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1. Residence Defined

A student shall be deemed to live within 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 nonresident parents or upon any charitable organization, provided the student actually is to reside and be supported within the school attendance boundary.

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

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 School of Choice or transfer.

3. School of Choice

Although the Board of Education has endorsed a neighborhood school concept based upon structured attendance areas, it recognizes that students residing outside the District may desire to enroll in District schools and programs and that resident students may desire 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 known as School of Choice. Resident students must register in the school serving their attendance area even though a request is pending for School of Choice or transfer to another school. Nonresidents of the District must register in the school they seek to attend once they are accepted through the School of Choice process.

School of Choice Process:

- a. Dates will be posted on the District's website and advertised to the public three weeks prior to the beginning day of the School of Choice window.
- b. The School of Choice window will be open for ten (10) school days, starting at 10:00 a.m. on the first day and closing at 4:00 p.m. on the 10<sup>th</sup> day.

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- c. Electronic forms for School of Choice will be available online through the District's website ([www.d51schools.org](http://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. Nonresident applicants must fill out paper applications, which are available at all school offices.
  - d. The application will be for enrollment commencing the next academic year.
  - e. While students residing within a designated attendance area shall have priority for the neighborhood school within such attendance area, School of Choice 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.

Except as otherwise stated below, priority among applicants will be determined by the time stamp/date of application on a space available, first come, first served basis.

- a. An applicant 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 School of Choice (open enrollment) process.
- b. 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 (other than the scenario cited in a. immediately above).
- c. Resident students shall be given priority over nonresidents of the District.

All of the above require a School of Choice application to be submitted.

The principal of the receiving school will email/mail his/her decision to the parents/guardians on or before the fifteenth school business day following the last day of the School of Choice application window. If a student's application is approved, the parents/guardians must return an electronically provided letter of commitment no later than the deadline specified in the acceptance letter. In the event a request is denied, the parents/guardians may follow the appeal procedure describe in this regulation.

Approved applications for School of Choice 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 School of Choice requests for district-wide data collection purposes.

#### 4. Transfers

The transfer process is available to allow flexibility when the School of Choice application deadline has passed (see 1. below) and/or circumstances necessitate a change in school during a school year (see 2. below). All requests for attendance at a school outside a student's attendance area will be processed as transfers once the School of Choice 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.

1. Parents/Guardians who wish to change school enrollment, or program for which they are otherwise qualified, after School of Choice process is complete should submit a transfer application. District review of such transfers shall begin two weeks immediately preceding the first student contact day of the academic year with all decisions on transfer requests finalized no later than two weeks after school starts.
2. In some instances, a transfer may be requested by the parents/guardians of a student or by staff based on the needs of a student. Such applications for a transfer may occur outside of the time frames stated above

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and shall be approved only by mutual agreement of the principals of the attendance area school and receiving school and with Area Director notification.

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. Conditions will be noted on the transfer form and all transfer forms shall be uploaded into the student electronic record system. Students who do not comply with set conditions may be withdrawn from requested school and re-enrolled at their attendance area school at the end of the semester.

Transfer requests are valid for one (1) academic school year. At the end of each academic school year, students on transfers will be automatically returned to their attendance area school for the next school year. A new request must be completed for each year in order for the student to continue at that school. A transfer student may apply for School of Choice for the next year according to School of Choice process.

Notwithstanding the provisions of this regulation, unless otherwise prohibited by law, a student may be assigned 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.

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 Area Director's Office and the building principal of the school in which the student is currently enrolled.

5. Criteria to Determine if Space is Available

School of Choice 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 Area 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 School of Choice 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.

6. 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 Assignment of Students to Schools 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/guardians physically reside within the school's attendance boundaries.

7. 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.

8. Appeal Procedure

Should a request for School of Choice or transfer be denied, the parents/guardians may appeal in writing the denial by contacting the appropriate Area Director. The appeal will be forwarded to the Area 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 Area 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 Area 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).