

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 will be admitted if there is space available in the requested school and the application has been submitted on or before May 15 in accordance with the regulations accompanying this policy.

Parents and/or students who desire a change of school after May 15 must submit a letter together with the required form 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 enrollment on a year-to-year basis.

Students granted permission to enroll in 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.

Military children

The district will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for open enrollment in a district school or program. No additional documentation of an inbound active duty military member's child's state address will be required to apply for open enrollment.

The district school or program in which the child of an inbound active duty military member is open enrolled will grant guaranteed automatic matriculation while the child remains in the district, including guaranteed automatic matriculation to the next grade, even if the next grade is in a different school level or building, in the same manner guaranteed automatic matriculation is provided to resident students. The district will also grant priority preference for the younger siblings of the child of an inbound active duty military member who is open enrolled for purposes of enrolling in subsequent school years.

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, gender identity, gender expression, 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

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 or transfer to another school or program in accordance with applicable state and federal laws.

Adopted: October 23, 2013

Revised and recoded by the Board: July 17, 2019

Revised: August 12, 2020, October 27, 2021, October 26, 2022

LEGAL REFS.: C.R.S. 22-1-102 (*definition of district resident*)
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(10)(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*)
C.R.S. 22-36-107 (*inbound active duty military families open enrollment and registration*)
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.:

Board policies:

EL-4, Communication and Counsel to the Board
EL-9, Treatment of Students, Parents and Community
EL-10, Student Conduct, Discipline and Attendance

Administrative policies:

EEA, Student Transportation
IHBG, Home Schooling
JC, School Attendance Areas
JFABD, Homeless Students
JFABE*, Students in Foster Care
JFBB, Inter-District Choice/Open Enrollment
JJJ, Extracurricular Activity Eligibility

NOTE: When a child applies for admission or a transfer through public school choice options, the AU may no longer inquire about the transferring child's IEP or disability status until after the child has been admitted, unless the transfer is part of a centralized districtwide admissions process. If the transfer is part of a centralized districtwide admission process, the AU must ensure that it does not use the information collected until after admission has been completed. An AU that uses such a process must also inform the public that a child's IEP or disability status will not be used as part of the admission process to the school of choice.

The AU continues to be responsible for ensuring that all children within their jurisdiction who are eligible for special education and related services receive a free and appropriate public education (FAPE). If a child's enrollment in their school of choice would constitute a significant change of placement, then the receiving school must, upon consideration of a reevaluation, convene an IEP team to determine whether the receiving school or program is an appropriate educational placement for the student. If the IEP team determines that the child's IEP cannot be appropriately implemented at the school of choice, the AU may assign the child to another campus or building where the child's IEP can be implemented as developed by the IEP team. If the AU assigns the child to another building, it must provide parents with meaningful participation in such decision and consider the impact of the location on the child's total educational program.

If the IEP team determines that the parents' school of choice is not an appropriate educational placement, it must include a specific explanation of its determination in either the IEP or a separate prior written notice that meets the requirements of 34 C.F.R. § 300.503. See [CDE's ECEA Rule Changes Fact Sheet & FAQ](#).

Intra-District Choice/Open Enrollment

1. Attendance areas

Students will attend the district school determined by their residence unless a request to enroll in another school or program is approved. No student will be enrolled in a school or program outside the attendance area without prior approval in accordance with these regulations.

The principal of each school will be responsible for checking student enrollment records to determine that each student is a legal resident of that school's attendance area or has an approved authorization for open enrollment or transfer.

Students must register in the school serving their attendance area even though a request is pending for open enrollment or transfer. Registration in the requested school will not be permitted until the student has received written approval for open enrollment or transfer.

2. Open enrollment

Requests for open enrollment must be initiated by the parents/guardians by filing the approved form with the principal of the school which the student wishes to attend (receiving school). The receiving school principal will notify the principal of the school in the student's attendance area of the disposition of the request. Central administration of the school district shall also receive copies of related paperwork.

Forms will be available in every school building, in the central administrative office and online. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parents/guardians the procedures used to process open enrollment requests.

The receiving school principal will make the decision as to whether an open enrollment application is accepted or rejected based on criteria established in state law and Board and district policy. The receiving school principal will be responsible for notifying the parents/guardians and students of approval or disapproval of an open enrollment request no later than September 30.

3. Grounds for denial of open enrollment

An open enrollment request may be denied at any time if:

- a. There is a lack of space or teaching staff within a particular program or school requested.
- b. The school requested does not offer appropriate programs for the student, is not structured or equipped with the necessary facilities to meet the student's special needs or does not offer a particular program requested.

- c. The student does not meet the established eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of performance.
- d. A desegregation plan is in effect for the school district, and such denial is necessary in order to enable compliance with the desegregation plan.
- e. The student has been expelled from any school district during the preceding 12 months.
- f. The student has demonstrated behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel including but not limited to behavior that has resulted in an out-of-school suspension.
- g. The student has graduated from the 12th grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

Upon enrollment at a school outside the attendance area, the student should plan to remain in that school for a full academic year. Once a student is accepted under the open enrollment plan, reasonable effort will be made to permit the student to complete the highest grade in that building subject to the right of residents of the attendance area to attend the school.

A student who is the child of an inbound active duty service member and who is accepted under the open enrollment plan is guaranteed automatic matriculation, including automatic matriculation to the next grade level, even if the next grade is in a different school level or building.

