CHAPTER 93

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 92-1003.
BY REPRESENTATIVES Shoemaker, Agler, Anderson, DeHerrera, Lawrence, Moellenberg, Sullivan, and Young; also SENATORS Meiklejohn, Allison, Ament, Bishop, Peterson, Powers, Tebedo, and Traylor.

AN ACT

CONCERNING CHANGES RELATING TO THE ORGANIZATION OF SCHOOL DISTRICTS.

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

Section 1. Article 30 of title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 30
School District Organization Act of 1992


22-30-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THIS ARTICLE IS ENACTED 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. IN ORDER TO ACCOMPLISH THESE ENDS, THIS ARTICLE SHALL BE LIBERALLY CONSTRUED.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE PROVISIONS OF THIS ARTICLE SHALL APPLY IN ALL OF THE FOLLOWING SITUATIONS:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.
(a) The creation of one or more additional school districts within the existing boundaries of a school district;

(b) The consolidation of two or more school districts or parts of school districts into a new single school district;

(c) The dissolution and annexation of a school district when such school district fails to operate a school within the school district or when the state board declares the school district is no longer accredited;

(d) The detachment and annexation to revise, alter, or modify the boundaries of school districts for the purpose of more effective or economical operation or in order to provide better educational opportunities for the school age children resident in certain territory.

(3) The general assembly further finds and declares that no reorganization of a school district shall occur without the appointment of a school organization planning committee to study the school organization and develop a plan for reorganization of the school district.

22-30-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of education.

(2) "Committee" means the school organization planning committee authorized to study school district organization and develop a plan for reorganization.

(3) "Consolidation" means reorganization of two or more school districts into fewer school districts.

(4) "Detachment and Annexation" means the alteration of boundaries of two or more school districts.

(5) "Director Districts" means subdivisions of a school district which are contiguous, compact, and as nearly equal in population as possible.

(6) "Dissolution and Annexation" means the discontinuance of a school district and annexation of its territory to another existing school district.

(7) "Eligible Elector" means a person who has complied with the registration provisions of articles 1 to 13 of title 1, C.R.S., and who resides within the boundaries of the proposed or existing school district.
(8) "NEW SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT WHICH HAS BECOME A NEW BODY CORPORATE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(9) "PARAMETERS OF THE STUDY" MEANS THE TYPE OF ORGANIZATION AND THE BOUNDARIES OF THE TERRITORY TO BE INCLUDED IN THE STUDY AND THE TIMELINESS WITH WHICH THE COMMITTEE SHALL COMPLETE THE STUDY.

(10) "PETITION COMMITTEE" MEANS NOT LESS THAN THREE NOR MORE THAN FIVE PERSONS WHO ARE NOT MEMBERS OF THE SAME FAMILY WHO SHALL REPRESENT THE SIGNORS OF A PETITION FOR THE STUDY OF SCHOOL ORGANIZATION IN A SCHOOL DISTRICT.

(11) "PLAN OF ORGANIZATION" MEANS THE PLAN OF SCHOOL ORGANIZATION DEVELOPED PURSUANT TO THIS ARTICLE.

(12) "REORGANIZATION" MEANS ANY CHANGE IN SCHOOL DISTRICT ORGANIZATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(13) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO LAW; EXCEPT THAT "SCHOOL DISTRICT" DOES NOT INCLUDE A JUNIOR COLLEGE DISTRICT.

(14) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

22-30-104. Conduct of elections. (1) ALL ELECTIONS AUTHORIZED IN THIS ARTICLE SHALL BE CONDUCTED PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1, C.R.S. FOR EACH ELECTION, THE GOVERNING BODY AUTHORIZED TO CALL THE ELECTION SHALL NAME A DESIGNATED ELECTION OFFICIAL WHO SHALL BE RESPONSIBLE FOR CALLING AND CONDUCTING THE AUTHORIZED ELECTION.

(2) A GOVERNING BODY MAY CONTRACT WITH A COUNTY CLERK AND RECORDER TO BE THE DESIGNATED ELECTION OFFICIAL OR FOR THE ADMINISTRATION OF ANY OF THE DUTIES OF THE DESIGNATED ELECTION OFFICIAL RELATING TO THE CONDUCT OF A SCHOOL DISTRICT ELECTION UNDER THIS ARTICLE.

(3) ELECTION OFFENSES IN ANY ELECTION HELD PURSUANT TO THIS ARTICLE SHALL BE THE SAME AS THOSE PRESCRIBED IN ARTICLE 13 OF TITLE 1, C.R.S.

22-30-105. Activation of the school district organization planning process. (1) THE APPOINTMENT OF A SCHOOL ORGANIZATION PLANNING COMMITTEE CHARGED TO STUDY SCHOOL DISTRICT ORGANIZATION SHALL OCCUR WHEN THE COMMISSIONER IS NOTIFIED THAT ANY OF THE FOLLOWING CONDITIONS EXIST:

(a) ONE OR MORE SCHOOL DISTRICT BOARDS OF EDUCATION REQUEST THE APPOINTMENT OF A SCHOOL ORGANIZATION PLANNING COMMITTEE: EACH SCHOOL DISTRICT WHICH
WOULD BE AFFECTED BY THE ACTIONS OF SUCH PLANNING COMMITTEE MUST SUBMIT A SEPARATE RESOLUTION.

(b) A PETITION COMMITTEE, AS DEFINED IN SECTION 22-30-103 (10), PRESENTS A PETITION TO THE COMMISSIONER AND TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE HEADQUARTERS OF A SCHOOL DISTRICT WHICH WILL BE AFFECTED BY THE ACTIONS OF A PLANNING COMMITTEE ARE LOCATED REQUESTING THE APPOINTMENT OF A SCHOOL ORGANIZATION PLANNING COMMITTEE. SUCH PETITION SHALL CONTAIN A STATEMENT INDICATING THE SCHOOL DISTRICTS TO BE INVOLVED. IF ONLY ONE SCHOOL DISTRICT IS INVOLVED, THE PETITION SHALL BE SIGNED BY TWENTY-FIVE PERCENT OF THAT SCHOOL DISTRICT'S ELIGIBLE ELECTORS. IF MULTIPLE SCHOOL DISTRICTS ARE INVOLVED, THE PETITION SHALL BE SIGNED BY TWENTY-FIVE PERCENT OF THE ELIGIBLE ELECTORS IN EACH INVOLVED SCHOOL DISTRICT. SUCH PETITIONS SHALL BE DEEMED SUFFICIENT BY THE COUNTY CLERK AND RECORDER IN THE COUNTY OF EACH INVOLVED SCHOOL DISTRICT.

