

Initiative 2025-2026 #230: Right to public school choice – Final Draft

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 22-1-151 as follows:

22-1-151. Right to public school choice. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, EACH KINDERGARTEN THROUGH TWELFTH GRADE CHILD HAS THE FUNDAMENTAL RIGHT TO PUBLIC SCHOOL CHOICE, AS DIRECTED BY THE CHILD'S PARENT OR GUARDIAN.

(2) PUBLIC SCHOOL CHOICE INCLUDES THE OPPORTUNITY TO ACCESS NEIGHBORHOOD DISTRICT SCHOOLS, PUBLIC CHARTER SCHOOLS, AND PUBLIC OPEN ENROLLMENT OPTIONS.

(3) IN ORDER TO ENSURE ACCESS TO THIS FUNDAMENTAL RIGHT:

(a) NEIGHBORHOOD DISTRICT SCHOOLS, PUBLIC CHARTER SCHOOLS, AND PUBLIC OPEN ENROLLMENT OPTIONS SHALL BE OPEN TO KINDERGARTEN THROUGH TWELFTH GRADE CHILDREN WITHOUT THE PAYMENT OF TUITION;

(b) ANY FEE CHARGED BY A NEIGHBORHOOD DISTRICT SCHOOL, PUBLIC CHARTER SCHOOL, OR PUBLIC OPEN ENROLLMENT SCHOOL PURSUANT TO SECTION 22-32-117 MUST NOT BE EXCESSIVE AND MUST BE RATIONALLY RELATED TO THE COST OF THE ACTIVITY, SCHOOL SUPPLY, OR EQUIPMENT THAT IS THE SUBJECT OF THE FEE;

(c) NOTWITHSTANDING THE "CHARTER SCHOOLS ACT," PART 1 OF ARTICLE 30.5 OF THIS TITLE, IF A CHARTER SCHOOL'S APPLICATION OR RENEWAL IS DENIED BY THE LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, THE LOCAL BOARD'S DECISION IS FINAL, AND THE LOCAL SCHOOL DISTRICT MUST NOT BE FORCED TO ACCEPT THE APPLICATION OR RENEWAL. ANY SUCH DENIAL SHALL RESULT IN THE STATE BOARD OF EDUCATION RELEASING THE CHARTER SCHOOL TO THE COLORADO CHARTER SCHOOL INSTITUTE, AN INDEPENDENT STATE AGENCY CREATED PURSUANT TO SECTION 22-30.5-503, WHICH MAY DENY OR APPROVE THE SCHOOL'S APPLICATION;

(d) OPEN ENROLLMENT IN PUBLIC SCHOOLS MUST REMAIN AVAILABLE TO KINDERGARTEN THROUGH TWELFTH GRADE CHILDREN UNDER STATE LAW AS SPACE ALLOWS; AND

(e) WHEN DETERMINING ACCEPTANCE OF PUPILS WHO APPLY FOR ENROLLMENT PURSUANT TO SECTION 22-36-101, A SCHOOL DISTRICT SHALL GIVE PRIORITY TO PUPILS WHO APPLY FOR ENROLLMENT AT A SCHOOL DISTRICT'S SCHOOL OR PROGRAM IN WHICH THEY WERE ENROLLED IN THE PRIOR YEAR.

SECTION 2. Effective date. This act takes effect on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of the proposed initiative and shall apply as of the effective date regardless of prior existing law.