

## **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  
Revised: June 25, 1986  
Revised: April 27, 1988  
Revised: November 14, 1990  
Revised: June 8, 1994  
Revised: October 12, 1994  
Revised: April 9, 1997  
Revised: February 24, 1999  
Revised: February 27, 2002  
Revised: November 5, 2003  
Revised: August 10, 2005  
Revised and recoded: June 24, 2015

LEGAL REFS.: C.R.S. 15-14-105 (delegation of custodial power)  
C.R.S. 19-1-115.5 (child in foster care placement is considered resident of school district in which foster home is located)  
C.R.S. 22-1-102 (2) (definition of resident of district)  
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) (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. 22-32-113 (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 not to exceed 120% of per pupil general fund cost)  
C.R.S. 22-32-115 (2)(b) (subject to 22-36-101 district must permit any student whose parents are residents of Colorado to attend w/o payment of tuition)  
C.R.S. 22-32-115 (4)(a) (district is not liable for tuition except pursuant to written agreement)  
C.R.S. 22-32-116 (if become non-resident may finish semester, if in 12<sup>th</sup> grade may finish year, special rules for elementary students)  
C.R.S. 22-33-103 (any resident may attend district school w/o payment of tuition, tuition can be paid by district of residence pursuant to written agreement, parents may pay tuition if non-Colorado resident)  
C.R.S. 22-33-106 (3) (grounds to deny admission)

C.R.S. 22-36-101 *et seq.* (open enrollment policy must have time line and reasons to deny enrollment)  
C.R.S. 22-54-103 (10.5) (definition of pupil enrollment count day)

CROSS REFS.: EEA, Student Transportation  
IHBG, Home Schooling  
JC, School Attendance Areas  
JFABD, Homeless Students  
JFABE\*, Students in Foster Care  
JJJ, Extracurricular Activity Eligibility

St. Vrain Valley School District RE-1J, Longmont, Colorado