

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

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

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

22-1-151. Right to Public School Choice. (1) EACH K-12 CHILD HAS THE FUNDAMENTAL RIGHT TO PUBLIC SCHOOL CHOICE, AS DIRECTED BY THE CHILD’S PARENT(S) OR GUARDIAN(S).

(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 K-12 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 SHALL NOT BE EXCESSIVE AND SHALL BE RATIONALLY RELATED TO THE COST OF THE ACTIVITY, SCHOOL SUPPLY, OR EQUIPMENT THAT IS THE SUBJECT OF THE FEE.

(c) 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 MAY 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 SHALL REMAIN AVAILABLE TO K-12 CHILDREN UNDER STATE LAW AS SPACE ALLOWS.

(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.