(c) THE STATE BOARD DECLARES A SCHOOL DISTRICT IS NO LONGER ACCREDITED. SUCH DECLARATION SHALL INDICATE THE SCHOOL DISTRICTS TO BE INVOLVED IN THE ORGANIZATION STUDY.

22-30-106. School organization planning committee. (1) UPON DETERMINATION THAT ONE OR MORE OF THE CONDITIONS DESCRIBED IN SECTION 22-30-105 EXIST, THE COMMISSIONER SHALL NOTIFY THE BOARDS OF EDUCATION AND COMMITTEES RESPONSIBLE FOR APPOINTING MEMBERS OF A SCHOOL ORGANIZATION PLANNING COMMITTEE AS STATED IN THIS SECTION AND CALL FOR THE APPOINTMENT OF SUCH A COMMITTEE. SUCH A COMMITTEE SHALL BE APPOINTED AND HOLD ITS FIRST MEETING WITHIN THIRTY DAYS OF NOTIFICATION BY THE COMMISSIONER.

(2) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING APPOINTED MEMBERS:

(a) (I) IF MULTIPLE SCHOOL DISTRICTS ARE INVOLVED IN THE STUDY, TWO MEMBERS APPOINTED BY THE BOARD OF EDUCATION IN EACH SCHOOL DISTRICT AFFECTED BY THE STUDY AND ONE MEMBER APPOINTED BY THE SCHOOL DISTRICT ADVISORY ACCOUNTABILITY COMMITTEE OF EACH SCHOOL DISTRICT AFFECTED BY THE STUDY. SUCH MEMBER SHALL BE A PARENT OF A CHILD ATTENDING A PUBLIC SCHOOL IN THE AFFECTED AREA.

(II) IF A SINGLE SCHOOL DISTRICT IS INVOLVED IN THE STUDY, FOUR MEMBERS APPOINTED BY THE SCHOOL DISTRICT BOARD OF EDUCATION AND THREE MEMBERS APPOINTED BY THE SCHOOL DISTRICT ADVISORY ACCOUNTABILITY COMMITTEE. THE MEMBERS APPOINTED BY THE SCHOOL DISTRICT ADVISORY ACCOUNTABILITY COMMITTEE SHALL BE PARENTS OF CHILDREN ATTENDING PUBLIC SCHOOL IN THE AFFECTED AREA.
AND MEMBERS OF SCHOOL BUILDING ADVISORY ACCOUNTABILITY COMMITTEES.

(b) If the school organization planning process was activated by a petition, two additional members appointed by the petition committee.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, where the reorganization of a school district arises from the detachment and annexation of a portion of a school district, which portion has five or fewer eligible electors, the school district boards of education of the affected school districts shall serve as the committee.

22-30-107. Duties of the committee. (1) The committee shall have the following duties:

(a) To appoint a chair, vice-chair, and secretary;
(b) To establish parameters of the study;
(c) To make a careful study of the public school systems within the parameters of the study established by the committee;
(d) To develop a plan of organization which meets the requirements of section 22-30-114;
(e) To cooperate with the school district boards of education of the affected school districts, the state board, and the commissioner in arriving at a plan of organization;
(f) To file with the commissioner and the county clerk and recorder in each county affected by the proposed plan of organization a map and legal description of any new school district, the name of the county in which the new school district shall be headquartered, and the name and number by which the new school district shall be designated;
(g) To call for and make arrangements for elections to vote upon the final approved plan of organization as provided in section 22-30-117 and, if the majority vote in favor of such final approved plan of organization, to call for an election to elect a board of education for the new school district as provided in section 22-30-122;
(h) To assist in the dissemination of information as to the purpose and benefits of the proposed plan of organization and the final approved plan of organization; and
(i) To make all certifications and perform all other acts specifically required of the committee by this article.
22-30-108. Vacancies. After a committee is formed, in case of a vacancy on the committee by death, resignation, failure to accept membership thereon, or discontinuation of the enrollment of a parent member’s child in a school in the affected school district, the vacancy shall be filled in the same manner as the original appointment. If any member fails to attend two consecutive meetings, after due notice and without being excused by the committee chair, the office of such member shall be declared vacant.

22-30-109. Meetings - notice. All meetings of the committee shall be open to the public pursuant to the provisions of section 24-6-402, C.R.S., and shall be held only after full and timely public notice. The chair may call special meetings upon notice mailed by the secretary to each member at least five days before such meeting. A meeting of the committee shall be called by the chair on written request of three members of the committee upon notice mailed by the secretary to each member at least five days before such meeting.

22-30-110. Names certified to commissioner. When any committee has been appointed, as provided in section 22-30-106 (2), the secretary thereof shall certify to the commissioner the names and post office addresses of each member of such committee, indicating the persons elected as chair and vice-chair. Any change in the personnel or officers of such committee shall be likewise certified to the commissioner.

22-30-111. Compensation - expenses. Members of the committee shall not receive compensation for service on such committee from state moneys. The affected school districts may compensate committee members for actual expenses incurred in the performance of their duties under this article.

22-30-112. Department consultants. The state board is authorized to employ such consultants, assistants, and other personnel, within the limits of appropriations to the department of education for salaries and travel expenses of personnel, as may be necessary to render all reasonable assistance to the various committees in the development and submission of plans of organization. All personnel employed shall work under the direction of the commissioner or a designated assistant commissioner.

22-30-113. Duties of the attorney general. The attorney general shall be the legal counsel and advisor of the state board, the commissioner, and, when requested by the
22-30-114. Requirements for plan of organization. (1) The plan of organization shall include, but shall not be limited to, consideration of the following:

(a) The educational needs of the affected population including the convenience and welfare of pupils;

(b) The provision of diverse educational opportunities for students;

(c) Equalization of the educational opportunities provided to students in the affected region;

(d) The efficiency and effectiveness of the various educational organization options being studied;

(e) Facility utilization;

(f) Establishment of boundaries for all existing or new school districts in the plan of organization by legal description;

(g) 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 school districts. In considering an equitable adjustment of the assets of such school districts, the committee shall consider the outstanding general liabilities and obligations of the school districts which may be so affected, the number of children attending public school in each such school district, the valuation for assessment of taxable property in each such school district, the amount of outstanding bonded indebtedness of each such school district, the purpose for which such bonded indebtedness was incurred, and the value, location, and disposition of all real properties located in the school districts which may be affected by the creation or dissolution of a school district or school districts.

(h) Provision of a specific plan of representation for the members of the board of education of each proposed school district. Each such proposed 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. The term of office of school directors in each such reorganized school district shall be for four years.

