

Initiative 2025-2026 #281: Expanding Public School Options – Final Version

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

SECTION 1. Legislative declaration. (1) the people of the state of Colorado hereby find and declare that:

(a) Because of the challenges facing the public education system, it is more important than ever that parents and guardians have meaningful choices in where their children attend public school, including neighborhood district schools, public charter schools, and public open enrollment options.

(b) To ensure these options are available and readily accessible, the state must:

(I) Ensure that public schools are tuition free and cannot charge unreasonable fees;

(II) Expand access to the charter school institute, which, as an independent state agency, provides an alternative mode for authorizing charter schools to meet the growing demand for innovative educational models to serve Colorado’s schoolchildren, including at-risk students; and

(III) Ensure open enrollment remains open to Colorado’s schoolchildren and provide continuity to open enrollment students by giving them priority at the school they attended the prior year.

SECTION 2. In Colorado Revised Statutes, **add 22-1-151** as follows:

22-1-151. Expanding public school options. (1) TO EXPAND ACCESS TO PUBLIC SCHOOL OPTIONS:

(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, WITH ANY SUCH FEE WHICH IS NOT RATIONALLY RELATED TO THE COST OF THE ACTIVITY, SCHOOL SUPPLY, OR EQUIPMENT THAT IS THE SUBJECT OF THE FEE CONSTITUTING AN EXCESSIVE FEE;

(c) NOTWITHSTANDING THE "CHARTER SCHOOLS ACT," UNDER 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 CHARTER SCHOOL MAY APPEAL TO THE STATE BOARD OF EDUCATION AND, IN THE ABSENCE OF AN APPEAL, MUST BE RELEASED 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 3. 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.