

Mesa County Valley School District 51

JCA/JFBB

ASSIGNMENT OF STUDENTS TO SCHOOLS

Related: JCA/JFBB-E, JCA/JFBB-R

Adopted: June 13, 1972; Revised: February 6, 1996

Adopted: February 19, 2013

Adopted: March 2, 2021

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Statement of Purpose

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, and that state law, in certain circumstances, requires that they be allowed to do so. Therefore, resident students will be allowed to attend any school or participate in any program of their choosing for which they are otherwise qualified on a space available, first-come, first-served basis pursuant to regulations adopted by the District. The process of a student applying to attend a school out of that student's attendance area shall be generally referred to as School of Choice.

Students residing in other school districts within the state who apply pursuant to regulations approved hereunder may enroll in particular programs or schools within this District for which they are otherwise qualified on a first-come, first-served basis without payment of tuition, except as otherwise provided by law, after all resident students who wish to avail themselves of the choice option have been enrolled. (See Sections 22-20-109, 22-32-115 and 22-36-101, C.R.S.)

A resident student who applies for School of Choice 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 applicants during the open enrollment process. A resident student who applies for School of Choice that has a parent who is a staff member at the choice school or who has a sibling already attending the choice school shall have priority over other applicants except resident students attending school subject to a turnaround plan or restructuring referred to in this paragraph.

Notwithstanding the provisions of this policy, unless otherwise prohibited by law, a resident student may be assigned to a school outside his/her attendance area by the superintendent, or designee, 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. The authority of the superintendent, or designee, shall include an assignment of a student who moves into an attendance area after commencement of the school year to a school of another attendance area, with transportation for such student to be provided by the District. In every instance, however, such a student shall be enrolled in the school of his or her attendance area at the first of the next ensuing academic year.

Reasons for Denying Admission to Resident or Nonresident Students

The school district may deny any of its resident pupils or any nonresident pupils from other school districts within the state permission to enroll in particular programs or schools within the District only for any of the following reasons:

- A. There is a lack of space or teaching staff within a particular program or school requested, in which case, priority shall be given to residents of the attendance area over resident students from outside the attendance area and to resident students from outside the attendance area over nonresidents of the District.
- B. The school requested does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of the student or does not offer a particular program requested.
- C. The pupil does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.
- D. The student has been expelled, or is in the process of being expelled, for the reasons specified in section 22-33-106(1)(c.5) or (l)(d) or the student may be denied permission to enroll pursuant to section 22-33-106(3)(a), (3)(b), (3)(c), (3)(e), or (3)(f).

Provisions Relating to Resident Students

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A. School of Choice

Resident students and their parents/guardians shall be notified each school year of the dates during which School of Choice applications will be accepted. In accordance with the regulation accompanying this policy, parents/guardians of resident students may apply for School of Choice of their children in a school or in a school program, for which they are otherwise qualified, outside the assigned attendance area during the School of Choice application window. The School of Choice application window will be open for ten days. The student's parents/guardians shall be notified of the decision on the student's School of Choice application within fifteen school business days of the close of the School of Choice application window. If their application for School of Choice is approved the student must be enrolled by October 1st. See Section 22-36-101, *et seq.*, C.R.S.

(These students will be referred to as resident "choice" students.)

B. Transfer

Parents/Guardians of students who wish to change school enrollment or who wish to enroll in a school program, for which they are otherwise qualified, at another school after the School of Choice deadline should submit the appropriate form requesting a transfer. The request for a transfer shall be reviewed and acted upon in accordance with the regulation accompanying this policy. District review of requested transfers shall begin two weeks immediately preceding the first student contact day of the academic year, with the decision on transfer requests finalized no later than two weeks after school starts. No transfer to another building shall be allowed without permission from the building principals of the sending and receiving schools and notification to the Area Director's office unless there is a change of the student's residence.

(These students will be referred to as resident "transfer" students.)

Provisions Relating to Nonresident Students

In providing for admission of nonresident students, the school district need not:

- A. 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.
- B. Establish and offer any particular program in a school if such program is not currently offered in such school.
- C. Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites and required levels of performance.
- D. Enroll any nonresident student in any program or school after October 1st.

Parents/guardians of nonresident choice students may apply for enrollment of their children in a school or in a school program, for which they are otherwise qualified, in accordance with the regulation accompanying this policy. Before considering requests for admission from nonresident choice students, priority shall be given to resident choice or transfer students.

The superintendent will present to the Board for its consideration any request from parents or legal guardians of nonresident students for exceptions to this policy. The Board reserves the right to rescind and/or amend any enrollment of nonresident students if, in its opinion, overcrowding of facilities or other undesirable conditions develop.

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(These students will be referred to as nonresident "choice" students.)

Conditions for School of Choice Enrollment or Transfer

Each building will be assigned a capacity determined according to procedures prescribed in the accompanying regulation JCA/JFBB-R.

Choice and transfer students will be assigned priority dates based on the date/time stamp on their choice or transfer applications 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 will 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 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.

Approved applications for School of Choice will be valid for attendance at that school throughout the grades served by the school for so long as space is available. After leaving the elementary or middle school level, students must reapply for School of Choice at the next level.

Any student who becomes a nonresident or a student that moves to another District school area after enrollment or during the school years shall be allowed to remain in that school for the remainder of that school year.

Students granted permission to enroll in a school outside of their assigned attendance area or district of residence will have the same curricular and extracurricular status as all other students attending that school, limited only as permitted by law and in accordance with rules of the Colorado High School Activities Association. Students granted permission to enroll only in a particular school program will be required to make a new request if they wish to enroll in another school program at a school outside their designated attendance area.

Transportation for students who enroll as choice or transfer students will not be furnished by the District unless it is determined that transportation is necessary for the District to comply with state and federal law requirements for homeless and disabled students.

The Board, the superintendent, other administrators and teachers shall not make any distinction on account of race, sex, ethnic group, religion or disability of any student who may be in attendance or who seeks admission to any school maintained by the District in the determination or recommendation of action under this policy.

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Requests from the parents 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) shall be used to determine if the requested school or program can meet the student's needs.

Any provisions for grandfathering of attendance of students as part of a school boundary change made by the Board of Education shall not be subject to the requirements of this Policy.

Legal References:

- 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)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)
- C.R.S. 22-32-113 (1)(c) (transportation of student 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. (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 References:

- IHB, Class Size
- JC, School Attendance Areas
- JFABA, Admission of Nonresident Students/Tuition Charges
- JFABB, Admission of Non-immigrant Foreign Exchange Students