

Open Enrollment Program

The Board of Education recognizes the variety of learning opportunities it provides for its resident students are often sought after by non-resident students as well. Moreover, the Board recognizes that non-resident students may wish to attend TSD schools to enhance their learning opportunities and contribute to our educational community. Therefore, non-resident students will be permitted to attend TSD schools by participating in the open enrollment program except as otherwise provided for in this policy or its accompanying regulations.

In implementing the open enrollment program, the district will not do any of the following unless otherwise required by law:

1. Make alterations in the structure of a TSD school or make alterations to the arrangement or function of rooms within a TSD school.
2. Establish and/or offer any academic program in a TSD school if such an academic program is not currently offered in the respective TSD 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 student in any school or program after the pupil enrollment count day.

Executive Summary

The Open Enrollment Program consists of a single application round commencing the first school day in November and running until the first school day of the following school year.

An open enrollment applicant may submit their applications at any time during the open enrollment window. All admission offers are based on available space, sufficient staffing, and compliance with program requirements. Open enrollment applications are processed after the second round of choice enrollment, and are usually processed in the order in which they are received.

If a student receives an offer of admission, they have five days to accept the offer. Resident students follow a separate choice enrollment policy (JFBA).

Key aspects of the Open Enrollment Policy are:

1. **Annual Reapplication:** Students who are accepted to a school through the open enrollment program will be required to reapply to attend that school for the following school year. Students reapplying to a school for which they attended in the previous year will receive priority over students applying to attend the school for the first time.
2. **Enrollment Stability:** The policy encourages students to transfer schools and programs during natural academic breaks to minimize disruption to their learning and the school's functioning. Mid-year transfers are limited to certain exceptions, such as administrative placements (for health and safety related concerns) and accessible education placements (for students with disabilities).
3. **Priority Enrollment for Academic Program Participants:** Students who are actively participating in academic programs offered only in select TSD schools are granted priority enrollment into that school.

Open Enrollment Program

Non-Resident students may apply for enrollment into a desired TSD school. Once a non-resident student has submitted their application to the open enrollment program, the resident student becomes an open-enrollment applicant.

Open-enrollment applicants will be offered admission into the desired TSD school for which the open-enrollment applicant has applied so long as there exists,

1. Space available in the desired school,
2. Sufficient staffing at the desired school, and
3. The open-enrollment applicant's application complies with the requirements of this policy and its accompanying regulations.

Relevant factors for determining sufficient staffing and space available are noted in the accompanying regulations. The primary TSD staff member responsible for determining if space is available or if there exists sufficient staffing shall be the desired school's highest administrator.

Open-enrollment applicants must accept the open enrollment offer of admission before the applicable deadline noted in the accompanying regulations. Once the offer of admission is accepted, the open-enrollment applicant is thereafter deemed an open-enrolled student.

The provisions of this subsection shall not waive any other provision of this policy including, but not limited to, open enrollment program exceptions.

Choice Enrollment Program Distinguished

This policy and its accompanying regulations outline the requirements for the open enrollment program. The open enrollment program is available to non-resident students of the district except where expressly disclaimed by contrary provision within this policy. Resident students are subject to the provisions of TSD's choice enrollment policy contained in Board policies JFBA and JFBA-R. They shall not apply under the provisions of this Policy and any application improperly submitted for a resident student under this policy shall be null and void.

Open Enrollment Commencement and Exceptions

Although the Board recognizes the potential benefits associated with greater student mobility, the process of changing schools can be exceptionally burdensome for students, families, teachers, and district staff. For students particularly, the process of moving schools during the school year often poses difficulties with meaningful integration into the new school, loss of instructional time, social and emotional challenges, unforeseen transportation difficulties, and other hardships. To ensure the best outcomes for TSD students, the Board strongly recommends students only move between school placements during natural breaks in academic programming to avoid these hardships.

Therefore, it is the expectation of this Board that in almost all circumstances open-enrolled students will begin their education at their TSD school or program effective the first school day in the school year immediately following the student's acceptance into the desired school.

Although the Board intends for the majority of student movement between schools to be accomplished through the open enrollment program, there do come circumstances where a student may need to move to a different school or program due to unforeseen or emergent circumstances. In order to balance the need to ensure individual student safety and success with the TSD's goal of promoting student movement during natural breaks in instruction the Board is

outlining three enumerated exceptions to student movement that may occur outside the open enrollment program. Those three exceptions are:

- Administrative Placements,
- Academic Program Placements, and
- Accessible Education Placements.

