

CHAPTER 175

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 04-1230

BY REPRESENTATIVE(S) Hall, May M., Crane, Fairbank, Lundberg, Mitchell, Rose, Williams S., Williams T., Cadman, Garcia, Hefley, Lee, and Vigil;
also SENATOR(S) Jones.

AN ACT**CONCERNING THE ELECTION OF SCHOOL DISTRICT DIRECTORS FROM DIRECTOR DISTRICTS.**

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

SECTION 1. 22-31-105 (2) and (7) (a), Colorado Revised Statutes, are amended, and the said 22-31-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-31-105. School directors - number - election - term - plan of representation. (2) Except as otherwise provided in section 22-31-131 (1.5) (b) (I) AND SUBSECTION (6.5) OF THIS SECTION, all school directors shall be voted on at large by the eligible electors of the entire school district, regardless of the school district's plan of representation.

(6.5) (a) THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT THAT DESIRES TO HAVE ALL OR SOME MEMBERS OF THE BOARD OF EDUCATION ELECTED BY THE VOTE OF ELIGIBLE ELECTORS WITHIN A DIRECTOR DISTRICT RATHER THAN AT-LARGE MAY SUBMIT A PLAN TO IMPLEMENT SUCH CHANGE TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT ANY REGULAR BIENNIAL SCHOOL ELECTION OR AT A SPECIAL SCHOOL ELECTION CALLED BY THE BOARD FOR THAT PURPOSE. A CHANGE IN THE METHOD FOR ELECTING MEMBERS OF THE BOARD OF EDUCATION MAY CONSIST OF THE ADOPTION OF A DIRECTOR DISTRICT PLAN OF REPRESENTATION OR THE ADOPTION OF A PLAN OF REPRESENTATION THAT COMBINES DIRECTOR DISTRICTS WITH AN AT-LARGE PLAN OF REPRESENTATION. THE PLAN SHALL BE ADOPTED BY THE BOARD OF EDUCATION AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION.

(b) THE ELIGIBLE ELECTORS OF ANY SCHOOL DISTRICT WHO DESIRE TO PROPOSE THE ADOPTION OF ANY CHANGE IN THE MANNER OF THE ELECTION OF MEMBERS OF

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

THE BOARD OF EDUCATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY PETITION THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT TO SUBMIT A PLAN TO IMPLEMENT THE CHANGE TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT ANY REGULAR BIENNIAL SCHOOL ELECTION. THE PETITION SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, AND THE PROPOSED PLAN OF ELECTION SHALL BE ATTACHED THERETO. THE PETITION, TOGETHER WITH THE PROPOSED PLAN, SHALL BE SUBMITTED TO THE SECRETARY OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION. IF THE PLAN MEETS STATUTORY REQUIREMENTS, THE BOARD OF EDUCATION SHALL SUBMIT THE PLAN TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION.

(c) A PLAN OF ELECTION DEVELOPED PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (6.5) SHALL BE SUBJECT TO THE SPECIFICATIONS PRESCRIBED IN SECTION 22-31-109.

(d) THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE NOTICE TO BE GIVEN ON THE QUESTION OF WHETHER THE EXISTING PLAN OF REPRESENTATION SHALL BE REPLACED BY THE PLAN OF REPRESENTATION PROPOSED IN THE MANNER PROVIDED IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (6.5), PURSUANT TO SECTION 1-5-205, C.R.S., WHICH SHALL INCLUDE NOTICE THAT THE PLAN OF ELECTION IS AVAILABLE AT THE ADMINISTRATION OFFICES OF THE SCHOOL DISTRICT FOR PUBLIC INSPECTION DURING REASONABLE BUSINESS HOURS.

(e) THE BALLOT SHALL CONTAIN THE WORDS "FOR THE PROPOSED ELECTION OF DIRECTORS BY THE ELECTORS OF A DIRECTOR DISTRICT" AND "AGAINST THE PROPOSED ELECTION OF DIRECTORS BY THE ELECTORS OF A DIRECTOR DISTRICT". OTHERWISE, THE BALLOTS AND ELECTION PROCEDURES SHALL BE, AS NEARLY AS PRACTICABLE, AS PRESCRIBED FOR A REGULAR BIENNIAL SCHOOL ELECTION.

