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.)

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

Section 2. [Definitions.] As used in this Act:
   (1) “Authorizer” means a school district board of education that authorizes a charter school.
   (2) “Charter school” means a school authorized pursuant to [insert citation].

Section 3. [Charter School Collaboratives.]
   (A) Two or more charter schools may contract with one another to form a charter school collaborative that is a legal entity separate from the contracting charter schools and is authorized to provide any function, service, or facility that is lawfully authorized for each of the contracting charter schools. A charter school need not obtain the approval of its authorizer to create or participate in a charter school collaborative.
   (B) A charter school collaborative created pursuant to this section shall be a public entity that exists separately from the charter schools participating in the collaborative.
   (C) A charter school collaborative shall hold and may exercise the duties, privileges, immunities, rights, liabilities, and disabilities of a public entity, including but not limited to the power to contract, to sue or be sued, and to hold title to property; except that a charter school collaborative may hold title to real property only for the use of the participating charter schools.
   (D) A charter school collaborative shall be solely responsible for its debts, liabilities, and obligations, and said debts, liabilities, or obligations shall not be the responsibility of the participating charter schools or their authorizers.
   (E) A charter school collaborative created pursuant to this section shall be deemed a local public body for purposes of the open meeting requirements of [insert citation].
   (F) Except as otherwise specifically authorized in this section, a charter school collaborative shall be subject to all state statutes regulating charter schools as public entities as if the charter school collaborative were authorized by a school district board of education.
   (G) (1) A charter school collaborative, as a separate legal entity, shall exercise administrative control or direction in providing or operating specified functions, services, or facilities for the participating charter schools. The contract creating a charter school collaborative shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial and otherwise, of the charter school collaborative and of the contracting charter schools. The
participating charter schools shall delegate to the charter school collaborative the powers
necessary to enable the charter school collaborative to provide or operate the functions, services,
or facilities specified in the contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. [Severability.] [Insert severability clause.]
Section 5. [Repealer.] [Insert repealer clause.]

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