

## **INTER-DISTRICT CHOICE/OPEN ENROLLMENT**

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Colorado law recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school District boundaries.

Nonresident students from other school Districts within the state, who apply pursuant to the regulations approved by the Board of Education, may submit a choice/open enrollment application to Aurora Public Schools in order to be considered for enrollment without tuition in particular programs or schools within the District.

Before considering requests for admission from nonresidents, priority shall be given to resident students who apply under the District's Intra-District Choice/Open Enrollment Policy (JFBA).

Inter-district choice/open enrollment applications may be approved on a space available, projected staff available, first-come, first-served basis. Students may be denied enrollment under this policy for reasons provided by law.

Applications for inter-district choice/open enrollment will be considered in the following order of priority.

1. Nonresident students, who apply, meet specific eligibility requirements and are accepted into a pilot/magnet school or focus educational program, shall have the next priority following resident students.
2. Resident students who apply under the district's intra-district choice/open enrollment policy (JFBA) shall have the next priority.
3. Student applicants who are nonresidents of the district and are seeking new choice/open enrollment placements have the next priority.

In providing for admission of nonresident students, Aurora Public Schools shall not be required to:

1. make alterations in the structure of the requested school, or make alterations to the arrangement or function of rooms within a requested school;

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2. establish and offer any particular program in a school, if such program is not currently offered 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; nor
4. enroll any nonresident student in any program or school after the official Colorado Department of Education student membership count date (October 1).

The Board of Education reserves the right to rescind and/or amend any enrollment of nonresident students if, in its opinion, there is overcrowding of facilities or programs for the students residing in the attendance area, or other undesirable conditions develop.

Approved inter-district choice/open enrollment students who complete their junior year in an Aurora Public Schools high school shall be allowed to attend and finish their senior year in the same school if they are on track to graduate that year.

**Transportation**

Transportation for nonresident students who enroll in the district shall be furnished by the parents/guardians unless it is determined that transportation is necessary for the district to comply with state and federal law requirements for homeless students, students in foster care and students with disabilities.

**Special Education**

Requests from parents/guardians of students with disabilities for inter-district open enrollment shall be considered in accordance with applicable state and federal laws. Unless circumstances indicate that a special education staffing should be held, the student's current Individual Education Plan (IEP) or Section 504 plan shall be used to determine if the requested school or program provides an appropriate educational placement for the student. The placement decision shall be determined by the student's staffing team, with assistance from the Department of Exceptional Student Services. Once the student is admitted, the District shall conduct a staffing to update the IEP.

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**Nondiscrimination**

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

LEGAL REFS.: 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 students 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. 22-32-115 (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*)

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*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 REFS.: JF, Admission of Students  
JFABD, Homeless Students  
JFBA, Intra-District Choice/Open Enrollment  
JJJ, Extracurricular Activity Eligibility

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The district will consider admission requests from Colorado students who do not reside within the boundaries of Aurora Public Schools but who wish to attend a particular school or program within the district, in accordance with the following regulations.

#### **Determination of Residency**

Any questions about a student's residency status must be resolved prior to application for open enrollment. These regulations apply to all Colorado students who do not reside within the boundaries of Aurora Public Schools.

#### **Requests for Open Enrollment**

Requests for open enrollment as a nonresident student must be initiated with the student's parent/guardian submitting district form JFBB-E entitled, "Application for Inter-District Choice/Open Enrollment" with the school which the student wishes to attend (receiving school). Inter-district choice/open enrollment forms will be available in every school building, in the centralized admissions offices, and on the district Web site at [www.aps.k12.co.us](http://www.aps.k12.co.us). The school or centralized admissions offices will explain to the parent/guardian the procedures used to process choice/open enrollment applications.

**The initial period applications for open enrollment must be submitted in accordance with policy JFBB: Inter-District Choice/Open Enrollment and supportive regulations is from January 15 through May 1 of a given year for enrollment the following academic school year. If January 15 or May 1 falls on a weekend, it shall be the next school day. Applications received after May 1 shall be considered in the order received after all applications submitted during the initial period have been approved or denied.**

Incomplete applications will not be processed, but will be returned for completion; in such cases, the application will be deemed submitted on the date of refiling.

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The receiving school principal shall make the decision as to whether a choice/open enrollment application is accepted or denied based on criteria established in state law and board policy and regulations.

Applications for inter-district choice/open enrollment shall be valid for attendance at that school for the school year approved. Applications may be valid throughout the grades served by that school as long as the student continues to meet established criteria. Therefore, once an inter-district choice/open enrollment application has been approved, students need not reapply each year as long as they wish to remain in that building and continue to meet established criteria.

Approval of a request to enroll in Aurora Public Schools will be conditioned on compliance with each of the following:

1. actual enrollment and attendance prior to October 1 of the following academic school year;
2. receipt of all applicable records; and
3. satisfaction of all district requirements for open enrollment.

Those students who apply for choice/open enrollment and cannot be accepted by June 15 will be placed on a waiting list in the order in which the applications were received. These applications will be considered for approval if space and staffing become available. A waiting list will be maintained until September 30 each year.

