

Three Bills on the Charter School Front: Some Important Tweaking, and a Major Survival Measure

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Issue Background

By [Ed Lederman](#)

Synopsis: House Bill 1113 makes major improvements in charter school finance. SB 52 helps charter schools take advantage of computers; and SB 100 frees charter schools from the grip of anti-consumer school districts.

Charter schools prove to ardent education reformers the oft repeated aphorism that politics is the art of the possible. While some in the reform camp would have much preferred vouchers and others the embrace by the education establishment of a rigorous, coherent, cognitive based mission, it is the Charter Schools movement that has caught on. It is Charter Schools that represent the best, most realistic hope of shifting the balance of power away from education providers to education consumers.

Charter schools in Colorado now thrive, in no small part due to the legislative efforts of former State Senator Bill Owens. But while Colorado is among the states who have charter schools, it is by no means in the forefront. The Center for Education Reform ranks Colorado's Charter School Laws 11th strongest out of 34.

Three bills that have been introduced in this legislative session that take meaningful steps in strengthening the ability of parents and teachers to establish more responsive and functional schools for their children. One of those three represents more than fine tuning an established concept, it provides an opportunity for the Legislature to head off a possible disastrous State Supreme Court ruling.

HB 1113: Raising the Minimum Level of Funding for Charter School from 80% to 95% of District Per Pupil Revenues (Dean and King)

The caption says it all. It increases charter school funding by 15%. It also both clearly defines the district administrative overhead for which the 5% is held back, and gives charter schools the option to contract for purchase of district support services (maintenance, curriculum etc.) while mandating that those services be provided at a cost based on a district per pupil computation. That is, no gouging on the part of the district.

The bill rectifies a previous disadvantage to charter schools in the allocation of per pupil revenue.

SB 52: Online Programs and Assistance in the Application Process (Congrove)

Senate Bill 99-052 authorizes charter schools to provide alternative "on line" education programs which could meaningfully supplement the educational opportunities for home schoolers.

It would also mandate that each local board of education create a "Charter School Technical Assistance Committee" to assist it in reviewing charter school application.

Finally it requires all charter contract negotiations between the district and an approved charter school to be concluded within 90 days after the local Board accepts the application for a charter school.

In general SB 52 enlarges the services a charter school may offer, provides for more positive expertise to be brought to play during the application process and limits the amount of time a charter school may be tied up in the negotiation process. It tends to strengthen charter schools.

SB 100: Creating a Statewide District for Charter Schools, and, Possibly, Curing a Constitutional Flaw (Andrews)

SB 100 would dramatically restructure the charter school application process. It would do so by creating a special, charter school district "coterminous with the state boundaries". The current State Board of Education would also serve as the school board for the statewide charter school district. Applications for new charter schools would be made to the state charter district "board" i.e. the current State Board of Education. Thus, what is currently the "the court of last resort" for charter schools will become the court of both first and last resort. It would most likely provide a friendlier, more charter school oriented environment within which to submit the application.

Current charter schools could transfer their charters from their local districts to the statewide district.

Areas that traditionally have been the purview of district governance (discipline policy, procedures for purchases of goods and services, and the like) will, for charter schools, be the province of the new, statewide charter district board.

Finally, by creating a statewide district to assess charter applications and administer charter schools, SB 100 just may finesse a nagging state constitutional issue that now threatens Colorado's charter schools. The problem arises from Article IX, Section 15 which reposes authority to determine curriculum in the districts. Arguably, charter schools existing within school districts have unconstitutionally appropriated that curriculum determining authority. But once a statewide district for charter schools is

established, the constitutional problem should go away. The same state constitution gives to the legislature the authority to **draw district boundaries**. And case law supports the legislatures discretion in drawing those boundaries.

SB 100 would result in more and possibly constitutionally bulletproof charter schools.

The Need to Coordinate

All three bills profiled here are worthy. However there is a need to coordinate. If State Senator John Andrews' SB 100 were to become law it would be necessary to reconcile the increase in revenue per pupil provisions in Representative(s) Dean and King's HB 1113 with somewhat different funding structure created by a statewide charter district. Likewise SB 52 would have to coordinate its provisions for a charter assistance committee to be appointed by the statewide board, rather than the district board.

For more on Charter Schools:

1. Heritage Foundation, Nina H. Shokraii And John S. Barry, *Education: Empowering Parents, Teachers, And Principals*.
2. NATIONAL GOVERNORS' ASSOCIATION
Charter Schools: Challenging Traditions And Changing Attitudes.

*By Ed Lederman, Senior Fellow, Independence
Institute*