

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0623.01 Brita Darling x2241

SENATE BILL 20-103

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING ESTABLISHING COMMON APPLICATION GUIDELINES FOR
102 CHOICE OF SCHOOLS OF SCHOOL DISTRICTS THAT ENSURE
103 OPPORTUNITY FOR ALL STUDENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of education in conjunction with school district boards of education to recommend to the state board of education (state board) policies and procedures for students to open enroll in schools of the school district or programs within the students' school districts and to open enroll in schools and programs of other school

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

districts. The policies and procedures must include, in part, the length of and start and end dates for the application process, the dates by which school districts shall notify students of acceptance into a program or school, and the variability allowed in application format.

Based on the recommendations, the state board shall promulgate rules relating to the open enrollment process that are applicable, if possible, to the open enrollment process for the 2021-22 school year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-36-101, **amend**
3 (2)(a) as follows:

4 **22-36-101. Choice of programs and schools within school**
5 **districts.** (2) (a) Every school district shall adopt such policies and
6 procedures as are reasonable and necessary to implement the provisions
7 of subsection (1) of this section, including, but not limited to, timelines
8 for application to and acceptance in any program or school ~~which~~ THAT
9 may provide for enrollment of the student on or before the pupil
10 enrollment count day, and, while adopting policies and procedures, the
11 school district shall consider adopting a policy establishing that an
12 applicant with a proficiency rating of unsatisfactory in one or more
13 academic areas who attends a public school that is required to implement
14 a turnaround plan pursuant to section 22-11-406 or that is subject to
15 restructuring pursuant to section 22-11-210 shall have priority over any
16 other applicant for enrollment purposes. A SCHOOL DISTRICT'S POLICIES
17 AND PROCEDURES ADOPTED PURSUANT TO THIS SUBSECTION (2)(a) MUST
18 BE CONSISTENT WITH RULES ADOPTED BY THE STATE BOARD OF
19 EDUCATION PURSUANT TO SECTION 22-36-107.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 22-36-107 as
21 follows:

22 **22-36-107. Policies and procedures for choice of programs and**

1 **schools - department recommendations - state board rules -**
2 **legislative declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY

3 FINDS AND DECLARES THAT:

4 (I) OPEN ENROLLMENT IS AN EXTREMELY POPULAR SCHOOL CHOICE
5 OPTION IN COLORADO THAT ALLOWS A STUDENT TO CHOOSE TO ATTEND
6 A SCHOOL DISTRICT SCHOOL OTHER THAN THE SCHOOL ASSIGNED TO THE
7 STUDENT'S RESIDENCE;

8 (II) OVER ONE HUNDRED THOUSAND STUDENTS USE SOME FORM OF
9 TRADITIONAL SCHOOL CHOICE TO ACCESS A SCHOOL THAT BETTER FITS THE
10 STUDENT'S INDIVIDUAL NEEDS;

11 (III) THE EXISTING OPEN ENROLLMENT PROCESS CAN BE DIFFICULT
12 FOR PARENTS TO NAVIGATE, DUE TO CONFLICTING DEADLINES, DIFFERING
13 PAPERWORK REQUIREMENTS, LIMITED INFORMATION AVAILABLE TO
14 PARENTS, AND LACK OF CONSISTENCY AMONG COLORADO SCHOOL
15 DISTRICTS; AND

16 (IV) DUE IN PART TO THESE BARRIERS, STUDENTS PARTICIPATING
17 IN INTERDISTRICT OPEN ENROLLMENT ARE LESS LIKELY TO BE
18 LOWER-INCOME STUDENTS, ENGLISH LANGUAGE LEARNERS, OR SPECIAL
19 EDUCATION STUDENTS.

20 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
21 COLORADO SHOULD CREATE A MORE FAMILY-FRIENDLY PROCESS FOR OPEN
22 ENROLLMENT IN DISTRICT SCHOOLS BY REMOVING BARRIERS THAT
23 PREVENT FAMILIES FROM EXERCISING THE OPTION TO CHOOSE THE BEST
24 SCHOOL FOR THE STUDENT. THE RULES CREATED PURSUANT TO THIS
25 SECTION SHOULD BE DESIGNED TO ELIMINATE CONFUSION, INCREASE
26 AWARENESS AND UNDERSTANDING OF THE OPEN ENROLLMENT PROCESS,
27 AND CREATE MORE CONSISTENCY IN THE PROCESS FOR FAMILIES WHILE

1 STILL ALLOWING THE APPROPRIATE VARIATION NECESSARY TO
2 ACCOMMODATE SCHOOL DISTRICTS AND INDIVIDUAL SCHOOLS.

3 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

6 (b) "SCHOOL DISTRICT" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 22-30-103 (13).