Students whose applications were unable to be approved by September 30 may complete a new application and submit it from January 15 through May 1 for consideration of choice/open enrollment for the following school year as outlined in this policy. If January 15 or May 1 falls on a weekend, it shall be the next school day.

Students on the waiting list for choice/open enrollment shall attend their district/home school of residence (or an approved open enrollment in another school) while awaiting a decision on their open enrollment application.

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**Reasons used by the principal to accept or deny open enrollment applications:**

1. there is a lack of space or projected teaching staff within a particular program, or school requested; in which case, priority shall be given to resident students applying for enrollment to such program or school,
2. the school requested does not offer appropriate programs, is not structured or equipped with the necessary facilities to meet the special needs of the student, 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 district during the preceding 12 months, is in the process of being expelled, or the student may be or has been denied permission to enroll pursuant to C.R.S. 22-33-106 (3)(A),(B),(C),(E), or (F)
5. the student has demonstrated behavior in another school district during the preceding 12 months that was detrimental to the welfare or safety of other student or of school personnel; and/or
6. the student has graduated from the 12<sup>th</sup> grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

**Decisions for choice/open enrollments will be made and communicated to parents/guardians/students no later than June 15 of a given year.**

The principal may use discretion in extraordinary circumstances (e.g. enrollment of recently adopted sibling of student already attending on open enrollment) in approving choice/open enrollment application with the approval of the superintendent or designee.

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In the event any information is inaccurate or withheld from Aurora Public Schools during the open enrollment process, approval for admission will be denied and the student may be withdrawn immediately with the possibility that academic credit may not be granted.

Each principal will maintain a file of all open enrollment applications received from nonresidents. If requested, a copy will be forwarded to the central administration offices for district-wide data collection purposes.

### **Granting Choice/Open Enrollment for Siblings**

An approved choice/open enrollment for one child in a family shall not necessarily guarantee the choice/open enrollment of another child in the family. Any of the reasons listed for a principal to grant or deny approval may prohibit the principal from granting choice/open enrollment to siblings of students already accepted for open enrollment. When inter-district open enrollment spots are available, family members (siblings) will receive preference, which supercedes the first come, first served rule.

### **Changes Affecting High School Students**

High school students electing choice/open enrollment may be required to forfeit one year's varsity eligibility for participation in interscholastic activities and athletic contests, as determined by the rules and regulations of the Colorado High School Activities Association (CHSAA). Interscholastic eligibility may also be affected if a student changes schools after the school year begins or if the student has practiced with a school team before the start of the school year.

### **Criteria to Determine Availability of Space or Projected Teaching Staff**

Prior to considering open enrollment requests, designated district staff and principals will determine space availability in the school, projected class size, projected staff availability, and enrollment projections. Students whose open enrollment 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.



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Requests for enrollment in particular programs will take into consideration the applicant's qualifications for the program.

#### **Rescinding or Amending Open Enrollments**

The district reserves the right to place a cap on accepting choice/open enrollment applications and may rescind or amend any or all approved open enrollments at the end of any semester, if, in its opinion, there is overcrowding of facilities or programs for those residing in the school attendance area or other undesirable conditions develop.

Any student or parent who submits inaccurate information in connection with seeking choice/open enrollment may have the student's approved choice/open enrollment rescinded and may be immediately withdrawn from the approved open enrollment school.

Students who withdraw from a school where they are open enrolled forfeit their right to return to that school unless they have reapplied and have been approved for open enrollment.

Students shall be held to the following standards or students may have their choice/open enrollment rescinded at the end of a school year for all remaining grade levels served by that school.

1. Open enrolled students will be expected to follow school policy for prompt arrival and departure at school.
2. Discipline: no more than one out-of-school suspension each year to be reviewed at the end of each semester.
3. Attendance: ninety-five percent attendance rate each year to be reviewed at the end of each semester. Students who develop attendance and/or tardiness issues will be referred for truancy proceedings.

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4. Graduation: high school students must be on track to graduate. Students are considered to be on track to graduate if they have earned the following credits at the end of each year in high school:
- a. Freshman – 5.5 Credits
  - b. Sophomores - 11 Credits
  - c. Juniors – 16.5 Credits
  - d. Seniors - graduate

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**APPLICATION FOR INTER-DISTRICT CHOICE/OPEN ENROLLMENT**

(Initial application period is January 15 to May 1. If January 15 or May 1 falls on a weekend, it shall be the next school day.)

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<b>Student Information (PLEASE PRINT)</b>	<b>Application is for School Year</b> _____	
Last Name _____	First Name _____	Initial _____
Birth date: month ____ day ____ year ____		
Resident District _____	Resident School _____	
Current School of Attendance _____		
Current Grade Level _____	Grade Level Next School Year _____	
YES___ NO___ Does this student currently have an IEP or Section 504 plan?		

