

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0495.02 Jacob Baus x2173

**SENATE BILL 26-145**

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**SENATE SPONSORSHIP**

**Bright and Kipp,**

**HOUSE SPONSORSHIP**

**Boesenecker and Gilchrist,**

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CHARTER SCHOOL INVOLVEMENT IN LOCAL BALLOT**  
102 **QUESTIONS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Under current law, subject to procedural requirements, a charter school that has capital construction needs may seek money to fund these needs by requesting that its chartering school district (district):

- Submit a ballot question to the district's voters concerning a special mill levy; or
- Include the charter school's capital construction needs in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

the district's ballot question for bonded indebtedness or for an additional mill levy.

The bill:

- Requires a district that is considering submitting a ballot question or questions to its voters to solicit proposals from its charter schools about their capital construction needs;
- Requires the district's board to notify the charter schools regarding whether it will include the charter school's capital construction needs in the district's ballot questions; and
- Encourages a district to solicit proposals from institute charter schools located within the district's boundaries about their capital construction needs and include funding for the capital construction needs in the district's relevant ballot question.

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

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

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

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

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

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

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

17           (2) Therefore, it is the intent of the general assembly to improve

1 transparency and inclusion in how these bonds are planned,  
2 communicated, and more equitably allocated across all students,  
3 regardless of the type of public school they attend.

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

6 **22-30.5-403. Definitions.**

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

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

11 (1.5) "BOARD OF EDUCATION" OR "BOARD" MEANS A SCHOOL  
12 DISTRICT BOARD OF EDUCATION.

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

15 **22-30.5-404. Needs-based inclusion of charter schools in**  
16 **district bond elections - eligibility - allocation of bond revenues.**

17 (1) (b) (I) ~~A school district shall allow for representation by~~  
18 ~~charter schools on the school district's long-range planning committee and~~  
19 ~~any committee established by the school district to assess and prioritize~~  
20 ~~the district's capital construction needs and shall notify charter schools of~~  
21 ~~the committee's meeting schedule. Charter schools shall cooperate in~~  
22 ~~determining the person or persons who will represent the interests of~~  
23 ~~charter schools on the committee.~~ A DISTRICT'S LONG-RANGE PLANNING  
24 COMMITTEE, IF ONE EXISTS, AND ANY OTHER COMMITTEE ESTABLISHED BY  
25 THE DISTRICT TO ASSESS OR PRIORITIZE THE DISTRICT'S CAPITAL  
26 CONSTRUCTION NEEDS SHALL:

27 (A) MAINTAIN AT LEAST ONE MEMBERSHIP SEAT ON THE

1 COMMITTEE FOR A CHARTER SCHOOL REPRESENTATIVE. THE CHARTER  
2 SCHOOLS SHALL COOPERATE TO APPOINT THE REPRESENTATIVES REQUIRED  
3 PURSUANT TO THIS SUBSECTION (1)(b)(I)(A).

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

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

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

21 (2.5) A DISTRICT IS ENCOURAGED TO VOLUNTARILY SUBMIT A  
22 BALLOT QUESTION FOR APPROVAL OF A SPECIAL MILL LEVY OR INCLUDE  
23 THE FUNDING FOR THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION NEEDS  
24 IN THE DISTRICT'S BALLOT QUESTION OR QUESTIONS FOR APPROVAL OF  
25 BONDED INDEBTEDNESS OR FOR APPROVAL OF AN ADDITIONAL MILL LEVY.  
26 IF A DISTRICT VOLUNTARILY SUBMITS A BALLOT QUESTION OR QUESTIONS  
27 PURSUANT TO THIS SUBSECTION (2.5) AND THE DISTRICT AND THE

1 CHARTER SCHOOL MUTUALLY AGREE TO THE CONTENT OF THE CHARTER  
2 SCHOOL'S PROPOSAL, THEN COMPLIANCE WITH SUBSECTION (3) OF THIS  
3 SECTION IS NOT REQUIRED.

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

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

18 (I) BE IN WRITING;

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

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

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

27 (a) (I) A statement of reasons why the capital construction

1 PROPOSED to be financed by bonded indebtedness, ~~or~~ a special MILL LEVY,  
2 or AN additional mill levy is necessary;

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

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

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

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

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

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

27 ~~(h)~~ (VIII) A statement of the charter school's preferred means of

1 obtaining ~~moneys~~ MONEY.

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

12 (4) (a) (I) ~~The board of education of a school district shall review~~  
13 ~~a capital construction plan~~ EVERY PROPOSAL submitted by a charter school  
14 pursuant to subsection (3) of this section. ~~and determine the priority of the~~  
15 ~~charter school capital construction need in relation to the capital~~  
16 ~~construction needs of other schools in the district. If the charter school's~~  
17 ~~capital construction plan remedies shortcomings in the charter school's~~  
18 ~~facilities identified in the financial assistance priority assessment of~~  
19 ~~public school facilities created pursuant to section 22-43.7-108, or, when~~  
20 ~~the assessment created pursuant to section 22-43.7-108 is no longer valid,~~  
21 ~~in another assessment using similar criteria for all schools in the district.~~  
22 The board of education shall prioritize a charter school's capital  
23 construction needs in the ~~school~~ district's long-range plan and include  
24 those needs in the ~~current~~ ballot question in the upcoming election if the  
25 charter school's facility needs receive a higher priority assessment than  
26 the other schools in the district.

27 (II) ~~Notwithstanding the provisions of this subsection (4)~~

1 concerning the prioritization of a charter school's capital construction plan  
2 and inclusion in a district ballot question for approval of bonded  
3 indebtedness, the board of education of a school district and a charter  
4 school may agree to an alternative financial plan that addresses a charter  
5 school's facilities needs, including retiring financial obligations or bonds  
6 previously issued for the benefit of the charter school.

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

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

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

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

27 (b) (I) If the board has prioritized the charter school capital

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

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

27 (c)      If the board has not prioritized the charter school's capital

1 ~~construction needs for inclusion in the ballot question at the upcoming~~  
2 ~~election, the board shall provide the charter school with a written~~  
3 ~~statement specifying the reasons for excluding the needs, and the charter~~  
4 ~~school shall have an opportunity to address any issues raised by the board.~~

5 NO LATER THAN THIRTY DAYS AFTER THE BOARD SELECTS THE CAPITAL  
6 CONSTRUCTION PROJECTS THAT ARE INCLUDED FOR A BALLOT QUESTION  
7 OR QUESTIONS TO BE SUBMITTED TO THE DISTRICT'S VOTERS, THE BOARD  
8 SHALL POST IN A PROMINENT AND READILY ACCESSIBLE LOCATION ON THE  
9 BOARD'S WEBSITE A DOCUMENT THAT:

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

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

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19 **SECTION 4. Safety clause.** The general assembly finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, or safety or for appropriations for  
22 the support and maintenance of the departments of the state and state  
23 institutions.