

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0858.01 Julie Pelegrin x2700

HOUSE BILL 14-1314

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HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING COOPERATION BETWEEN SCHOOL DISTRICTS AND  
102 CHARTER SCHOOLS ON BALLOT QUESTIONS TO AUTHORIZE  
103 ADDITIONAL LOCAL REVENUES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires a school district that authorizes a charter school to include the charter school in the planning process to seek voter approval for additional local revenues to meet operating expenses. If the school district has a planning committee to address additional local

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

revenues, it must include at least one representative of all the district charter schools on the planning committee, and if the school district is considering submitting, or is required by a petition to submit, a ballot question for additional local revenues, it must include the charter school in the discussions.

A charter school may ask its authorizing school district to include the charter school in a ballot question for the school district to authorize additional local revenues or to submit a ballot question solely for the charter school. The charter school must submit to the school district an operating revenues plan that explains the charter school's operating revenues needs. The school district will decide whether to prioritize the charter school's needs and include the charter school in a ballot question. If it does not include the charter school in a ballot question, the school district must give the charter school a written statement of the reasons for its decision. If the school district includes the charter school in a district ballot question, the school district and the charter school must agree on how to apportion the additional local revenues and the costs of submitting the question. If the school district submits a ballot question for the sole benefit of the charter school, the charter school must pay the costs of submitting the question and will receive all of the additional local revenues that are approved.

The bill specifically authorizes a school district to submit a ballot question on behalf of a charter school to authorize additional local revenues. The amount of additional local revenues received is subject to the statutory limitations for other ballot questions to authorize additional local revenues.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-30.5-118 and  
3 22-30.5-119 as follows:

4 **22-30.5-118. Needs-based inclusion of charter schools in school**  
5 **district mill levy elections - eligibility - allocation of additional local**  
6 **revenues - definitions.** (1) IN ENACTING THIS SECTION, IT IS THE INTENT  
7 OF THE GENERAL ASSEMBLY TO RESPECT THE PRINCIPLE OF SCHOOL  
8 DISTRICT LOCAL CONTROL AND TO ENCOURAGE SCHOOL DISTRICTS AND  
9 CHARTER SCHOOLS TO WORK TOGETHER TO ENSURE THAT CHARTER  
10 SCHOOLS' NEEDS FOR OPERATING REVENUES CAN BE MET. ACCORDINGLY,

1 NOTHING IN THIS SECTION LIMITS IN ANY WAY THE EXISTING ABILITY OF A  
2 SCHOOL DISTRICT TO INCLUDE A CHARTER SCHOOL IN A SCHOOL DISTRICT  
3 ELECTION TO APPROVE ADDITIONAL LOCAL REVENUES OR TO OTHERWISE  
4 ASSIST A CHARTER SCHOOL IN OBTAINING FUNDING TO MEET ITS NEEDS FOR  
5 OPERATING REVENUES IN A LEGAL MANNER MUTUALLY AGREED UPON BY  
6 THE SCHOOL DISTRICT AND THE CHARTER SCHOOL.

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES:

9 (a) "ADDITIONAL LOCAL REVENUES" MEANS A MILL LEVY  
10 INCREASE FOR WHICH A SCHOOL DISTRICT RECEIVES VOTER APPROVAL  
11 PURSUANT TO SECTION 22-40-102 (1.5) OR (1.7), 22-54-108, OR  
12 22-54-108.5.

13 (b) "OPERATING REVENUES" MEANS MONEYS USED BY A SCHOOL  
14 DISTRICT OR A CHARTER SCHOOL TO PAY EXPENSES OTHER THAN CAPITAL  
15 CONSTRUCTION EXPENSES.

16 (c) "PLANNING COMMITTEE" MEANS A COMMITTEE FORMED BY A  
17 SCHOOL DISTRICT TO ASSESS AND PRIORITIZE THE SCHOOL DISTRICT'S  
18 NEEDS FOR OPERATING REVENUES AND TO CONSIDER SEEKING ADDITIONAL  
19 LOCAL REVENUES.

