

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0907.01 Anna Petrini x5497

HOUSE BILL 24-1361

HOUSE SPONSORSHIP

Frizell,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SCHOOL OPEN ENROLLMENT, AND, IN CONNECTION
102 THEREWITH, ESTABLISHING A MODEL POLICY AND DATA
103 REPORTING REQUIREMENTS.

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>.)

Current law permits a student to apply for open enrollment in particular programs and schools within the student's district and in schools and programs in other school districts. The bill requires the state board of education (state board) to adopt a model policy on or before December 15, 2024, to promote clarity and consistency for parents,

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

custodians, and legal guardians as they assess school enrollment options. The model policy must include timelines and processes for the school or program application, timelines for student notification of acceptance or denial determinations, and open enrollment transparency measures for student eligibility, school capacity, and transportation resources. The bill allows school districts to adopt, publicize, and implement policies and procedures for open enrollment that are consistent with the state board model policy.

The bill requires the department of education to annually report to the general assembly, governor, and state board on the number and geographic location of students exercising an open enrollment option and on open enrollment application denials.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-36-108 as
3 follows:

4 **22-36-108. Model policy for choice of programs and schools -**
5 **department recommendations - report - legislative declaration -**
6 **definitions.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

11 (II) OVER ONE HUNDRED THOUSAND STUDENTS USE SOME FORM OF
12 TRADITIONAL SCHOOL CHOICE TO ACCESS A SCHOOL THAT BETTER FITS THE
13 STUDENTS' INDIVIDUAL NEEDS;

14 (III) THE EXISTING OPEN ENROLLMENT PROCESS CAN BE DIFFICULT
15 FOR PARENTS, CUSTODIANS, AND LEGAL GUARDIANS TO NAVIGATE DUE TO
16 CONFLICTING DEADLINES, DIFFERING PAPERWORK REQUIREMENTS, LIMITED
17 INFORMATION, AND LACK OF CONSISTENCY AMONG COLORADO SCHOOL
18 DISTRICTS; AND

19 (IV) DUE IN PART TO THESE BARRIERS, STUDENTS PARTICIPATING

1 IN OPEN ENROLLMENT ARE LESS LIKELY TO BE LOWER-INCOME STUDENTS,
2 ENGLISH LANGUAGE LEARNERS, OR SPECIAL EDUCATION STUDENTS.

3 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT
4 COLORADO SHOULD CREATE A MORE FAMILY-FRIENDLY PROCESS FOR OPEN
5 ENROLLMENT IN DISTRICT SCHOOLS BY REMOVING BARRIERS THAT
6 PREVENT FAMILIES FROM EXERCISING THE OPTION TO CHOOSE THE BEST
7 SCHOOL FOR THE STUDENT. THE MODEL POLICY CREATED PURSUANT TO
8 THIS SECTION MUST BE DESIGNED TO ELIMINATE CONFUSION, INCREASE
9 AWARENESS AND UNDERSTANDING OF THE OPEN ENROLLMENT PROCESS,
10 AND CREATE MORE CONSISTENCY IN THE PROCESS FOR FAMILIES WHILE
11 STILL ALLOWING THE VARIATION NECESSARY TO ACCOMMODATE SCHOOL
12 DISTRICTS AND INDIVIDUAL SCHOOLS.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
16 CREATED IN SECTION 24-1-115.

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

19 (c) "SCHOOL DISTRICT BOARD OF EDUCATION" MEANS THE
20 ELECTED SCHOOL BOARD OF EDUCATION OF A SCHOOL DISTRICT.

21 (d) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
22 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
23 STATE CONSTITUTION.

24 (3) ON OR BEFORE DECEMBER 15, 2024, THE STATE BOARD SHALL
25 CREATE AND ADOPT A MODEL POLICY TO ENSURE CLARITY AND
26 CONSISTENCY FOR PARENTS, CUSTODIANS, AND LEGAL GUARDIANS IN
27 UNDERSTANDING THEIR SCHOOL ENROLLMENT OPTIONS WITHIN AND

1 ACROSS COLORADO SCHOOL DISTRICTS. THE MODEL POLICY MUST
2 INCLUDE, AT A MINIMUM, POLICIES AND PROCEDURES RELATED TO:

3 (a) THE MINIMUM LENGTH OF OPEN ENROLLMENT APPLICATION
4 PERIODS, WHICH MUST BE AT LEAST FOUR WEEKS;

