

Book	Board Policies
Section	J. Students
Title	Intra-District School Choice
Code	JFBA
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Adopted	January 12, 2009
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The Cherry Creek School District Board of Education supports the neighborhood school concept. However, the Board recognizes that resident students may wish to attend a school, or participate in a program, outside their assigned attendance area. Therefore, resident students shall be allowed to attend any school or participate in any program not offered in their home school on a space and staff available basis, in accordance with state law and Regulation JFBA-R, accompanying this policy.

#### I. Limitations on School Choice Program

In implementing the open enrollment program, the District is not required to:

1. Make alterations in the structure of a requested choice school or make alterations to the arrangement or function of rooms within a requested choice school
2. Establish, expand, or offer any particular program in a choice school if such program is not offered currently in such 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. Alter or modify, in anyway, established staffing assignments

Notwithstanding the provisions of this policy, students may attend a school outside their attendance area by mutual agreement of the principals in the special interest of the students and/or school.

Expelled students or students for whom expulsion is currently under consideration are not eligible to participate in intra-district choice.

#### II. School Choice Requirements

Through the District website, the District shall notify resident students and their parents on an annual basis of the intra-district choice program. While students within a designated attendance area shall have priority in registering in that school, students may apply for school choice enrollment in a school outside their attendance area. Such applications shall be approved if space and staffing is available in the requested choice school or program and the application has been submitted in accordance with the regulation accompanying this policy.

Students granted permission to attend a school other than the school in their assigned attendance area shall have the same curricular and extracurricular status as all other students attending the choice school, limited only by rules of the Colorado High School Activities Association.

New school choice applications need not be submitted each year as long as the student remains in a particular school and continues to meet the enrollment criteria. In the event the population of the attendance area increases to fill a particular school with attendance area residents, transfer students may be asked to enroll in another school. After leaving the elementary or middle school level, a student must reapply for school choice enrollment at the next level.

Any student enrolled pursuant to this policy shall be allowed to remain enrolled in the choice school or program through the end of the school year unless there is overcrowding, other undesirable conditions develop, or the student no longer meets the enrollment criteria, as described in the accompanying regulation.

#### III. Transportation

Except as may be required by law, transportation for resident students granted permission to attend a choice school or program outside their attendance area is the responsibility of their parents or guardians. The District may at its discretion allow students to ride in District buses on a space available basis provided such transportation does not disrupt regular routes or require new loading

areas. In accordance with state and federal law, homeless students, students in foster care, and students with disabilities shall be transported as necessary.

#### IV. Military Children

The District will allow an inbound active duty member, as that term is defined by state law, to use the military school liaison office address for the military installation to which the inbound active duty military member is or will be assigned to apply for school choice 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 school choice enrollment.

The District school or program in which the child of an inbound active duty military member is choice 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 younger siblings of the child of an inbound active duty military member who is choice enrolled for purposes of enrolling in subsequent school years.

#### V. Nondiscrimination

The Board, the Superintendent, other administrators and District employees shall not unlawfully discriminate based on a student's race, color, ancestry, creed, sex, gender, gender identity, gender expression, sexual orientation, religion, national origin, marital status, disability or need for special education services in the determination or recommendation of action under this policy.

#### VI. Special Education Students

Requests from the parents of special education students for school choice enrollment to another school or program shall be considered in accordance with applicable state and federal laws. The District-wide centralized admission process requests information related to a student's disability status as a part of the application process; however, this information shall not be used in admission decisions and shall not be considered until after the admission process is complete. Thereafter, if applicable, the school team shall review the student's current Individual Education Plan (IEP) to determine next steps. If a particular school determines it cannot meet the student's needs, the student may seek enrollment in another District school.

Originally Adopted: January 12, 2009  
Last Revised: November 12, 2012  
Current Revision: May 8, 2023

Legal

- 20 U.S.C. § 6312(c)(5) (ESSA transportation requirements for students in foster care)
- C.R.S. § 22-1-102 (definition of district resident)
- 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)(m) (power to fix boundaries)
- C.R.S. § 22-32-128(2)(b)(II) (state transportation requirements for students in foster care)
- C.R.S. § 22-33-103.5(6) (transportation requirements for homeless students)
- C.R.S. § 22-36-101 et seq. (open enrollment)
- C.R.S. § 22-36-107 (inbound active duty military families open enrollment)
- 1 CCR 301-8, Rules 4.03 and 8.07 (prohibiting administrative units from inquiring about an enrolling students IEP or disability status until after the student has been admitted)

Cross References

- [EEA - Student Transportation](#)
- [IHBG - Home Schooling](#)
- [JC - School Attendance Areas](#)

[JF-R - Admission and Denial of Admission \(Procedures for Students in Out-of-Home Placements\)](#)

[JFABD - Homeless Students](#)

[JFBB - Inter-District Choice/Open Enrollment](#)