These placements are collectively referred to as “open enrollment program exceptions”. Those three exceptions are broadly described below, with more specific provisions contained in the accompanying regulations. Specific conditions and processes for expedited enrollment are set forth in the accompanying regulations within the open enrollment program exception under which the student is moving schools. Such conditions and processes shall be strictly enforced. No other exceptions, additions, or modifications are permitted by TSD staff for student movement between schools.

Administrative Placements

Notwithstanding contrary provisions of this policy, any open-enrolled student may be assigned to a school other than the school or program they were originally enrolled into through the open enrollment program by designated Thompson School District Staff at any time within the terms of this policy, its accompanying regulation, and state or federal law. Administrative placement is only available for the purpose of enrolling an open-enrolled student into another TSD school or program where designated Thompson School District Staff have determined that moving schools or programs is in the best interest of the student, the school, and/or the district. These circumstances include, but are not limited to placements for the safety of the student or the school community or a placement necessary to ensure compliance with state and federal law.

Academic Program Placements

Thompson School District strives to provide all students with an array of quality educational programming. As part of this commitment, TSD offers several academic programs which maintain unique program eligibility requirements. Where a non-resident student applies and is accepted to an academic program, the following rules shall apply:

- 1) The non-resident student must apply and be accepted to the academic program by the staff or team responsible for determining academic program admission.

- 2) The non-resident student must apply and be accepted to the school or schools offering the academic program for which the student was admitted pursuant to this policy and its accompanying regulations.
- 3) The non-resident student must actively participate for the duration of the academic program's school year duration.
- 4) The non-resident student must continuously meet all academic program requirements for the duration of the academic program's school year duration.
- 5) The non-resident student must continuously meet all regulations contained in the accompanying regulations.

Given the unique hardships non-compliance with these provisions poses for academic programs themselves, non-resident students who violate these requirements are subject to refusal of future participation in academic program placements by the designated TSD staff members in the accompanying regulations.

Accessible Education Placements

State and federal laws have a dramatic impact on the schools and programs in which students with disabilities may participate and receive their education. These laws generally require TSD to ensure a free and appropriate public education to all students with disabilities, closely regulate the methods for determining the appropriate educational placement for the student, and often dictate specific individuals who must participate in the placement decision-making process. In conformity with these legal obligations, students receiving disability-related special education services, modifications, accommodation and/or related services through an individual plan of education (IEP or Section 504 Plan) may occasionally need access to specialized education programs and supports that are not available at the school sought through the open enrollment program. Where a student is placed into a school by their individual plan of education, the same shall generally be referred to as "accessible education placements." Accessible education placements shall be made in strict conformity with applicable state and federal law and shall not be used as a means to bypass participation in the open enrollment program except where placement is essential to the student receiving a free and appropriate public education.

Students placed in accessible education placements shall not be discriminated against by disparate access to the open enrollment program. As such, even where a student has been placed in an accessible education placement in their individual plan of education, the student may still apply to the open enrollment program. Where there arises concerns that the components of a student's individual plan of education may not be appropriate in the desired school for which the student has accepted an offer of admission, the provisions regulating such circumstances in the accompanying regulations shall be strictly adhered to.

Finally, in order to ensure students with disabilities are permitted non-discriminatory access to the open enrollment program, no student application shall indicate if a student has a disability or individual plan of education. No staff participating in the administration of the open enrollment program shall inquire from any source if a student has a disability in any part of the open enrollment program, nor may any previous or inadvertently gained information regarding a student's disability status or individual plan of education be shared with any other staff member. Failure to comply with this provision shall result in remedial action, including the removal of the staff member from current and future participation in the open enrollment program.

Students of Active Inbound Military Families

Thompson School District acknowledges the unique hardships often experienced by active inbound military families related to school enrollment as highlighted in C.R.S. 22-36-107. Specifically, students of active inbound military families often struggle to meaningfully participate in open enrollment when change in station orders are received after the close of open enrollment deadlines. As part of the District's commitment to easing this transition, the following provisions apply exclusively to the students of active inbound military families.

1. Address for Open Enrollment Purposes. The district will allow an active inbound military member to use the school liaison office address for the military installation to which the active inbound military member is or will be assigned in order to apply for open enrollment in Thompson School District and its programs.
2. Future Program Priority: In the event that a younger sibling is unable to secure a seat in a desired school or the younger sibling will be entering a grade which can be serviced by the same desired school in which their older

sibling has been open enrolled, the younger sibling shall be granted priority preference through the open enrollment program to the desired school or program the older student is enrolled in, but shall not have greater priority preference than resident students or resident military students. In carrying out this requirement, it should be noted that priority is not applicable where the older sibling is seeking open enrollment into a different desired school than the TSD school they were previously enrolled in.

