

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 Schools Activities Association and the district's eligibility requirements.

The Board gives the Administration guidance to consider student's behavior, academics and attendance when considering whether or not to accept and continue students.

Transportation

Transportation for students granted permission to enroll pursuant to this policy shall be furnished by their parents/guardians to a designated bus stop within the district if arrangements can be made to have the student ride on a district bus without disruption of regular routes and loading areas (not including handicapped/special education buses and routes).

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, 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 Individual Education Plan (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.

Waiver requests

The superintendent shall present to the Board for its consideration any request from parents/guardians alleging violation of a Board policy.

Adopted: October 16, 2002

Revised and recoded: May 18, 2011

Revised: March 2012

Adopted: February 6, 2013

Revised: March 2013

First Reading: October 2, 2013

Adopted: October 16, 2013

Revised: June 20, 2018

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

Big Sandy School District 100J, Simla, Colorado