Open Enrollment

The Board 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 or individual school attendance area boundaries. Therefore, students shall be allowed to attend any school or participate in any education program of their choice on a space available, first-come, first-served basis provided they are eligible for enrollment and follow the process of this policy and accompanying regulation.

Nondiscrimination

The district shall not unlawfully discriminate against any student making an open enrollment application. Decisions relative to the application shall be made in accordance with this policy and accompanying regulation.

Open enrollment for district residents

Students may apply for open enrollment in a school outside their attendance area and such applications may be approved if the application has been submitted in accordance with the regulation accompanying this policy.

Nonresident enrollment

Enrollment of nonresident students may be approved if the application has been submitted in accordance with the regulation accompanying this policy.

Any nonresident student requesting admission to a particular district school or program must submit their application, be approved and be in attendance prior to October 1 of the requested year of attendance. Any nonresident students applying for admission after October 1 must obtain the area assistant superintendent's approval prior to acceptance. For applications later than the October 1 date, principal discretion may be applied with assistant superintendent approval.

Special education/bilingual programs

Requests from the parent/guardian of special education and bilingual education students for enrollment in another school or education program will be considered in accordance with this policy's accompanying regulation and applicable law. The district reserves the right to assign students in a special education or bilingual program in a school outside their attendance area notwithstanding this policy.

Rescission of open enrollment status

Approved open enrollments are considered approved for one school year only. However, if the status of the school facility remains open from one year to the next, those approved students shall be allowed to continue into the next school year in their open enrolled school without reapplication. When a district school has been determined closed, the district reserves the right to rescind any or all open enrollment admissions at the end of each school year if overcrowding of facilities occurs in accordance with the accompanying regulation.

Closed schools

A school may be closed to open enrollment and nonresident admission on an annual basis due to lack of space if enrollment is at or exceeds 95% of its capacity or it is projected to reach 95% capacity within the following three years or if there is a lack of teaching staff within a particular program.

The district's planning office will identify schools that meet the closed school requirement as stated above. The planning director will recommend to the superintendent that the school be closed to open enrollment and nonresident admissions. The superintendent will report to the Board of Education normally by April 15 of each year those schools that will be closed to open enrollment and nonresident admissions.

Adopted: February 8, 1984
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Revised: November 5, 2003
Revised: August 10, 2005
Revised and recoded: June 24, 2015

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. 15-14-104 (delegation of custodial power)
C.R.S. 22-1-102 (residence of child)
C.R.S. 22-1-102.5 (definition of homeless child)
C.R.S. 22-20-109 (tuition)
C.R.S. 22-32-109 (1)(ll) (Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner)
C.R.S. 22-32-110 (1)(m) (Board of Education – specific powers)
C.R.S. 22-32-113 (1)(c) (transportation of pupils)
C.R.S. 22-32-115 (tuition for resident school-age children)
C.R.S. 22-32-116 (exclusion of nonresidents – exception)
C.R.S. 22-33-103 (free education – tuition may be charged)
C.R.S. 22-33-103.5 (attendance of homeless children)
C.R.S. 22-33-106 (3) (grounds for denial of admission)
C.R.S. 22-36-101 *et seq.* (choice of programs and schools within school districts)

CROSS REFS.: JC, School Attendance Areas
JFABB, Admission of Non-immigrant Foreign Exchange Students
JFABD, Homeless Students