3. Non-waiver: In setting for the privileges and duties for non-resident military students under this policy, TSD does not disclaim or waive any other provisions of this policy that may be applicable, including but not limited to the open enrollment program exceptions.

Transportation

In almost all circumstances, TSD will not provide transportation to open-enrolled students. Students experiencing homelessness, students in foster care, students with disabilities, and other students for whom TSD has a legal duty to transport by other operation of law shall be transported only to the extent required by state and federal law and in accordance with all individualized plans of education. No other transportation shall be provided for open-enrolled students.

Appeals

The Board has expended significant time and resources in determining the optimal policy for non-resident students available through open enrollment. In doing so, the Board expects the provisions of this Policy and its accompanying regulations to be enforced. Therefore, the Board has set forth an appeals process to challenge non-compliance with the terms of the open enrollment program. In doing so, the Board has also indicated the permissible bases for appeal. In enumerating these bases, the Board seeks to ensure that the public, democratic process by which this Policy and the accompanying regulations were adopted and for which the Board is ultimately responsible, is not undermined nor its discrete provisions challenged through the appeals process. Otherwise stated, the proper venue for disagreements with the provisions of this Policy and the accompanying regulations is through the Board's democratic processes, whereas individual appeals are purposed to ensure compliance with the established policy. Finally, no appeal shall lie from a final determination of an appeal.

Appeals may be filed for one or more of the following reasons:

1. Improper denial of enrollment into a student's desired school.

2. Improper classification of a student's open-enrollment application.
3. Improper placement of a student due to an open enrollment program exception.
4. Improper denial of transportation.
5. Other procedural non-compliance with this policy which results in the denial of a substantial right or privilege for the choice applicant.

Further information regarding the bases for appeal, the appropriate standards of review, and anticipated timelines for appeal resolution are contained in the accompanying regulations.

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, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy and its accompanying regulations. A lack of English skills will not be a barrier to admission or participation in the open enrollment program.

Contact

The following person/people has/have been designated to handle inquiries regarding the nondiscrimination policies:

Title IX/Employee ADA/504/EEO Compliance Officer.

Director of Human Resources
800 South Taft Avenue
Loveland, Colorado 80537
(970) 613-5009
nondiscrimination@tsd.org

Student ADA / 504 Compliance Officer

Executive Director of Student Services
800 South Taft Avenue
Loveland, Colorado 80537
(970) 613-5092
nondiscrimination@tsd.org

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Legal References

- C.R.S. 22-1-102 (definition of district resident)
- C.R.S. 22-1-102.5 (definition of homeless child)
- 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. 22-32-109 (Board duties to adopt specific policies)
- C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)

- C.R.S. 22-32-110 (1)(m) (Board power to fix boundaries)
- C.R.S. 22-32-116 (if a student becomes non-resident)
- C.R.S. 22-32-138 (duties regarding students in foster care).
- C.R.S. 22-33-104.5 (defining nonpublic home-based education)
- C.R.S. 22-33-106 (grounds to deny admission)
- C.R.S. 22-36-101 *et seq.* (open enrollment)
- C.R.S. 22-36-107 (inbound active duty military families open enrollment and registration)
- C.R.S. 22-54-103 (10.5) (definition of pupil enrollment count day)
- 1 CCR 301-8, Rules 4.03 and 8.07 (prohibiting administrative units from inquiring about a transferring child's IEP or disability status until after the child has been admitted)
- 1 CCR 301-39 (3.01 - 3.06). (regarding calculation of the pupil enrollment count day).
- 12 CCR 2509-4, 7.301.241 (education requirements for students in foster care).
- 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
- 20 U.S.C. §1681 *et seq.* (Equal Opportunity in Education Act, A.K.A. Title IX)
- 29 U.S.C. § 794 (§504 of the Rehabilitation Act of 1973)
- 42 U.S.C. 12101 *et seq.* (The Americans with Disabilities Act)

Cross References

- EEA, Transportation: Walkers and Riders
- IHB, Special Instructional Programs
- IHBG, Home Schooling
- IIB, Class Size
- JC, School Attendance Areas
- JFABD, Homeless Students
- JFABE, Students In Foster Care
- JFBB, Open Enrollment
- JHD, Exclusion and Exemptions from School Attendance
- JJJ, Extracurricular Activity Eligibility
- LBD, Charter Schools