(2) If the plan of organization results in the dissolution of a school district which has outstanding

22-30-115. Hearing on a plan of organization. (1) WHEN A PLAN OF ORGANIZATION HAS BEEN TENTATIVELY AGREED UPON BY THE COMMITTEE, THE PLAN OF ORGANIZATION WITH THE ATTACHED MAP AND LEGAL DESCRIPTION OF THE BOUNDARIES OF EACH PROPOSED SCHOOL DISTRICT, SHALL BE FILED WITH THE COMMISSIONER AND EACH AFFECTED BOARD OF EDUCATION.

(2) WITHIN FIFTEEN DAYS OF THE FILING OF THE PLAN OF ORGANIZATION, THE COMMITTEE SHALL GIVE NOTICE OF THE FILING OF SUCH PLAN OF ORGANIZATION, MAP, AND LEGAL DESCRIPTION BY PUBLICATION OF SAID FACT IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH AREA AFFECTED BY THE PLAN OF ORGANIZATION AND BY CAUSING TO BE POSTED A COPY OF SAID NOTICE UPON EACH PUBLIC SCHOOL BUILDING IN WHICH SCHOOL WAS HELD DURING ANY PART OF THE PRECEDING TWELVE MONTHS AND WHICH IS LOCATED WITHIN THE BOUNDARIES OF ANY AREA AFFECTED BY THE PLAN OF ORGANIZATION. IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITIES AFFECTED BY THE PLAN OF ORGANIZATION, POSTING OF PUBLIC NOTICE AS PROVIDED IN THIS SUBSECTION (2) SHALL BE SUFFICIENT. SUCH PUBLIC NOTICE SHALL GIVE THE TIME AND PLACE OF ANY MEETING TO BE HELD WITHIN THIRTY DAYS BY THE COMMITTEE FOR HEARINGS ON SUCH PLAN OF ORGANIZATION. THE COMMITTEE SHALL HOLD A SUFFICIENT NUMBER OF HEARINGS TO ENABLE THE RESIDENTS OF THE AFFECTED AREA TO RECEIVE ADEQUATE INFORMATION AND DETAILS OF THE PLAN OF ORGANIZATION BEING CONSIDERED. ANY INTERESTED PERSON MAY APPEAR AT SUCH HEARINGS AND MAKE COMMENTS ON THE PLAN OF ORGANIZATION.
22-30-116. Approval of the plan and submission to the commissioner. After the public hearings required under Section 22-30-115, the committee may make such changes in the proposed plan of organization as it deems appropriate. The committee shall formally approve the proposed plan of organization within sixty days after the last such public hearing. Within ten days of such approval, the committee shall forward to the commissioner a copy of the approved proposed plan of organization, with a map showing the proposed boundaries. The commissioner shall either approve the proposed plan of organization as submitted by the committee or return the proposed plan of organization to the committee with suggested modifications or amendments. The commissioner and the committee shall work together to develop a plan of organization which is mutually acceptable to both parties.

22-30-117. Special school organization election scheduled. The plan of organization shall be approved by the commissioner and the committee within one hundred twenty days following the last public hearing held pursuant to Section 22-30-115 and shall be designated as the final approved plan of organization. At that time, the committee shall call for and establish the date of a special school organization election wherein the eligible electors in each school district affected by the final approved plan of organization shall vote upon the adoption or rejection of the final approved plan of organization. The committee shall name a designated election official who shall be responsible for conducting the election. Such election shall be held no more than forty-five days after the date that the final approved plan of organization is designated.

22-30-118. Meeting to explain final approved plan. Prior to the special school organization election, the committee shall meet with the eligible electors of each area affected by the final approved plan of organization in a convenient place within each area to explain the final approved plan of organization. The committee shall arrange for such meeting and shall give public notice thereof as required in Section 22-30-115 (2) and in such other manner as may be deemed appropriate by the committee.

22-30-119. Certificate of return - map. (1) After the county clerk and recorder in each county in which the special school organization election is held has surveyed the returns of such election, a certificate of return shall be retained on file in each office of the county clerk and recorder.
(2) IF THE MAJORITY VOTE IN EACH AFFECTED SCHOOL DISTRICT IS IN FAVOR OF THE FINAL APPROVED PLAN OF ORGANIZATION, THE COUNTY CLERK AND RECORDER IN EACH COUNTY IN WHICH THE SPECIAL SCHOOL ORGANIZATION ELECTION WAS HELD SHALL FURNISH TO THE COMMISSIONER A MAP AND LEGAL DESCRIPTION OF THE NEW SCHOOL DISTRICT WITH THE NAME AND NUMBER BY WHICH THE SAME SHALL BE DESIGNATED.

22-30-120. New school district - powers. IF A MAJORITY OF THE VOTES CAST IN EACH AFFECTED SCHOOL DISTRICT IN THE SPECIAL SCHOOL ORGANIZATION ELECTION ARE IN FAVOR OF THE FINAL APPROVED PLAN OF ORGANIZATION, UPON THE SIXTIETH DAY AFTER CERTIFICATION OF THE RESULTS OF SAID ELECTION BY THE COUNTY CLERK AND RECORDER IN EACH COUNTY IN WHICH THE SPECIAL SCHOOL ORGANIZATION ELECTION WAS HELD, THE SCHOOL DISTRICT SHALL BECOME A BODY CORPORATE AND AS SUCH SHALL REORGANIZE UNDER THE NAME AND NUMBER STATED IN THE FINAL APPROVED PLAN OF ORGANIZATION AND IN SUCH NAME MAY TAKE, HOLD, AND CONVEY PROPERTY, BOTH REAL AND PERSONAL, AND BE A PARTY TO SUITS AND CONTRACTS.

22-30-121. Rejection of final approved plan. IF THE MAJORITY VOTE IN ANY AFFECTED SCHOOL DISTRICT AT THE SPECIAL SCHOOL ORGANIZATION ELECTION IS NOT IN FAVOR OF THE FINAL APPROVED PLAN OF ORGANIZATION, THE COMMITTEE SHALL BE DISSOLVED.

22-30-122. Election of school directors in new school districts. (1) WHEN A NEW SCHOOL DISTRICT IS FORMED UNDER THE PROVISIONS OF THIS ARTICLE, THE CHAIR OF THE COMMITTEE SHALL CALL FOR A SPECIAL ELECTION IN SUCH NEW SCHOOL DISTRICT FOR THE SELECTION OF A BOARD OF EDUCATION FOR THE SCHOOL DISTRICT, TO BE HELD ON THE DAY THE NEW SCHOOL DISTRICT BECOMES A BODY CORPORATE PURSUANT TO THE PROVISIONS OF SECTION 22-30-120. AT SUCH ELECTION, FIVE OR SEVEN SCHOOL DIRECTORS, THE NUMBER HAVING BEEN ESTABLISHED IN THE FINAL APPROVED PLAN OF ORGANIZATION PURSUANT TO THE PROVISIONS OF SECTION 22-30-114 (1) (h), SHALL BE ELECTED FOR FOUR-YEAR TERMS AS FOLLOWS:

(a) WHEN FIVE SCHOOL DIRECTORS ARE TO BE ELECTED AT SUCH ELECTION, TWO SCHOOL DIRECTORS SHALL BE ELECTED TO SERVE UNTIL THE NEXT REGULAR BIENNIAL SCHOOL ELECTION AND THREE SCHOOL DIRECTORS SHALL BE ELECTED TO SERVE UNTIL THE SECOND REGULAR BIENNIAL SCHOOL ELECTION. AS THE TERM OF OFFICE OF EACH SCHOOL DIRECTOR EXPIRES, A SUCCESSOR SHALL BE ELECTED FOR A FOUR-YEAR TERM OF OFFICE.