(f) IF A MAJORITY OF THE VOTES CAST AT THE ELECTION ARE FOR THE PROPOSED PLAN OF ELECTION, THE PLAN SHALL BECOME EFFECTIVE UPON THE SURVEY OF ELECTION RETURNS; BUT NO PLAN OF ELECTION SHALL TERMINATE THE OFFICE OF ANY SCHOOL DIRECTOR ELECTED AT OR PRIOR TO THE ELECTION AT WHICH THE PLAN IS SUBMITTED. THE PLAN SHALL BE EFFECTIVE AFTER THE ELECTION FOR SUBSEQUENT VACANCIES AND THE ELECTION OF SCHOOL DIRECTORS AT ANY SUBSEQUENT REGULAR BIENNIAL SCHOOL ELECTION. IN THE EVENT THAT, AS A RESULT OF THE ADOPTION OF A PLAN OF REPRESENTATION, TWO OR MORE MEMBERS OF THE BOARD OF EDUCATION RESIDE IN THE SAME NEW DIRECTOR DISTRICT AND THE OFFICE OF ANY ONE OF THE MEMBERS THEREAFTER BECOMES VACANT, THE VACANCY SHALL BE FILLED BY THE APPOINTMENT OF AN ELIGIBLE ELECTOR RESIDING IN A DIRECTOR DISTRICT THAT DOES NOT AT THAT TIME HAVE A REPRESENTATIVE ON THE BOARD OF EDUCATION. IF THE MAJORITY OF THE VOTES CAST AT THE ELECTION ARE AGAINST THE PROPOSED PLAN OF ELECTION, THE SCHOOL DIRECTORS OF THE DISTRICT SHALL CONTINUE TO BE ELECTED OR APPOINTED AS PROVIDED UNDER THE EXISTING PLAN OF ELECTION, EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-31-110.

(7) (a) A resolution by a board of education of a school district or a petition of the eligible electors of a school district may propose any of the issues specified in subsections (3) to ~~(6)~~ (6.5) of this section for consideration in one election.

SECTION 2. 22-31-109, Colorado Revised Statutes, is amended to read:

22-31-109. Specifications for director districts. (1) EXCEPT FOR DIRECTOR DISTRICTS ESTABLISHED PURSUANT TO SECTION 22-31-131, in school districts having a director district plan of representation or a combined director district and at-large plan of representation WHERE ALL MEMBERS OF THE BOARD OF EDUCATION ARE VOTED ON BY THE ELIGIBLE ELECTORS OF THE ENTIRE SCHOOL DISTRICT:

(a) At least one member of the board of education of the school district shall be elected from each of the director districts.

(b) Director districts shall be contiguous, compact, and as nearly equal in population as possible.

(c) ~~The~~ Director districts shall be not less than five nor more than seven in number.

(2) IN SCHOOL DISTRICTS HAVING A DIRECTOR DISTRICT PLAN OF REPRESENTATION OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION WHERE SOME OR ALL OF THE MEMBERS OF THE BOARD OF EDUCATION ARE VOTED ON BY THE ELIGIBLE ELECTORS OF A DIRECTOR DISTRICT:

(a) AT LEAST ONE MEMBER OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT SHALL BE ELECTED FROM EACH OF THE DIRECTOR DISTRICTS.

(b) DIRECTOR DISTRICTS SHALL BE CONTIGUOUS, COMPACT, AND COMPOSED OF WHOLE PRECINCTS AS ESTABLISHED, PURSUANT TO SECTION 1-5-101, C.R.S., BY THE CLERK OF THE COUNTY IN WHICH THE PRECINCT IS LOCATED.

(c) DIRECTOR DISTRICTS SHALL BE AS NEARLY EQUAL IN POPULATION AS POSSIBLE, BASED UPON THE MOST RECENT FEDERAL CENSUS OF THE UNITED STATES, MINUS THE NUMBER OF PERSONS SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL FACILITY LOCATED IN A DIRECTOR DISTRICT, AS INDICATED IN THE STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST RECENT FISCAL YEAR.

(d) DIRECTOR DISTRICTS SHALL BE NOT LESS THAN FIVE NOR MORE THAN SEVEN IN NUMBER.

SECTION 3. 22-31-110 (1) (b), Colorado Revised Statutes, is amended to read:

22-31-110. Changes in director districts. (1) (b) (I) The provisions of this section shall not apply to any school district coterminous with a city and county. The director districts for any such school district shall be established as provided in section 22-31-131.

(II) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, FOR SCHOOL DISTRICTS IN WHICH MEMBERS OF THE BOARD OF EDUCATION ARE VOTED ON BY ELIGIBLE ELECTORS OF A DIRECTOR DISTRICT, NOT LATER THAN MARCH 1 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE ELECTION IS CONDUCTED PURSUANT TO SECTION 22-31-105 (6.5), NOT LATER THAN MARCH 1, 2012, AND NOT LATER THAN MARCH 1 EVERY TENTH YEAR THEREAFTER, THE BOARD OF EDUCATION OF EACH SUCH

SCHOOL DISTRICT SHALL DETERMINE THE POPULATION IN EACH OF THE DIRECTOR DISTRICTS AND, IF EACH DIRECTOR DISTRICT DOES NOT CONTAIN SUBSTANTIALLY THE SAME NUMBER OF PERSONS AS EACH OF THE OTHER DIRECTOR DISTRICTS, IT SHALL BE THE DUTY OF THE BOARD, BY RESOLUTION, TO REVISE THE DIRECTOR DISTRICT BOUNDARIES AND REDESIGNATE THE DIRECTOR DISTRICTS TO COMPLY WITH THE SPECIFICATIONS PRESCRIBED IN SECTION 22-31-109 (2) WITHOUT CHANGING THE NUMBER OF DIRECTOR DISTRICTS.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of 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 the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 21, 2004