

INTER-DISTRICT CHOICE/OPEN ENROLLMENT

JFBB

The Board of Education has the power to fix the terms of enrollment of non-resident pupils.

For the purpose of this policy, the habitation for determining residency shall be the place where the student and his/her parents/guardians regularly spend their sleeping hours except in the instance of an emancipated student whose residency will be determined by where the student regularly spends his/her sleeping hours.

1. A student shall be deemed to reside in the School District if:
 - a. Both parents, or the survivor of them, resides in the School District, or the parent with whom the child resides the majority of the time pursuant to a valid court order resides in the School District;
 - b. The student's legally appointed guardian resides in the School District;
 - c. After emancipation the student lives within the School District and has no guardian;
 - d. In the judgment of the Board of Education, the student has been abandoned by his/her parents and lives in the School District;
 - e. The student has become permanently dependent for his/her maintenance and support on someone other than his/her nonresident parents, or upon any charitable organization; provided the child actually makes his/her home and receives his/her support within the School District;
 - f. One of the student's parents or guardian is a public officer or employee living temporarily in the School District for the performance of his/her duties;
 - g. Children of District employees shall be granted resident status.

Unless the parents of the student are permanently separated, the residence of the husband shall be deemed to be the student's residence, but if the parents have permanently separated, the residence of the student shall be that of the parent with whom the student actually lives;

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- h. Regardless of the residence of the parents, if any, the student adopts a dwelling place within the District intending to remain there indefinitely and not to return to the dwelling place from which he/she came, and regularly eats or sleeps there, during the entire school year as defined in Section 22-1-112. The student shall be deemed not to have the requisite intent if he/she regularly returns to another dwelling place during summer vacation or weekends;
- i. The child is found to be homeless pursuant to C.R.S. 22-1-102.5 and the child presently seeks shelter or is located in the School District, unless the child attended school in another school district at the time the child became homeless, the child remains homeless, and the affected school districts find that attendance in the other school district is in the best interests of the child pursuant to C.R.S. 22-33-103.5 and the child chooses to continue attendance in such other school district.

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 admission 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 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.

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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, 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 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 admitted, the district shall conduct a staffing to update the IEP.

Revised: February 1990
November 1993
July 1994
June 1999
August 2002
August 2017
July 2018

Policy Refs.: JFBB-R Inter-District Choice/Open Enrollment
JFABD Homeless Students

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Legal Refs.: C.R.S. 15-14-105
C.R.S. 19-1-115.5
C.R.S. 22-1-102(2)
C.R.S. 22-20-106
C.R.S. 22-20-107.5
C.R.S. 22-20-109
C.R.S. 22-32-109 (1) (II)
C.R.S. 22-32-113
C.R.S. 22-32-115
C.R.S. 22-32-115 (2)(b)
C.R.S. 22-32-115 (4)(a)
C.R.S. 22-32-116
C.R.S. 22-33-103
C.R.S. 22-33-106
C.R.S. 22-36-101
C.R.S. 22-54-103 (10.5)