(b) WHEN SEVEN DIRECTORS ARE TO BE ELECTED AT SUCH ELECTION, THREE SCHOOL DIRECTORS SHALL BE ELECTED TO SERVE UNTIL THE NEXT REGULAR BIENNIAL SCHOOL ELECTION
AND FOUR SCHOOL DIRECTORS SHALL BE ELECTED TO SERVE UNTIL THE SECOND REGULAR BIENNIAL SCHOOL ELECTION. AS THE TERM OF OFFICE OF EACH SCHOOL DIRECTOR EXPIRES, A SUCCESSOR SHALL BE ELECTED FOR A FOUR-YEAR TERM OF OFFICE.

(c) THE ELECTION OF NEW SCHOOL DIRECTORS PURSUANT TO THIS SECTION SHALL BE HELD IN ACCORDANCE WITH THE "COLORADO ELECTION CODE OF 1980", REFERRED TO AFTER JANUARY 1, 1993, AS THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S., EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

(2) WITHIN TEN DAYS AFTER THE FIRST ELECTION OF MEMBERS OF THE BOARD OF EDUCATION, THE MEMBERS SO ELECTED FOR SUCH NEW SCHOOL DISTRICT SHALL MEET AND SHALL ELECT OFFICERS AS PROVIDED BY LAW AND THEREUPON ENTER UPON AND PERFORM ALL THE DUTIES AND EXERCISE ALL THE POWERS OF A BOARD OF EDUCATION. SUCH OFFICERS SHALL BE SELECTED TO SERVE UNTIL THE NEXT REGULAR BIENNIAL SCHOOL ELECTION.

(3) WHEN THE MEMBERS OF THE BOARD OF EDUCATION OF THE NEW SCHOOL DISTRICT ASSUME THEIR DUTIES AS PROVIDED IN THIS ARTICLE, THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT SITUATED WHOLLY WITHIN SAID NEW SCHOOL DISTRICT SHALL CEASE TO FUNCTION, AND THE TERMS OF OFFICE OF THE MEMBERS THEREOF SHALL THEREUPON AUTOMATICALLY EXPIRE.

(4) ANY PERSON DESIRING TO BE A CANDIDATE FOR THE OFFICE OF DIRECTOR OF A NEW SCHOOL DISTRICT FORMED UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE AN ELIGIBLE ELECTOR OF THE SCHOOL DISTRICT AND, IF DIRECTORS IN SUCH NEW SCHOOL DISTRICT ARE ELECTED UNDER A DIRECTOR DISTRICT PLAN OF REPRESENTATION, A RESIDENT OF THE DIRECTOR DISTRICT WHICH THE CANDIDATE SEeks TO REPRESENT. EACH SUCH CANDIDATE SHALL BE NOMINATED IN THE MANNER OTHERWISE PROVIDED BY LAW FOR SCHOOL DIRECTORS.

SCHOOL DISTRICTS SHALL BE DISSOLVED BY OPERATION OF LAW WHEN SAID NEW SCHOOL DISTRICT BECOMES A BODY CORPORATE.

(2) UNLESS OTHERWISE PROVIDED IN THE PLAN OF ORGANIZATION, WHEN A NEW SCHOOL DISTRICT FORMED UNDER THIS ARTICLE EMBRACES ALL OF THE TERRITORY OF AN OLD SCHOOL DISTRICT, ALL OF THE ASSETS OF THE OLD SCHOOL DISTRICT, INCLUDING ALL PERSONAL AND REAL PROPERTY, EXCEPT MONEYS THEN ON HAND OR TO BE RECEIVED FROM PREVIOUSLY MADE TAX LEVIES FOR THE SATISFACTION OF BONDED INDEBTEDNESS, SHALL BECOME THE PROPERTY OF THE NEW SCHOOL DISTRICT. THE BOARD OF EDUCATION OF THE SUCCESSOR NEW SCHOOL DISTRICT AS DESIGNATED IN THE PLAN OF ORGANIZATION SHALL HAVE ALL RIGHTS, POWERS, AND DUTIES FOR ADMINISTERING PAYMENT OF SAID OUTSTANDING BONDED INDEBTEDNESS OBLIGATIONS IN ACCORDANCE WITH SECTION 22-30-114 (2).


(4) UNLESS OTHERWISE PROVIDED IN THE PLAN OF ORGANIZATION, WHEN THE CONDITIONS PRESCRIBED IN SUBSECTION
(3) Of this section occur, all of the assets of the old school district, including all personal and real properties except moneys then on hand or to be received from previously made tax levies for the satisfaction of bonded indebtedness, shall be apportioned between the old school district and the new school district or school districts or between the two or more new school districts, if applicable, as follows:

(a) All real property shall remain or become the property of the old school district or new school district in which located.

(b) All personal property, except cash assets, but including moneys then on hand or to be received from previously made tax levies for the satisfaction of bonded indebtedness, shall remain or become the property of the old school district or new school district in which located.

(c) All cash assets, except moneys then on hand or to be received from previously made tax levies for the satisfaction of bonded indebtedness, shall be apportioned between the old school district and the new school district or between the two or more new school districts, if applicable, on the basis of the most recent annual report of school enrollment of each such old school district. The apportionment of moneys under this paragraph (c) shall be made by the county treasurer, under the direction of the commissioner and in accordance with the provisions of the plan of organization, monthly as the moneys become available. If there are any unpaid school district taxes on the date upon which the new school district becomes a body corporate other than taxes levied for the satisfaction of bonded indebtedness, the county treasurer, under the direction of the commissioner and in accordance with the provisions of the plan of organization, shall apportion the revenues from such unpaid taxes monthly, when such revenues accrue after the new school district has become a body corporate, between the old school district and the new school district or school districts, or between the two or more new school districts, if applicable, in accordance with the location of the property from which such tax revenues shall accrue.

