

**MANUAL
OF
PROCEDURES FOR
SCHOOL ORGANIZATION ACT
OF
1992 AS AMENDED**



**OFFICE OF EDUCATIONAL SERVICES
COLORADO DEPARTMENT OF EDUCATION
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of
Procedures for
School Organization Act of 1992, As Amended**

Colorado Department of Education
October 2003

This document was prepared by the Regional Educational Services



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State of Colorado

FOREWORD

Colorado's Constitution requires the general Assembly to provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state. The School District Organization Act of 1992 was enacted and subsequently amended:

- for the general improvement of the public schools in the state of Colorado;
- for the equalization of the benefits of education throughout the state;
- for the organization of public school districts in the state and the alteration of the boundaries of established school districts, in order to provide for the maintenance of a thorough and uniform system of free public schools throughout the state;
- and for a more responsible expenditure of public funds for the support of the public school system of the state.

The School Organization Act of 1965 was repealed by the School District Organization Act of 1992 during the 1992 legislative session. The statute, C.R.S. 22-30-101 now permits multiple school districts to be created from a single school district and was further amended by House Bill 96-1012 during the 1996 legislative session. In general it simplifies the organization planning process. The 1992 Act and its amendments outline one set of procedures for school districts to follow for any organizational change.

This manual sets forth the steps and procedures for implementing the School District Organization Act of 1992 and its amendments. It is designed to assist school organization planning committees, boards of education, school district administrators, and other Colorado citizens in addressing school organization change.

The Colorado Department of Education will provide guidance and consultation to school organization planning committees and other citizens.

This manual sets forth only an outline of the steps and timelines with regard to school district reorganization. The full text of the law should be consulted and the assistance of a local attorney in school organization matters is advised.

Sincerely,

Gary Sibigtroth
Assistant Commissioner
Office of Educational Services

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Regional Educational Services Unit

The Regional Educational Services Unit (RESU) is assigned responsibility for administering the School District Organization Act of 1992 and as Amended. Members of the RESU will provide information about the school organization process upon request. When school organization planning committees are formed, members of the RESU serve in a consultant role for the planning committee and involved boards of education. Following is a list of the assigned staff members:

Roscoe Davidson, Metro Regional Manager	303-866-6820
Robert Mullen, North Central Regional Manager	303-866-6762
Roger Nepl, Northeast Regional Manager	303-866-6995
Morris Danielson, Northwest Regional Manager	303-866-6630
Garry Sibigroth, Pikes Peak Regional Manager	303-866-6679
David Gray, Southeast Regional Manager	303-866-6684
Samuel Batey, Southwest Regional Manager	303-866-6641
Jhon Penn, West Central Regional Manager	303-866-6632

STEP BY STEP PROCEDURES
of the
SCHOOL DISTRICT ORGANIZATION ACT OF 1992 and as AMENDED BY
H.B. 96-1012

1. The school organization planning committee is activated by:

- one or more local school board(s) through mutual agreement

⇓
OR

- if only one school district is involved, a petition signed by fifteen percent of that school district's eligible electors

⇓
OR

- if multiple school districts are involved, a petition signed by fifteen percent of the eligible electors in each involved school district

⇓
OR

- if the petition requests only consideration of detachment and annexation, the petition shall be signed by twenty-five percent of the electors residing in the area to be detached and annexed

⇓
OR

- if multiple school districts are involved and the pupil enrollment of the school district is greater than thirty thousand pupils the petition shall be signed by five percent of the eligible electors in that school district

⇓
OR

- the state board of education when a school district is no longer accredited.



Only one petition may be presented to the Commissioner and the county clerk and recorder in the county of each involved school district in any three consecutive calendar years.

