

SCHOOL OF CHOICE/OPEN ENROLLMENT

The Board of Education is committed to providing a variety of learning opportunities to meet the diverse needs of students. The Board endorses the neighborhood school concept and makes many decisions based on student population within the attendance areas of residence. The Board recognizes, however, that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries or individual school attendance area boundaries. Therefore, resident and nonresident students shall be allowed to attend any school or participate in any program of their choice on a space-available, first-come, first-serve basis provided they meet the approved guidelines, are eligible for enrollment, and follow the approval process established by the Board within this policy and the accompanying regulation JFBA/JFBB-R.

As used in this policy, the term “school of choice/open enrollment” means parent/guardian initiated enrollment of a student in a district school or program other than the school or program in which the student is currently enrolled or to which the student is currently assigned.

In implementing its school of choice/open enrollment program and applying it in particular circumstances, 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 currently offered 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.
4. Create additional space in the school or program by changing resources or staffing allocations.
5. Open enroll any nonresident student in any school or program after October 1 for the then-current school year.

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

DISTRICT RESIDENT STUDENTS

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

Students, including home-schooled students desiring to take classes on a part-time basis, within a designated neighborhood attendance area shall have priority in registering in the neighborhood school. Students may apply for school of choice/open enrollment in a school outside their neighborhood attendance area (including another neighborhood district school or charter school), and such applications shall be approved if there is space available, the application has been submitted in accordance with the procedures in regulation JFBA/JFBB-R, and the other requirements specified in this policy and in regulation JFBA/JFBB-R have been met.

Students granted permission to attend a school other than the school in their assigned neighborhood attendance area shall have the same curricular and extracurricular opportunities as all other students attending the school, subject to the limitations provided in state law and the rules of the Colorado High School Activities Association.

Subject to the provisions of this policy and the accompanying regulation JFBA/JFBB-R, students accepted for school of choice/open enrollment shall be enrolled at their school of choice for the duration of the grades served by the school. The school of choice/open enrollment becomes the student's home school. After leaving the elementary or middle school level, a student must reapply for open enrollment at the next level, unless the student is to attend the neighborhood school in the area in which the student resides.

The district reserves the right to rescind and/or amend any or all choice enrollments, including reassigning choice-enrolled students to their neighborhood schools, if it determines that there is overcrowding of facilities, the choice school discontinues a particular program or cannot continue to meet the special needs of a student, the student no longer participates in the program that caused the transfer request to be made in the first place, or for other reasons authorized by law and considered by the district to be in the best interest of the student and/or the school.

NONRESIDENT STUDENTS

The district recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries.

Nonresident students from other school districts within the state who apply in accordance with this policy and regulation JFBA/JFBB-R may enroll in particular schools or programs in this district without the payment of tuition on a space-available basis as authorized by law and subject to the same provisions specified for choice enrollment in the immediately preceding section of this policy. Open enrollment of any nonresidential student in any program or school after October 1 will not be allowed.

Before considering requests for admission from nonresidents, priority shall be given to resident students who apply under the district's school of choice/open enrollment policy. In addition to other reasons for denial of admission authorized by law or as described in this policy and the accompanying regulation JFBA/JFBB-R, students who were expelled from another school district during the preceding 12 months or whose behavior in another school district during the preceding 12 months was detrimental to the welfare or safety of other students or school personnel as determined through a safe schools check may be denied admission.

CLOSED SCHOOLS AND/OR CLOSED GRADE LEVEL

A school or a grade level within a school may be closed to school of choice/open enrollment and nonresident admission on an annual basis due to lack of space as described in regulation JFBA/JFBB-R.

The planning office will recommend to the superintendent or designee the school(s) or grade level(s) within a school that meet the closed school/closed grade level requirement.

CHANGE IN RESIDENCE

Elementary and secondary students whose place of residence changes during the school year may remain at the school they are currently attending until the end of the academic year. Transportation will be not provided.

Administrative transfer forms must be completed for recordkeeping purposes for students in this situation.

Students will be required to attend the school in their new attendance area the following year unless an application for their open enrollment is approved.

ADMINISTRATIVE TRANSFERS

Students may not change their assigned school during a school year or for the ensuing year after the school of choice/open enrollment time period has expired unless they receive an approved administrative transfer.