8 (c) "SCHOOL DISTRICT BOARD OF EDUCATION" MEANS THE
9 ELECTED SCHOOL BOARD OF EDUCATION OF A SCHOOL DISTRICT.

10 (d) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

11 (3) ON OR BEFORE OCTOBER 15, 2020, THE DEPARTMENT, IN
12 CONSULTATION WITH SCHOOL DISTRICT BOARDS OF EDUCATION, SHALL
13 MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE
14 IMPLEMENTATION OF THIS ARTICLE 36 TO ENSURE A REASONABLE LEVEL
15 OF UNIFORMITY ACROSS COLORADO SCHOOL DISTRICTS FOR CHOICE OF
16 PROGRAMS AND SCHOOLS OF THE SCHOOL DISTRICTS, INCLUDING
17 RECOMMENDING POLICIES AND PROCEDURES RELATING TO:

18 (a) THE MINIMUM LENGTH OF ENROLLMENT APPLICATION PERIODS;

19 (b) THE LATEST START DATE OF THE ENROLLMENT APPLICATION
20 PERIOD AND THE EARLIEST ENDING DATE OF THE APPLICATION PERIOD;

21 (c) THE LATEST DATE BY WHICH THE SCHOOL DISTRICT SHALL
22 NOTIFY A STUDENT OF THE STUDENT'S ACCEPTANCE OR DENIAL INTO THE
23 PROGRAM OR SCHOOL;

24 (d) THE EARLIEST DATE BY WHICH A STUDENT MAY BE REQUIRED
25 TO ACCEPT ENROLLMENT;

26 (e) THE MINIMUM LEVEL OF UNIFORMITY IN APPLICATION FORMATS
27 ACROSS SCHOOL DISTRICTS, ALLOWING FOR REASONABLE VARIABILITY FOR

1 DIFFERENT GRADE LEVELS AND SPECIALIZED PROGRAMS AND SCHOOLS,
2 INCLUDING A RECOMMENDATION FOR THE ESTABLISHMENT OF A COMMON
3 APPLICATION FORMAT;

4 (f) ENSURING THE ABILITY TO SUBMIT AN APPLICATION ONLINE,
5 THROUGH E-MAIL OR OTHER WEB-BASED PROCESS CHOSEN BY THE SCHOOL
6 DISTRICT, AND IN PERSON; AND

7 (g) THE MINIMUM REQUIREMENTS FOR SCHOOL DISTRICTS
8 RELATING TO DISSEMINATION OF INFORMATION, BOTH IN PRINT AND
9 ONLINE, ABOUT CHOICE OF PROGRAMS AND SCHOOLS WITHIN SCHOOL
10 DISTRICTS.

11 (4) BASED ON THE RECOMMENDATIONS RESULTING FROM THE
12 DEPARTMENT'S CONSULTATION WITH SCHOOL DISTRICT BOARDS OF
13 EDUCATION PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE STATE
14 BOARD SHALL PROMULGATE RULES THAT ARE EFFECTIVE NO LATER THAN
15 MARCH 1, 2021, AND ARE APPLICABLE TO CHOICE OF PROGRAMS AND
16 SCHOOLS OF SCHOOL DISTRICTS PURSUANT TO THIS ARTICLE 36 FOR THE
17 2021-22 SCHOOL YEAR; EXCEPT THAT THE STATE BOARD MAY STAGGER
18 THE EFFECTIVE DATE OF A RULE IF IMPLEMENTING THE RULE FOR PURPOSES
19 OF CHOICE OF PROGRAMS AND SCHOOLS OF SCHOOL DISTRICTS FOR THE
20 2021-22 SCHOOL YEAR IS NOT PRACTICABLE, IN WHICH CASE THE RULE
21 MUST BE EFFECTIVE FOR THE CHOICE OF PROGRAMS AND SCHOOLS OF
22 SCHOOL DISTRICTS FOR THE 2022-23 SCHOOL YEAR.

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.