

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 12, 2009  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB09-176 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, after line 10, insert the following:

2 "(b) A SCHOOL DISTRICT SHALL ALLOW FOR REPRESENTATION BY  
3 CHARTER SCHOOLS ON THE SCHOOL DISTRICT'S LONG-RANGE PLANNING  
4 COMMITTEE AND ANY COMMITTEE ESTABLISHED BY THE SCHOOL DISTRICT  
5 TO ASSESS AND PRIORITIZE THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS  
6 AND SHALL NOTIFY CHARTER SCHOOLS OF THE COMMITTEE'S MEETING  
7 SCHEDULE. CHARTER SCHOOLS SHALL COOPERATE IN DETERMINING THE  
8 PERSON OR PERSONS WHO WILL REPRESENT THE INTERESTS OF CHARTER  
9 SCHOOLS ON THE COMMITTEE."

10 Reletter succeeding paragraph accordingly.

11 Page 3, line 22, after "(a)", insert "(I)".

12 Page 4, line 2, after "of", insert "OTHER SCHOOLS IN", and strike "entire"  
13 and substitute "~~entire~~";

14 line 3, strike "THE BOARD OF EDUCATION SHALL" and substitute "IF THE  
15 CHARTER SCHOOL'S CAPITAL CONSTRUCTION PLAN REMEDIES  
16 SHORTCOMINGS IN THE CHARTER SCHOOL'S FACILITIES IDENTIFIED IN THE  
17 FINANCIAL ASSISTANCE PRIORITY ASSESSMENT OF PUBLIC SCHOOL  
18 FACILITIES CREATED PURSUANT TO SECTION 22-43.7-108, OR, WHEN THE  
19 ASSESSMENT CREATED PURSUANT TO SECTION 22-43.7-108 IS NO LONGER

1 VALID, IN ANOTHER ASSESSMENT USING SIMILAR CRITERIA FOR ALL  
2 SCHOOLS IN THE DISTRICT, THE BOARD OF EDUCATION SHALL PRIORITIZE  
3 A CHARTER SCHOOL'S CAPITAL CONSTRUCTION NEEDS IN THE SCHOOL  
4 DISTRICT'S LONG-RANGE PLAN AND INCLUDE THOSE NEEDS IN THE  
5 CURRENT BALLOT QUESTION IN THE UPCOMING ELECTION IF THE CHARTER  
6 SCHOOL'S FACILITY NEEDS RECEIVE A HIGHER PRIORITY ASSESSMENT THAN  
7 THE OTHER SCHOOLS IN THE DISTRICT.

8 (II) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (4)  
9 CONCERNING THE PRIORITIZATION OF A CHARTER SCHOOL'S CAPITAL  
10 CONSTRUCTION PLAN AND INCLUSION IN A DISTRICT BALLOT QUESTION FOR  
11 APPROVAL OF BONDED INDEBTEDNESS, THE BOARD OF EDUCATION OF A  
12 SCHOOL DISTRICT AND A CHARTER SCHOOL MAY AGREE TO AN  
13 ALTERNATIVE FINANCIAL PLAN THAT ADDRESSES A CHARTER SCHOOL'S  
14 FACILITIES NEEDS, INCLUDING RETIRING FINANCIAL OBLIGATIONS OR  
15 BONDS PREVIOUSLY ISSUED FOR THE BENEFIT OF THE CHARTER SCHOOL.

16 (III) (A) NOTHING IN THIS SUBSECTION (4) SHALL REQUIRE A  
17 SCHOOL DISTRICT TO PRIORITIZE THE CAPITAL CONSTRUCTION PLAN OF A  
18 CHARTER SCHOOL THAT IS ON PROBATION WITH THE DISTRICT OR THAT HAS  
19 BEEN AUTHORIZED WITHIN THE PREVIOUS FIVE YEARS.

20 (B) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH  
21 (A) OF THIS SUBPARAGRAPH (III), THE BOARD OF EDUCATION OF A SCHOOL  
22 DISTRICT AND A CHARTER SCHOOL MAY AGREE TO RESERVE OR ESCROW  
23 FUNDS FOR THE BENEFIT OF THE CHARTER SCHOOL.

