

CHAPTER 113

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 95-103**

BY SENATORS Schaffer, Duke, Mutzebaugh, Tebedo, and Blickensderfer;  
also REPRESENTATIVES Musgrave, Agler, Congrove, Chlouber, and Dean.

**AN ACT**

**CONCERNING COMPLIANCE BY THE STATE OF COLORADO WITH SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds, determines, and declares that:

(a) Colorado's public schools increasingly rely on fees charged to students to pay for certain course work and educational opportunities;

(b) Fees are, by definition, applied regressively and place the greatest burden upon those who can least afford to pay them, creating inequities in funding distribution and disparities in educational opportunity;

(c) Section 2 of article IX of the state constitution guarantees the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously;

(d) Increasing the personal cost of participating in public academic offerings discourages students from ambitiously pursuing a quality public education.

**SECTION 2.** 22-32-110 (1) (o), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-32-110. Board of education - specific powers.** (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

in its judgment:

(o) To provide ~~free use of~~ textbooks to all school-age pupils enrolled in the public schools. ~~of the district;~~ THE USE OF SUCH TEXTBOOKS MAY BE PROVIDED FREE OF CHARGE OR FOR A REASONABLE RENTAL FEE FOR THE USE OF SOME OR ALL OF THE TEXTBOOKS. THE RENTAL FEE SHALL BE BASED SOLELY ON THE PURCHASE PRICE AND NORMAL LIFE EXPECTANCY OF EACH BOOK RENTED.

**SECTION 3.** 22-32-117 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-32-117. Miscellaneous fees.** (1) When the ~~free~~ use of textbooks is provided pursuant to section 22-32-110 (1) (o), WHETHER FREE OR BY RENTAL, a board of education of a school district may require each nonindigent pupil to make a reasonable loss or damage deposit to cover such textbooks. A board may also require each nonindigent pupil to make a reasonable loss or damage deposit to cover nonacademic equipment. All such deposits shall be refunded to the pupil when he OR SHE has returned the textbooks or equipment in good condition except for ordinary wear.

**SECTION 4.** 22-32-117 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**22-32-117. Miscellaneous fees.** (2) (a) A BOARD MAY REQUIRE A PUPIL TO PAY:

(I) TUITION AS AUTHORIZED BY LAW;

(II) ANY FEES REASONABLY NECESSARY FOR AND REASONABLY RELATED TO THE ACTUAL COST OF TEXTBOOKS OR EXPENDABLE SUPPLIES NOT PROVIDED FREE OF CHARGE;

(III) CHARGES AND FEES AUTHORIZED BY THIS SECTION AND SECTION 22-32-118;

(IV) MISCELLANEOUS FEES COLLECTED ON A VOLUNTARY BASIS AS A CONDITION OF PARTICIPATION OR ATTENDANCE AT A SCHOOL-SPONSORED ACTIVITY OR PROGRAM NOT WITHIN THE ACADEMIC PORTION OF THE EDUCATIONAL PROGRAM.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (2), A BOARD MAY NOT REQUIRE A PUPIL WHO HAS NOT COMPLETED THE TWELFTH GRADE TO PAY:

(I) ANY FEES AS A CONDITION OF ENROLLMENT IN SCHOOL OR AS A CONDITION OF ATTENDANCE IN ANY COURSE OF STUDY, INSTRUCTION, OR CLASS;

(II) ANY FEES FOR ANY COURSE OF STUDY, INSTRUCTION, OR CLASS THAT SATISFIES THE REQUIREMENTS OF OR TRANSFERS THE SKILL, KNOWLEDGE, OR INFORMATION NECESSARY TO MEET THE REQUIREMENTS OF ANY SUCH COURSE TAKEN FOR CREDIT, PROMOTION, OR GRADUATION.

(c) ANY FEE COLLECTED PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2) SHALL BE USED FOR THE PURPOSE SET FORTH IN THE RESOLUTION OF THE BOARD AUTHORIZING THE COLLECTION OF SUCH FEE AND SHALL NOT BE EXPENDED FOR ANY

OTHER PURPOSE. A COMPLETE LIST OF FEES AND THEIR PURPOSES SHALL BE MADE AVAILABLE BY THE BOARD UPON REQUEST.

**SECTION 5. Effective date.** This act shall take effect January 1, 1996; except that, if a referendum petition is filed against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of

Approved: April 27, 1995

**Editor's note:** Since this act does not contain a Safety Clause, it is subject to the referendum provisions of section 1 (3) of article V of the state constitution. See section 5 of this act for the effective date.