

# STATE OF COLORADO

## Colorado General Assembly

Natalie Castle, Director  
Legislative Council Staff

**Colorado Legislative Council**  
200 E. Colfax Ave., Room 029  
Denver, Colorado 80203-1716  
Telephone 303-866-3521  
Facsimile 303-866-3855  
Email: lcs.ga@coleg.gov



Ed DeCecco, Director  
Office of Legislative Legal Services

**Office of Legislative Legal Services**  
200 E. Colfax Ave., Room 091  
Denver, Colorado 80203-1716  
Telephone 303-866-2045  
Email: olls.ga@coleg.gov

## MEMORANDUM

**TO:** Kristi Burton Brown and Michael Tsogt  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** March 28, 2024  
**SUBJECT:** Proposed initiative measure #266, concerning Charter School Institute Authority

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with a series of initiatives including proposed initiative 2023-2024 #264 and #265. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiative 2023-2024 #264 and #265, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in those other memoranda may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.

## Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. Repeal existing statutory provisions that give a local board of education the ability to obtain exclusive authority to authorize charter schools within the geographic boundaries of the school district; and
2. Establish requirements for charter school institute membership.

## Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Subsection (2)(a) of Section 3 of the proposed initiative amends existing statutory provisions to reflect the proposed amendment to the Colorado constitution of the proposed initiative regarding membership of the charter school institute board. What is the proponents' intent regarding "an executive from a nonprofit who advocates for school choice..."? The proposed initiative states "an executive...**who** advocates for school choice..." (**Emphasis added**); is it the proponents' intent that the nonprofit entity does not have to advocate for school choice? Would the proponents consider revising for clarity?

## Technical Comments

There are no new technical comments.