<b>Parent Guardian Information (PLEASE PRINT)</b>
Parent/Guardian _____
Address _____ City And Zip _____
Parent/Guardian Telephone: Work _____ Home _____ Cell _____
Is Parent an Employee of APS? ___ Yes ___ No Location: _____
School Requested for Open Enrollment _____
Reason for Request: _____

<b>PROVISIONS</b>
YES___ NO___ Has your child been expelled or has he/she been considered for expulsion at any time during the past 12 months?
YES___ NO___ Is there a sibling of the student listed above already attending the school you are requesting?
YES___ NO___ Will that brother or sister still be attending the school you are requesting next school year?

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**Parent/Guardian And Student Agreement (Initial Each Statement)**

**We understand that the student's choice/open enrollment application may be revoked at the end of a school year if the following are not met annually:**

- \_\_\_\_\_ 1. The student will be expected to follow school policy for prompt arrival and departure at school.
- \_\_\_\_\_ 2. The student will have no more than one out-of-school suspension each year.
- \_\_\_\_\_ 3. The student will maintain a ninety-five percent attendance rate each year to be reviewed. Students who develop attendance and/or tardiness issues will be referred for truancy proceedings.
- \_\_\_\_\_ 4. High school students must be on track to graduate. Students are considered to be on track to graduate if they have earned the following credits at the end of each year:
  - Freshman – 5.5 credits
  - Sophomores - 11 credits
  - Juniors – 16.5 credits
  - Seniors – graduate

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

**Parent/Guardian Agreement**

- 1. I will assume ALL responsibility for transportation to and from the new school, unless the district is otherwise required by law to transport my student.
- 2. According to Colorado High School Activities Association policies, my student's eligibility for varsity level competition in sports may be affected at the high school level.
- 3. If approved, this request is for the above-named student ONLY and does not include approval for siblings.
- 4. Once a choice/open enrollment application has been approved, students need not reapply each year as long as they wish to remain in that building and continue to meet established criteria. After completing the elementary or middle school level, a student must reapply for choice/open enrollment at the next level if they wish to attend a school other than their home district school of residence.
- 5. If the student withdraws from the school they are open enrolled they forfeit their right to return to that school.
- 6. The district reserves the right to place a cap on accepting choice/open enrollment applications and may rescind or amend any or all approved open enrollments at the end of any semester, if, in its opinion, there is overcrowding of facilities or programs for those residing in the school attendance area or other undesirable conditions develop.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian (**Inaccurate information will be grounds for denial of this application**)

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**Waiting List**

YES \_\_\_ NO \_\_\_ If my initial application is unable to be approved by June 15, I request that this application be placed on the waiting list for consideration until September 30 when the inter-district open enrollment process ends.

Parent/Guardian Initials: \_\_\_\_\_

**For Office Use Only**

Student Name: \_\_\_\_\_

Date Application Received: \_\_\_\_\_ Time Received: \_\_\_\_\_

Date Approved: \_\_\_\_\_ Date Placed on Waiting List: \_\_\_\_\_ Date Denied: \_\_\_\_\_

Principal Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**INTER-DISTRICT CHOICE/OPEN ENROLLMENT  
NEW STUDENT STATEMENT**

**FORM TO BE FILLED OUT BY THE PARENTS/GUARDIANS OF NEW STUDENTS (OR BY STUDENTS WHO ARE AT LEAST 18 YEARS OLD). NEW STUDENTS ARE STUDENTS WHO DID NOT COMPLETE THE PREVIOUS SCHOOL YEAR IN AURORA PUBLIC SCHOOLS OR WHO ARE CURRENTLY WITHDRAWN.**

*Explanatory Note: The questions asked on this form are asked in order that we may provide a safe environment for all students. Colorado law provides that a school district may deny admission to any student who was expelled from any school district during the prior 12 months or who, within the last 12 months, engaged in behavior which was detrimental to the welfare or safety of other students or of school personnel. C.R.S. 22-33-106 (3) (c&f). Any person who has been denied admission may be entitled to a hearing before the Board of Education of the school district denying admission. C.R.S. 22-33-105 (2) (c). (Such behavior shall not automatically bar a student from enrollment; each case shall be evaluated on its specific facts.)*

**My child has not been expelled, placed on extended suspension, or asked to leave any other school in the past 12 months for behavior on or off campus.** My child has not engaged in behavior in another school in the past 12 months which was detrimental to the welfare of safety of other students, school personnel or others. If my child did engage in such conduct, I am submitting, along with this form, a written explanation detailing the circumstances of the negative behavior in the previous school district in the past 12 months.

I understand that my child in being enrolled in this school only on the condition that I provide truthful information to this question. In other words, I must tell the truth for my child to be admitted to this school and if I do not tell the truth my child may be withdrawn from school.

I agree to waive all rights to the confidentiality of student records relating to my child which deal with student conduct, including any such records from any other school or school district which my child has attended in the past. I also release from liability relating to records distribution, any person, school or school district releasing to the Aurora Public Schools student records relating to my child.

Student (Full Legal Name): \_\_\_\_\_

Student Date of Birth: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_