20 (3) IF A SCHOOL DISTRICT HAS A PLANNING COMMITTEE, THE  
21 SCHOOL DISTRICT MUST ALLOW THE CHARTER SCHOOLS THAT THE LOCAL  
22 BOARD OF EDUCATION AUTHORIZES TO HAVE AT LEAST ONE  
23 REPRESENTATIVE ON THE SCHOOL DISTRICT'S PLANNING COMMITTEE THAT  
24 REPRESENTS THE GROUP OF CHARTER SCHOOLS AND MUST NOTIFY THE  
25 CHARTER SCHOOLS OF THE PLANNING COMMITTEE'S MEETING SCHEDULE.  
26 THE CHARTER SCHOOLS OF A SCHOOL DISTRICT SHALL COOPERATE IN  
27 DETERMINING THE PERSON OR PERSONS WHO WILL REPRESENT THE

1 INTERESTS OF CHARTER SCHOOLS ON THE PLANNING COMMITTEE.

2 (4) A SCHOOL DISTRICT THAT CONSIDERS SUBMITTING, OR  
3 RECEIVES A PETITION REQUIRING IT TO SUBMIT, A BALLOT QUESTION TO  
4 THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT TO AUTHORIZE  
5 ADDITIONAL LOCAL REVENUES PURSUANT TO SECTION 22-40-102(1.5) OR  
6 (1.7), 22-54-108, OR 22-54-108.5 SHALL INVITE EACH CHARTER SCHOOL  
7 AUTHORIZED BY THE SCHOOL DISTRICT TO PARTICIPATE IN DISCUSSIONS  
8 REGARDING SUBMISSION OF THE QUESTION. THE SCHOOL DISTRICT SHALL  
9 EXTEND THE INVITATION AT THE EARLIEST POSSIBLE TIME BUT NO LATER  
10 THAN JUNE 1 OF THE APPLICABLE ELECTION YEAR. EACH SCHOOL DISTRICT  
11 IS ENCOURAGED TO VOLUNTARILY INCLUDE FUNDING FOR THE OPERATING  
12 REVENUES NEEDS OF CHARTER SCHOOLS IN THE SCHOOL DISTRICT'S  
13 BALLOT QUESTIONS TO AUTHORIZE ADDITIONAL LOCAL REVENUES  
14 WITHOUT REQUIRING A CHARTER SCHOOL TO COMPLY WITH THE  
15 OPERATING REVENUES PLAN SUBMISSION PROCESS SET FORTH IN  
16 SUBSECTION (5) OF THIS SECTION.

17 (5) (a) A CHARTER SCHOOL THAT HAS OPERATING REVENUES  
18 NEEDS MAY REQUEST THAT THE LOCAL BOARD OF EDUCATION OF ITS  
19 CHARTERING SCHOOL DISTRICT:

20 (I) INCLUDE THE CHARTER SCHOOL'S OPERATING REVENUES NEEDS  
21 AS PART OF A BALLOT QUESTION TO AUTHORIZE ADDITIONAL LOCAL  
22 REVENUES THAT THE SCHOOL DISTRICT SUBMITS TO THE ELIGIBLE  
23 ELECTORS OF THE SCHOOL DISTRICT; OR

24 (II) SUBMIT A BALLOT QUESTION TO AUTHORIZE ADDITIONAL  
25 LOCAL REVENUES FOR THE CHARTER SCHOOL TO THE ELIGIBLE ELECTORS  
26 OF THE SCHOOL DISTRICT PURSUANT TO SECTION 22-30.5-119.

