  
15 AN INSTITUTE CHARTER SCHOOL TO PARTICIPATE IN AN ALTERNATIVE  
16 ADMINISTRATIVE UNIT AS A CONDITION OF APPROVAL OF ITS APPLICATION  
17 OR APPROVAL OR RENEWAL OF ITS CONTRACT WITH THE STATE CHARTER  
18 SCHOOL INSTITUTE.

19 **SECTION 10. In Colorado Revised Statutes, 22-30.5-513, add**  
20 **(11) as follows:**

21 **22-30.5-513. Instate charter schools - funding - at-risk**  
22 **supplemental aid - legislative declaration - definitions. (11) (a) FOR**  
23 **THE 2022-23 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE**  
24 **THREE HUNDRED SEVENTY FIVE THOUSAND DOLLARS FROM THE GENERAL**  
25 **FUND TO THE INSTITUTE TO DISTRIBUTE TO ELIGIBLE INSTITUTE CHARTER**  
26 **SCHOOLS.**

27 (b) **AS USED IN THIS SUBSECTION (11), "ELIGIBLE INSTITUTE**



1 CHARTER SCHOOL" MEANS AN INSTITUTE CHARTER SCHOOL, AT LEAST  
2 FIFTY PERCENT OF THE STUDENT POPULATION OF WHICH RECEIVES SPECIAL  
3 EDUCATION SERVICES THROUGH THE ADMINISTRATIVE UNIT OF THE  
4 INSTITUTE.

5 **SECTION 11.** In Colorado Revised Statutes, 22-30.5-603, **add**  
6 (3.7) as follows:

7 **22-30.5-603. Charter school collaborative - creation - public**  
8 **status - structure.** (3.7) (a) A CHARTER SCHOOL COLLABORATIVE MAY  
9 PROVIDE SPECIAL EDUCATION AND RELATED SERVICES TO PARTICIPATING  
10 CHARTER SCHOOLS AS AUTHORIZED BY THE CONTRACT CREATING THE  
11 CHARTER SCHOOL COLLABORATIVE PURSUANT TO SUBSECTION (4) OF THIS  
12 SECTION. PARTICIPATING CHARTER SCHOOLS OF THE CHARTER SCHOOL  
13 COLLABORATIVE SHALL SHARE COSTS AND FINANCIAL SUPPORT FOR  
14 SPECIAL EDUCATION AND RELATED SERVICES PURSUANT TO THE CHARTER  
15 SCHOOL COLLABORATIVE CONTRACT.

16 (b) A CHARTER SCHOOL COLLABORATIVE MAY BE AUTHORIZED AS  
17 AN ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-106, AND  
18 CHARTER SCHOOLS PARTICIPATING IN THE ADMINISTRATIVE UNIT OF THE  
19 CHARTER SCHOOL COLLABORATIVE SHALL SHARE COSTS AND FINANCIAL  
20 SUPPORT FOR SPECIAL EDUCATION AND RELATED SERVICES.

21 **SECTION 12.** In Colorado Revised Statutes, 22-30.5-112, **add**  
22 (2)(a.8)(III) as follows:

23 **22-30.5-112. Charter schools - financing - guidelines -**  
24 **definitions.** (2) (a.8) (III) AS USED IN THIS SUBSECTION (2)(a.8),  
25 "FEDERALLY REQUIRED EDUCATIONAL SERVICES" MEANS SERVICES THAT  
26 A LOCAL EDUCATIONAL AGENCY IS REQUIRED TO PROVIDE TO CERTAIN  
27 STUDENTS BY FEDERAL LAW AND THAT THE SCHOOL DISTRICT MAKES

1 AVAILABLE TO STUDENTS IN THE CHARTER SCHOOL IF AND WHEN NEEDED.  
2 "FEDERALLY REQUIRED EDUCATIONAL SERVICES" DOES NOT INCLUDE  
3 SERVICES NOT MADE AVAILABLE TO THE CHARTER SCHOOL.

4 **SECTION 13.** In Colorado Revised Statutes, 22-5.5-103, **amend**  
5 the introductory portion and (1) as follows:

6 **22-5.5-103. Definitions.** As used in this ~~article~~ ARTICLE 5.5,  
7 unless the context otherwise requires:

8 (1) "Administrative unit" means a school district, a board of  
9 cooperative services, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL  
10 COLLABORATIVE, or the state charter school institute, that is providing  
11 educational services to exceptional children.

12 **SECTION 14.** In Colorado Revised Statutes, 22-20-202, **amend**  
13 (1) as follows:

14 **22-20-202. Definitions.** As used in this part 2, unless the context  
15 otherwise requires:

16 (1) "Administrative unit" means a school district, a board of  
17 cooperative services, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL  
18 COLLABORATIVE, or the state charter school institute that is providing  
19 educational services to exceptional children and that is responsible for the  
20 local administration of this ~~article~~ ARTICLE 20.

21 **SECTION 15.** In Colorado Revised Statutes, 27-10.5-702,  
22 **amend** (1) as follows:

23 **27-10.5-702. Definitions.** As used in this part 7, unless the  
24 context otherwise requires:

25 (1) "Administrative unit" means a school district, a board of  
26 cooperative services, A CHARTER SCHOOL NETWORK, A CHARTER SCHOOL  
27 COLLABORATIVE, or the state charter school institute that is providing

1 educational services to exceptional children and that is responsible for the  
2 local administration of the education of exceptional children pursuant to  
3 article 20 of title 22. ~~C.R.S.~~

4 **SECTION 16. Appropriation.** For the 2022-23 state fiscal year,  
5 \$375,000 is appropriated to the department of education for use by the  
6 state charter school institute. This appropriation is from the general fund.  
7 To implement this act, the institute may use this appropriation for  
8 distributions to eligible institute charter schools pursuant to section  
9 22-30.5-513 (11), C.R.S.

10 **SECTION 17. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly; except  
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
14 of the state constitution against this act or an item, section, or part of this  
15 act within such period, then the act, item, section, or part will not take  
16 effect unless approved by the people at the general election to be held in  
17 November 2022 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.