



## **JFBA - CHOICE / OPEN ENROLLMENT**

Poudre School District is committed to assuming a leadership role in supporting a culture of choice/open enrollment District-wide. The District's commitment to choice/open enrollment is grounded in the belief that parents know the learning style of their children and should have options from which to choose to meet their children's needs.

This policy applies only to District choice/open enrollment in kindergarten through 12th grade and does not apply to early childhood programming. Students residing within the District will be assigned to attend their neighborhood school in grades K-12 unless an application for choice/open enrollment is granted, or as otherwise provided in this policy and District Policy GE - Choice Enrollment of Children of District Employees. Students residing within and outside of the District who apply for choice/open enrollment in grades K-12 will be allowed to attend any District school or participate in any District program of their choice on a space-available basis, subject to the provisions of this policy, Policy GE, and governing law.

### **Definitions**

As used in this policy, these terms have the following meanings:

“Choice/open enrollment” means parent/guardian-initiated enrollment of a student in a K-12 District school or program other than the school or program in which the student is currently enrolled or to which the student is currently assigned (“choice school or program”).

“Option school or program” means a K-12 District school or program that does not have a neighborhood attendance area.

“Program” means a District International Baccalaureate (IB) Program, Core Knowledge Program, Expeditionary Learning Program or Bilingual Program.

### **GENERAL RULES**

Schools are responsible for checking student enrollment records to establish that every student is a resident of the school's neighborhood attendance area or has an approved authorization for choice/open enrollment.

Except as otherwise provided under this policy, students who reside within or outside the District and who accept a seat as determined by the student's order of priority under the Determining Availability of Space section below at a choice school

or program will be granted admission for all grades served at the choice school or program without the need to reapply annually to remain at that choice school or program.

In the event of overcrowding of facilities at a choice school or program, students who reside outside of the District will be selected for reassignment at each grade level in reverse chronological order of their admission. If the facilities remain overcrowded after all students who reside outside of the District have been reassigned, students who reside within the District will be selected for reassignment at each grade level in reverse chronological order of their admission. A student may only be reassigned as provided in this paragraph if the student's parent/guardian is notified in writing of the reassignment prior to the deadline for the first round of School Choice Applications applicable to the following school year when the reassignment takes effect. Under no circumstances will students be reassigned as provided in this paragraph if they reside within the attendance area of the neighborhood school where they are enrolled.

If enrolled at a choice school or program, students must plan on remaining at the school for the remainder of the school year. Students who wish to return to their neighborhood school or attend a different school during the current school year will need to apply through the school choice process and acceptance will be determined by space availability. Students who leave a choice school or program during a current school year and wish to return the following school year must submit a new School Choice Application for the student to be considered to return. Students who move out of their original neighborhood attendance area during a school year can remain at that school without having to apply for school choice until they change levels (i.e., elementary school to middle school, middle school to high school).

In implementing its choice/open enrollment policy and applying it in particular circumstances, 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 currently offered in the school.
3. Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and/or required levels of performance.
4. Create additional space in the requested school or program by changing resources or staffing allocations.
5. Enroll any nonresident student in any school or program after the pupil enrollment count day of the then-current school year.

An application for choice/open enrollment may be denied based on the following criteria:

1. There is a lack of space or teaching staff within a particular program or school requested. Space availability will be contingent upon District class size guidelines, subject availability, and enrollment projections. The District may reserve a reasonable number of spaces for students who move into a school's neighborhood attendance area during the school year or for students of District employees.
2. The requested school does not offer appropriate programs or does not offer a particular program requested.
3. 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.
4. The student has been expelled from any school or school district during the preceding 12 months or has engaged in behavior in another school district during the preceding 12 months that was detrimental to the welfare or safety of other students or of school personnel.
5. The student has graduated from the 12th grade of any school or has received a document evidencing completion of the equivalent of a secondary curriculum.
6. Enrollment/population projections at a particular school or schools show a substantial growth in the attendance area such that overcrowding is considered likely.

Approval of a choice/open enrollment application will be subject to the following requirements:

1. If enrolled at a choice school or program students must plan on remaining at that school for the remainder of the school year.
2. A student who wishes to enroll in a different choice school or program for the following school year or return to their neighborhood school during the current school year must submit a School Choice Application in accordance with this policy.
3. Approval of choice/open enrollment in a particular school or program for one child in a family does not guarantee that choice/open enrollment will be approved for any other children in the family to attend that same school or program of choice, except with respect to multiple birth siblings as otherwise provided under this policy.

4. Determinations regarding availability of space, eligibility and acceptance into a choice school or program will be based on each student's residence as of the first day of school in the school year in which the student wishes to begin attending the requested choice school or program.

