

*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.*

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

The district will consider enrollment requests from Colorado students who do not reside within the boundaries of the school district but who wish to attend a particular school or program within the district in accordance with the following regulations:

### **1. Determination of residency**

Any questions about a student's residency status must be resolved prior to application for open enrollment. These regulations apply to all Colorado students who do not reside within the boundaries of the school district.

### **2. Requests for open enrollment**

Requests for open enrollment as a nonresident student must be initiated by the parent/guardian by filing the approved form with the principal or his/her designee of the school which the student wishes to attend (receiving school). The decision for admission will be made on an individual basis.

Forms will be available in every school building and in the District Office during summer hours. The principal or his/her designee will explain to the parent/guardian the procedures used to process open enrollment requests.

Students must submit an open enrollment request in accordance with these regulations for each school or program requested within the district. Each principal will maintain a file of all enrollment requests received from nonresidents. A copy will be forwarded to the District Office for district-wide data collection purposes.

The receiving school principal will make a recommendation to the superintendent as to whether an application is accepted or rejected based on criteria established in state law and Board policy and regulations. The receiving school principal will be responsible for notifying the parent/guardian and student of approval or disapproval of an open enrollment request.

Approval of a request to enroll in the district will be conditioned on compliance with each of the following:

- a. Actual enrollment and attendance prior to the pupil enrollment count day of the following academic year.
- b. Satisfaction of all district requirements for enrollment.

In the event any information is falsified or withheld from the district during the enrollment process, approval for open enrollment will be withdrawn.

Those students who apply for open enrollment who are not 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.

**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 in a particular program or school requested, in which case priority will be given to resident students applying for enrollment in the program or school.
- 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 the particular program requested.
- c. The student does not meet the established eligibility criteria for participating 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 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.

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

Enrollment requests are subject to space availability in the school requested contingent upon district class size guidelines and subject to availability as determined by the receiving principal and superintendent taking enrollment projections into consideration. Students whose enrollment 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.

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

Open enrollment granted to one child in a family will not necessarily support enrollment of another child from the same family, but efforts will be made to accommodate siblings.

**5. Eligibility for activities**

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

**6. Continuing enrollment criteria**

Any student enrolled pursuant to these procedures and accompanying Board policy shall 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 nonresident 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 nonresident students will be rescinded for particular schools or programs.

Any nonresident 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.

**7. Appeal procedure**

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

The principal shall 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 shall be final.

Adopted: February 2003

Revised: June 2006, September 2007, September 2008, June 2009, December 2012, December 2013, February 2019