

## 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 will 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.

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 to accommodate the enrollment request.
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.
4. Enroll any nonresident student in any program or school after the pupil enrollment count day.

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 will 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 will have priority in registering in that school. Students may apply for open enrollment in a school outside their attendance area and such applications will be approved if there is space available in the requested school and the application has been submitted on or before October 1 in accordance with the regulation accompanying this policy.

Students granted permission to attend a school other than the school in their assigned attendance area will 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 will 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.

## **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, students in foster care, and students with disabilities will be transported, as necessary, in accordance with state and federal law.

## **Nondiscrimination**

The district will not unlawfully discriminate based on a student's disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy against any student making an open enrollment application. Decisions relative to the application will be made in accordance with this policy and accompanying regulation.

## **Nonresident enrollment**

Before considering requests for open enrollment from nonresidents, priority will be given to resident students who apply under the district's open enrollment/transfer plan.

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 open enrollment in or transfer to another school or education program will be considered in accordance with this policy's accompanying regulation and applicable state and federal laws. The student's current Individualized Education Program (IEP) will be used to determine if the requested school or program can meet the student's needs. 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 will 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  
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Revised: November 14, 1990  
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Revised: October 12, 1994  
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Revised: February 27, 2002  
Revised: November 5, 2003  
Revised: August 10, 2005  
Revised and recoded: June 24, 2015  
Revised: September 9, 2020

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)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)  
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

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