

Intra-District Choice/Open Enrollment

The Board of Education endorses the neighborhood school concept and makes many decisions based on student population within the attendance areas of residence. The Board recognizes, however, that resident students may wish to attend a school or participate in a program located in an area other than that of their assigned school. Therefore, students shall be allowed to attend any school or participate in any program of their choice on a space available, first-come, first-served basis. Those students exercising choice under the federal *No Child Left Behind Act* (NCLB) (when school is on improvement status or designated as persistently dangerous or when student is a victim of a violent crime at school) have priority over other students in the exercise of open enrollment under this policy.

In implementing the open enrollment program, the district is not required to:

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school.
2. Establish and offer any particular program in a school if such program is not offered currently in such school.
3. Alter or waive any established eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of performance.

Notwithstanding the provisions of this policy, a student may be assigned outside the attendance area by mutual agreement of the principals in the special interest of the student and/or school.

Open enrollment and transfers

Resident students and their parents/guardians shall be notified on an annual basis of the options available through open enrollment in sufficient time to apply.

Students, including home-schooled students desiring to take classes on a part-time basis, within designated attendance areas shall have priority in registering in that school. Students may apply for open enrollment in a school outside their attendance area and such applications shall be approved if there is space available in the requested school and the application has been submitted on or before **May 1st** in accordance with the regulations accompanying this policy.

Parents and/or students who desire a change of school after **May 1st** must submit a letter together with the required form requesting a transfer. The request shall be reviewed and acted upon in accordance with the regulations accompanying this policy.

Open enrollment and transfer students attending a school outside their attendance area shall be granted admission on a year-to-year basis. In the event the population of the attendance area increases to fill the building with attendance area residents or students from outside the attendance area who have a right to attend the school under the NCLB choice option, transfer students may be asked to enroll in another school.

Students granted permission to attend a school other than the school in their assigned attendance area shall have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

Any student enrolled pursuant to this policy shall be allowed to remain enrolled in the school or program through the end of the school year unless overcrowding or other undesirable conditions develop, as described in the accompanying regulation. In addition, students from outside the attendance area who enrolled under the NCLB choice option may remain in the school until they complete the highest grade available in the school subject to capacity constraints related to health and safety issues.

Transportation

Transportation for students granted permission to attend school outside their attendance area must be furnished by their parents unless space is available in district buses without disruption of regular routes and loading areas. Homeless students and students with disabilities shall be transported, as necessary, in accordance with state and federal law. See policy JFABD, Homeless Students. Students attending under the NCLB choice option shall be provided transportation at district expense to the extent required by law.

Nondiscrimination

The Board, the superintendent, other administrators and district employees shall not unlawfully discriminate based on a student's race, color, national origin, ancestry, creed, sex, sexual orientation, religion, marital status, disability or need for special education services in the determination or recommendation of action under this policy.

Special education students

Requests from the parents of special education students for open enrollment or transfer to another school or program shall be considered in accordance with applicable state and federal laws. The student's current Individualized Education Program (IEP) shall be used to determine if the requested school or program can meet the student's needs.

Adoption date: November 19, 2013

LEGAL REFS.: 20 U.S.C. 1116 (*choice options when school is on improvement status under the No Child Left Behind Act of 2001*)

20 U.S.C. 7912 (*students who attend a school designated by state as persistently dangerous or who have been a victim of a violent crime at school have the option to transfer to a safe school within the district pursuant to the No Child Left Behind Act of 2001*)

C.R.S. 22-1-102 (*definition of district resident*)

C.R.S. 22-32-109 (1)(II) (*Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner*)

C.R.S. 22-32-110 (1)(m) (*power to fix boundaries*)

C.R.S. 22-36-101 *et seq.* (*open enrollment*)

CROSS REFS.: EEA, Student Transportation

IHBG, Home Schooling

JC, School Attendance Areas

JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)

JFABD, Homeless Students

JFBB, Inter-District Choice/Open Enrollment

JJJ, Extracurricular Activity Eligibility

NOTE: School districts are encouraged by C.R.S. 22-36-101 (2)(a) to give enrollment priority to students who scored in the unsatisfactory category on one or more CSAP tests or who attend an unsatisfactory school.

[Revised June 2013]

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