

*NOTE: Colorado school boards are required by law to adopt a regulation on this subject and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Intra-District Choice/Open Enrollment**

### **1. Attendance areas**

Students will attend the district school determined by their residence unless a request to enroll in another school or program is approved. No student will be enrolled in a school or program outside the attendance area without prior approval in accordance with these regulations.

The principal of each school will be responsible for checking student enrollment records to determine that each student is a legal resident of that school's attendance area or has an approved authorization for open enrollment or transfer.

Students must register in the school serving their attendance area even though a request is pending for open enrollment or transfer. Registration in the requested school will not be permitted until the student has received written approval for open enrollment or transfer.

### **2. Open enrollment**

Requests for open enrollment must be initiated by the parents/guardians by filing the approved form with the principal of the school which the student wishes to attend (receiving school). The receiving school principal will notify the principal of the school in the student's attendance area of the disposition of the request. Central administration of the school district must also receive copies of related paperwork.

Forms will be available in every school building and in the central administrative office. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parents/guardians the procedures used to process open enrollment requests.

The receiving school principal will make the decision as to whether an open enrollment application is accepted or rejected based on criteria established in state law and Board policy. The receiving school principal will be responsible for

notifying the parents/guardians and students of approval or disapproval of an open enrollment request no later than March 1st.

### **3. Grounds for denial of open enrollment**

An open enrollment request may be denied at any time if:

- a. There is a lack of space or teaching staff within a particular program or school requested.
- b. The school requested does not offer appropriate programs for the student, is not structured or equipped with the necessary facilities to meet the student's special needs, or does not offer a particular program requested.
- c. The student does not meet the established eligibility criteria for participation in a particular program including age requirements, course prerequisites, and required levels of performance.
- d. A desegregation plan is in effect for the school district, and such denial is necessary in order to enable compliance with the desegregation plan.
- e. The student has been expelled from any school district during the preceding 12 months.
- f. The student has demonstrated behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel including but not limited to behavior that has resulted in an out-of-school suspension.
- g. The student has graduated from the 12th grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

Upon enrollment at a school outside the attendance area, the student should plan to remain in that school for a full academic year. Once a student is accepted under the open enrollment plan, reasonable effort will be made to permit the student to complete the highest grade in that building subject to the right of residents of the attendance area to attend the school.

A student who is the child of an inbound active duty service member and who is accepted under the open enrollment plan is guaranteed automatic matriculation, including automatic matriculation to the next grade level, even if the next grade is in a different school level or building.

Students who wish to return to their home school or to open enroll in a different school must submit an open enrollment request in accordance with these regulations.

Each principal will maintain a file of all open enrollment requests to that building. A copy will be forwarded to the central office for district-wide data collection purposes.

Those students who apply for open enrollment and cannot be accepted at the time of application will be placed on a waiting list in the order in which the applications are received and will be considered for approval at a later date if space becomes available. The waiting list will be maintained until March 1<sup>st</sup> of each year, after which a new waiting list will be developed for the next 12 months.

#### **4. Transfers**

The transfer process is available to allow flexibility in choice of school when the open enrollment deadline has passed and/or circumstances necessitate a change in school just prior to or during a school year. All requests for enrollment at a school outside a student's attendance area will be processed as transfers once the open enrollment deadline has passed.

Requests for transfer must be initiated by the parents/guardians by filing the approved form with the principal of the school which the student wishes to attend (receiving school). The receiving school principal will notify the principal of the school in the student's attendance area of the disposition of the request.

Forms will be available in every school building and in the central administrative office. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parent/guardian the procedures used to process transfer requests.

The receiving school principal will make the decision as to whether a transfer application is accepted or rejected based on the same criteria established in state and federal law and Board policy as used to consider open enrollment requests. It may be appropriate under some circumstances to conditionally approve a transfer request. The receiving school principal will be responsible for notifying the parents and students of approval or disapproval of a transfer request as soon as possible.

Permission to transfer when granted will be for one academic year or the remainder of the year if the transfer occurs after the beginning of any school year. Renewal of transfers is not automatic.

Students who wish to return to their home school or to transfer to a different school must reapply for a transfer in accordance with these regulations.

Each principal will maintain a file of all transfer requests to or from his/her building. A copy will be forwarded to the central office for district-wide data collection purposes.

**5. Criteria to determine availability of space or teaching staff**

Open enrollment and transfers within the district will be approved subject to space availability in the school requested contingent upon district class size guidelines and subject to availability as determined by the receiving principal taking enrollment projections into consideration. Students whose open enrollment or transfer requests have been approved will be assigned to classrooms on the basis of available staff and support services as well as the best use of classroom space. Mobile units will not be taken into consideration when determining availability of classroom space.

Requests for enrollment in particular programs will take into consideration the applicant's qualifications for the program.

An open enrollment or transfer granted to one child in a family will not necessarily support the open enrollment or transfer of another child in the family, except that priority preference is granted for a younger sibling of a child of an inbound active duty service member.

**6. Continuing enrollment criteria**

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 the student is expelled from the school or program or the district determines that the student's application contained material misstatements or omissions.

Permission for a student to attend a district school may be rescinded at the end of the school year if the school's growth in enrollment due to an increase in students living in the school's boundary results in inadequate space or resources for enrolled students. In such cases, the enrollment of choice or transfer students will be rescinded for particular schools or programs.

Any choice or transfer student may be denied enrollment for the next school year if, due to a change in circumstances, the school would be required to add programs, space, or teaching staff or make an alteration to facilities or equipment

in order to serve the student or the student no longer meets the established eligibility criteria for the school.

Students whose place of residence changes within the school district during the school year must complete transfer forms for record-keeping purposes. Students will be required to attend the school of their new attendance area the following year unless an application is made for open enrollment or transfer.

## **7. Eligibility for activities**

Eligibility for participation in extracurricular and interscholastic activities will be determined in accordance with applicable law, the bylaws of the Colorado High School Activities Association, and the district's eligibility requirements.

Any student who enrolls in a school outside of the attendance area by falsifying the address forfeits eligibility to participate in the school's activities.

## **8. Appeal procedure**

Should a request for open enrollment or transfer be denied, the parent/guardian will be advised by the principal that they may appeal the denial by contacting the superintendent.

The principal will submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision will be final.

Adopted: February 14, 2019  
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