(5) (a) In the event only one new school district embraces all of the territory of an old school district, the new school district shall assume all of the outstanding obligations and liabilities of the dissolved school district, except those for previously incurred bonded indebtedness; but bonded indebtedness incurred by the former school district may be
ASSUMED BY THE NEW SCHOOL DISTRICT AS PROVIDED IN SECTION 22-30-125.

(b) WHEN THE OLD SCHOOL DISTRICT REMAINS IN EXISTENCE, EVEN THOUGH A PORTION OF THE TERRITORY HAS BEEN INCORPORATED WITHIN A NEW SCHOOL DISTRICT, PREVIOUSLY INCURRED BONDED INDEBTEDNESS OF SUCH OLD SCHOOL DISTRICT SHALL BE PAID AS PROVIDED IN SECTIONS 22-30-124 AND 22-42-122; AND, EXCEPT WHEN THE PLAN OF ORGANIZATION PROVIDES OTHERWISE, THE SCHOOL DISTRICT FROM WHICH THE TERRITORY WAS REMOVED SHALL REMAIN LIABLE FOR ALL OTHER PREVIOUSLY INCURRED LIABILITIES AND OBLIGATIONS.

(c) UNLESS OTHERWISE PROVIDED IN THE PLAN OF ORGANIZATION, WHEN TWO OR MORE NEW SCHOOL DISTRICTS ORGANIZED SIMULTANEOUSLY SHALL INCLUDE ALL OF THE TERRITORY OF AN OLD SCHOOL DISTRICT, EACH NEW SCHOOL DISTRICT SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL OF THE OUTSTANDING LIABILITIES AND OBLIGATIONS OF THE DISOLED SCHOOL DISTRICT, EXCEPT THOSE OUTSTANDING OBLIGATIONS AND LIABILITIES PREVIOUSLY INCURRED FOR BONDED INDEBTEDNESS; BUT A PROPORTIONATE SHARE OF THE PREVIOUSLY INCURRED BONDED INDEBTEDNESS MAY BE ASSUMED AS PROVIDED IN SECTION 22-30-125.

(6) IF, UPON THE EFFECTIVE DATE OF THE ORGANIZATION OF A NEW SCHOOL DISTRICT, AS SPECIFIED IN SECTION 22-30-120, A SCHOOL DISTRICT INCLUDED IN A PLAN OF ORGANIZATION HAS A WARRANT INDEBTEDNESS OR OUTSTANDING LIABILITY, OTHER THAN BONDED INDEBTEDNESS, IN EXCESS OF THE EQUIVALENT OF ONE-HALF MILL ON ITS VALUATION FOR ASSESSMENT, THEN THE BOARD OF EDUCATION OF ANY SUCCESSOR SCHOOL DISTRICT IS AUTHORIZED TO LEVY A SPECIAL TAX, NOT TO EXCEED ONE MILL, AGAINST THE TAXABLE PROPERTY OF THE OLD SCHOOL DISTRICT, THE REVENUE FROM WHICH SHALL BE APPLIED TO THE RETIREMENT OF THE WARRANT INDEBTEDNESS OR OUTSTANDING LIABILITIES OF SUCH SCHOOL DISTRICT. WHEN THEY ARE RETIRED, THE LEVY SHALL BE DISCONTINUED. THE PROCEDURES TO BE FOLLOWED UNDER THE PROVISIONS OF THIS SUBSECTION (6) SHALL BE THE SAME AS PROVIDED IN THIS TITLE FOR THE RETIREMENT OF BONDED INDEBTEDNESS.
BOARD OF EDUCATION OF THE NEW SCHOOL DISTRICT, WHICH SPECIAL TAX SHALL BE LEVIED UPON THE SAME TAXABLE PROPERTY WHICH WOULD HAVE BEEN LEVIED UPON TO PAY SAID INDEBTEDNESS OF SAID OLD SCHOOL DISTRICT IF NO REORGANIZATION HAD OCCURRED, EXCEPT AS IS PROVIDED IN THIS ARTICLE TO THE CONTRARY.

(b) IF THE ASSUMPTION OF ALL OF SAID BONDED INDEBTEDNESS BY ONE NEW SCHOOL DISTRICT HAS BEEN APPROVED AS PROVIDED IN SECTION 22-30-125, SUCH BONDED INDEBTEDNESS SHALL BE PAID IN THE MANNER PROVIDED BY LAW FOR THE PAYING OF ANY BONDED INDEBTEDNESS WHICH THE NEW SCHOOL DISTRICT CONTRACTS PURSUANT TO SECTION 22-30-127.

(c) IF THE ASSUMPTION OF ONLY A PORTION OF SAID BONDED INDEBTEDNESS HAS BEEN APPROVED BY ANY NEW SCHOOL DISTRICT, AS PROVIDED IN SECTION 22-30-125, SUCH PORTION OF THE BONDED INDEBTEDNESS SHALL BE PAID BY A TAX LEVIED FROM TIME TO TIME ON ALL THE TAXABLE PROPERTY LOCATED WITHIN THE NEW SCHOOL DISTRICT. SUCH TAX SHALL NOT EXCEED THAT PROPORTIONATE SHARE OF THE TOTAL AMOUNT OF OUTSTANDING BONDED INDEBTEDNESS SO ASSUMED, AS DETERMINED BY THE PROPORTION WHICH THE TOTAL VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN THE OLD SCHOOL DISTRICT, WHICH IS INCLUDED IN THE NEW SCHOOL DISTRICT, BEARS TO THE TOTAL VALUATION FOR ASSESSMENT OF ALL TAXABLE PROPERTY IN SUCH OLD SCHOOL DISTRICT.

(2) WHENEVER TWO OR MORE OLD SCHOOL DISTRICTS, OR PORTIONS OF SUCH SCHOOL DISTRICTS, HAVE BEEN REORGANIZED AND INCLUDED WITHIN A NEW SCHOOL DISTRICT AND WHENEVER AN OLD SCHOOL DISTRICT HAS BEEN DISSOLVED AND INCLUDED IN ANY OTHER SCHOOL DISTRICT OR SCHOOL DISTRICTS, UNDER THE PROVISIONS OF THIS ARTICLE, AND AT THE TIME OF SUCH REORGANIZATION OR DISSOLUTION AND INCLUSION ONE OR MORE OF SAID OLD SCHOOL DISTRICTS HAS OUTSTANDING BONDED INDEBTEDNESS, WHICH INDEBTEDNESS HAS NOT BEEN ASSUMED BY SAID NEW SCHOOL DISTRICT PURSUANT TO SECTION 22-30-125, THE FOLLOWING DUTIES AND RESPONSIBILITIES SHALL BE PERFORMED BY THE FOLLOWING OFFICERS:

(a) THE BOARD OF EDUCATION OF SUCH NEW SCHOOL DISTRICT SHALL CERTIFY TO THE BOARD OF COUNTY COMMISSIONERS UNDER SEPARATE HEADINGS THE FOLLOWING: THE NUMBERS OF ALL OLD SCHOOL DISTRICTS WHICH HAD ANY BONDED INDEBTEDNESS OUTSTANDING AT THE TIME SAID OLD SCHOOL DISTRICTS WERE REORGANIZED AND UNITED INTO SUCH NEW SCHOOL DISTRICT; THE LEGAL DESCRIPTION OF THE PROPERTY OF SUCH OLD SCHOOL DISTRICTS, WHICH PROPERTY
IS LIABLE FOR PAYMENT OF ALL OR A PORTION OF THE OUTSTANDING BONDED INDEBTEDNESS OF SUCH SCHOOL DISTRICTS; THE AMOUNT OF SUCH INDEBTEDNESS WHICH IS OUTSTANDING; AND THE AMOUNT REQUIRED FOR THE ENSURING CALENDAR YEAR TO MEET THE INTEREST AND PRINCIPAL FALLING DUE THEREIN.

(b) THE BOARD OF COUNTY COMMISSIONERS SHALL LEVY, SEGREGATED UNDER SEPARATE HEADINGS FOR THE SAID OLD SCHOOL DISTRICTS AND FOR THE WHOLE OF SAID NEW SCHOOL DISTRICT, THE SEVERAL AMOUNTS PROPERLY APPLICABLE THERETO FOR TAXES AT THE SAME TIME THAT OTHER TAXES ARE LEVIED AND AT SUCH RATES, AS TO EACH SUCH OLD SCHOOL DISTRICT AND AS TO THE WHOLE OF SAID NEW SCHOOL DISTRICT, FOR THE PAYMENT OF THE MONEYS REQUIRED FOR SAID AMOUNTS OF EITHER PRINCIPAL OR INTEREST, OR BOTH, AND FOR THE OTHER FUNDS NEEDED BY SAID NEW SCHOOL DISTRICT, CERTIFIED BY THE BOARD OF EDUCATION AS WILL PRODUCE THE SEVERAL AMOUNTS SO CERTIFIED.

(c) THE AMOUNTS OF SAID TAXES WHICH SHALL BE LEVIED ON THE SEVERAL PORTIONS OF SAID NEW SCHOOL DISTRICT AND ON THE ENTIRE NEW SCHOOL DISTRICT SHALL BE PLACED IN SEPARATE COLUMNS IN THE TAX BOOK, WHICH COLUMNS SHALL BE HEADED "SPECIAL SCHOOL TAX" AND SHALL BE SUBDIVIDED INTO SEPARATE COLUMNS DESIGNATED BY THE NUMBERS OF THE OLD SCHOOL DISTRICTS BY WHICH SAID BONDED INDEBTEDNESS WAS ISSUED, SHOWING WHAT PORTION OF SAID SPECIAL TAX IS FOR THE PURPOSES OF THE ENTIRE NEW SCHOOL DISTRICT AND WHAT PORTION IS FOR INTEREST OR PRINCIPAL OF BONDED INDEBTEDNESS OF OLD SCHOOL DISTRICTS, TO WHICH INDEBTEDNESS SAID OLD SCHOOL DISTRICTS WERE SUBJECT AT THE TIME OF REORGANIZATION OR DISSOLUTION, AND INCLUSION OF SUCH OLD SCHOOL DISTRICTS IN THE NEW SCHOOL DISTRICT.

(d) THE COUNTY ASSESSOR AND THE COUNTY TREASURER SHALL SO ARRANGE THEIR TAX SCHEDULES AND BOOKS AS TO CONFORM TO THE PROVISIONS OF THIS SECTION AND WITH COLUMN HEADINGS RESPECTIVELY FOR THE ENTIRE NEW SCHOOL DISTRICT SUBDIVIDED INTO COLUMNS DESIGNATED BY PARENTHESES, WITH THE NUMBER OF THE OLD SCHOOL DISTRICT BY WHICH SUCH BONDED INDEBTEDNESS WAS CREATED AND WHICH INDEBTEDNESS IS UNDISCHARGED, AND SHOWING, AS TO EACH PROPERTY LISTED, THE AMOUNT OF TAX PROPERLY LEVIED ON SUCH PROPERTY ON ACCOUNT OF SUCH BONDED INDEBTEDNESS EXISTING AGAINST SAID PROPERTY AS A PORTION OF THE OLD SCHOOL DISTRICT REORGANIZED OR DISSOLVED, AND INCLUDED WITHIN THE NEW SCHOOL DISTRICT AT THE TIME OF SAID LEVY.

22-30-125. Election on assuming the existing bonded indebtedness. (1) THE COMMITTEE MAY SUBMIT 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 SCHOOL DISTRICT, TO THE ELIGIBLE ELECTORS OF SUCH NEW SCHOOL DISTRICT. IF THE COMMITTEE SO DECIDES, THE QUESTION SHALL BE SUBMITTED AT THE SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION.

(2) (a) THE ELECTION SHALL BE HELD PURSUANT TO THE PROVISIONS OF SECTION 22-30-104. THE OUTSTANDING BONDED INDEBTEDNESS INCURRED BY MORE THAN ONE SCHOOL DISTRICT, OR THE PROPORTIONATE SHARES THEREOF, MAY BE ASSUMED SIMULTANEOUSLY BY A NEW SCHOOL DISTRICT UNDER THE PROVISIONS OF THIS SECTION THROUGH THE SUBMISSION OF A SINGLE BALLOT, BUT VOTING ON SEPARATE AMOUNTS OR ALTERNATIVE VOTING ON ONE BALLOT SHALL BE PROHIBITED.

(b) IF ONE OR MORE WHOLE SCHOOL DISTRICTS HAVE BEEN INCLUDED IN A NEW SCHOOL DISTRICT, THE BALLOT SHALL CONTAIN A STATEMENT OF THE AMOUNT OR AMOUNTS OF OUTSTANDING BONDED INDEBTEDNESS PROPOSED TO BE ASSUMED BY THE NEW SCHOOL DISTRICT.

(c) IF ONLY A PORTION OF THE TERRITORY OF AN OLD SCHOOL DISTRICT HAS BEEN INCLUDED IN A NEW SCHOOL DISTRICT, THE PROPORTIONATE SHARE OF THE OUTSTANDING BONDED INDEBTEDNESS INCURRED BY SAID OLD SCHOOL DISTRICT TO BE ASSUMED SHALL BE THAT SHARE WHICH WOULD BE PAID BY THE PORTION OF THE TERRITORY OF THE OLD SCHOOL DISTRICT INCLUDED IN THE NEW SCHOOL DISTRICT IF NO ASSUMPTION THEREOF SHALL OCCUR, AND THE BALLOT SHALL CONTAIN A STATEMENT OF THE TOTAL AMOUNT OF BONDED INDEBTEDNESS OF SUCH OLD SCHOOL DISTRICT AND THAT A PROPORTIONAL SHARE OF SUCH DEBT IS PROPOSED TO BE ASSUMED BY THE NEW SCHOOL DISTRICT.

