

Amendment 80: Constitutional Right to School Choice

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

- 1 **Amendment 80 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 80 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 80 maintains

18 the current system of school choice in

19 state law.

20 **Summary and Analysis of Amendment 80**

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 80 creates a constitutional right to school choice and equal opportunity for

31 K-12 children. The measure also creates the right for 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 80 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 80**

10 1) Amendment 80 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 80**

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 80**

23 **State and school district spending.** Amendment 80 has no immediate impact on
24 education-related spending by the state or school districts, but may increase their spending
25 on legal expenses and planning costs. Depending on how the measure is interpreted by the
26 courts and the state legislature, the measure may change the allocation of state or local
27 funding for education.