

CHANGING THE PLAN OF REPRESENTATION OR CHANGING THE NUMBER OF DIRECTORS OVERVIEW

If a school board wishes to change its plan of representation or change its number of school board members (i.e. directors), it should follow the process outlined here. Visit CASB's <u>Elections</u> webpage for additional resources.

Sample Plans to Change the Plan of Representation

- Plan to change to a combined plan of director districts and at-large
- Plan to eliminate director districts
- Plan to reduce the number of directors
- Plan to reduce the number of directors and modify the plan of representation

Proposal to Change the Plan of Representation

School boards are required to determine the population in each director district every four years and, if each director district does not contain substantially the same population as the other director districts, revise the director district boundaries and redesignate the director districts.¹ This process is accomplished through board resolution and does not involve the county clerk or require being placed on the ballot.

However, state law allows the board to make changes to its plan of representation by submitting a question to voters at the next regular biennial school election (November in odd-numbered years) or at a special school election called by the board for this purpose.² Subject to the limitations on director districts discussed below, a change in the plan of representation may consist of the following:

- the adoption of a director district plan of representation
- the elimination of a director district plan of representation and replacement with an at-large plan
- the adoption of a plan that combines director districts with at-large seats ("combined plan")³

The process begins with the board adopting a proposal to change the plan of representation at least 110 days prior to the election.⁴ With Colorado's next school biennial election set for November 4, 2025, **the 110th day is July 17, 2025**.

In changing its plan of representation, the board may reduce its director districts to no less than five.⁵ Thus, a five-member board seeking to change its plan of representation may only propose to change to a director district plan or an at-large plan. A combined plan of director districts and at-large seats is only permissible if the board has at least six members.

¹ C.R.S. 22-31-110(1)(a).

² C.R.S. § 22-31-105(6)(a).

³ *Id.*

⁴ *Id.*

⁵ C.R.S. §§ 22-31-105(6)(c), -109(1)(c).



Proposal to Change the Number of Directors

State law also permits the board to submit a question to voters asking to change the number of directors.⁶ The number of directors shall be no less than five nor more than seven and such proposal may occur only at a regular biennial school election.⁷ The proposal to change the number of directors may be combined with a proposal to change the plan of representation.⁸

To change the number of directors, the process begins with the board adopting a resolution passed by a majority of the entire board. Similar to a proposed change in the plan of representation, the resolution must be adopted at least 110 days prior to the election. As stated above, the 110th day for this year's general election is July 17, 2025.

For school districts with director districts, the board must simultaneously adopt a resolution to submit a proposal to change the boundaries of the director districts to reflect the change in the number of directors or to change to an at-large or combined plan. The board must ensure that any director districts are "contiguous, compact, and as nearly equal in population as possible." 12

If the board is proposing to reduce its membership, the resolution must describe how it will be implemented, that is, which seats will be eliminated in subsequent regular biennial school elections. Depending upon the proposed plan of representation, it may also be possible to set out a schedule to phase in the plan and have it apply to vacancies that occur prior to the next school election.

Election Process Regarding a Change in the Plan and/or Change in the Number of Directors

The ballot question to change the plan of representation and/or change the number of directors must be certified to the county clerk at least 60 days prior to the election. For purposes of the 2025 school biennial election, this deadline is September 5, 2025. State law requires the ballot question to contain specific phrasing. Here is CASB's sample ballot language.

Once the ballot question is certified, the secretary of the board of education will provide notice that a proposal to change the number of directors and/or change the plan of representation will be submitted to voters in the district. Notice must be provided by publication no later than 20 days prior to the election, and must include specific information required by law. In coordinated elections, this notice of election is typically published by the county clerk and should be addressed in the district's intergovernmental agreement with the county clerk. If the board is proposing a change in the plan of

⁶ C.R.S. § 22-31-105(4)(a).

⁷ C.R.S. § 22-31-105(4)(a).

⁸ C.R.S. § 22-31-105(4)(a).

⁹ C.R.S. § 22-31-105(4)(a).

¹⁰ C.R.S. § 22-31-105(4)(a).

¹¹ C.R.S. §§ 22-31-105(4)(a), (7)(a).

¹² C.R.S. § 22-31-109(1)(b).

¹³ C.R.S. § 1-5-203(3)(a).

¹⁴ C.R.S. §§ 22-31-105(4)(d), (6)(e).

¹⁵ C.R.S. §§ 22-31-105(4)(c), (6)(d); C.R.S. § 1-5-205).

¹⁶ C.R.S. § 1-5-205; C.R.S. 1-1-104(34).

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representation, the notice must also specify that the proposed new plan of representation is available at the district's administrative offices for public inspection during reasonable business hours.¹⁷

If the voters approve a change in the plan of representation, the plan becomes effective upon the survey of election returns but does not terminate any elected board member's term. Subsequently, any vacancy or election that occurs will be filled or conducted pursuant to the new plan.

If the voters approve a change in the number of directors, the change becomes effective at subsequent regular biennial school elections.¹⁹

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Specific questions should be referred to the school district's legal counsel.

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¹⁷ C.R.S. § 22-31-105 (6)(d).

¹⁸ C.R.S. § 22-31-105 (6)(f).

¹⁹ C.R.S. § 22-31-105(4)(e).