#### CHOICE/OPEN ENROLLMENT PROCESS APPLICATIONS

School Choice Applications must be submitted online through the District's website.

Choice/open enrollment application information and dates will be posted on the District's website annually. Except as otherwise provided in this paragraph, a parent/guardian must complete and submit a separate School Choice Application for each school and for each child in the family who is applying for choice/open enrollment. A parent/guardian of multiple birth siblings (i.e., twins, triplets, etc.) must complete and submit a School Choice Application for each school or program and for each sibling applying for choice/open enrollment. Multiple birth siblings will be considered together when determining availability of space and eligibility, will only be admitted together and only if space is available for all of them and each is eligible, and will be placed on the waiting list together if space is not available for all of them.

A School Choice Application confirmation notice will be sent to the parent/guardian when an application is submitted.

Kindergarten students must register in the school serving their neighborhood attendance area even if an application is pending for their choice/open enrollment or transfer to another school or program to provide notice allowing the neighborhood school to provide for adequate staffing and other resources to serve those students whose applications are denied.

#### **Determining Availability of Space**

After the first round application period closes, a determination is made as to the number of spaces available for the following school year at each grade level served by the school or program. This determination is based on the projected enrollment of neighborhood students (if applicable) and the availability of programs, space and teaching staff.

Unless otherwise provided under this policy, the following new and currently enrolled students do not need to submit a School of Choice Application:

1. Students who reside within the attendance area of a neighborhood school and wish to attend that neighborhood school (this provision does not apply to option schools and programs, as defined in this policy). However, students enrolled in a school that is not their neighborhood school who wish to return to their

neighborhood school during a current school year will need to submit a School of Choice Application.

2. Students who wish to enroll or return to their neighborhood school for the following school year.
3. Children of District employees (whether they live within or outside of the District) (this provision does not apply to option schools and programs). However, children of District employees who wish to attend a different school during the current school year will need to submit a School of Choice Application. This process is further described in District Policy GE - Choice Enrollment of Children of District Employees.
4. Students who intend to remain at their current choice school or program for the following school year do not need to reapply. However, students who wish to attend a school at the next level that is not their neighborhood school (elementary to middle school, middle school to high school) for the following school year will need to submit a School of Choice Application.
5. Children of an inbound active-duty military member, as further described in this policy.

For each grade level where the number of choice/open enrollment applicants exceeds the number of spaces available, the determination of space availability for each applicant will be made based on the following order of priority:

1. Students who reside within the attendance area of a neighborhood school and wish to return during the current school year or students who reside within the District who wish to continue attending a District program from elementary to middle school or middle school to high school for the following school year.
2. New student applicants who reside within the District whose sibling is currently attending or will be attending the requested school the following school year. Siblings must reside at the same residence. Multiple birth siblings will be considered together when determining availability of space.
3. Students whose parent/guardian is employed at the District (regardless of whether the student resides within or outside of the District), if applying to attend an option school or program for the following school year or if the student wishes to attend a different school during the current school year.
4. New student applicants who reside within the District and do not meet the criteria for number 1, 2 or 3.
5. Students who reside outside of the District who wish to continue attending a District program from elementary to middle school or middle to high school

for the following school year.

6. New student applicants who reside outside of the District whose sibling is currently attending or will be attending the requested school the following school year. Siblings must reside at the same residence. Multiple birth siblings will be considered together when determining availability of space.
7. New student applicants who reside outside of the District and do not meet the criteria for numbers 5 or 6.

If the number of choice/open enrollment applicants exceeds the number of spaces available within any of the foregoing priority levels at any grade level, the order of priority within that level will be determined by a lottery.

### **Determining Eligibility**

With respect to each choice/open enrollment applicant for whom space is available, eligibility will be determined based on the considerations specified within the General Rules set forth above.

The enrollment of every student with disabilities who resides outside the District is contingent upon the student's school district of residence entering into a written contract with the District for the payment of tuition to cover excess costs incurred in educating the student, as permitted by law. The tuition charge will be determined pursuant to guidelines developed by the Colorado Department of Education in accordance with applicable provisions of the Exceptional Children's Educational Act.

Whenever a choice/open enrollment applicant is determined not to be eligible to fill an available space, the next applicant in order of priority will be evaluated for eligibility.

### **Acceptance**

After eligibility determinations have been made regarding the applicants for whom space is available in their school or program of choice, the applicants and their parents/guardians will be notified. Applicants who receive a seat offer from a requested school(s) must accept or reject the offered seat within the time specified on the District website. For each accepted applicant who rejects a seat offer or does not respond within the time specified, the next eligible applicant in order of priority will be notified.

