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Colorado General Assembly

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MEMORANDUM

To: Dina Puente and Terrance Carroll

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 17, 2026

Subject: Proposed Initiative Measures 2025-2026 #278, #279, #280, and #281,
Concerning Expanding Public School Options

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Proposed initiatives **2025-2026 #278, #279, #280, and #281** were submitted by the same designated representatives as a series of proposed initiatives. The comments and questions raised in this memorandum address proposed initiatives **2025-2026 #278, #279, #280 and #281**.

Earlier versions of these proposed initiatives, proposed initiatives **2025-2026 #229, #230, and #231**, submitted by the same designated representatives, were the subject of

a memorandum dated February 17, 2026, and were discussed at a public meeting on February 20, 2026. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the earlier memorandum or at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiatives. Prior comments and questions that are not restated in this memorandum continue to be relevant and are considered part of this memorandum.

Purposes

Purpose for Proposed Initiative 2025-2026 #278

The major purpose of the proposed amendments to the Colorado Revised Statutes appears to be to prohibit an appeal of a local school board's denial of a charter school application or renewal, and subsequently require the charter school's release to the state charter school institute, which may deny or approve the charter school's application.

Purpose for Proposed Initiative 2025-2026 #279

The major purpose of the proposed amendments to the Colorado Revised Statutes appears to be to require a charter school's release to the state charter school institute, which may deny or approve the charter school's application, if the charter school does not appeal the local board of education's decision to deny the application or renewal.

Purposes for Proposed Initiative 2025-2026 #280

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. Prohibit tuition for public schools;
2. Prohibit public school fees that are excessive or not rationally related to the cost of the service or item provided;
3. Prohibit an appeal of a local school board's denial of a charter school application or renewal, and subsequently require the charter school's release to the state charter school institute, which may deny or approve the charter school's application; and
4. Require enrollment priority for students who apply to a school or program in which they were enrolled the prior year.

Purposes for Proposed Initiative 2025-2026 #281

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. Prohibit tuition for public schools;
2. Prohibit public school fees that are excessive or not rationally related to the cost of the service or item provided;
3. Require a charter school's release to the state charter school institute, which may deny or approve the charter school's application, if the charter school does not appeal the local board of education's decision to deny the application or renewal; and
4. Require enrollment priority for students who apply to a school or program in which they were enrolled the prior year.

Substantive Comments and Questions

The substance of the proposed initiatives raises the following comments and questions:

1. The following question relates to proposed initiative #278:
 - a. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. The following question relates to proposed initiative #279:
 - a. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
3. The following question relates to proposed initiative #280:
 - a. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
4. The following question relates to proposed initiative #281:

- a. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
5. Section 2 of proposed initiatives #278, #279, #280, and #281 states that, “Notwithstanding the ‘Charter Schools Act,’ part 1 of article 30.5 of this title,” if a local board of education denies a charter school’s application or renewal, the state board of education is required to “[release] [the charter school] to the Colorado charter school institute.”
 - a. The “Charter Schools Act” contains 5 parts under article 30.5 of title 22. By specifying part 1 only, how are parts 2 through 5, especially part 5 which concerns institute charter schools, of the “Charter Schools Act” intended to interact with this new requirement?
 - b. What do the proponents intend “release” to mean?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public hearing only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment hearing. Please consider revising the proposed initiative as follows:

1. It is standard drafting practice to use normal type, rather than small capital letters, for nonstatutory legislative declarations.