27 (b) A CHARTER SCHOOL THAT SEEKS TO HAVE ITS OPERATING

1 REVENUES NEEDS INCLUDED AS PART OF A BALLOT QUESTION THAT THE  
2 LOCAL BOARD OF EDUCATION OF ITS CHARTERING SCHOOL DISTRICT  
3 SUBMITS TO THE ELIGIBLE ELECTORS OF THE DISTRICT OR THAT SEEKS TO  
4 OBTAIN FUNDING FOR ITS OPERATING REVENUES NEEDS THROUGH THE  
5 AUTHORIZATION OF ADDITIONAL LOCAL REVENUES PURSUANT TO SECTION  
6 22-30.5-119 SHALL SUBMIT AN OPERATING REVENUES PLAN TO THE LOCAL  
7 BOARD OF EDUCATION OF ITS CHARTERING SCHOOL DISTRICT. THE PLAN  
8 MUST INCLUDE:

9 (I) A STATEMENT OF THE REASONS WHY THE OPERATING REVENUES  
10 NEEDS THAT WOULD BE FUNDED THROUGH ADDITIONAL LOCAL REVENUES  
11 ARE NECESSARY;

12 (II) A DESCRIPTION OF THE SPECIFIC OPERATIONS THAT WOULD BE  
13 FUNDED THROUGH ADDITIONAL LOCAL REVENUES; AND

14 (III) A STATEMENT OF THE REASONS WHY REVENUE SOURCES  
15 OTHER THAN ADDITIONAL LOCAL REVENUES ARE INADEQUATE TO FULLY  
16 FUND THE CHARTER SCHOOL'S OPERATING REVENUES NEEDS.

17 (6) (a) THE LOCAL BOARD OF EDUCATION SHALL REVIEW THE  
18 OPERATING REVENUES PLAN SUBMITTED BY A CHARTER SCHOOL PURSUANT  
19 TO SUBSECTION (5) OF THIS SECTION AND DETERMINE THE PRIORITY OF THE  
20 CHARTER SCHOOL'S OPERATING REVENUES NEEDS IN RELATION TO THE  
21 OPERATING REVENUES NEEDS OF OTHER SCHOOLS OF THE DISTRICT.

22 (b) AT LEAST SIXTY DAYS BEFORE THE DATE BY WHICH A SCHOOL  
23 DISTRICT MUST CERTIFY A BALLOT QUESTION TO THE COUNTY CLERK AND  
24 RECORDER, THE LOCAL BOARD OF EDUCATION SHALL NOTIFY THE CHARTER  
25 SCHOOL IN WRITING THAT THE SCHOOL DISTRICT HAS OR HAS NOT  
26 PRIORITIZED THE CHARTER SCHOOL'S OPERATING REVENUES NEEDS FOR  
27 INCLUSION IN THE BALLOT QUESTION AT THE UPCOMING ELECTION.

1 (c) IF THE LOCAL BOARD OF EDUCATION PRIORITIZES THE CHARTER  
2 SCHOOL OPERATING REVENUES NEEDS FOR INCLUSION IN THE BALLOT  
3 QUESTION AT THE UPCOMING ELECTION, THE LOCAL BOARD OF EDUCATION  
4 SHALL INCLUDE THE CHARTER SCHOOL'S OPERATING REVENUES REQUEST  
5 IN THE SAME BALLOT QUESTION BEING SUBMITTED BY THE SCHOOL  
6 DISTRICT TO AUTHORIZE ADDITIONAL LOCAL REVENUES.

7 (d) IF THE LOCAL BOARD OF EDUCATION DOES NOT PRIORITIZE THE  
8 CHARTER SCHOOL'S OPERATING REVENUES NEEDS FOR INCLUSION IN THE  
9 BALLOT QUESTION AT THE UPCOMING ELECTION, THE LOCAL BOARD OF  
10 EDUCATION SHALL PROVIDE TO THE CHARTER SCHOOL, WITH THE NOTICE  
11 REQUIRED IN PARAGRAPH (b) OF THIS SUBSECTION (6), A WRITTEN  
12 STATEMENT SPECIFYING THE REASONS FOR EXCLUDING THE CHARTER  
13 SCHOOL'S OPERATING REVENUES NEEDS. THE LOCAL BOARD OF EDUCATION  
14 SHALL ALLOW THE CHARTER SCHOOL AN OPPORTUNITY TO ADDRESS ANY  
15 ISSUES RAISED BY THE BOARD.

