

22-30.5-503. State charter school institute - establishment - rules.

(1) (a) There is established, as an independent agency in the department of education, the state charter school institute. The institute is a **type 1** entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department of education.

(b) In addition to any other powers or duties granted by law to the institute, the institute shall:

(I) Review institute charter school applications and assist in the establishment of institute charter schools throughout the state;

(II) Assist in the conversion of a school district charter school to an institute charter school pursuant to section 22-30.5-510 (1);

(III) Approve or deny institute charter school applications and revoke, renew, or refuse to renew institute charter school contracts; and

(IV) Monitor the operations of institute charter schools and the academic achievement of students attending institute charter schools, including compliance with applicable state and federal accountability requirements.

(c) The institute is authorized to enter into contracts or service agreements with any public or private contractor to provide administrative services or technical assistance to institute charter schools pursuant to this part 5. Any such contract or service agreement shall also include provisions establishing liquidated damages and penalties for failure to comply with the terms and conditions of the contract and shall be in accordance with rules promulgated by the institute board.

(2) It is the intent of the general assembly that the institute shall exist to model best practices in authorizing charter schools and make those practices available to school districts.

(3) For purposes of federal law, the state charter school institute shall be a local educational agency, deemed to be a public authority legally constituted within the state for the administrative control and direction of, and to perform a service function for, public elementary schools and secondary schools in the state.

(3.5) (a) The state charter school institute may act as the fiscal manager for purposes of grant management for a district charter school, an institute charter school, or a consortium of charter schools that chooses to apply for a grant through a nonformulaic, competitive grant program created by a federal or state statute or program; except that the provisions of this subsection (3.5) shall not apply to an application for:

(I) A grant program created in the federal "Individuals with Disabilities Education Act", 20

U.S.C. sec. 1400 et seq., as amended, or in its implementing regulations.

(II) (Deleted by amendment, L. 2011, (HB11-1089), ch. 55, p. 147, § 1, effective March 25, 2011.)

(b) In acting as a fiscal manager for purposes of grant management pursuant to this subsection (3.5), the institute shall treat district charter schools and institute charter schools equally.

(c) The institute board, by rule, may establish a fee that a district charter school, an institute charter school, or a consortium of charter schools shall pay if it requests that the institute act as the fiscal manager for purposes of grant management for the charter school or consortium of charter schools pursuant to this subsection (3.5). The amount of the fee must not exceed the direct costs incurred by the institute in implementing the provisions of this subsection (3.5). Any amount received by the institute from fees paid pursuant to this subsection (3.5) is continuously appropriated to the institute for the costs incurred in implementing this subsection (3.5). The institute board shall adopt rules as necessary to implement the provisions of this subsection (3.5).

(d) The state board shall promulgate rules to establish processes, guidelines, and eligibility for a single school or consortium of schools to apply for grants and programs pursuant to this section.

(4) For purposes of the "Exceptional Children's Educational Act", article 20 of this title, the state charter school institute shall be considered an administrative unit, responsible for assisting in the delivery of federally required services to students enrolled in institute charter schools. The institute may provide or contract for the provision of services to a student enrolled in an institute charter school.

(5) The state charter school institute shall be responsible for monitoring the fiscal management of each institute charter school. Each institute charter school shall annually provide to the institute the results of an independent financial audit of the institute charter school. The institute shall report to the state board the same financial information in the same format that school districts are required to report to the state board pursuant to this title. Institute charter schools shall compile and report to the institute the same financial information in the same format that charter schools are required to report to school districts pursuant to part 1 of this article.

(6) The institute and institute charter schools shall be deemed part of the thorough and uniform system of free public schools to be established and maintained by the general assembly, as required in section 2 of article IX of the state constitution. The state board shall have general supervision of institute charter schools, as required in section 1 of article IX of the state constitution.

(7) The institute, by virtue of its functions and duties, shall not be deemed to be a school district for any purpose.

(8) The institute and the institute board are agencies of the state for purposes of the public records provisions of part 2 of article 72 of title 24, C.R.S., and state public bodies for purposes of the open meetings provisions of part 4 of article 6 of title 24, C.R.S.

Source: **L. 2004:** IP(1)(b) amended, p. 1591, § 24, effective June 3; entire part added, p. 1596, § 1, effective July 1. **L. 2008:** (1)(b)(II) amended and (8) added, p. 495, 487, §§ 9, 1, effective April 17. **L. 2010:** (3.5) added, (SB 10-161), ch. 250, p. 1116, § 5, effective August 11. **L. 2011:** (3.5)(a) amended, (HB 11-1089), ch. 55, p. 147, § 1, effective March 25; (3.5)(d) added, (HB 11-1277), ch. 306, p. 1504, § 30, effective August 10. **L. 2012:** (3.5) amended, (SB 12-121), ch. 177, p. 637, § 5, effective May 11. **L. 2013:** IP(3.5)(a), (3.5)(b), and (3.5)(c) amended, (HB 13-1219), ch. 104, p. 362, § 9, effective August 7. **L. 2022:** (1)(a) amended, (SB 22-162), ch. 469, p. 3359, § 25, effective August 10.