

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0601.01 Jeff Conway

HOUSE BILL 01-1033

HOUSE SPONSORSHIP

Rhodes

SENATE SPONSORSHIP

(None)

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF PUBLIC SCHOOLS OF CHOICE**
102 **PROVISIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies that a school district is required to accept a resident student once if the student has enrolled outside his or her school district of residence but then seeks to re-enroll in his or her school district of residence after October 1 of that same school year. Specifies that the school districts may negotiate the transfer of the applicable per pupil operating revenues on a mutually agreed upon basis.

Repeals the permission for a school district to deny enrollment of any resident or nonresident pupil if there is a lack of space or teaching

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

staff.

Clarifies the intent of the general assembly that school districts should not discriminate against students who enroll in another school district, but then return to enroll in their school district of residence.

Repeals the requirement that the department of education report to the public and the general assembly about enrollment options available in the state.

Requires the state board of education to set by rule a uniform statewide policy for school districts creating an open enrollment period with specific dates for the submission and acceptance of enrollment applications for school years commencing on and after July 1, 2001. Clarifies that an enrollment application, once accepted, is valid for the duration of the student's attendance at the school.

Directs a school district to include a statement of the law regarding public schools of choice in any material publicizing the district's educational options.

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

2 **SECTION 1.** 22-36-101 (2) (a), (2) (b) (IV), and (3) (a), Colorado
3 Revised Statutes, are amended, and the said 22-36-101 is further amended
4 BY THE ADDITION OF A NEW SUBSECTION, to read:

5 **22-36-101. Choice of programs and schools within school**
6 **districts.** (2) (a) SUBJECT TO ANY RULES ADOPTED BY THE STATE BOARD
7 OF EDUCATION PURSUANT TO SECTION 22-36-107, every school district
8 shall adopt such policies and procedures as are reasonable and necessary
9 to implement the provisions of subsection (1) of this section, including,
10 but not limited to, timelines for application to and acceptance in any
11 program or school which may provide for enrollment of the student on or
12 before October 1.

13 (b) In implementing the provisions of subsection (1) of this
14 section, no school district shall be required to:

15 (IV) Enroll any student pursuant to this section in any program or
16 school after October 1; EXCEPT THAT A STUDENT'S SCHOOL DISTRICT OF

1 RESIDENCE SHALL ENROLL THE RESIDENT STUDENT IF THE STUDENT, AFTER
2 ENROLLING IN A PROGRAM OR SCHOOL OUTSIDE HIS OR HER SCHOOL
3 DISTRICT OF RESIDENCE, SEEKS TO RE-ENROLL IN A PROGRAM OR SCHOOL
4 OF HIS OR HER SCHOOL DISTRICT OF RESIDENCE AFTER OCTOBER 1 OF THAT
5 SAME SCHOOL YEAR. THE SCHOOL DISTRICT OF RESIDENCE AND THE
6 SCHOOL DISTRICT IN WHICH THE STUDENT HAD PREVIOUSLY ENROLLED MAY
7 NEGOTIATE AN EQUITABLE TRANSFER OF THE APPLICABLE PER PUPIL
8 OPERATING REVENUES, AS THE TERM IS DEFINED IN SECTION 22-54-103 (9),
9 FOR SAID STUDENT ON A PRORATED OR OTHER MUTUALLY AGREED UPON
10 BASIS.

11 (3) Any school district may deny any of its resident pupils or any
12 nonresident pupils from other school districts within the state permission
13 to enroll in particular programs or schools within such school district only
14 for any of the following reasons:

15 (a) ~~There is a lack of space or teaching staff within a particular~~
16 ~~program or school requested, in which case, priority shall be given to~~
17 ~~resident students applying for admission to such program or school.~~

18 (5) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS
19 ARTICLE TO ALLOW EACH STUDENT TO FREELY EXERCISE EDUCATIONAL
20 CHOICE OPTIONS THROUGHOUT THE STATE, YET NOT BE DISCRIMINATED
21 AGAINST BY THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE SHOULD THE
22 STUDENT ATTEMPT TO SUBSEQUENTLY RE-ENROLL IN A PROGRAM OR
23 SCHOOL IN THE SCHOOL DISTRICT OF RESIDENCE.