16 (e) NOTHING IN THIS SUBSECTION (6) REQUIRES A LOCAL BOARD OF  
17 EDUCATION TO PRIORITIZE THE OPERATING REVENUES PLAN OF A CHARTER  
18 SCHOOL. THE LOCAL BOARD OF EDUCATION AND A CHARTER SCHOOL MAY  
19 AGREE TO RESERVE OR ESCROW MONEYS FOR THE BENEFIT OF THE  
20 CHARTER SCHOOL.

21 (f) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (6)  
22 CONCERNING THE PRIORITIZATION OF A CHARTER SCHOOL'S OPERATING  
23 REVENUES PLAN AND INCLUSION IN A DISTRICT BALLOT QUESTION TO  
24 AUTHORIZE ADDITIONAL LOCAL REVENUES, THE LOCAL BOARD OF  
25 EDUCATION AND A CHARTER SCHOOL MAY AGREE TO AN ALTERNATIVE  
26 FINANCIAL PLAN TO ADDRESS A CHARTER SCHOOL'S OPERATING REVENUES  
27 NEEDS.

1           (7) WHEN A SCHOOL DISTRICT INCLUDES A CHARTER SCHOOL'S  
2 OPERATING REVENUES NEEDS IN A DISTRICT BALLOT QUESTION TO  
3 AUTHORIZE ADDITIONAL LOCAL REVENUES:

4           (a) BEFORE THE SCHOOL DISTRICT SUBMITS THE BALLOT QUESTION  
5 TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, THE LOCAL BOARD  
6 OF EDUCATION AND THE CHARTER SCHOOL MUST AGREE TO THE PROCESS  
7 BY WHICH THE SCHOOL DISTRICT WILL DISTRIBUTE THE ADDITIONAL LOCAL  
8 REVENUES TO THE CHARTER SCHOOL; AND

9           (b) THE SCHOOL DISTRICT AND THE CHARTER SCHOOL MUST BEAR  
10 THE COSTS OF SUBMITTING THE BALLOT QUESTION IN PROPORTION TO  
11 THEIR RESPECTIVE PORTIONS OF THE TOTAL ADDITIONAL LOCAL REVENUES  
12 THAT THE SCHOOL DISTRICT WILL RECEIVE, UNLESS THE LOCAL BOARD OF  
13 EDUCATION AND THE CHARTER SCHOOL AGREE TO A DIFFERENT  
14 COST-SHARING ARRANGEMENT.

15           (8) IF A CHARTER SCHOOL REQUESTS THAT A SCHOOL DISTRICT  
16 SUBMIT A BALLOT QUESTION TO THE ELIGIBLE ELECTORS OF THE SCHOOL  
17 DISTRICT PURSUANT TO SECTION 22-30.5-119 TO APPROVE ADDITIONAL  
18 LOCAL REVENUES, THE CHARTER SCHOOL MUST PAY ALL OF THE COSTS OF  
19 SUBMITTING THE BALLOT QUESTION; EXCEPT THAT, IF THE LOCAL BOARD  
20 OF EDUCATION SUBMITS A SEPARATE SPECIAL MILL LEVY BALLOT  
21 QUESTION ON THE SAME BALLOT AS A BALLOT QUESTION TO APPROVE  
22 ADDITIONAL LOCAL REVENUES, THE SCHOOL DISTRICT AND THE CHARTER  
23 SCHOOL MUST AGREE TO BEAR THE COSTS OF SUBMITTING THE SPECIAL  
24 MILL LEVY BALLOT QUESTION. THE SCHOOL DISTRICT SHALL DISTRIBUTE  
25 TO THE CHARTER SCHOOL ALL OF THE REVENUES RECEIVED AS A RESULT  
26 OF A BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 22-30.5-119.

