

Amendment__ : Constitutional Right to School Choice

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

1 Amendment__ proposes amending the Colorado Constitution to:

- 2 • create the right to school choice for children in kindergarten through twelfth
- 3 grade (K-12) and create the right for parents to direct the education of their
- 4 children; and
- 5 • define school choice to include public neighborhood and charter schools, private
- 6 schools, home schools, open enrollment options, and future innovations in
- 7 education.

8 What Your Vote Means

9 YES

10 A "yes" vote on Amendment__ creates a
11 constitutionally protected right to school
12 choice for K-12 children and their
13 parents, and specifies that school choice
14 includes public, private, homeschool, and
15 any future innovations in education.

16 NO

17 A "no" vote on Amendment__ maintains
18 the current system of school choice in
19 state law.

20 Summary and Analysis of Amendment__

21 Does Colorado law allow school choice?

22 Under Colorado law students may attend any public school for free, even if they do not live
23 in the school district. Public schools include neighborhood schools, charter schools, and
24 some online schools. Each school district has policies allowing parents to enroll students in
25 the public school of their choice. State law also permits parents to choose non-public
26 education options, such as private schools or home schools. Public schools receive public
27 funding from local and state governments. Private schools and home schools do not receive
28 any public funding.

29 What does this measure do?

30 Amendment__ creates a constitutional right to school choice and equal opportunity for K-12
31 children. The measure also creates the new right of parents to direct the education of their
32 children. Neighborhood and charter schools, private schools, home schools, open
33 enrollment options, and future innovations in education are included in the new
34 constitutional definition of school choice.

1 **Will the measure change school choice laws in Colorado?**

2 The measure results in no immediate change to state law, or the enrollment policies of local
3 school districts. Parents may continue to choose a variety of K-12 school options for their
4 children. The state legislature currently makes laws to govern public education and how
5 schools are funded. By creating a new constitutional right to school choice for children and
6 parents, Amendment__ may affect how the legislature makes policies about school choice
7 and lead to changes to state law and local school district policy via court interpretation or
8 direction.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State’s elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

9 **Argument For Amendment__**

10 1) Amendment__ guarantees that school choice is a right of parents and children. By
11 placing this right in the state constitution, Coloradans affirm their commitment to a
12 parent’s right to choose an appropriate school for their children, including all forms of
13 schools, both public and private. A constitutional measure ensures this right cannot be
14 taken away by future legislatures.

15 **Argument Against Amendment__**

16 1) The Colorado Constitution already guarantees a free public education and Colorado
17 already has robust school choice laws that allow parents to choose from many public
18 school options, or choose to educate their children in private or home schools. The
19 measure may conflict with current law prohibiting public funding for private education
20 and will require interpretation by the courts. Ultimately, this could result in redirecting
21 funding from public schools to private and home schools.

22 **Fiscal Impact of Amendment__**

23 **State and school district spending.** Amendment__ has no immediate impact on education-
24 related spending by the state or school district, but may increase their spending on legal
25 expenses and planning costs. Depending on how the measure is interpreted by the courts
26 and the state legislature, the measure may change the allocation of state or local funding for
27 education.