1. **Residence Defined.**

A student shall be deemed to be a resident of a school attendance area if:

a. Both parents, or the survivor of them, or the one having custody of the children reside(s) within the attendance boundary.

b. With respect to a child subject to a joint custody order, either parent resides in the chosen attendance area and the joint custody order allows enrollment in a school outside the attendance area in which the child actually resides, (refer to Regulation KBBA-R, Custodial and Noncustodial Parent Rights and Responsibilities).

c. The legal guardian of the student resides within the school attendance boundary.

d. After emancipation, if the student has no legal guardian, the student resides within the school attendance boundary.

e. The student has become permanently dependent for maintenance and support on someone other than his/her non-resident parents or upon any charitable organization, provided the student actually is to reside and be supported within the school attendance boundary.

f. The student has been granted permission to enroll under the Colorado Public Schools of Choice Law and the District’s Schools of Choice policy, and the grant of permission remains in effect.

g. The student has been administratively assigned to the school for reasons deemed sufficient to the superintendent.

2. **Attendance Areas**

Students will enroll in and attend the district school determined by their residence unless a request to attend another school or program is approved or unless they are assigned to another attendance area school by the superintendent, or designee. An elementary student who becomes a nonresident after enrollment or between school years shall be allowed to remain enrolled in or to reenroll in elementary school in the district in accordance with state law and Board regulations. A secondary student who becomes a nonresident during the school year may complete the semester or other term for credit. A senior who becomes a nonresident during the school year shall be allowed to finish the school year as a resident. However, depending on the circumstances, such a student may be required to change his enrollment during the academic year of his/her residence change based on circumstances such as overcrowding.

Students will not be allowed to register in a school or program outside their attendance area without prior approval in accordance with these regulations. Resident students must register in the school serving their attendance area even though a request is pending for Schools of Choice (open enrollment) or transfer to another school. Nonresidents of the district must register in the school they seek to attend.

The principal of each school will be responsible for checking student enrollment records to determine that each student is a resident of that school's attendance area or has an approved authorization for Schools of Choice (open enrollment) or transfer.
3. **Schools of Choice (Open Enrollment)**

Although the Board of Education has endorsed a neighborhood school concept based upon structured attendance areas, it recognizes that students residing outside the district must be allowed to enroll in district schools and programs and that resident students must be given the option to attend a school or participate in a school program located in an area other than that of their assigned school. In conformity with policy JCA/JFBB, parents/guardians of nonresident students may apply for enrollment of their children in a district school or school program and parents/guardians of resident students may apply for their children to attend a school or school program outside their assigned attendance area if such application is made during the application window. The window for applications will open at 10:00 a.m. on the first Monday in March and will be open for ten school business days. The window will close at 4:00 p.m. on the 10th school business day. The application will be for enrollment commencing the next academic year. While students residing within a designated attendance area shall have priority, such applications, if made in accordance with these regulations, shall be granted if space is available in the requested school, the requested grade and the requested school program. Requests for enrollment in particular programs will take into consideration the applicant's qualifications for the program. Priority among applicants will be determined by the date of application on a space available, first come, first served basis. Resident students shall be given priority over nonresidents of the district. Students must be enrolled by October 1 and will not be placed in a school of choice after that date. An applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends a public school that is required to implement a turnaround plan pursuant to section 22-11-406 or that is subject to restructuring pursuant to section 22-11-210 shall have priority over any other applicant for the Schools of Choice (open enrollment) process.

Those students who apply for Schools of Choice (open enrollment) but cannot be accepted at the time of their application may apply for Schools of Choice (open enrollment) the following year or for a transfer as defined below.

The principal will email their decision on or before the fifteenth school business day following the last day of the application window. If their application is approved, the parent/guardian must return an electronically provided letter of commitment to the receiving school no later than the last school business day of April.

Approved applications for Schools of Choice (open enrollment) will grant attendance at the receiving school or program throughout the grades served by the school unless space is no longer available.

The Student Information System will house and maintain all Schools of Choice (open enrollment) requests for district-wide data collection purposes.

4. **Transfers**

The transfer process is available to allow flexibility when the Schools of Choice (open enrollment) application deadline has passed and/or circumstances necessitate a change in school during a school year. All requests for attendance at a school outside a student's attendance area will be processed as transfers once the Schools of Choice (open enrollment) application deadline has passed. In no event will a transfer request be approved unless it is determined that space is available under criteria established by these regulations. Nonresidents of the district will not be permitted to enroll after October 1st.
If space is available based on these regulations, a student at the elementary level may transfer at any mutually agreeable time throughout the school year, even though the student’s request is not filed within the timelines for “choice.” If space is available based on these regulations, a student at the secondary level may transfer at the end of each academic semester.

Transfer decisions must be based on the needs of the student and determined by mutual agreement between the principals of the attendance area school and receiving schools. In cases when mutual agreement for transfer is not reached between attendance area and receiving school principals, the Office of Instructional Support should be notified prior to any final decisions. In cases when both the attendance area and receiving school principals mutually agree to a transfer, the Office of Instructional Support should receive a copy of the approved transfer request. For transfer decisions, conditions for enrollment may be included. Conditions may include, but are not limited to, criteria for attendance, academic success and behavior, and/or the willingness of the student to comply with additional expectations of the receiving school.

At the end of each academic semester, applications of students attending a school through a transfer request will be reviewed to determine if space continues to be available in the school, grade level or program and if the student is meeting the conditions for enrollment set forth in the transfer application. If space is no longer available, or the conditions of enrollment are not being met, the student may be sent back to their attendance area school at the end of the semester.

