



## ***Policy and Procedures***

File: JFBA

### **Intra-District Choice/Open Enrollment**

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. Therefore, in accordance with this policy and its accompanying regulation, the district will allow students ~~shall be allowed~~ to attend any school or participate in any program of their choice on a space available basis. ~~Those students exercising choice under the federal No Child Left Behind Act (NCLB) (when school is on improvement status or designated as persistently dangerous or when student is a victim of a violent crime at school) have priority over other students in the exercise of open enrollment under this policy.~~

### **Definitions**

Admission: Occurs upon completion of the open enrollment application process. Applicants are admitted based on the number of grade-level seats the district deems to be available at the school site at the time of application. Admitted students may be denied enrollment based on considerations set forth in state and federal law.

Conditional enrollment: Following admission, the district will obtain and review the student's educational records including grades, attendance, safety, and discipline, and, as applicable, plans related to the student's disability-based needs. After the appropriate records have been reviewed, and any required meetings for IDEA-eligible students concluded, the district will confirm or revoke the student's enrollment. Following confirmation of enrollment, the student may register at the receiving school.

### **Overview**

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

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school.
2. Establish and offer any particular program in a 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.

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

### **Open enrollment and transfers**

Resident students and their parents/guardians shall be notified on an annual basis of the options available through open enrollment in sufficient time to apply.

Students, including home-schooled students desiring to take classes on a part-time basis, within designated attendance areas shall have priority in registering in that school. Students may apply for open enrollment in a school outside their attendance area and such applications shall be approved if there is space available in the requested school and the application has been submitted on or before the applicable deadline in accordance with the regulations accompanying this policy.

Parents and/or students who desire a change of school after the deadline must submit a letter together with the required form requesting a transfer. The request shall be reviewed by the building principal and acted upon in accordance with the regulations accompanying this policy.

~~In the event the population of the attendance area increases to fill the building with attendance area residents or students from outside the attendance area who have a right to attend the school under the NCLB choice option, transfer students' requests may be denied.~~

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 school, as determined by applicable law, limited only by the rules bylaws of the Colorado High School Activities Association, and the district's eligibility requirements.

Any student enrolled pursuant to this policy ~~including students from outside the attendance area who enrolled under the NCLB choice option may~~ will be allowed to remain enrolled in the school or program until they complete the highest grade available in the school or program, subject to capacity constraints related to health and safety issues or unless other undesirable conditions develop, as described in the accompanying regulation.

#### **Transportation**

Transportation for students granted permission to attend school outside their attendance area must be furnished by their parents unless space is available in district buses without disruption of regular routes and loading areas. ~~Homeless Students experiencing homelessness and, students in foster care, and students with disabilities will be transported, as necessary, in accordance with state and federal law, and disabled students shall be transported, as necessary, in accordance with state and federal law. See policy JFABD, Homeless Students. Students attending under the NCLB choice option shall be provided transportation at district expense to the extent required by law. Transportation will not be provided to students with disabilities who otherwise qualify for transportation as identified by their individualized education program (IEP) or Section 504 plan when students attend school outside their attendance area pursuant to this policy.~~

#### **Military children**

The district will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for open 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 open enrollment.

The district school or program in which the child of an inbound active duty military member is open

File: JFBA

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 the younger siblings of the child of an inbound active duty military member who is open enrolled for purposes of enrolling in subsequent school years.

### **Nondiscrimination**

Pueblo School District No. 60 does not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity/expression, ~~marital status~~ family composition, national origin, religion, ancestry, age, disability, need for special education services, genetic information, pregnancy or childbirth status, or other status protected by law in admission, access to, treatment or employment in its educational programs or activities. Additionally, a lack of English language skills is not a barrier to admission or participation in activities.

The following individual has been designated to handle inquiries regarding the non-discrimination policies: Executive Director of Student Support Services, Andrew Burns, [andrew.burns@pueblod60.org](mailto:andrew.burns@pueblod60.org), Title IX Coordinator/Compliance Officer for complaints. This individual can be located at 315 West 11th Street, Pueblo, Colorado 81003, (719) 549-7100. Inquiries about Title IX can be directed to Pueblo School District No. 60's Title IX Coordinator/Compliance Officer named herein; the Assistant Secretary for Civil Rights of the Department of Education at (800) 421-3481, [OCR@ed.gov](mailto:OCR@ed.gov); or both. Complaint procedures have been established for students, parents, employees, and members of the public. (Policy AC, AC-R-1, AC-R-2, AC-E-1, AC-E-2, AC-E-3). Si tiene alguna pregunta sobre esta información, por favor llame a la escuela de su niño

### **Special education**

~~Requests from the parents of special education students for open enrollment or transfer to another school or program shall be considered in accordance with applicable state and federal laws. The student's current Individualized Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's needs.~~ Following admission and during the period of conditional enrollment, the district's review of the student's education records may reveal that the student's transfer to the receiving school would constitute a significant change of placement. In such cases, the district will consider whether a reevaluation is warranted and shall convene an IEP team after, as applicable, completing any warranted evaluation, to ensure the receiving school or program is an appropriate educational placement for the student in accordance with applicable state and federal laws. If the receiving school or program is not an appropriate educational placement, the district shall revoke the student's conditional enrollment and provide the student's parents/guardians with a specific, written explanation of its determination. For students presently attending a district school, such notice shall be provided in the student's IEP. For students not presently attending a district school, such notice shall be provided in a separate prior written notice compliant with state and federal law.

Adopted: September 11, 1990

Revised: July 16, 1996

Revised: March 14, 2006

Revised: June 25, 2013

Revised: January 25, 2022

Revised: January 18, 2024

Revised: [Date], 20245

LEGAL REFS.: ~~20 U.S.C. 1116 (choice options when school is on improvement status under the No Child Left Behind Act of 2001)~~  
~~20 U.S.C. 7912 (students who attend a school designated by state as persistently dangerous or who have been a victim of a violent crime at school have the option to transfer to a safe school within the district pursuant to the No Child Left Behind Act of 2001)~~  
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. 22-36-101 et seq. (open enrollment)  
C.R.S. 22-36-107 (inbound active duty military families open enrollment and registration)  
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)

CROSS REFS.: 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

NOTE: For purposes of this policy, these terms have the following meanings:

- ~~“Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).~~
- ~~“Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id.~~
- ~~“Sexual Orientation” means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5).~~
- ~~“Gender Expression” means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4).~~
- ~~“Gender Identity” means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth. C.R.S. 2-4-401 (3.5).~~

Pueblo School District No. 60, Pueblo, Colorado  
4878-2108-2120, v. 2

Formatted: Indent: Left: 0.08", Hanging: 0.24", Space Before: 0.1 pt

Formatted: List Paragraph, Indent: Left: 0.08", Hanging: 0.24", Right: 0.21", Bulleted + Level: 1 + Aligned at: 0.05" + Indent at: 0.32", Tab stops: 0.32", Left