1. When the Commissioner is notified that one of these conditions exists, the Commissioner will notify the board(s) of education and accountability committee(s) responsible for appointing members and call for the appointment of a school organization planning committee.
2. The membership of the school organization planning committee shall be appointed as follows:
 - if multiple school districts are involved, two members are appointed by the board of education and one parent member by the district advisory accountability committee of each school district affected
 - if a single school district is involved, four members are appointed by the board of education and three parent members are appointed by the district accountability committee. The members appointed by the school district advisory accountability committee shall be parents of children attending public schools in the affected area and members of school building advisory accountability committees
 - if the process was activated by a petition, two additional members are appointed by the petition committee
 - if cases of detachment and annexation involving territory where five or fewer eligible electors reside, the school boards of the affected districts shall serve as the committee.
1. The school organization planning committee once appointed will hold its first meeting within 30 days of notification by the Commissioner.
2. The planning committee will appoint a chair, vice-chair, and secretary.
3. The planning committee will establish the parameters for the school district organization study.
4. The planning committee will make a careful study of public schools within the parameters established by the committee.
5. The planning committee will develop a plan of organization that meets the requirements of the law.
6. The planning committee will file with the Commissioner and the county clerk and recorder in each county affected the proposed plan of organization, the legal name, a map, and the legal description of any proposed reorganized school district.
7. In cases of reorganization in which the only major change is in school district boundaries, the planning committee may simplify the plan by indicating those educational programs or other areas which will not be changed by the proposed action.
8. All meetings of the planning committee will be open to the public and held only after full and timely public notice.

9. The secretary to the school organization planning committee will provide the Commissioner with the names of the officers and the addresses of all committee members.
10. Members of the planning committee will not receive compensation but local districts may compensate members for actual expenses.
11. The Department of education will render all reasonable assistance to the planning committee in the development and submission of organizations plans.
12. The plan of organization must include:
 - the educational needs of pupils in the affected school districts, including the convenience and welfare of pupils;
 - the provision of diverse educational opportunities for students;
 - equalization of the educational opportunities provided to students in the affected school districts;
 - the efficiency and effectiveness of the various educational organization options being studied;
 - facility utilization;
 - establishment of boundaries for all existing or new school districts in the plan of organization by legal description;
 - equitable adjustment and distribution of all or any part of the properties and cash assets of the school districts whose boundaries may be affected by the creation or dissolution of a school district or by the detachment and annexation of territory;
 - provision of a specific plan of representation for the members of the board of education of any proposed new school district. Each proposed new school district may be subdivided into five or seven director school districts or may have all directors elected at large or may have a combination thereof;
 - dates for one or more special school district elections to address the following:
 - Ø adoption of the final approved plan of organization;
 - Ø election of a board of directors if the plan of organization results in the creation of a new school district, except that such plan shall not interfere with the regular biennial election schedule;
 - Ø financial issues, if necessary, including but not limited to an increase in the mill levy, which election shall be held in accordance with the requirements of section 20 of article X of the State Constitution.
 - if the plan of organization results in the creation of a new school district, the estimated maximum increase in the mill levy to be imposed on property included within the new district considering the factors enumerated in 22-54-106(2) c. If the plan of organization results in the detachment and annexation of territory between existing school districts, the plan of organization shall include the mill levy of the annexing district that will be imposed on the affected territory.

- if the plan of organization results in the creation of a new school district, a source of operating funds to be used by the new school district prior to receiving the state share of the total district program, pursuant to the public school finance act of 1994, article 54 of this title, on July 1 of the new school district's first budget year.
 - if the reorganization results in the creation of one or more additional school districts within the boundaries of an existing school district the plan of organization may include:
 - Ø authorization for the existing school district and the new school district or districts to enter into a revenue sharing agreement. The plan of organization shall specify the period of time during which revenue sharing may occur
 - Ø provisions for creation of a joint taxation district
13. When a plan of organization has been tentatively agreed upon by the planning committee, the plan, map and legal description will be filed with the Commissioner and each affected local board of education.
 14. Within 15 days after the filing of the proposed plan of organization, the planning committee will post notice in all effected schools and in newspapers of general circulation in the area of public hearing dates.
 15. Hearings will be held within 30 days of the date the proposed plan is filed with the Commissioner. The planning committee must hold a sufficient number of hearings to enable the residents of the affected area to receive adequate information.
 16. After the public hearings, the planning committee may make changes to the proposed plan.
 17. The planning committee must formally approve the proposed plan within 60 days of the last public hearing.
 18. Within 10 days after such formal approval, the planning committee will forward to the Commissioner a copy of the proposed plan of organization.
 19. The Commissioner and planning committee will then work to develop a mutually acceptable final plan.
 20. The final plan must be approved by the Commissioner and planning committee within 120 days of the last public hearing.
 21. The planning committee will then call for and establish a date for a special school election on the plan.
 22. The election will be held on the date set in the final approved plan.
 23. The planning committee will name a designed election official to conduct the election.

