

## CHAPTER 324

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 05-1191**

BY REPRESENTATIVE(S) Benefield, Borodkin, Coleman, Hoppe, Lindstrom, Madden, Marshall, Merrifield, Pommer, Todd, and Vigil;  
also SENATOR(S) Hillman, Anderson, Bacon, Entz, Kester, Shaffer, Tapia, Teck, and Windels.

**AN ACT**

**CONCERNING EXPANSION OF THE AUTHORITY OF A SCHOOL DISTRICT TO IMPOSE A TRANSPORTATION FEE.**

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

**SECTION 1.** 22-32-113 (5), Colorado Revised Statutes, is amended to read:

**22-32-113. Transportation of pupils - when.** (5) (a) The board of education of any A school district that furnishes transportation to pupils pursuant to the provisions of this section ~~at a special election called for such purpose, may submit to the eligible electors of the district the question of whether to impose and collect a fee for the payment of excess transportation costs. If a majority of the votes cast at any such election are in favor of the question, the board may impose and collect a fee for the payment of excess transportation costs pursuant to a fee schedule adopted by a resolution of the board of education of such THE district. Any special election held pursuant to the provisions of this paragraph (a) shall be held in the manner provided in section 22-40-102 (1.5). Any revenues received from the imposition of a fee pursuant to the provisions of this subsection (5) shall be deposited in the transportation fund of the district created in section 22-45-103 (1) (f).~~

(a.5) PRIOR TO ADOPTING A RESOLUTION TO COLLECT A TRANSPORTATION FEE PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (5), A SCHOOL DISTRICT BOARD OF EDUCATION SHALL HOLD A PUBLIC MEETING TO SOLICIT AND CONSIDER RECOMMENDATIONS FROM, AT A MINIMUM, THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE, OR ITS EQUIVALENT WITHIN THE SCHOOL DISTRICT, AND FROM TEACHERS, PARENTS, AND STUDENTS, INCLUDING BUT NOT LIMITED TO ANY STATEWIDE OR LOCAL ORGANIZATION THAT REPRESENTS PARENTS, TEACHERS, AND STUDENTS WITHIN THE SCHOOL DISTRICT. THE RECOMMENDATIONS SHALL PERTAIN BOTH TO THE QUESTION

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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.*

OF WHETHER TO IMPOSE THE TRANSPORTATION FEE AND TO THE PROPOSED FEE SCHEDULE. THE SCHOOL DISTRICT BOARD OF EDUCATION SHALL PROVIDE PUBLIC NOTICE OF THE MEETING AT LEAST THIRTY DAYS PRIOR TO THE MEETING. AT A MEETING HELD SUBSEQUENT TO THE MEETING AT WHICH THE SCHOOL DISTRICT BOARD OF EDUCATION RECEIVES COMMENTS AND RECOMMENDATIONS, THE DISTRICT BOARD MAY ADOPT A RESOLUTION TO IMPOSE A TRANSPORTATION FEE PURSUANT TO THIS SUBSECTION (5). THE SCHOOL DISTRICT BOARD OF EDUCATION SHALL SPECIFICALLY TAKE INTO ACCOUNT THE RECOMMENDATIONS RECEIVED FROM THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE, OR ITS EQUIVALENT, AND TEACHERS, PARENTS, AND STUDENTS WHEN MAKING THE FINAL DETERMINATION OF WHETHER TO IMPOSE A TRANSPORTATION FEE PURSUANT TO THIS SUBSECTION (5).

(a.6) IN IMPOSING A TRANSPORTATION FEE ON PUPILS PURSUANT TO THIS SUBSECTION (5), THE SCHOOL DISTRICT SHALL ENSURE THAT ONLY THOSE PUPILS WHO USE THE TRANSPORTATION SERVICES ARE REQUIRED TO PAY THE FEE.

(a.7) A SCHOOL DISTRICT SHALL DEPOSIT ANY REVENUES RECEIVED FROM THE IMPOSITION OF A FEE PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (5) IN THE TRANSPORTATION FUND OF THE DISTRICT CREATED IN SECTION 22-45-103 (1) (f).