5 (b) THE EARLIEST ENDING DATE OF THE OPEN ENROLLMENT
6 APPLICATION PERIOD, WHICH MUST NOT PRECEDE JANUARY 15 OF THE
7 PRIOR SCHOOL YEAR;

8 (c) THE LATEST DATE BY WHICH THE SCHOOL DISTRICT SHALL
9 NOTIFY A STUDENT OF THE STUDENT'S ACCEPTANCE OR DENIAL;

10 (d) THE MINIMUM AMOUNT OF TIME A FAMILY HAS TO ACCEPT
11 ENROLLMENT IN THE SCHOOL OF A SCHOOL DISTRICT, WHICH MUST BE AT
12 LEAST SEVEN DAYS;

13 (e) THE MINIMUM LEVEL OF UNIFORMITY IN APPLICATION FORMATS
14 ACROSS SCHOOL DISTRICTS, ALLOWING FOR REASONABLE VARIABILITY FOR
15 DIFFERENT GRADE LEVELS AND SPECIALIZED PROGRAMS AND SCHOOLS;

16 (f) THE MEANS FOR SUBMISSION OF AN APPLICATION, WHICH MUST
17 BE ONLINE BY E-MAIL OR OTHER WEB-BASED PROCESS CHOSEN BY THE
18 SCHOOL DISTRICT AND IN PERSON, AND A RECOMMENDATION FOR
19 ESTABLISHING A CENTRALIZED APPLICATION SUBMISSION PROCESS WITHIN
20 EACH SCHOOL DISTRICT;

21 (g) INFORMATION REGARDING THE SCHOOL DISTRICT'S CLEARLY
22 STATED CRITERIA FOR STUDENT ELIGIBILITY AND PRIORITIZATION;

23 (h) INFORMATION ON AN INDIVIDUAL SCHOOL'S OR PROGRAM'S
24 OPEN ENROLLMENT CAPACITY BY GRADE LEVEL AND WHETHER A SCHOOL
25 OR PROGRAM IS CURRENTLY ACCEPTING OPEN ENROLLMENT STUDENTS,
26 WHICH MUST BE POSTED ON THE SCHOOL DISTRICT'S WEBSITE, WITH
27 INFORMATION UPDATED AT LEAST ONCE EVERY TWELVE WEEKS;

1 (i) INFORMATION ABOUT TRANSPORTATION OR RESOURCES FOR
2 TRANSPORTATION, INCLUDING THE LACK OF TRANSPORTATION OR
3 RESOURCES FOR TRANSPORTATION, FOR OPEN ENROLLMENT STUDENTS;
4 AND

5 (j) INFORMATION ABOUT CHOICE OF PROGRAMS AND SCHOOLS
6 WITHIN SCHOOL DISTRICTS, WHICH MUST BE DISSEMINATED BOTH IN PRINT
7 AND ON A SCHOOL DISTRICT'S WEBSITE.

8 (4) A SCHOOL DISTRICT IS ENCOURAGED TO ADOPT, IMPLEMENT,
9 AND MAKE PUBLICLY AVAILABLE ON ITS WEBSITE POLICIES AND
10 PROCEDURES FOR OPEN ENROLLMENT FOR PROGRAMS AND SCHOOLS
11 WITHIN THE SCHOOL DISTRICT, AND AMONG SCHOOL DISTRICTS, THAT ARE
12 CONSISTENT WITH THE STATE BOARD MODEL POLICY ADOPTED PURSUANT
13 TO THIS SECTION.

