

## 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 will be the place where the student and their 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 their sleeping hours.

1. A student will 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 their maintenance and support on someone other than their nonresident parents, or upon any charitable organization; provided the child actually makes their home and receives their 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 their duties;
  - g. Children of Weld RE-4 School District employees will be granted resident status.
  - 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 they came, and regularly eats or sleeps there, during the entire school year as defined in Section 22-1-112. The student will be deemed not to have the requisite intent if they regularly return to another dwelling place during summer vacation or weekends;

## INTER-DISTRICT CHOICE/OPEN ENROLLMENT

JFBB

- 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 will 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 will be given to resident students who apply under the district's open enrollment/transfer plan.

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.

Students granted permission to attend a school pursuant to this policy 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.

## **INTER-DISTRICT CHOICE/OPEN ENROLLMENT**

**JFBB**

### Transportation

Transportation for nonresident students who enroll in the district will 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 will 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 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.

### Special education

Requests from the parents/guardians of special education students for enrollment 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. Once the student is admitted, the district will conduct a staffing to update the IEP.

Revised: February 1990  
November 1993  
July 1994  
June 1999  
August 2002  
August 2017  
July 2018  
December 2018  
September 2020

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

Legal Refs.: C.R.S. 15-14-105  
C.R.S. 19-1-115.5  
C.R.S. 22-1-102(2)

**INTER-DISTRICT CHOICE/OPEN ENROLLMENT**

**JFBB**

- 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. 22-32-110 (1)(k)
- 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)