

### **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 shall 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 shall 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 shall have priority in registering in that school. Students may apply for open enrollment in a school outside their attendance area and such applications shall 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 shall 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 shall 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. The classroom size for elementary (K-6) level should be approximately 23 full time students. The middle (7<sup>th</sup>-8<sup>th</sup>) and high school (9-12) level classrooms should be approximately 25 full time students.

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

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.

## **Transportation**

Their parents must furnish transportation for students granted permission to attend school outside their attendance area 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 shall be transported, as necessary, in accordance with state and federal law.

## **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.

## **Students receiving special education services**

Requests from the parents of students receiving special education services for open enrollment or transfer to another school or program 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.

Delta County School District 50J

Adoption date: May 10, 2018

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)(m) (*power to fix boundaries*)

C.R.S. [22-36-101](#) *et seq.* (*open enrollment*)

CROSS REFS.: [EEA](#), Student Transportation

[IHBG](#), Home Schooling

[JC](#), School Attendance Areas

[JFABD](#), Homeless Students

JFABE\*, Students in Foster Care

[JFBB](#), Inter-District Choice/Open Enrollment

[JII](#), Extracurricular Activity Eligibility