



## **In District Choice / Out of District Open Enrollment**

1) 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. The students exercising choice under the federally mandated program (when school is on improvement status or designated as persistently dangerous or when student is a victim of a violent crime at school) have priority over other students in the exercise of open enrollment under this policy when appropriate. *(In District Choice)*

2) The Board of Education 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. *(Out of District Open Enrollment)* Out of District students within the state who are accepted pursuant to the regulations approved by the Board of Education 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 In District and Out of District students, Weld Re-8 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 Out of District student in any program or school after October 1st.

Before considering requests for admission from Out of District, priority shall be given to In District Choice students who apply.

### **Choice Enrollment (In District)**

In District students and their parents/guardians shall be notified on an annual basis of the options available through In District Choice 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. In District students may apply for choice enrollment in a school outside their attendance area and such applications

shall be approved if there is space available in the requested school and the application has been submitted to building principal in accordance with the regulations accompanying this policy.

Parents and/or students who desire a change of school after October 1st must submit a letter together with the required form requesting a transfer to the building principal. The request shall be reviewed and acted upon in accordance with the regulations accompanying this policy.

### **Open Enrollment (Out of District)**

Out of District, open enrollment students attending a school outside their attendance area shall be granted admission on a year-to-year basis. In the event the population of the attendance area increases to fill the building with attendance area residents or students from outside the attendance area who have a right to attend the school under federally mandated programs may be asked to enroll in another school.

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 Weld Re-8's district 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. In addition, students from outside the attendance area who enrolled under federally mandated programs choice option may remain in the school until they complete the highest grade available in the school subject to capacity constraints related to health and safety issues.

### **Transportation**

Transportation for students granted permission to enroll pursuant to this policy shall be furnished by their parents/guardians to the school or to a bus 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 and if space is available and students requiring transportation through a federally mandated program required by 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 of Education, the superintendent, other administrators and district employees shall not unlawfully discriminate based on a student's race, color, sex, national origin, ancestry, creed, 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 admission shall be considered in accordance with applicable state and federal laws. The student's current Individual

Education Plan (IEP) and 504 Plan shall be used to determine if the requested school or program can meet the student's needs. If the student is admitted, the district shall conduct a staffing to update the IEP.

Adopted: October 11, 1994  
Revised: July 12, 1999  
Revised: January 13, 2003  
Revised: March 13, 2017

**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 education 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)(m) (*power to fix boundaries*)
- 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 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 residence 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 count day*)

**CROSS REFS.:**

- EEA, Student Transportation
- IHBG, Home Schooling
- JC, School Attendance Areas
- JFABD, Homeless Students
- JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
- JFAB, Continuing Enrollment of Students Who Become Nonresidents
- JFABA, Nonresident Tuition Charges
- JFABD, Homeless Students
- JJJ, Extracurricular Activity Eligibility