

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 26-145

BY SENATOR(S) Bright and Kipp, Carson, Frizell;
also REPRESENTATIVE(S) Boesenecker and Gilchrist, Bradley, Caldwell,
Duran, Garcia Sander, Gonzalez R., Keltie, Marshall, Phillips, Richardson,
Ricks, Slauch, Stewart K., Woog, McCluskie.

CONCERNING CHARTER SCHOOL INVOLVEMENT IN LOCAL BALLOT
QUESTIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Every Colorado public school student deserves to have their education funded fairly and equitably;

(b) Voters who approve school district bond measures benefit from clear and accessible information about how bond proceeds are planned, allocated, and distributed across the schools within a district;

(c) Transparency in the bond development process supports informed decision-making by voters, families, and school communities;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) In order to make informed choices, voters need and deserve clear information on how bond proposals were developed, which schools were included, and why; and

(e) Strengthening the statutory process regarding transparency and inclusion in school district planning serves the interests of students, families, educators, taxpayers, and voters.

(2) Therefore, it is the intent of the general assembly to improve transparency and inclusion in how these bonds are planned, communicated, and more equitably allocated across all students, regardless of the type of public school they attend.

SECTION 2. In Colorado Revised Statutes, 22-30.5-403, **amend** (1); and **add** (1.5) as follows:

22-30.5-403. Definitions.

As used in this part 4, unless the context otherwise requires:

(1) ~~"Board of education" or "board" means a school district board of education.~~ "ADDITIONAL MILL LEVY" MEANS A MILL LEVY AUTHORIZED BY SECTION 22-54-108.7.

(1.5) "BOARD OF EDUCATION" OR "BOARD" MEANS A SCHOOL DISTRICT BOARD OF EDUCATION.

SECTION 3. In Colorado Revised Statutes, 22-30.5-404, **amend** (1)(b), (3), and (4); **repeal** (1)(c); and **add** (2.5) as follows:

22-30.5-404. Needs-based inclusion of charter schools in district bond elections - eligibility - allocation of bond revenues.

(1) (b) (I) ~~A school district shall allow for representation by charter schools on the school district's long-range planning committee and any committee established by the school district to assess and prioritize the district's capital construction needs and shall notify charter schools of the committee's meeting schedule. Charter schools shall cooperate in determining the person or persons who will represent the interests of charter~~

~~schools on the committee.~~ A DISTRICT'S LONG-RANGE PLANNING COMMITTEE, IF ONE EXISTS, AND ANY OTHER COMMITTEE ESTABLISHED BY THE DISTRICT TO ASSESS OR PRIORITIZE THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS SHALL:

(A) MAINTAIN AT LEAST ONE MEMBERSHIP SEAT ON THE COMMITTEE FOR A CHARTER SCHOOL REPRESENTATIVE. THE CHARTER SCHOOLS SHALL COOPERATE TO APPOINT THE REPRESENTATIVES REQUIRED PURSUANT TO THIS SUBSECTION (1)(b)(I)(A).

(B) CLEARLY NOTIFY THE CHARTER SCHOOLS OF THE COMMITTEE'S MEETING SCHEDULE.

(II) IF A COMMITTEE OR BODY THAT IS NOT THE BOARD DEVELOPS A LIST OF CAPITAL CONSTRUCTION RECOMMENDATIONS FOR THE BOARD TO INCLUDE IN THE DISTRICT'S BALLOT QUESTION OR QUESTIONS, IT MUST SOLICIT AND GIVE EQUITABLE CONSIDERATION TO CHARTER SCHOOLS' CAPITAL CONSTRUCTION NEEDS.

~~(c) Each school district that is considering submitting any question of contracting bonded indebtedness to the eligible electors of the district at an upcoming election shall invite each charter school chartered by the district to participate in discussions regarding the possible submission of such a question at the earliest possible time but no later than June 1 of the applicable election year, and each school district is encouraged to voluntarily include funding for the capital construction needs of charter schools in the district's questions of contracting bonded indebtedness without requiring a charter school to comply with the capital construction plan submission process set forth in subsection (3) of this section.~~

(2.5) A DISTRICT IS ENCOURAGED TO VOLUNTARILY SUBMIT A BALLOT QUESTION FOR APPROVAL OF A SPECIAL MILL LEVY OR INCLUDE THE FUNDING FOR THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION NEEDS IN THE DISTRICT'S BALLOT QUESTION OR QUESTIONS FOR APPROVAL OF BONDED INDEBTEDNESS OR FOR APPROVAL OF AN ADDITIONAL MILL LEVY. IF A DISTRICT VOLUNTARILY SUBMITS A BALLOT QUESTION OR QUESTIONS PURSUANT TO THIS SUBSECTION (2.5) AND THE DISTRICT AND THE CHARTER SCHOOL MUTUALLY AGREE TO THE CONTENT OF THE CHARTER SCHOOL'S PROPOSAL, THEN COMPLIANCE WITH SUBSECTION (3) OF THIS SECTION IS NOT REQUIRED.