24 (IV) THE BOARD OF EDUCATION SHALL";

25 line 5, after "NEEDS", insert "FOR INCLUSION IN THE BALLOT QUESTION AT  
26 THE UPCOMING ELECTION";

27 line 7, strike "(I)" and substitute "(A)";

28 line 9, strike "(II)" and substitute "(B)";

29 line 16, strike "(4)," and substitute "(4) FOR INCLUSION IN THE BALLOT  
30 QUESTION AT THE UPCOMING ELECTION,";

31 line 17, strike "a" and substitute "a THE SAME" and, after "question", insert  
32 "BEING SUBMITTED BY THE DISTRICT".

1 Page 5, line 14, strike "NEEDS," and substitute "NEEDS FOR INCLUSION IN  
2 THE BALLOT QUESTION AT THE UPCOMING ELECTION,";

3 line 17, strike everything after the period;

4 strike lines 18 through 20.

5 Page 7, line 5, strike "that:" and substitute "~~that:~~ THAT, IF THE CHARTER  
6 SCHOOL'S CHARTER IS REVOKED OR NOT RENEWED, THE CHARTER SCHOOL  
7 BECOMES INSOLVENT AND CAN NO LONGER OPERATE AS A CHARTER  
8 SCHOOL, OR THE CHARTER SCHOOL OTHERWISE CEASES TO OPERATE,  
9 FOLLOWING PAYMENT OF ALL OTHER DEBTS SECURED BY THE CAPITAL  
10 CONSTRUCTION, THE OWNERSHIP OF ANY CAPITAL CONSTRUCTION  
11 FINANCED BY THE BOND PROCEEDS SHALL AUTOMATICALLY REVERT TO  
12 THE SCHOOL DISTRICT.";

13 strike lines 11 and 12 and substitute the following:

14 "(b) ~~The charter school shall not encumber any capital~~  
15 ~~construction financed by bond revenues with any additional debt.~~";

16 before line 13, insert the following:

17 "**SECTION 3.** 22-30.5-405 (1) and (5), Colorado Revised  
18 Statutes, are amended to read:

19 **22-30.5-405. Mill levy for charter school capital construction.**

20 (1) With the agreement of all charter schools that will receive the  
21 revenues generated by a special mill levy, the board of education of any  
22 school district shall, at any time at which a ballot issue arising under  
23 section 20 of article X of the state constitution may be decided, submit to  
24 the eligible electors of the district the question of whether to impose a  
25 mill levy of a stated amount AND FOR A STATED DURATION for the purpose  
26 of financing capital construction for one or more charter schools  
27 chartered by the district. ~~which mill levy shall not exceed one mill in any~~  
28 ~~year or exceed ten years in duration.~~ When a mill levy for more than one  
29 year has been approved, the board shall, without calling an election,  
30 decrease the amount or duration of the mill levy as necessary to avoid  
31 excessive collections as each capital construction project financed by the  
32 mill levy is completed OR THE FINANCING FOR SUCH CAPITAL  
33 CONSTRUCTION HAS BEEN PAID BY THE TAXPAYERS OF SUCH SCHOOL

1 DISTRICT. If the board is required to submit the ballot question for a mill  
2 levy pursuant to section 22-30.5-404 (4), the board shall consult with all  
3 affected charter schools that will receive the revenues generated by the  
4 special mill levy before determining the amount and duration of the  
5 special mill levy. THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT  
6 HAS THE DISCRETION TO COMBINE THE BALLOT QUESTION FOR A MILL LEVY  
7 WITH ANY OTHER TAX QUESTION THAT THE SCHOOL DISTRICT IS  
8 SUBMITTING TO THE ELIGIBLE ELECTORS OF THE DISTRICT OR TO SUBMIT  
9 THE BALLOT QUESTION AS A SEPARATE QUESTION.

10 ~~(5) A school district may impose a total mill levy pursuant to this~~  
11 ~~section in excess of one mill in any year if the voters of the district~~  
12 ~~approve multiple ballot questions, but the mill levy imposed pursuant to~~  
13 ~~any single ballot question submitted pursuant to this section shall not~~  
14 ~~exceed one mill in any year as specified in subsection (1) of this section.~~  
15 ~~The imposition of a second or subsequent mill levy pursuant to this~~  
16 ~~section shall not affect the rights of any charter school to the revenues~~  
17 ~~generated by any preexisting special mill levy."~~

18 Renumber succeeding sections accordingly.

19 Page 8, line 1, strike "AND WITHOUT REVERSIONARY";

20 line 2, strike "INTERESTS TO THE SCHOOL DISTRICT".

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