

Charter School Collaborative

The Act 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, a public entity that exists separately from the participating schools.

Submitted as:

Colorado

[SB 10-161](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “The Charter School Collaborative
2 Act.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Authorizer” means a school district board of education that authorizes a charter
6 school.

7 (2) “Charter school” means a school authorized pursuant to [insert citation].
8

9 Section 3. [*Charter School Collaboratives.*]

10 (A) Two or more charter schools may contract with one another to form a charter school
11 collaborative that is a legal entity separate from the contracting charter schools and is authorized
12 to provide any function, service, or facility that is lawfully authorized for each of the contracting
13 charter schools. A charter school need not obtain the approval of its authorizer to create or
14 participate in a charter school collaborative.

15 (B) A charter school collaborative created pursuant to this section shall be a public entity
16 that exists separately from the charter schools participating in the collaborative.

17 (C) A charter school collaborative shall hold and may exercise the duties, privileges,
18 immunities, rights, liabilities, and disabilities of a public entity, including but not limited to the
19 power to contract, to sue or be sued, and to hold title to property; except that a charter school
20 collaborative may hold title to real property only for the use of the participating charter schools.

21 (D) A charter school collaborative shall be solely responsible for its debts, liabilities, and
22 obligations, and said debts, liabilities, or obligations shall not be the responsibility of the
23 participating charter schools or their authorizers.

24 (E) A charter school collaborative created pursuant to this section shall be deemed a local
25 public body for purposes of the open meeting requirements of [insert citation].

26 (F) Except as otherwise specifically authorized in this section, a charter school
27 collaborative shall be subject to all state statutes regulating charter schools as public entities as if
28 the charter school collaborative were authorized by a school district board of education.

29 (G) (1) A charter school collaborative, as a separate legal entity, shall exercise
30 administrative control or direction in providing or operating specified functions, services, or
31 facilities for the participating charter schools. The contract creating a charter school collaborative
32 shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial and
33 otherwise, of the charter school collaborative and of the contracting charter schools. The

34 participating charter schools shall delegate to the charter school collaborative the powers
35 necessary to enable the charter school collaborative to provide or operate the functions, services,
36 or facilities specified in the contract.

37 (2) In addition to any duty required to be performed by law or by the contract
38 creating a charter school collaborative, the collaborative shall have and perform the following
39 duties:

40 (a) To act consistently with the provisions of this Act;
41 (b) To abide by the contract that creates and organizes the charter school
42 collaborative; and

43 (c) To act consistently with the charter contract and mission of each
44 charter school that participates in the charter school collaborative.

45 (H) A contract to establish a charter school collaborative shall, at a minimum, specify:

46 (1) The name and purpose of the charter school collaborative and the functions,
47 services, or facilities that the charter school collaborative shall provide or operate;

48 (2) The establishment and organization of a board of directors of the charter
49 school collaborative, including but not limited to:

50 (a) The number of directors, the manner of appointment, the terms of
51 office, the amount of compensation, if any, and the procedures for filling vacancies;

52 (b) The officers of the charter school collaborative, the manner of their
53 selection, and their duties;

54 (c) The voting requirements for action by the board of directors; except
55 that, unless specifically provided otherwise in the contract, a majority of directors shall constitute
56 a quorum and a majority of a quorum shall be necessary to authorize any action taken by the
57 board of directors;

58 (3) Provisions for the disposition, division, or distribution of any property or
59 assets of the charter school collaborative, including but not limited to distribution upon
60 dissolution of the charter school collaborative of the equity in any real property that the charter
61 school collaborative may hold;

62 (4) The term of the contract, which may be continued for a definite term or until
63 rescinded or terminated, and the method, if any, by which it may be rescinded or terminated;
64 except that the contract may not be rescinded or terminated so long as the charter school
65 collaborative has obligations outstanding, unless provisions for full payment of the obligations,
66 by escrow or otherwise, are made pursuant to the terms of the obligations; and

67 (5) The terms, if any, under which a charter school that is not initially a
68 participant in the charter school collaborative may join the collaborative and under which charter
69 school participants may withdraw from the charter school collaborative.

70 (I) The [state board of education], by rule, may establish a fee to be paid by each charter
71 school collaborative to offset any direct costs that the [department of education] may incur in
72 collecting data from or regulating the charter school collaborative. The amount of the fee shall
73 not exceed the amount of said direct costs. Any amount in fees received by the [department of
74 education] pursuant to this section is continuously appropriated to the [department] for said
75 direct costs.

76 (J) Nothing in this Act shall prohibit a charter school from participating as a member in
77 an organization formed for the purpose of mutual support, contracting for services, participating
78 in intergovernmental agreements otherwise authorized by law, or participating in any other form
79 of organization authorized by law and appropriate to public or nonprofit organizations in this
80 state.

81

82 Section 4. [*Severability.*] [Insert severability clause.]

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86

Section 5. [*Repealer.*] [Insert repealer clause.]

Section 6. [*Effective Date.*] [Insert effective date.]