24 **SECTION 2. Repeal.** 22-36-106, Colorado Revised Statutes, is
25 repealed as follows:

26 **22-36-106. Department - distribution of information - study -**
27 **report.** ~~(1) The department shall make information available to the~~

1 ~~public about the enrollment options which are available throughout the~~
2 ~~public school system in Colorado.~~

3 ~~(2) (a) The department of education shall study and evaluate the~~
4 ~~enrollment options available throughout the public school system in~~
5 ~~Colorado. The department is authorized to request from any school~~
6 ~~district such information and data as may be necessary to make such~~
7 ~~reports.~~

8 ~~(b) Based upon such evaluation and study, the department shall~~
9 ~~make a report to the house and senate committees on education in January~~
10 ~~of 1992 and each January thereafter.~~

11 **SECTION 3.** Article 36 of title 22, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SECTION to read:

13 **22-36-107. Open enrollment period.** (1) THE GENERAL
14 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

15 (a) PARENTS AND LEGAL GUARDIANS SHOULD HAVE ALL RELEVANT
16 INFORMATION REGARDING EDUCATIONAL OPTIONS AND SCHOOL CHOICE
17 FOR THEIR CHILDREN; AND

18 (b) STUDENTS SEEKING TO EXERCISE THEIR CHOICE OF SCHOOLS
19 SHOULD NOT BE CONFRONTED WITH A CONFUSING PATCHWORK OF VARIOUS
20 SCHOOL DISTRICT POLICIES REGARDING APPLICATION AND ACCEPTANCE IN
21 ANY EDUCATIONAL PROGRAM OR SCHOOL NOR HAVE THEIR CHOICES
22 EFFECTIVELY LIMITED BY A SCHOOL DISTRICT'S FAILURE TO TIMELY DECIDE
23 WHETHER TO ACCEPT AN APPLICANT.

24 (2) (a) THE STATE BOARD SHALL BY RULE SET A UNIFORM
25 STATEWIDE POLICY FOR SCHOOL DISTRICTS THAT PRESCRIBES AN OPEN
26 ENROLLMENT PERIOD WITH SPECIFIC BEGINNING AND ENDING DATES FOR
27 STUDENTS TO SUBMIT APPLICATIONS TO SCHOOL DISTRICTS AND BE

1 ACCEPTED BY SCHOOL DISTRICTS UNDER THIS ARTICLE. SUCH POLICY
2 SHALL APPLY TO SCHOOL YEARS BEGINNING ON OR AFTER JULY 1, 2001.

3 (b) THE POLICY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION
4 (2) SHALL SPECIFY THAT ONCE AN ENROLLMENT APPLICATION IS ACCEPTED
5 BY A SCHOOL DISTRICT, IT SHALL BE DEEMED ACCEPTED FOR THE DURATION
6 OF THAT STUDENT'S ATTENDANCE AT THE SCHOOL AND NOT BE SUBJECT TO
7 A PERIODIC REAPPLICATION REQUIREMENT.

8 (3) A SCHOOL DISTRICT, IN PUBLICIZING THE DISTRICT'S
9 EDUCATIONAL OPTIONS THROUGH ADVERTISING, DIRECT MAIL,
10 AVAILABILITY OF MAILING LISTS, OR OTHER INFORMATIONAL ACTIVITIES,
11 SHALL INCLUDE A STATEMENT THAT SETS FORTH A SUMMARY OF THE
12 PUBLIC SCHOOLS OF CHOICE EDUCATIONAL OPTIONS AVAILABLE TO
13 STUDENTS PURSUANT TO THIS ARTICLE.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.