

COLORADO TITLE SETTING BOARD

IN THE MATTER OF THE TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE FOR
INITIATIVE 2025-2026 #278

PROPONENTS' MOTION FOR REHEARING

Dina Puente and Terrance Carroll, registered electors of the State of Colorado and the designated representatives of the proponents of Initiative 2025-2026 #278 (“Initiative #278”), through counsel, Ireland Stapleton Pryor & Pascoe, PC, move for rehearing on the title setting for Initiative #278, stating as follows:

On April 1, 2026, the Title Board set the title for Initiative #278 as follows:

A change to the Colorado Revised Statutes changing procedures related to charter school applications, and, in connection therewith, if a local school district denies the charter school’s application, the charter school applicant no longer appeals to the state board of education but instead may apply to the state charter school institute.

In setting titles, the Title Board “must navigate the straits between brevity and unambiguously stating the central features of the provision sought to be added, amended, or repealed.” *In re Proposed Initiative Concerning “Automobile Coverage”*, 877 P.2d 853, 857 (Colo. 1994). Titles are defective if they do not “clearly and concisely reflect the central features of the proposal”. *Id.* at 856. Additionally, the title board must “avoid titles for which the general understanding of the effect of a ‘yes/for’ or ‘no/against’ vote will be unclear.” C.R.S. § 1-40-106(3(b)).

Here, the central feature of Initiative #278 is to expand charter school applicants’ access to the Colorado Charter School Institute (“CSI”). The title as set is defective because it does not clearly and concisely convey this central purpose, but instead reads as merely a procedural measure concerning charter school applications. Voters reading the title as set will not understand that, in voting “yes,” they are expanding access to CSI.

As set out in its legislative declaration, CSI was established as a statewide chartering authority to create an alternative mode for approving charter schools where local districts do not want to be the chartering authority. C.R.S. § 22-30.5-501(b). However, under current law, the vast majority of charter school applicants do not have a concrete path to CSI chartership if the local district is unwilling to charter the school. Applicants can apply with CSI “only if the school district in which the institute charter school is to be located has not retained exclusive authority to authorize charter schools.” C.R.S. § 22-30.5-504(2).

Across the state, 172 of 178 districts have elected to retain exclusive chartering authority, meaning that, in 97% of districts, a charter applicant’s only option is to apply to the local school

board for chartership. See <https://www.csi.state.co.us/wp-content/uploads/2024/11/Exclusive-Chartering-Authority-Overview.pdf> (last accessed Apr. 7, 2026); see also C.R.S. § 22-30.5-504(8) (providing that, where the local board has retained exclusive chartering authority, an applicant can apply for CSI chartership only if the local board passes a resolution granting permission).

Voters reading the title will have no idea that the central purpose of Initiative #278 is to expand access to CSI or that their “yes” vote will have that effect. The concept of expanding access is critical because otherwise voters will not understand the limited access to CSI under the status quo. Instead, voters will regard Initiative #278 as merely a procedural measure affecting how applicants apply for chartership, which is misleading. To rectify this, the introductory phrase must state the measure’s central purpose to expand access to CSI.

Additionally, the title should track the actual language of the measure providing that a local board’s decision on charter application is final. In not doing so, the title fails to alert voters of the key concept that a local board can no longer be forced to charter a school by the state board. Instead, the title reads as if a charter applicant simply seeks recourse on a denial through a different body—CSI as opposed to the state board.

Accordingly, the following is a clear and accurate title that conveys the expanded access to CSI, allows voters to better understand the impact of a “yes/no” vote, and more accurately tracks the measure’s straightforward language:

A change to the Colorado Revised Statutes expanding access to the state charter school institute by providing that a local school board’s decision on a charter school’s application is final and, if the application is denied, allowing the applicant to apply for a charter through the state charter school institute.

WHEREFORE, proponents respectfully request that the Title Board revise the title consistent with suggested language above.

Dated: April 8, 2026

Respectfully submitted,

s/ Benjamin J. Larson
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