The District reserves the right to rescind and/or amend any or all choice/open enrollments, including the reassignment of choice/open-enrolled students to their neighborhood schools or to other choice schools or programs with available space, if it determines that: (1) the choice/open enrollment was obtained through misrepresentation or nondisclosure of a material fact, or a representation in the

application process that is determined to be inaccurate; (2) there is overcrowding of facilities in the choice school or program; (3) the choice school discontinues a particular program; (4) the choice school or program cannot meet the special needs of the student as determined by the individualized education program (IEP) team; (5) the student no longer satisfies the eligibility criteria or level of performance required by the choice school or program; or (6) for other reasons authorized by law and considered by the District to be in the best interest of the student and/or the school or program.

### **Waiting List**

First round choice/open enrollment applicants who are notified that space is not available in the grade level of the choice school or program to which they have applied will be placed on a waitlist determined by their level of priority in accordance with their previously determined order of priority under the Determining Availability of Space section above.

Second round choice/open enrollment applicants who are notified that space is not available in the grade level of the choice school or program to which they have applied will be placed on a waitlist determined by their level of priority in accordance with their previously determined order of priority under the Determining Availability of Space section above and by the date and time of when the application was submitted.

Waiting lists will be continually updated to ensure that the students are in the order of priority specified under the Determining Availability of Space section above.

Whenever space becomes available in a choice school or program that has a waiting list, applicants will be offered a seat at that time in order of their placement on the waiting list based on the considerations specified within the Determining Eligibility and Acceptance sections above. Waiting lists will be purged annually on the date stated on the District's website.

### **Children of an Inbound Active-Duty Military Member**

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.

### TRANSPORTATION

Students will be required to furnish their own transportation to the choice school or program in which they are enrolled unless otherwise notified or unless it is determined that transportation is necessary for the District to comply with the requirements of state and federal law, including state and federal laws concerning students experiencing homelessness and students with disabilities.

### ATHLETICS

Eligibility for participation in interscholastic athletics will be determined in accordance with the rules of the Colorado High School Activities Association.

### NONDISCRIMINATION

In implementing this policy, the District and its employees must not discriminate on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, age or disability.

### SPECIAL EDUCATION STUDENTS

The District shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. If the student is admitted the IEP team may convene a meeting to determine if the IEP can be appropriately implemented at the choice/open enrollment school or program. The District shall consider the request for open enrollment to another school or program in accordance with applicable state and federal laws.

### APPEALS

Appeals regarding the application of this policy with respect to any student must be made to the superintendent, and the superintendent's decision and order (if any) is final.

Adopted by Board: April 1972

Revised by Board: July 1974

Revised by Board: August 1979

Revised by Board: September 1980

Revised by Board: April 1982

Revised by Board: April 1988

Revised by Board: August 1990

Revised by Board to conform with practice: May 22, 1995



Revised by Board: April 28, 1997  
Revised by Board: November 25, 2002  
Revised by Board: October 11, 2004  
Revised by Board: September 26, 2005  
Revised by Superintendent: April 23, 2007, effective July 1, 2007  
Revised by Superintendent: April 7, 2008, effective July 1, 2008  
Revised by Superintendent: May 4, 2009, effective July 1, 2009  
Revised by Superintendent: November 14, 2011, effective July 1, 2012  
Revised by Superintendent: January 19, 2015, effective July 1, 2015  
Revised by Superintendent: June 6, 2016, effective July 1, 2016  
Revised by Superintendent: May 22, 2017, effective July 1, 2017  
Revised by Superintendent: June 14, 2018, effective July 1, 2018  
Revised by Superintendent: April 29, 2019, effective July 1, 2019  
Revised by Superintendent: September 9, 2021  
Revised by Superintendent: May 26, 2022, effective July 1, 2022  
Revised by Superintendent: December 8, 2022  
Revised by Superintendent: October 31, 2023  
Revised by Superintendent: June 6, 2024, effective July 1, 2024

#### LEGAL REFERENCES:

C.R.S. 22-1-102  
C.R.S. 22-32-110(1)(m)  
C.R.S. 22-32-116  
C.R.S. 22-33-106  
C.R.S. 22-36-101, et seq.  
1 CCR 301-8, Rules 4.03 and 8.07

#### CROSS REFERENCES:

IHBG, Home-Based Education  
JC, School Attendance Areas  
JFABD, Homeless Students  
JGA, Assignment of New Students to Classes and Grade Levels  
JKC, Discipline of Habitually Disruptive Students  
JKDA/JKEA, Grounds for Suspension/Expulsion of Students