

OPEN ENROLLMENT FOR NEW BUILDINGS ACT

- I. Short Title This act shall be known and may be cited as the “Open Enrollment for New Buildings Act” (the “Act”).
- II. Legislative Declaration
 - a. Whereas students have the right to access a free and appropriate public education that meets their unique needs; and
 - b. Whereas school assignment by residential address excludes students from accessing a public education that meets their unique needs; and
 - c. Therefore, the Legislature declares it is against the interests of individual students and the state to assign students to public schools based on their residential address.
- III. Definitions
 - a. “Public education capital outlay (PECO) funded projects” means site acquisition, renovation, remodeling, construction projects, and site improvements necessary to accommodate buildings, equipment, other structures, and special educational use areas that are built, installed, or established to serve the educational instructional program of a district school board primarily.
 - b. “New construction” means any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building, or which adds additional square footage to the space inventory.
- IV. The Open Enrollment for New Buildings Act
 - a. From the effective date of this act and thereafter, all new construction of K-12 facilities shall be public education capital outlay funded projects and shall receive state funding only if the district school board passes and maintains a policy that contains the following:
 - i. An assurance that all students who attend or will attend the newly constructed are not, in whole or in part, admitted on the basis of their residential address; and
 - ii. An assurance that admission to the education provided in the newly constructed will only be determined by a random selection process or lottery.
 - b. The Department of Education shall publish and annually maintain a list and an accessible map of all school buildings subject to this act.