Notwithstanding the provisions of this regulation, unless otherwise prohibited by law, a student may be assigned outside his/her attendance area by the Superintendent in the special interest of the student and/or school. The circumstances warranting such a decision shall include, without limitation, unanticipated increases in enrollment after commencement of the school year which cause occupancy levels to exceed established building capacity.

Special resource personnel, which may include counselors, psychologists, speech therapists, nurses, special education teachers, social workers, probation officers, welfare case workers, etc., may be called upon to provide special information which will assist the building principals in making transfer request determinations. The special resource personnel may recognize a need for a student to consider transfer, but the special resource personnel shall communicate any such need to the Office of Instructional Support and the building principal of the school in which the student is currently enrolled.

5. Procedure for Application and Processing Schools of Choice (Open Enrollment).

Schools of Choice (open enrollment) applications must be initiated by the parent/guardian and will be electronically filed through an online application process. Electronic applications will be automatically dated and time stamped during the online process.

Electronic forms for Schools of Choice (open enrollment) will be available online through the district website (www.d51schools.org). Parents/guardians shall be provided online access to Board policy JCA/JFBB and this regulation JCA/JFBB-R or may pick-up a copy at any school office.

The parents/guardians must complete the following steps to initiate a request for Schools of Choice (open enrollment):

a. (1) Complete all information requested on the online Schools of Choice (open enrollment) Application.
(2) The receiving school principal will be responsible for notifying the parents and students of approval or disapproval of the Schools of Choice (open enrollment) request in writing on or before ten school days following the last day of the application window. If their application is approved, the Parent/Guardian must return a letter of commitment to the receiving school by the last business day of April.

b. In the event the request is denied, the parents/guardians may follow the appeal procedure described in this regulation

6. Criteria to Determine if Space is Available

Schools of Choice (open enrollment) and transfer requests will be approved subject to projected space availability in each school, in each grade level and within each school program requested. Space availability will be determined in reference to class size, facilities and staffing as determined by the receiving principal taking enrollment projections into consideration. Each building principal, in consultation with the appropriate Executive Instructional Director, shall determine the capacity of (a) the school, (b) each grade level within the school, and (c) each program operated within the school. Students whose Schools of Choice (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. The potential addition of modulars to accommodate attendance area students will not be counted in determining availability of classroom space.

7. Procedure for Application and Processing of a Transfer Process

Requests for transfer to a school or school program must be initiated by the parents/guardians of resident students by filing the Student Transfer Request form. The date and time of filing will be noted on the face of the request by the school official who receives the request.

Upon receipt of the transfer application, the receiving school principal will contact the attendance area school principal regarding the request. If space is available in the receiving school based on these regulations, and it is mutually agreed between the principals of the attendance area school and receiving school, then the transfer application may be accepted. In cases when mutual agreement for transfer is not reached between attendance area and receiving school principals, the Office of Instructional Support should be notified prior to any final decisions. At the time of transfer approval, conditions for enrollment may be included for the application. Conditions may include, but are not limited to, criteria for attendance, academic success, behavior and/or the willingness of the student to comply with additional expectations of the receiving school.

The receiving school principal will forward a copy of Transfer Request Form, including any conditions of enrollment, to the attendance area school principal, as well as to the Executive Director in the Office of Instructional Support.

8. Siblings

A Schools of Choice (open enrollment) or transfer granted to one child in a family will not necessarily support the Schools of Choice (open enrollment) or transfer of another child in the family.

9. Athletics
Any nonresident student who enrolls in a district school, or resident student who enrolls in a school outside the attendance area of his/her residence, will be subject to the eligibility restrictions of the Colorado High School Activities Association, provided that students granted permission to register under the Schools of Choice (open enrollment) policy are deemed to be residents of the school’s attendance area and shall therefore be eligible to participate in athletic programs to the same extent as students whose parents physically reside within the school’s attendance boundaries.

10. Dealing With “Choice” and “Transfer” Students When a Building Exceeds Capacity.

As provided above, choice and transfer students will be assigned priority dates based on the dates their choice, or transfer applications are received by the district. Within a group (i.e. the respective transfer, resident choice and nonresident choice groups) the priority dates will govern the sequence by which choice and transfer students are admitted.

In the event the population of the attendance area increases to fill the building with attendance area residents, choice and transfer students previously granted permission to enroll may be required to return to their schools or school districts of residence, based on dates their choice or transfer applications are received by the district, in the following order:

a. Choice or transfer students will not be required to return to their school or school district of residence during the academic year.

b. When it becomes necessary to return students, all nonresidents of the district will be required to return to their districts of residence on a last-in-first-out basis.

c. Next, all resident transfer students will be required to return to their attendance area schools on a last-in-first-out basis.

d. Finally, resident choice students will be required to return to their attendance area schools on a last-in-first-out basis.

11. Appeal Procedure

Should a request for Schools of Choice (open enrollment) or transfer be denied, the parents/guardians may appeal in writing the denial by contacting the appropriate Executive Instructional Director. The appeal will be forwarded to the Executive Instructional Director immediately following a parents/guardians conference requesting the appeal.

The principal will be asked to submit the reason for denial of the request. The Executive Instructional Director considering the appeal will review the parents/guardians request and the decision and then make a determination of a school assignment.

When necessary and upon request, the Superintendent will review the decision of the Executive Instructional Director. The Board of Education may elect to review the decision of the Superintendent. Otherwise, the decision of the Superintendent will be final.

Appeals shall follow the procedures set forth in the District's Guidelines for Informal Hearings (Policy GBKA).