24. Prior to the election, the planning committee will meet with the electors of the area(s) affected and explain the final approved plan.
25. If a majority vote in each affected school district is in favor of the final approved plan:
 - on the date specified in the final approved plan of organization the school district(s) shall become body corporate;
 - the chair of the planning committee will call for a special election for the selection of a board of education for each new school district, to be held on the day specified in the final approved plan of organization;
 - the county clerk(s) and recorder(s) will furnish the Commissioner a map, legal description, and name and number of the new district(s).
1. The existing bonded indebtedness of any school district(s) to be reorganized shall be paid by a tax on the same taxable property that was part of the district which originally issued the bonds. This is levied as if no reorganization had occurred, unless the planning committee submits the issue of assuming the bonded indebtedness of any school district, or of any portion thereof, existing at the time of inclusion in the proposed new district, to the eligible electors at the special school district organization election.
2. If the majority vote in any affected school district is not in favor of the final approved plan, the school organization planning committee will be dissolved.
3. New districts that are created as a result of a deconsolidation shall retain the cost of living factor of the district from which they were separated until the cost of living factor for the new district is certified by the staff of the legislative council.

Sample Form

Please consult your school district attorney for advice on your district's specific legal situation.

CERTIFICATION TO THE COMMISSIONER OF EDUCATION

To: The Commissioner of Education, State of Colorado:

I _____, Secretary of the School Organization Planning committee of _____ county, do hereby certify that the following have filed acceptances in accordance with the provisions of Section 22-30-106 (2) of the School District Organization Act of 1992, Colorado Revised Statute, therefore, constitute the membership of the School Organization Planning Committee of _____ County, Colorado, and that they do live, respectively at the following addresses:

Name	Address	City
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

I further certify that the Chairman is _____
and that the vice-chairman is _____
_____ Secretary of the School Organization Planning Committee

County, Colorado

Date

Time Line Reminders

1. Only one petition may be presented to the Commissioner and the county clerk and recorder in the bounty of each involved school district in any three consecutive calendar years.
2. When any committee has been appointed, the secretary shall certify to the Commissioner the names and addresses of each member of the committee.
3. All meetings of the committee are open to the public and are held after full and timely public notice. The chair may call special meetings upon notice mailed by the secretary to each member 5 days before such meeting.
4. The school organization planning committee once appointed will hold its first meeting within 30 days of notification by the Commissioner.
5. The planning committee will file with the Commissioner and the county clerk and recorder in each county affected the proposed plan of organization, the legal name, a map, and the legal description of any proposed reorganized school district.
6. Within 15 days after the filing of the proposed plan of organization, the planning committee will post notice in all effected schools and in newspapers of general circulation in the area of public hearing dates.
7. Hearings will be held within 30 days of the date the proposed plan is filed with the Commissioner. The planning committee must hold a sufficient number of hearings to enable the residents of the affected area to receive adequate information.
8. After the public hearings, the planning committee may make changes to the proposed plan.
9. The planning committee must formally approve the proposed plan within 60 days of the last public hearing.
10. Within 10 days after such formal approval, the planning committee will forward to the Commissioner a copy of the proposed plan of organization.
11. The Commissioner and planning committee will then work to develop a mutually acceptable final plan.
12. The final plan must be approved by the Commissioner and planning committee within 120 days of the last public hearing.
13. The planning committee will then call for and establish a date for a special school election on the plan.
14. The election will be held on the date specified in the final approved plan.
15. If a majority vote in each affected school district is in favor of the final approved plan:
 - on the date specified in the final approved plan of organization the school district(s) shall become body corporate;
 - the chair of the planning committee will call for a special election for the selection of a board of education for each new school district, to be held on the day specified in the final approved plan of organization;
 - the county clerk(s) and recorder(s) will furnish the Commissioner a map, legal description, and name and number of the new district(s).
16. If the majority vote in any affected school district is not in favor of the final approved plan, the school organization planning committee will be dissolved.

Time line reminders Sample

*Please consult your school district attorney for advice on your district's specific legal situation.

