

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0858.01 Julie Pelegrin x2700

HOUSE BILL 14-1314

HOUSE SPONSORSHIP

Pettersen, Priola, Ferrandino, Fields, Hamner, Murray, Peniston, Williams, Young

SENATE 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.**

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.

HOUSE
2nd Reading Unamended
March 31, 2014

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.

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.