(a.9) IF A SCHOOL DISTRICT THAT IMPOSES A TRANSPORTATION FEE PURSUANT TO THIS SUBSECTION (5) CHOOSES TO IMPOSE THE TRANSPORTATION FEE ON STUDENTS ENROLLED IN CHARTER SCHOOLS OF THE SCHOOL DISTRICT, THE SCHOOL DISTRICT, PRIOR TO IMPOSING THE TRANSPORTATION FEE, SHALL CONSULT WITH THE PARENTS OF THE STUDENTS ENROLLED IN THE CHARTER SCHOOLS OF THE SCHOOL DISTRICT. IF THE SCHOOL DISTRICT CHOOSES TO INCLUDE CHARTER SCHOOL STUDENTS IN THE TRANSPORTATION FEE, THE SCHOOL DISTRICT SHALL ENSURE THAT THE FULL AMOUNT OF THE TRANSPORTATION FEE COLLECTED FROM STUDENTS ENROLLED IN CHARTER SCHOOLS IS USED TO OFFSET THE COSTS OF PROVIDING TRANSPORTATION SERVICES FOR CHARTER SCHOOL STUDENTS.

(b) For the purposes of this subsection (5), "excess transportation costs" means the current operating expenditures for pupil transportation, as defined in section 22-51-102 (1), minus any reimbursement entitlement, as defined in section 22-51-102 (4). The calculation of excess transportation costs shall be based upon amounts expended and amounts received for the twelve-month period ending on June 30 prior to the adoption of the fee schedule.

(c) If a school district imposes a fee for the transportation of pupils, the district shall waive the fee for any pupil who is eligible for a ~~reduced~~ REDUCED-COST meal or free meal pursuant to the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

**SECTION 2.** 22-30.5-105 (2) (c) (III) (B) and (2) (c) (IV), Colorado Revised Statutes, are amended, and the said 22-30.5-105 (2) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**22-30.5-105. Charter schools - contract contents - regulations - repeal.**  
(2) (c) A contract between a charter school and the chartering local board of education approved on or after July 1, 2002, shall specify:

(III) The actions that the charter school must take in order to:

(B) Have the local board of education submit a ballot question for approval of a special mill levy to finance the capital construction needs of the charter school to the voters of the district pursuant to section 22-30.5-405; ~~and~~

(IV) The financial information, including but not limited to an annual governmental audit, the charter school must report to the chartering school district, the deadline for reporting such information to the chartering school district in order to enable the chartering school district to comply with the requirements specified in this title and in rules promulgated by the state board pertaining to reporting financial information to the department of education, and the circumstances under which the chartering school district may withhold a portion of the charter school's monthly payment as provided in section 22-30.5-112 (8) for failure to comply with financial reporting requirements specified in the contract; AND

(V) WHETHER, AND THE CIRCUMSTANCES UNDER WHICH, THE LOCAL BOARD OF EDUCATION DELEGATES TO THE CHARTER SCHOOL THE AUTHORITY TO IMPOSE A TRANSPORTATION FEE ON STUDENTS WHO ARE ENROLLED IN THE CHARTER SCHOOL AND, IF SO, THE PROCEDURES FOR IMPOSITION OF THE FEE.

**SECTION 3.** 22-30.5-106 (1) (k), Colorado Revised Statutes, is amended to read:

**22-30.5-106. Charter application - contents.** (1) The charter school application shall be a proposed agreement upon which the charter applicant and the chartering local board of education negotiate a charter contract, and, at a minimum, shall include:

(k) A description of how the charter school plans to meet the transportation needs of its pupils and, if the charter school plans to provide transportation for pupils, a plan for addressing the transportation needs of low-income and academically low-achieving pupils AND WHETHER THE CHARTER SCHOOL SEEKS AUTHORITY TO IMPOSE A TRANSPORTATION FEE ON STUDENTS ENROLLED IN THE CHARTER SCHOOL AND THE CIRCUMSTANCES UNDER AND THE PROCEDURES BY WHICH IT WOULD IMPOSE A TRANSPORTATION FEE;

**SECTION 4. 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.

Became Law: June 9, 2005