The administrative transfer process is available to allow flexibility in choice of school when the school of choice/open enrollment deadline has passed and/or circumstances necessitate a change in school just prior to or during the school year. All requests for attendance at a school outside a student's attendance area will be processed as an administrative transfer once the school of choice/open enrollment deadline has passed. Principals or parents may initiate an administrative transfer in accordance with this policy and the accompanying regulation JFBA/JFBB-R. Administrative transfers are not intended to accommodate students who fail to request a change in home schools during the school of choice/open enrollment period or whose request was not accepted.

ADMINISTRATIVE PLACEMENTS

Notwithstanding the provisions of this policy, a student may be assigned outside his/her attendance area by the superintendent or designee. The administrative placement option is only available for the purpose of moving a student from one school to another where circumstances indicate that moving schools is in the best interest of the student and the school. These circumstances include, but are not limited to, disciplinary placement, a placement to finish the school year, or placement in a special program.

Students exercising choice under the federal law (when school is on Title I improvement status or designated as persistently dangerous or when the student is a victim of a violent crime at school) shall be treated as an administrative placement.

TRANSPORTATION

Transportation for resident students granted permission to attend a school or program outside their neighborhood attendance area shall be furnished by their parents/guardians unless it is determined that transportation is necessary for the district to comply with the requirements of state or federal law concerning homeless and disabled students. Students attending under the federal choice option shall be provided transportation at district expense to the extent required by law. If space is available in district buses and a resident student desires to utilize existing school bus routes/stops without modifications, parents should request transportation from the director of transportation. By mutual agreement, the transportation director/designee and school administration may grant temporary permission for choice enrolled students to ride a bus.

Transportation for nonresident students who enroll in the district shall be furnished by the parents unless it is determined that transportation is necessary for the district to comply with the requirements of state or federal law concerning homeless and disabled students.

SPECIAL EDUCATION STUDENTS

Requests from the parents of special education students for school of choice/open enrollment 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 considered by the student's IEP team in determining if the requested school or program can meet the student's needs. The final determination of approval of the request is by the director of special education. The responsibility of notifying parents/guardians of the final decision rests with the director of special education.

UNLAWFUL DISCRIMINATION

In implementing this policy and the accompanying regulation JFBA/JFBB-R, the district shall not discriminate on the basis of race, color, creed, sex, sexual orientation, national origin, ancestry, religion, or disability. Sexual orientation is a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or perception of the individual's sexual orientation.

Adopted prior to 1985

Revised June 5, 1991

Revised October 5, 1994

Revised November 3, 1999

Revised June 5, 2002

Revised October 17, 2007 (CASB-July 07)

Revised May 5, 2010

Legal refs.: 20 U.S.C. 1116 (choice options under NCLB Act of 2001)
20 U.S.C. 7912 (safe schools under NCLB Act of 2001)
C.R.S. 15-14-104 (delegation of custodial power)
C.R.S. 22-1-102 (definition of a resident student)
C.R.S. 22-1-102.5 (definition of homeless child)
C.R.S. 22-20-109 (tuition for special education services)
C.R.S. 22-32-109(1)(II) (enrollment decisions nondiscriminatory)
C.R.S. 22-32-110(1)(m) (power to fix boundaries)
C.R.S. 22-32-113(1)(c) (transportation of students residing in another district)
C.R.S. 22-32-115 (district may pay tuition for student to attend in another district)
C.R.S. 22-32-115 (2)(b) (attend without paying tuition)
C.R.S. 22-32-115(4)(a) (tuition liability pursuant to written agreement)
C.R.S. 22-32-116 (if a student becomes non-resident)
C.R.S. 22-33-103 (payment of tuition options, resident and non-resident)
C.R.S. 22-33-106 (3) (grounds to deny admission)
C.R.S. 22-36-101 et seq. (open enrollment)
C.C.R 301.1 Rule 3.02 (l)(j) (opportunities and options for choice)

Cross refs.: IHB, Special Instructional Programs
IIB, Class Size
JC, School Attendance Areas
JFABD, Homeless Students
JHD, Exclusion and Exemptions from School Attendance
LBD, Charter Schools