(d) IF PRINTED BALLOTS ARE USED, THE BALLOT SHALL BE PRINTED OR TYPEWRITTEN AND SHALL CONTAIN THE WORDS "OFFICIAL BALLOT" AND BELOW SET FORTH THE AMOUNT OF OUTSTANDING BONDED INDEBTEDNESS TO BE ASSUMED, OR THAT A PROPORTIONAL SHARE OF SUCH AMOUNT IS PROPOSED TO BE ASSUMED, AS THE CASE MAY BE, BY THE NEW SCHOOL DISTRICT, THE NAME AND NUMBER OF EACH OLD SCHOOL DISTRICT WHICH INCURRED SAID BONDED INDEBTEDNESS, AND, IF THE BALLOT CONTAINS MORE THAN ONEAMOUNT TO BE ASSUMED, THE TOTAL OF SUCH AMOUNTS SHALL BE INDICATED THEREON.

(3) IF A MAJORITY OF THE ELIGIBLE ELECTORS VOTING ON THE PROPOSED QUESTION VOTE FOR THE ASSUMPTION OF THE BONDED INDEBTEDNESS, THE PUBLIC OFFICIALS SHALL PERFORM THE DUTIES SET FORTH IN SECTIONS 22-42-117 TO 22-42-121 WHICH ARE NECESSARY TO ASSURE THAT THE ASSUMED BONDED INDEBTEDNESS IS PAID IN THE MANNER PROVIDED BY
LAW FOR THE PAYING OF ANY BONDED INDEBTEDNESS WHICH THE NEW SCHOOL DISTRICT CONTRACTS.

22-30-126. Limit of bonded indebtedness - new school district. ANY NEW SCHOOL DISTRICT ORGANIZED UNDER THIS ARTICLE SHALL HAVE A LIMIT OF BONDED INDEBTEDNESS OF TWENTY PERCENT OF THE LATEST VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN SUCH SCHOOL DISTRICT. THE INDEBTEDNESS OF THE OLD SCHOOL DISTRICTS OR PARTS OF SCHOOL DISTRICTS CONSTITUTING THE NEW SCHOOL DISTRICTS SHALL NOT BE CONSIDERED IN FIXING THE LIMIT OF SUCH TWENTY PERCENT; BUT, IF ANY NEW SCHOOL DISTRICT SHALL ASSUME THE BONDED INDEBTEDNESS OF ANY SCHOOL DISTRICT OR SCHOOL DISTRICTS, OR A PROPORTIONATE SHARE THEREOF, EXISTING AT THE TIME OF INCLUSION IN THE NEW SCHOOL DISTRICT, PURSUANT TO THE PROVISIONS OF SECTION 22-30-125, SUCH BONDED INDEBTEDNESS SHALL BE INCLUDED IN THE TWENTY PERCENT LIMITATION.

22-30-127. New school district - bonded indebtedness. (1) ANY NEW SCHOOL DISTRICT ORGANIZED UNDER THE PROVISIONS OF THIS ARTICLE HAS THE POWER AND AUTHORITY TO CONTRACT BONDED INDEBTEDNESS IN THE SAME MANNER AND UNDER THE SAME PROCEDURE FOR THE ISSUANCE OF BONDS AS IS PROVIDED BY LAW FOR THE ISSUANCE OF SUCH BONDS BY OTHER SCHOOL DISTRICTS.

(2) ANY NEW SCHOOL DISTRICT HAS THE POWER TO ISSUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING INDEBTEDNESS OF SAID NEW SCHOOL DISTRICT IN THE SAME MANNER AND PROCEDURE AS IS PROVIDED BY LAW FOR THE ISSUANCE OF SUCH BONDS BY OTHER SCHOOL DISTRICTS.

(3) ANY NEW SCHOOL DISTRICT HAS THE POWER TO ISSUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING INDEBTEDNESS OF OLD SCHOOL DISTRICTS, WHICH OLD SCHOOL DISTRICTS HAVE BEEN REORGANIZED OR DISSOLVED, AND INCLUDED WITHIN SAID NEW SCHOOL DISTRICT AND WHICH INDEBTEDNESS HAS BEEN ASSUMED BY SAID NEW SCHOOL DISTRICT PURSUANT TO SECTION 22-30-125. SUCH REFUNDING BONDS SHALL BE ISSUED IN THE SAME MANNER AS IF THE INDEBTEDNESS BEING REFUNDED WERE INDEBTEDNESS ORIGINALLY CONTRACTED BY THE NEW SCHOOL DISTRICT UNDER THE PROVISIONS OF THIS ARTICLE.

(4) ANY NEW SCHOOL DISTRICT HAS THE POWER TO ISSUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING BONDED INDEBTEDNESS OF OLD SCHOOL DISTRICTS, WHICH OLD SCHOOL DISTRICTS HAVE BEEN REORGANIZED OR DISSOLVED, AND INCLUDED WITHIN SAID NEW SCHOOL DISTRICT, AND WHICH INDEBTEDNESS HAS NOT BEEN ASSUMED BY THE NEW SCHOOL DISTRICT, IN THE SAME MANNER AS IF THE
INDEBTEDNESS BEING REFUNDED WERE INDEBTEDNESS ORIGINALLY CONTRACTED BY THE NEW SCHOOL DISTRICT UNDER THE PROVISIONS OF THIS ARTICLE, EXCEPT FOR THE FOLLOWING PARTICULARS:

(a) SAID BONDS SHALL BE DESIGNATED AS REFUNDING BONDS OF THE OLD SCHOOL DISTRICT WHICH CONTRACTED THE ORIGINAL INDEBTEDNESS IN THE FIRST INSTANCE. THE REFUNDING BONDS SHALL BE PAYABLE FROM THE SAME FUNDS WHICH ARE TO BE DERIVED FROM THE SAME SOURCE AS WOULD HAVE BEEN USED TO PAY THE ORIGINAL BONDS OF THE OLD SCHOOL DISTRICT IF NO REFUNDING THEREOF HAD EVER OCCURRED.

(b) THE COVENANTS AND AGREEMENTS IN AND RELATING TO SUCH REFUNDING BONDS SHALL BE MADE AND ENTERED INTO BY THE NEW SCHOOL DISTRICT AS SUCCESSOR TO THE OLD SCHOOL DISTRICT, AND ALL NECESSARY ACTIONS SHALL BE TAKEN BY THE BOARD OF EDUCATION OF THE NEW SCHOOL DISTRICT AS SUCCESSOR TO THE BOARD OF EDUCATION OF THE OLD SCHOOL DISTRICT.

