

Intra-District Choice/Open Enrollment

The Board of Education endorses the neighborhood school concept and makes many decisions based on student population within the attendance areas of residence. The Board recognizes, however, that resident students may wish to attend a school or participate in a program located in an area other than that of their assigned school. Therefore, students will be allowed to attend any school or participate in any program of their choice on a space available, first-come, first-served basis.

In implementing the open enrollment program, the district is not required to:

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school.
2. Establish and offer any particular program in a school if such program is not offered currently 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.

Notwithstanding the provisions of this policy, a student may be assigned outside the attendance area by mutual agreement of the principals in the special interest of the student and/or school.

Open enrollment and transfers

Resident students and their parents/guardians will be notified on an annual basis of the options available through open enrollment in sufficient time to apply.

Students, including home-schooled students desiring to take classes on a part-time basis, within designated attendance areas will have priority in registering in that school. Students may apply for open enrollment in a school outside their attendance area and such applications will be approved if there is space available in the requested school.

Parents and/or students who desire a change of school must submit a letter requesting a transfer. The request will be reviewed and acted upon in accordance with the regulations accompanying this policy.

Open enrollment and transfer students attending a school outside their attendance area will be granted admission on a year-to-year basis. The building's class size shall have an integral part in the decision of the school's capacity level.

Students granted permission to attend a school other than the school in their assigned attendance area 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.

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.

Transportation

Transportation for students granted permission to attend school outside their attendance area must be furnished by their parents unless space is available in district buses without disruption of regular routes and loading areas. Homeless students, students in foster care, and students with disabilities will be transported, as necessary, in accordance with state and federal law.

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 students

Requests from the parents of special education students for open enrollment or transfer to another school or program will be considered in accordance with applicable state and federal laws. The student's current Individualized Education Program (IEP) will be used to determine if the requested school or program can meet the student's needs.

Delta County School District 50J

Adoption date: October 13, 2020

LEGAL REFS.: C.R.S. 22-1-102 (definition of district resident)

C.R.S. 22-32-109 (1)(ll) (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. 22-32-110 (1)(m) (power to fix boundaries)

C.R.S. 22-36-101 et seq. (open enrollment)

CROSS REFS.: EEA, Student Transportation

IHBG, Home Schooling

IC, School Attendance Areas

IFABD, Homeless Students

IFABE*, Students in Foster Care

IFBB, Inter-District Choice/Open Enrollment

III, Extracurricular Activity Eligibility

NOTE 1: School districts are encouraged to give enrollment priority to students with a proficiency rating of unsatisfactory in one or more academic areas who attend a school required to implement a turnaround plan pursuant to C.R.S. 22-11-406 or that is subject to restructuring pursuant to C.R.S. 22-11-210. See, C.R.S. 22-36-101 (2)(a).

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

- "Race" includes, but is not limited to, 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, but is not limited to, 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).