Students who wish to return to their home school or to open enroll in a different school must submit an open enrollment request in accordance with these regulations.

Each principal will maintain a file of all open enrollment requests to that building. A copy will be forwarded to the central office for district-wide data collection purposes.

Those students who apply for open enrollment and cannot be accepted at the time of application will be placed on a waiting list in the order in which the applications are received and will be considered for approval at a later date if space becomes available. The waiting list will be maintained until September 30 of each year, after which a new waiting list will be developed for the next 12 months.

4. Transfers

The transfer process is available to allow flexibility in choice of school when the open enrollment deadline has passed and/or circumstances necessitate a change in school just prior to or during a school year. All requests for enrollment at a school outside a student's attendance area will be processed as transfers once the open enrollment deadline has passed.

Requests for transfer must be initiated by the parents/guardians by filing the approved form with the principal of the school which the student wishes to attend (receiving school). The receiving school principal will notify the principal of the school in the student's attendance area of the disposition of the request.

Forms will be available in every school building and in the central administrative office. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parent/guardian the procedures used to process transfer requests.

The receiving school principal will make the decision as to whether a transfer application is accepted or rejected based on the same criteria established in state and federal law and Board policy as used to consider open enrollment requests. It may be appropriate under some circumstances to conditionally approve a transfer request. The receiving school principal will be responsible for notifying the parents and students of approval or disapproval of a transfer request as soon as possible.

Permission to transfer when granted will be for one academic year or the remainder of the year if the transfer occurs after the beginning of any school year. Renewal of transfers is not automatic.

Students who wish to return to their home school or to transfer to a different school must reapply for a transfer in accordance with these regulations.

Each principal will maintain a file of all transfer requests to or from his/her building. A copy will be forwarded to the central office for district-wide data collection purposes.

5. Criteria to determine availability of space or teaching staff

Open enrollment and transfers within the district will be approved subject to space availability in the school requested contingent upon district class size guidelines and subject to availability as determined by the receiving principal taking enrollment projections into consideration. Students whose open enrollment or transfer requests have been approved will be assigned to classrooms on the basis of available staff and support services as well as the best use of classroom space. Mobile units will not be taken into consideration when determining availability of classroom space.

Requests for enrollment in particular programs will take into consideration the applicant's qualifications for the program.

An open enrollment or transfer granted to one child in a family will not necessarily support the open enrollment or transfer of another child in the family, except that priority preference is granted for a younger sibling of a child of an inbound active duty service member.

6. Continuing enrollment criteria

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 the student is expelled from the school or program or the district determines that the student's application contained material misstatements or omissions.

Permission for a student to attend a district school may be rescinded at the end of the school year if the school's growth in enrollment due to an increase in students living in the school's boundary results in inadequate space or resources for enrolled students. In such cases, the enrollment of choice or transfer students will be rescinded for particular schools or programs.

Any choice or transfer student may be denied enrollment for the next school year if, due to a change in circumstances, the school would be required to add programs, space or teaching staff or make an alteration to facilities or equipment in order to serve the student or the student no longer meets the established eligibility criteria for the school.

Students whose place of residence changes within the school district during the school year must complete transfer forms for record-keeping purposes. Students will be required to attend the school of their new attendance area the following year unless application is made for open enrollment or transfer.

7. Eligibility for activities

Eligibility for participation in extracurricular and interscholastic activities will be determined in accordance with applicable law, the bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

Any student who enrolls in a school outside of the attendance area by falsifying the address forfeits eligibility to participate in the school's activities.

8. Appeal procedure

Should a request for open enrollment or transfer be denied, the parent/guardian will be advised by the principal that they may appeal the denial by contacting the superintendent of schools.

The principal shall submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision shall be final.

Adopted: October 23, 2013

Revised and recoded by the superintendent: July 17, 2019

Revised: October 27, 2021

Intra-District OPEN ENROLLMENT REQUEST
(WITHIN DISTRICT TRANSFER)
Weld County School District Re-3(J)

Parent/Guardian Information:

Name: _____ Telephone: _____

Address: _____

Student Information:

Name: _____ Grade Level: _____

School Year Requested: 20____ - 20 ____

School of Residence: _____ School Requested: _____

Reason for Request: _____

As the parent/guardian of the above-named student, I understand that if this application is approved:

- Enrollment is contingent upon the parent providing transportation to the requested school
 - Transportation may be requested from the Transportation Department but is dependent on existing transportation routes and availability. If granted, students will be transported from their school of residence or the nearest existing bus stop. Annual determination of availability will not be made until after the first two weeks of the school year.
- Enrollment is for one academic year only (or the remainder of the current year); request for open enrollment for the following year must be made by May 15th
- Approval of this transfer may be revoked at any time class size becomes unmanageable or parents and/or student become uncooperative with administration
- Approval of this request is for the above-named student only
- The student is expected to abide by all attendance and behavior regulations of the approved school

Parent/Guardian Signature

Date

After completing and signing this form, please return it to the main office of any Re-3(J) school or the District Administration Office (P.O. Box 1022 – 1101 4th Avenue, Hudson, CO 80642).

Signature of Principal of Current/Resident School

☐ Approve ☐ Deny

Date

Signature of Principal of Requested School

☐ Approve ☐ Deny

Date

Signature of Superintendent

☐ Approve ☐ Deny

Date

School Board: ☐ Approve ☐ Deny Date: _____