(5) WHENEVER ANY OLD SCHOOL DISTRICT HAS BEEN REORGANIZED AND PARTS THEREOF INCLUDED WITHIN TWO OR MORE NEW SCHOOL DISTRICTS, AND WHENEVER AN OLD SCHOOL DISTRICT HAS BEEN DISSOLVED AND PARTS THEREOF INCLUDED IN TWO OR MORE OTHER SCHOOL DISTRICTS, UNDER THE PROVISIONS OF THIS ARTICLE, AND SAID OLD SCHOOL DISTRICT HAS OUTSTANDING BONDED INDEBTEDNESS, THE REFUNDING OF SUCH OUTSTANDING INDEBTEDNESS OF SAID FORMER SCHOOL DISTRICT SHALL REQUIRE AFFIRMATIVE ACTION BY A MAJORITY OF THE MEMBERS OF THE BOARDS OF EDUCATION OF EACH NEW SCHOOL DISTRICT WITHIN WHICH ANY PART OF THE LANDS FORMERLY INCLUDED WITHIN SAID OLD SCHOOL DISTRICT ARE NOW INCLUDED, EXCEPT AS IS PROVIDED IN THIS ARTICLE TO THE CONTRARY.

(6) ANY SCHOOL DISTRICT FROM WHICH LAND HAS BEEN DETACHED AND INCLUDED WITHIN ANY OTHER SCHOOL DISTRICT, BY REORGANIZATION OR ANY OTHER LAWFUL MEANS, AND WHICH SCHOOL DISTRICT HAS RETAINED ITS LAWFUL CORPORATE EXISTENCE SUBSEQUENT TO THE DETACHMENT OF SUCH LAND FROM SAID SCHOOL DISTRICT SHALL BE SPECIFICALLY EXEMPTED FROM THE REQUIREMENTS AND PROVISIONS OF SUBSECTION (5) OF THIS SECTION, AND THE BOARD OF EDUCATION OF SAID SCHOOL DISTRICT FROM WHICH LAND HAS BEEN DETACHED MAY REFUND ITS BONDS TO WHICH SUCH DETACHED LAND IS SUBJECT WITH OR WITHOUT CONCURRENCE OR ACTION BY THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT WITHIN WHICH SAID DETACHED LAND IS THEN INCLUDED.
Section 2. 22-31-105 (8) (a) and (8) (b), Colorado Revised Statutes, 1988 Repl. Vol., are amended, and the said 22-31-105, as amended, is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-31-105. School directors - number - election - term. (7.5) IN EACH SCHOOL DISTRICT ORGANIZED UNDER THE “SCHOOL DISTRICT ORGANIZATION ACT OF 1992”, FIVE OR SEVEN SCHOOL DIRECTORS, THE NUMBER HAVING BEEN ESTABLISHED IN THE FINAL APPROVED PLAN OF ORGANIZATION AS REQUIRED BY SECTION 22-30-114, SHALL BE ELECTED TO SERVE FOUR-YEAR TERMS ONLY, AND SUCH TERMS SHALL NOT BE INCREASED TO SIX YEARS, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION. IN ADDITION, ANY SCHOOL DISTRICT IN THE STATE HAVING SCHOOL DIRECTORS ELECTED TO SERVE FOUR-YEAR TERMS AS OF JULY 1, 1992, SHALL NOT INCREASE SUCH TERMS TO SIX YEARS, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION.

(8) (a) The board of education of any school district having a school enrollment of at least eight thousand but less than forty thousand, and having five school directors elected for six-year terms of office without a director district plan of representation, may, by resolution passed by a majority of the whole board, submit to the qualified registered electors of the school district, at the next regular biennial school election, a proposal to increase the number of directors from five to seven. The proposal shall be adopted by resolution of the board at least sixty days prior to the election.

(b) Upon written petition the board of education of any school district having a school enrollment of at least eight thousand but less than forty thousand, and having five school directors elected for six-year terms of office without a director district plan of representation, shall submit to the qualified registered electors of the school district, at the next regular biennial school election, a proposal to increase the number of directors from five to seven. The petition shall be signed by at least ten percent of the registered electors of the district and shall be submitted to the secretary of the board of education at least ninety days prior to the election.

Section 3. 22-35-104 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended, is amended to read:

22-35-104. Enrollment in institution of higher education - cooperative agreement. (1) Any pupil who is not more than twenty years old and who is enrolled in the eleventh or twelfth grade of a school district, as defined in section 22-30-103 (9), 22-30-103 (13), is eligible to apply to an institution of higher education to allow such pupil to enroll in courses offered by such institution of higher education when such courses or courses similar thereto are not offered for college credit by such school district or when scheduling conflicts would prevent the student from taking the course at the high school.

Section 4. 22-36-101 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-36-101. Choice of programs and schools within school districts. (1) Except as otherwise provided in subsection (3) of this section, every school district, as defined in section 22-30-103 (9), 22-30-103 (13), shall allow
its resident pupils who apply pursuant to the procedures established pursuant to subsection (2) of this section to enroll in particular programs or schools within such school district.

Section 5. 22-36-102 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-36-102. Interdistrict schools of choice pilot program - repeal. (1) There is hereby established an interdistrict schools of choice pilot program. The department of education may select, pursuant to the provisions of section 22-36-103, no more than three school districts, as defined in section 22-30-103 (9), 22-30-103 (13), for participation in the interdistrict schools of choice pilot program during any given academic year; however, only one school district from each of the geographical areas specified in section 22-36-103 (2) (b) may be selected.

Section 6. 22-43-107 (5), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

22-43-107. Application of bond proceeds - procedures - limitations. (5) In no event shall the aggregate amount of bonded indebtedness of any school district exceed the maximum allowable amount as determined pursuant to section 22-30-129 22-30-126 or 22-42-104; except that, in determining and computing such aggregate amount of bonded indebtedness of any district, bonds which have been refunded, as provided in this article, either by immediate payment or redemption and retirement or by the placement of the proceeds of refunding bonds in escrow, shall not be deemed outstanding indebtedness from and after the date on which sufficient moneys are placed with the paying agent of such outstanding bonds for the purpose of immediately paying or redeeming and retiring such bonds, or from and after the date on which the proceeds of said refunding bonds are placed in escrow.

Section 7. Repeal. Sections 18 through 31 of House Bill 92-1333, enacted at the Second Regular Session of the Fifty-eighth General Assembly, are repealed.

Section 8. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

Section 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1992

Editor's note: Section 7 of this act is further amended by section 69 of chapter 313.