~~(3) (a) A charter school that seeks to have its capital construction needs included as part of a ballot question to be submitted by the board of education of its chartering school district to the voters of the district or that seeks to obtain funding for its capital construction needs through the imposition of a special mill levy pursuant to section 22-30.5-405 or an additional mill levy pursuant to section 22-54-108.7 shall submit a capital construction plan to the board of education of its chartering school district. The plan shall include:~~ A DISTRICT THAT IS CONSIDERING SUBMITTING TO THE DISTRICT'S VOTERS A BALLOT QUESTION OR QUESTIONS THAT CONCERN CAPITAL CONSTRUCTION SHALL SOLICIT PROPOSALS FROM EACH CHARTER SCHOOL ABOUT THEIR CAPITAL CONSTRUCTION NEEDS.

(b) THE SOLICITATION DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION MUST:

(I) BE IN WRITING;

(II) BE MADE AS EARLY AS PRACTICABLE, BUT NO LATER THAN ONE HUNDRED TWENTY DAYS BEFORE APPROVING THE BALLOT QUESTION OR QUESTIONS TO BE SUBMITTED TO THE DISTRICT'S VOTERS; AND

(III) INCLUDE THE DEADLINE FOR THE CHARTER SCHOOL TO RESPOND TO THE SOLICITATION, WHICH MUST BE NO EARLIER THAN FORTY-FIVE DAYS AFTER THE DATE OF THE SOLICITATION.

(c) A CHARTER SCHOOL'S PROPOSAL DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION MUST INCLUDE:

~~(a)~~ (I) A statement of reasons why the capital construction PROPOSED to be financed by bonded indebtedness, ~~or~~ a special MILL LEVY, or AN additional mill levy is necessary;

~~(b)~~ (II) A description of the capital construction PROPOSED to be financed by bonded indebtedness or revenues from a special MILL LEVY or AN additional mill levy;

~~(c)~~ (III) A description of the architectural, functional, and construction standards that meet applicable state building code requirements and are to be applied to each facility that is the subject of the PROPOSED capital construction project;

~~(d)~~ (IV) An estimate of the total cost of completing the capital construction PROPOSED to be financed by bonded indebtedness or a special or additional mill levy and, if any moneys MONEY other than proceeds of bonded indebtedness or a special or additional mill levy and interest earned on such THE proceeds are IS to be used to finance the PROPOSED capital construction, a breakdown of the moneys MONEY that will be used to finance the PROPOSED capital construction;

~~(e)~~ (V) An estimate of the amount of time needed to complete the PROPOSED capital construction;

~~(f)~~ (VI) A statement addressing whether PROPOSED construction and renovation, payment of overrun costs, and other capital construction project issues are to WOULD be managed by the charter school or the district, with costs for management to be negotiated by the charter school and the district;

~~(g)~~ (VII) A statement of reasons why revenue sources other than bonded indebtedness, or a special MILL LEVY, or AN additional mill levy are inadequate to fully finance the PROPOSED capital construction; and

~~(h)~~ (VIII) A statement of the charter school's preferred means of obtaining moneys MONEY.

(d) AT A PUBLIC MEETING OF THE BOARD OR LONG-RANGE PLANNING COMMITTEE, OR, IF NO LONG-RANGE PLANNING COMMITTEE EXISTS, A MEETING OF ANY OTHER COMMITTEE ESTABLISHED BY THE DISTRICT TO ASSESS OR PRIORITIZE THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS THAT OCCURS NO LATER THAN FORTY-FIVE DAYS BEFORE APPROVING A BALLOT QUESTION OR QUESTIONS TO BE SUBMITTED TO THE DISTRICT'S VOTERS, THE CHARTER SCHOOL SHALL PRESENT ITS PROPOSAL DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, INCLUDING THE PROPOSAL CONTENTS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION.

(4) (a) (I) ~~The board of education of a school district shall review a capital construction plan EVERY PROPOSAL submitted by a charter school pursuant to subsection (3) of this section. and determine the priority of the charter school capital construction need in relation to the capital construction needs of other schools in the district. If the charter school's capital construction plan remedies shortcomings in the charter school's facilities identified in the financial assistance priority assessment of public~~

~~school facilities created pursuant to section 22-43.7-108, or, when the assessment created pursuant to section 22-43.7-108 is no longer valid, in another assessment using similar criteria for all schools in the district; The board of education shall prioritize a charter school's capital construction needs in the school district's long-range plan and include those needs in the current ballot question in the upcoming election if the charter school's facility needs receive a higher priority assessment than the other schools in the district.~~

~~(II) Notwithstanding the provisions of this subsection (4) concerning the prioritization of a charter school's capital construction plan and inclusion in a district ballot question for approval of bonded indebtedness; the board of education of a school district and a charter school may agree to an alternative financial plan that addresses a charter school's facilities needs, including retiring financial obligations or bonds previously issued for the benefit of the charter school.~~

~~(III) (A) Nothing in this subsection (4) shall require~~ REQUIRES a school district to prioritize the capital construction plan of a charter school that is on probation with the district or that ~~has been~~ WAS INITIALLY authorized within the previous ~~five~~ THREE years.

