

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

In compliance with state statutes, the Cherry Creek School District Board of Education shall accept students from other school districts within the state who apply pursuant to the regulations approved by the Board. Such students may enroll in particular programs or schools within this district on a space and staff available basis without payment of tuition, except as otherwise provided by law.

In providing for admission of nonresident students, the District shall not:

1. Make alterations in the structure of the requested school or to the arrangement or function of rooms within a requested school to accommodate the enrollment request.
2. Establish, expand, or 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.
4. Enroll any nonresident student in any program or school after the pupil count day.
5. Alter or modify in anyway the established staffing assignments.

Before considering requests for admission from nonresidents, priority shall be given to resident students who apply under the District's intra-district choice process and to children of district employees pursuant to negotiated district policy.

Any student enrolled pursuant to this policy shall be allowed to remain enrolled in the school or program through the end of the school year unless overcrowding or other conditions develop, as described in the accompanying regulation.

### Transportation

Transportation for nonresident students who enroll in the District shall be the responsibility of the parents/guardians. Homeless and disabled students shall be transported, as necessary, in accordance with state and federal law and applicable school board policies.

### Special Education

Requests for admission from the parents or guardians of students with special needs shall be considered in accordance with applicable federal and state laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's needs. Once the student is admitted, the District shall conduct a staffing to update the IEP.

Inter-district enrollment of any special education student is conditioned on Cherry Creek School District and the student's district of residence entering into an agreement obligating the district of

residence to pay to the Cherry Creek School District excess costs associated with educating the child as provided by §22-20-109 C.R.S as amended.

Excess costs are those costs in excess of the Per Pupil Operating Revenue (PPOR) received by Cherry Creek Schools which are incurred for the special program which the student's IEP requires. This provision applies regardless of whether or not the student was identified as having special needs prior to attending the District.

However, the District shall not be required to enroll a nonresident special education student if said enrollment would require the District to take any of the actions set forth in paragraphs numbered 1 through 5 above.

Nondiscrimination

The Board of Education, the superintendent, other administrators and district employees shall not unlawfully discriminate based upon a race, color, ancestry, creed, sex, gender, sexual orientation, religion, national origin, marital status, disability or need for special education services in the determination or recommendation of action under this policy.

Revised: November 18, 2013

Adopted: January 12, 2009

LEGAL REF.: C.R.S. §22-36-101 et. seq. (Public Schools of Choice)  
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. §22-32-116 (Exclusion of nonresidents – exception)  
C.R.S. §22-33-105 (Suspension, expulsion and denial of admission)  
C.R.S. §15-14-104 (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 care program is located)  
C.R.S. §22-1-102 (Definition of resident of district)  
C.R.S. §22-20-109 (Tuition for special education services)  
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) (District must permit any student whose parents are residents of Colorado to attend without 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 12<sup>th</sup> grade, may finish year, special rules for elementary students)  
C.R.S. §22-33-103 (any resident may attend district school without payment of tuition, tuition can be paid by district of resident pursuant to written agreement, parents may pay tuition if not-Colorado resident)  
C.R.S. §22-33-106(3) (Grounds for denial of 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) (definition of pupil enrollment as of student count day)

1 C.C.R. 301-1, Rule 3.02 (1)(j) (opportunities and options for choice)

CROSS REFS.: JF-R, Admission and Denial of Admission (procedures for students in out-of-district placements)

JFAB, Admission of Nonresident Students

JFABD, Admission of Homeless Students

JFBA, Intra-District Choice/Open Enrollment