Day 0 beginning of study

The planning committee will appoint a chair, vice-chair, and secretary.

- The planning committee will establish the parameters for the school district organization study.
- The planning committee will make a careful study of public schools within the parameters established by the committee.
- The planning committee will develop a plan of organization that meets the requirements of the law.

Committee meets and develops components of plan including parts:

- The educational needs of pupils in the affected school districts, including the convenience and welfare of pupils;
- The provision of diverse educational opportunities for students;
- Equalization of the educational opportunities provided to students in the affected school districts;
- The efficiency and effectiveness of the various educational organization options being studied;
- Facility utilization;
- Establishment of boundaries for all existing or new school districts in the plan of organization by legal description;
- Equitable adjustment and distribution of all or any part of the properties and cash assets of the school districts whose boundaries may be affected by the creation or dissolution of a school district or by the detachment and annexation of territory;
- Provision of a specific plan of representation for the members of the board of education of any proposed new school district. Each proposed new school district may be subdivided into five or seven director school districts or may have all directors elected at large or may have a combination thereof;
- Dates for one or more special school district elections to address the following:
 - Ø adoption of the final approved plan of organization;
 - Ø election of a board of directors if the plan of organization results in the creation of a new school district, except that such plan shall not interfere with the regular biennial election schedule;
 - Ø financial issues, if necessary, including but not limited to an increase in the mill levy, which election shall be held in accordance with the requirements of section 20 of article X of the State Constitution.

- If the plan of organization results in the creation of a new school district, the estimated maximum increase in the mill levy to be imposed on property included within the new district considering the factors enumerated in 22-54-106(2) c. If the plan of organization results in the detachment and annexation of territory between existing school districts, the plan of organization shall include the mill levy of the annexing district that will be imposed on the affected territory.
- If the plan of organization results in the creation of a new school district, a source of operating funds to be used by the new school district prior to receiving the state share of the total district program, pursuant to the public school finance act of 1994, article 54 of this title, on July 1 of the new school district's first budget year.
- If the reorganization results in the creation of one or more additional school districts within the boundaries of an existing school district the plan of organization may include:
 - Ø authorization for the existing school district and the new school district or districts to enter into a revenue sharing agreement. The plan of organization shall specify the period of time during which revenue sharing may occur
 - Ø provisions for creation of a joint taxation district

(Example April 1) Day 1 (Clocks starts ticking)

When a plan of organization has been tentatively agreed upon by the planning committee, the plan, map and legal description will be filed with the Commissioner and each affected local board of education.

Mid April Day 15

Within 15 days after the filing of the proposed plan of organization, the planning committee will post notice in all effected schools and in newspapers of general circulation in the area of public hearing dates.

Early May Day 30

Hearings will be held within 30 days of the date the proposed plan is filed with the Commissioner. The planning committee must hold a sufficient number of hearings to enable the residents of the affected area to receive adequate information.

Early July Day 90

After the public hearings, the planning committee may make changes to the proposed plan.

The planning committee must formally approve the proposed plan within 60 days of the last public hearing.

Middle July Day 100

Within 10 days after such formal approval, the planning committee will forward to the Commissioner a copy of the approved proposed plan of organization.

The Commissioner and planning committee will then work to develop a mutually acceptable final plan

During September Day 150

The final plan must be approved by the Commissioner and planning committee within 120 days of the last public hearing.

During October Day 151 to Election Day

Prior to the election, the planning committee will meet with the electors of the area(s) affected and explain the final approved plan

November x, xxxx Election Day

- The planning committee will then call for and establish a date for a special school election on the plan.
- The election will be held on the date set in the final approved plan.
- The planning committee will name a designed election official to conduct the election.
- If a majority vote in each affected school district is in favor of the final approved plan:
 - Ø on the date specified in the final approved plan of organization the school district(s) shall become body corporate;
 - Ø the chair of the planning committee will call for a special election for the selection of a board of education for each new school district, to be held on the day specified in the final approved plan of organization;
 - Ø the county clerk(s) and recorder(s) will furnish the Commissioner a map, legal description, and name and number of the new district(s).

End If the majority vote in any affected school district is not in favor of the final approved plan, the school organization planning committee will be dissolved

10/17/03