

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 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 based on the prioritization considerations in the accompanying regulation JFBA/JFBB-R, 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.

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 the pupil enrollment count day 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 the accompanying regulation, and the other requirements specified in this policy and the accompanying regulation have been met.

Students accepted for school of choice/open enrollment shall have the same curricular and extracurricular opportunities 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.

Subject to the provisions of this policy and the accompanying regulation, 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 school of choice/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 school of choice/open enrollments, including reassigning 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 school of choice/open enrollment 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

Nonresident students from other school districts within the state who apply in accordance with this policy and the accompanying regulation may enroll in particular schools or programs in the district without the payment of tuition (except tuition required for participation in all-day kindergarten) on a space-available basis as authorized by law and subject to the same provisions specified for school of choice/open enrollment in the immediately preceding section of this policy. School of choice/open enrollment of any nonresidential student in any program or school after the pupil enrollment count day may be considered on a case by case basis.

Before considering school of choice/open enrollment 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, 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 the accompanying regulation.

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

Students whose place of residence changes during the school year may remain at the school they are currently attending for the duration of the grades served by that school. Transportation will not be provided.

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 a 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 accepted for school of choice/open enrollment 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 students and students with disabilities. 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 transportation department. By mutual agreement, the transportation department 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 students and students with disabilities.

SPECIAL EDUCATION STUDENTS

Parents of special education students applying 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 school of choice/open enrollment 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, the district shall not discriminate on the basis of race, color, sex (which includes marital status), sexual orientation, national origin, ancestry, religion, ethnicity, disability or any other status protected by law.

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

Revised June 19, 2013

Revised October 16, 2013

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. 15-14-105 (delegation of custodial power)
C.R.S. 19-1-115.5 (child in foster care placement in considered resident of school district in which foster home is located)

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. 22-20-106 (designation of general and special education responsibilities for students with disabilities)
C.R.S. 22-20-107.5 (defining district of residence for students with disabilities)
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.R.S. 22-54-103 (10.5) (definition of pupil enrollment count day)
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
JJJ, Extracurricular Activity Eligibility
LBD, Charter Schools