

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

Inter-District Choice/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.

Nonresident students from other school districts within the state who are accepted pursuant to the regulations approved by the Board may enroll in particular programs or schools within this district on a space available basis without payment of tuition, except as otherwise provided by law.

In providing for the open enrollment of nonresident students, the school district shall not:

1. Make alterations in the structure of the requested school or 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 currently offered 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.

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

Any student enrolled pursuant to this policy shall 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.

Students granted permission to attend a school pursuant to this policy shall 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.

Transportation

Transportation for nonresident students who enroll in the district shall be furnished by the parents/guardians unless it is determined that transportation is necessary for the district to comply with state and federal law requirements for homeless students, students in foster care and students with disabilities.

Homeless students, students in foster care and students with disabilities shall be transported, as necessary, in accordance with state and federal law. Buses from this district may enter the student's district of residence to pick up or deliver the student only with specific permission of the Board of Education of the district of residence.

Nondiscrimination

The Board, the superintendent, other administrators and district employees shall not unlawfully discriminate based on a student's race, color, national origin, ancestry, creed, sex, sexual orientation (which includes transgender), religion, marital status, disability or need for special education services in the determination or recommendation of action under this policy.

Special education

Requests from the parents/guardians of special education students for open enrollment shall be considered in accordance with applicable state and federal laws. The student's current Individualized Education Program (IEP) shall be used to determine if the requested school or program can meet the student's needs. Once the student is enrolled, the district shall conduct a staffing to update the IEP.

Adopted: February 2003

Revised: September 2007, April 2009, June 2009, July 2014, February 2019

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. 22-32-113 (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 12th 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.:

JFAB, Continuing Enrollment of Students Who Become Nonresidents

JFABA, Nonresident Tuition Charges

JFABD, Homeless Students

JFABE*, Students in Foster Care

JFBA, Intra-District Choice/Open Enrollment

JJJ, Extracurricular Activity Eligibility