~~(B) The board of education of a school district may require a charter school to certify that school construction to be financed with bond proceeds in accordance with this section will remediate a shortcoming in the charter school's facilities identified pursuant to section 22-43.7-108, and that any construction will conform to any construction guidelines established pursuant to SECTION 22-43.7-107.~~

~~(C) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (H) The board of education of a school district and a charter school may agree to reserve or escrow funds for the benefit of the charter school.~~

~~(IV) The board of education shall notify the charter school in writing whether the school district has prioritized the charter school's capital construction needs for inclusion in the ballot question at the upcoming election no later than sixty days prior to the date by which the school district is required to certify the ballot question to the county clerk and recorder.~~

~~(b) (I) If the board has prioritized the charter school capital construction needs pursuant to paragraph (a) of this subsection (4) for inclusion in the ballot question at the upcoming election, the board shall include the charter school's capital construction in the same ballot question being submitted by the district for approval of bonded indebtedness in accordance with subsection (5) of this section.~~ NO LATER THAN THIRTY DAYS BEFORE APPROVING THE BALLOT QUESTION OR QUESTIONS TO BE SUBMITTED TO THE DISTRICT'S VOTERS, THE DISTRICT SUPERINTENDENT SHALL NOTIFY IN WRITING EVERY CHARTER SCHOOL THAT SUBMITTED A PROPOSAL PURSUANT TO SUBSECTION (3) OF THIS SECTION OF THE BOARD'S DECISION CONCERNING WHETHER TO SUBMIT A BALLOT QUESTION FOR APPROVAL OF A SPECIAL MILL LEVY OR INCLUDE THE FUNDING FOR THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION NEEDS IN THE DISTRICT'S BALLOT QUESTION OR QUESTIONS FOR APPROVAL OF BONDED INDEBTEDNESS OR FOR APPROVAL OF AN ADDITIONAL MILL LEVY.

(II) IF THE BOARD DECIDES NOT TO SUBMIT A BALLOT QUESTION FOR APPROVAL OF A SPECIAL MILL LEVY OR INCLUDE THE FUNDING FOR THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION NEEDS IN THE DISTRICT'S BALLOT QUESTION OR QUESTIONS FOR APPROVAL OF BONDED INDEBTEDNESS OR FOR APPROVAL OF AN ADDITIONAL MILL LEVY, THE NOTIFICATION DESCRIBED IN SUBSECTION (4)(b)(I) OF THIS SECTION MUST INCLUDE THE BOARD'S REASONS FOR THE EXCLUSION, WHICH MUST BE SPECIFIC AND RELATED TO THE MERITS OF THE PROPOSAL, AND MUST INCLUDE THE OPPORTUNITY FOR THE CHARTER SCHOOL TO ADDRESS ANY ISSUES RAISED BY THE BOARD. THE BOARD'S REASONS FOR THE EXCLUSION THAT ARE REQUIRED TO BE INCLUDED IN THE NOTIFICATION DESCRIBED IN SUBSECTION (4)(b)(I) ARE FOR INFORMATIONAL PURPOSES ONLY.

~~(c) If the board has not prioritized the charter school's capital construction needs for inclusion in the ballot question at the upcoming election, the board shall provide the charter school with a written statement specifying the reasons for excluding the needs, and the charter school shall have an opportunity to address any issues raised by the board.~~ NO LATER THAN THIRTY DAYS AFTER THE BOARD SELECTS THE CAPITAL CONSTRUCTION PROJECTS THAT ARE INCLUDED FOR A BALLOT QUESTION OR QUESTIONS TO BE SUBMITTED TO THE DISTRICT'S VOTERS, THE BOARD SHALL POST IN A PROMINENT AND READILY ACCESSIBLE LOCATION ON THE BOARD'S WEBSITE A DOCUMENT THAT:

(I) OUTLINES THE PROCESS THAT THE BOARD COMPLETED TO CONSIDER THE CAPITAL CONSTRUCTION NEEDS OF ALL OF ITS SCHOOLS; AND

(II) FOR ALL PROJECTS CONSIDERED, WHETHER THE BOARD CHOSE TO PRIORITIZE THE PROJECT TO INCLUDE FOR A BALLOT QUESTION OR QUESTIONS OR NOT, DESCRIBES IN DETAIL THE REASONING FOR CHOOSING TO PRIORITIZE OR EXCLUDE EACH CAPITAL CONSTRUCTION PROJECT THAT WAS CONSIDERED FOR A BALLOT QUESTION OR QUESTIONS.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO