

## CHAPTER 193

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 01-237**

BY SENATOR(S) Thiebaut, Anderson, Fitz-Gerald, Hagedorn, Nichol, Taylor, and Teck;  
also REPRESENTATIVE(S) King, Bacon, Clapp, Decker, Fairbank, Jameson, Larson, Mace, Paschall, Sanchez, Schultheis, Scott,  
Sinclair, Tapia, and Williams S.

**AN ACT**

CONCERNING THE FINANCING OF CAPITAL CONSTRUCTION NEEDS OF CHARTER SCHOOLS.

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

**SECTION 1. Legislative declaration - financing charter school capital construction needs.** (1) The general assembly hereby finds and declares that:

(a) The "Charter Schools Act" was enacted by the general assembly without providing a method for funding the capital construction needs of charter schools; and

(b) Each school district is encouraged to discuss with the charter schools authorized by that district any questions of contracting bonded indebtedness that may be submitted to the eligible electors of that district at upcoming elections and to include funding for the capital construction needs of charter schools in the district's questions of contracting bonded indebtedness.

(2) The general assembly further finds and declares that it is the intent of the general assembly to establish a method for funding the capital construction needs of charter schools that is equitable, withstands constitutional challenge, and promotes cooperation between charter schools and their authorizing school districts. To this end and in order to meet the health, safety, and welfare needs of the pupils enrolled in charter schools throughout the state, the general assembly encourages representatives of local boards of education, school district administrators, charter schools, the business community, and any other interested persons to meet and develop a comprehensive legislative proposal for funding the capital construction needs of charter schools for consideration by the sixty-third general assembly at the 2002 regular session. The general assembly further encourages the group of representatives, in developing its legislative proposal, to review and consider the

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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.*

measures taken by other states to create a comprehensive, long-term resolution of the capital construction issues facing charter schools.

**SECTION 2.** 22-42-104.5 (1), Colorado Revised Statutes, as enacted by Senate Bill 01-129, enacted at the First Regular Session of the Sixty-third General Assembly, is amended to read:

**22-42-104.5. Pro rata distribution of bond revenues to qualified charter schools.** (1) Any qualified charter school, as defined in section 22-54-124 (1) (f), that is similarly situated to a noncharter public school that will be constructed, repaired, or otherwise maintained or improved by an expenditure of a district's proceeds of bonds to be issued upon the approval of a question of contracting bonded indebtedness submitted to the eligible electors of the district on or after ~~July 1, 2001~~ JULY 1, 2002, shall receive a portion of the proceeds of said bonds in proportion to the ratio of the qualified charter school's pupil enrollment at grade levels that are also served by one or more similarly situated noncharter public schools that will be constructed, repaired, or otherwise maintained or improved by the district's expenditure of bond proceeds to the total pupil enrollment of all schools in the district that will be constructed, repaired, or otherwise maintained or improved by the district's expenditure of bond proceeds. Any question of contracting bonded indebtedness submitted to the eligible electors of a district on or after ~~July 1, 2001~~ JULY 1, 2002, shall identify any qualified charter school that will receive bond proceeds.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2001