27           (9) THE ADDITIONAL REVENUES THAT A CHARTER SCHOOL

1 RECEIVES AS A RESULT OF INCLUSION IN A DISTRICT BALLOT QUESTION OR  
2 A BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 22-30.5-119 TO  
3 AUTHORIZE ADDITIONAL LOCAL REVENUES ARE IN ADDITION TO, AND DO  
4 NOT REPLACE, THE MONEYS THE CHARTER SCHOOL RECEIVES FROM THE  
5 SCHOOL DISTRICT PURSUANT TO SECTIONS 22-30.5.112 TO 22-30.5-112.3.  
6 A CHARTER SCHOOL THAT RECEIVES ADDITIONAL REVENUES AS A RESULT  
7 OF INCLUSION IN A DISTRICT BALLOT QUESTION OR A BALLOT QUESTION  
8 SUBMITTED PURSUANT TO SECTION 22-30.5-119 IS SUBJECT TO ANY  
9 RESTRICTIONS ON THE USE OF THOSE REVENUES THAT MAY BE IMPOSED BY  
10 THE STATUTE THAT AUTHORIZES THE SCHOOL DISTRICT TO SEEK  
11 AUTHORIZATION OF THE ADDITIONAL LOCAL REVENUES.

12 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION  
13 TO THE CONTRARY, A SCHOOL DISTRICT SHALL NOT INCLUDE A CHARTER  
14 SCHOOL IN A DISTRICT BALLOT QUESTION TO AUTHORIZE ADDITIONAL  
15 LOCAL REVENUES OR SUBMIT A BALLOT QUESTION ON THE CHARTER  
16 SCHOOL'S BEHALF PURSUANT TO SECTION 22-30.5-119 UNLESS THE  
17 CHARTER SCHOOL THAT IS TO RECEIVE ADDITIONAL LOCAL REVENUES AND  
18 THE SCHOOL DISTRICT HAVE ENTERED INTO A CONTRACT SPECIFYING THAT  
19 THE OWNERSHIP OF ANY ITEMS PURCHASED USING THE ADDITIONAL LOCAL  
20 REVENUES AUTOMATICALLY REVERTS TO THE SCHOOL DISTRICT IF:

21 (a) THE CHARTER SCHOOL'S CHARTER IS REVOKED OR NOT  
22 RENEWED;

23 (b) THE CHARTER SCHOOL BECOMES INSOLVENT AND CAN NO  
24 LONGER OPERATE AS A CHARTER SCHOOL; OR

25 (c) THE CHARTER SCHOOL OTHERWISE CEASES TO OPERATE.

