



OPEN ENROLLMENT AND NEW BUILDINGS ACT

*Model Policy
December 2023*

1) Short Title

This act shall be known and may be cited as the “No Boundaries for New Buildings Act”, (the “Act”).

2) Legislative Declaration

- a. Whereas students in this state 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. Whereas the future of our state increasingly depends on the success of each and every child;
- d. 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.

3) 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.
- b. “New construction” means any construction of a school building in which the entire work is new.
- c. “Capacity addition” means an entirely new addition connected to an existing school building, or which adds additional square footage to the space inventory for the purpose of educating elementary or secondary students.
- d. “State Financial Instrument” means any monetary device or mechanism the state uses to directly or indirectly to aid in the construction or expansion of a school building. This includes, but is not limited to, direct payments, low interest bonds, revolving loan funds, or moral obligation bonds.

4) School District Board Policies

- 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:



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- i. An assurance that all students who thereafter attend a school that is a new construction or includes a capacity addition are not, in whole or in part, admitted on the basis of their residential address; and
- ii. An assurance that all future enrollment in a school that is a new construction or includes a capacity addition will only be determined by a random selection process or lottery.

5) Compliance of School Boards

- a. Should a district school board neglect to pass or neglect to maintain the policies in subsection(A), then that school district shall:
 - i. Lose access to all state funding sources allocated for PECO funded projects.
 - ii. Lose access to all state financial instruments that allow for lower interest rates for school district construction.
 - iii. Reimburse the state for any money received for the PECO funded project.
- b. If a school board then reinstates the policies outlined in section IV, then they shall have access to all state financial instruments.

6) State Inventory

- a. The department of education shall publish and annually maintain a list and an accessible map of all school buildings that are subject to this act. Each school district shall report this information to the department of education.