14 (5) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
15 BEFORE MARCH 1, 2025, AND ON OR BEFORE MARCH 1 EACH YEAR
16 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT ON OPEN
17 ENROLLMENT DATA TO THE EDUCATION COMMITTEES OF THE HOUSE OF
18 REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES;
19 THE GOVERNOR; AND THE STATE BOARD. THE REPORT MUST INCLUDE, AT
20 A MINIMUM:

21 (I) ENROLLMENT DATA FOR EACH SCHOOL OF THE SCHOOL
22 DISTRICT THAT INCLUDES:

23 (A) THE NUMBER OF STUDENTS WHO ARE ENROLLED IN THE
24 SCHOOL AND RESIDE IN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL;

25 (B) THE NUMBER OF STUDENTS WHO ARE ENROLLED IN THE
26 SCHOOL AND RESIDE IN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL
27 DISTRICT BUT DO NOT RESIDE IN THE GEOGRAPHIC BOUNDARIES OF THE

1 SCHOOL; AND

2 (C) THE NUMBER OF STUDENTS USING INTERDISTRICT OPEN
3 ENROLLMENT TO ATTEND THE SCHOOL; AND

4 (II) THE NUMBER OF STUDENTS DENIED OPEN ENROLLMENT AND
5 THE REASONS FOR EACH STUDENT'S DENIAL IN EACH SCHOOL OF THE
6 SCHOOL DISTRICT.

7 (b) EACH SCHOOL DISTRICT IN THE STATE SHALL PROVIDE THE
8 DEPARTMENT WITH THE DATA DESCRIBED IN SUBSECTION (5)(a) OF THIS
9 SECTION BY DECEMBER 1, 2024, AND EACH DECEMBER 1, THEREAFTER.

10 (6) STUDENT DATA COLLECTED PURSUANT TO THIS SECTION MUST
11 BE DISAGGREGATED BY ETHNICITY, DISABILITY, ENGLISH LANGUAGE
12 LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS, AND
13 UNHOUSED STATUS TO THE MAXIMUM EXTENT POSSIBLE IN COMPLIANCE
14 WITH THE "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF TITLE 6;
15 THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT
16 OF 1974", 20 U.S.C. SEC. 1232g, AS AMENDED; AND THE "STUDENT DATA
17 TRANSPARENCY AND SECURITY ACT", ARTICLE 16 OF THIS TITLE 22. THE
18 DEPARTMENT SHALL MAINTAIN STRICT STANDARDS FOR STUDENT DATA
19 PRIVACY; COMPLY WITH STANDARDS FOR REPORTING DATA FOR A STUDENT
20 WITH AN ACCOMMODATION PURSUANT TO SECTION 504 OF THE FEDERAL
21 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS
22 AMENDED, AND ITS IMPLEMENTING REGULATIONS, OR A STUDENT WITH AN
23 INDIVIDUALIZED EDUCATION PLAN; AND SHALL NOT PUBLICLY REPORT
24 INDIVIDUAL STUDENT DATA FOR ANY PURPOSE.

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

27 **22-36-101. Choice of programs and schools within school**

1 **districts.** (2) (a) Every school district shall adopt ~~such~~ THE policies and
2 procedures as are reasonable and necessary to implement ~~the provisions~~
3 ~~of~~ subsection (1) of this section, including, but not limited to, timelines
4 for application to and acceptance in any program or school that may
5 provide for enrollment of the student on or before the pupil enrollment
6 count day, and, while adopting policies and procedures, the school district
7 shall consider adopting a policy establishing that an applicant with a
8 proficiency rating of unsatisfactory in one or more academic areas who
9 attends a public school that is required to implement a turnaround plan
10 pursuant to section 22-11-406 or that is subject to restructuring pursuant
11 to section 22-11-210 ~~shall have~~ HAS priority over any other applicant for
12 enrollment purposes. If a school district permits a student whose parent
13 or guardian is a resident of the state but not a resident of the district to
14 attend school in the district, the school district shall not require the parent,
15 guardian, or student to pay tuition to attend school in the district,
16 regardless of when during the school year, or under what circumstances,
17 the student enrolls in or attends school in the district. A SCHOOL DISTRICT
18 MAY ADOPT AND IMPLEMENT POLICIES AND PROCEDURES PURSUANT TO
19 THIS SUBSECTION (2)(a) THAT ARE CONSISTENT WITH THE MODEL POLICY
20 ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION
21 22-36-108. THE ADOPTED POLICIES AND PROCEDURES MUST BE EASILY
22 ACCESSIBLE FROM THE HOME PAGE OF EACH SCHOOL DISTRICT'S WEBSITE
23 AND AVAILABLE IN ENGLISH AND SPANISH OR IN ANY OTHER LANGUAGE
24 USED BY A SIZABLE POPULATION SERVED BY THE SCHOOL DISTRICT.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2024 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.