26 **22-30.5-119. Mill levy for charter school operating revenues.**

27 (1) WITH THE AGREEMENT OF ALL CHARTER SCHOOLS THAT WILL RECEIVE



1 THE REVENUES GENERATED BY A MILL LEVY TO COLLECT ADDITIONAL  
2 LOCAL REVENUES, THE LOCAL BOARD OF EDUCATION MAY, AT ANY TIME  
3 AT WHICH A BALLOT ISSUE ARISING UNDER SECTION 20 OF ARTICLE X OF  
4 THE STATE CONSTITUTION MAY BE DECIDED, SUBMIT TO THE ELIGIBLE  
5 ELECTORS OF THE SCHOOL DISTRICT A QUESTION TO AUTHORIZE  
6 ADDITIONAL LOCAL REVENUES PURSUANT TO SECTION 22-40-102(1.5) OR  
7 (1.7), 22-54-108, OR 22-54.108.5 TO PROVIDE OPERATING REVENUES FOR  
8 ONE OR MORE CHARTER SCHOOLS CHARTERED BY THE SCHOOL DISTRICT.  
9 THE LOCAL BOARD OF EDUCATION SHALL CONSULT WITH ALL AFFECTED  
10 CHARTER SCHOOLS THAT WILL RECEIVE THE REVENUES BEFORE  
11 DETERMINING THE AMOUNT OF THE ADDITIONAL LOCAL REVENUES. THE  
12 LOCAL BOARD OF EDUCATION HAS THE DISCRETION TO COMBINE THE  
13 BALLOT QUESTION TO AUTHORIZE ADDITIONAL LOCAL REVENUES WITH  
14 ANY OTHER TAX QUESTION THAT THE SCHOOL DISTRICT IS SUBMITTING TO  
15 THE ELIGIBLE ELECTORS OF THE DISTRICT OR TO SUBMIT THE BALLOT  
16 QUESTION AS A SEPARATE QUESTION.

17 (2) AN ELECTION CALLED PURSUANT TO SUBSECTION (1) OF THIS  
18 SECTION SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF  
19 ARTICLES 1 TO 13 OF TITLE 1, C.R.S. EACH CHARTER SCHOOL THAT IS TO  
20 RECEIVE A PORTION OF THE ADDITIONAL LOCAL REVENUES SHALL BEAR  
21 THE COSTS OF SUBMITTING THE BALLOT QUESTION IN PROPORTION TO THE  
22 AMOUNT OF REVENUES IT IS TO RECEIVE UNLESS THE CHARTER SCHOOLS  
23 AND THE SCHOOL DISTRICT AGREE TO OTHER COST-SHARING  
24 ARRANGEMENTS.

25 (3) IF THE MAJORITY OF VOTES CAST AT AN ELECTION HELD  
26 PURSUANT TO THIS SECTION ARE IN FAVOR OF THE QUESTION, THE MILL  
27 LEVY OF THE SCHOOL DISTRICT FOR ADDITIONAL LOCAL REVENUES IS AS

1 APPROVED BY THE ELIGIBLE ELECTORS OF THE DISTRICT, AND TAXES SHALL  
2 BE LEVIED AS APPROVED. ADDITIONAL LOCAL REVENUES THAT ARE  
3 APPROVED PURSUANT TO THIS SECTION BY A BALLOT QUESTION  
4 SUBMITTED AS PROVIDED IN SECTION 22-40-102 (1.5) OR (1.7), 22-54-108,  
5 OR 22-54-108.5 ARE SUBJECT TO THE LIMITATIONS ON THE AMOUNT AND  
6 USE OF THE REVENUES SPECIFIED IN SECTION 22-40-102 (1.5) OR (1.7),  
7 22-54-108, OR 22-54-108.5, RESPECTIVELY.

8 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-30.5-118  
9 (6) AND ANY PROVISIONS OF THIS SECTION TO THE CONTRARY, A SCHOOL  
10 DISTRICT SHALL NOT IMPOSE A MILL LEVY PURSUANT TO THIS SECTION TO  
11 BENEFIT A CHARTER SCHOOL UNLESS THE CHARTER SCHOOL AND THE  
12 SCHOOL DISTRICT ENTER INTO A CONTRACT SPECIFYING THAT THE  
13 OWNERSHIP OF ANY ITEMS PURCHASED BY THE CHARTER SCHOOL USING  
14 THE REVENUES RECEIVED FROM THE MILL LEVY AUTOMATICALLY REVERTS  
15 TO THE SCHOOL DISTRICT IF:

16 (a) THE CHARTER SCHOOL'S CHARTER IS REVOKED OR NOT  
17 RENEWED;

18 (b) THE CHARTER SCHOOL BECOMES INSOLVENT AND CAN NO  
19 LONGER OPERATE AS A CHARTER SCHOOL; OR

20 (c) THE CHARTER SCHOOL OTHERWISE CEASES TO OPERATE.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2014 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.