

## **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 will not be required to:

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 will be given to resident students who apply under the district's open enrollment/transfer plan.

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.

Students granted permission to enroll in a school pursuant to this policy 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.

### **Transportation**

Transportation for students who enroll pursuant to this policy must be furnished by their parents/guardians to a designated vehicle 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 special education buses and routes).

Homeless students, students in foster care, and students with disabilities will 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 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.

### Special education

The district shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. Thereafter, the district shall consider the request for open enrollment, in accordance with applicable state and federal laws.

Adopted: 06/27/94  
Revised: 08/22/94, 12/17/01, 10/28/02, 11/26/07, 12/10/08, 01/23/12, 07/22/13, 03/31/14, 3/26/18, 08/10/20, 10/24/22

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 ed 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. 22-32-113 (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 or 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 resident 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 as of count day)  
1 CCR 301-1, Rule 3.02 (l)(j) (opportunities and options for choice)  
1 CCR 301-8. Rules 4.03 and 8.07 (prohibiting administrative units from inquiring about a transferring child's IEP or disability status until after the child has been admitted)

CROSS REFS: JFAB/JFABA, Admission of Nonresident Students/Tuition Charges  
JFABD, Admission of Homeless Students  
JFABE\*, Students in Foster Care

JFBA, Intra-District Choice/Open Enrollment  
JJJ, Extracurricular Activity Eligibility

*NOTE: School districts are encouraged by C.R.S. 22-36-101 (2)(a) to give enrollment priority to a student with a proficiency rating of unsatisfactory in one or more academic areas who attends a public school that is required to implement a turnaround plan or that is subject to restructuring.*

*NOTE 2: For purposes of this policy, these terms have the following meanings:*

- *“Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).*
- *“Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id.*
- *“Sexual Orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof. C.R.S. 2-4-401 (13.5).*

Sargent School District RE-33J, Monte Vista, Colorado