

## **PUBLIC SCHOOLS OF CHOICE AND SPECIAL EDUCATION STUDENTS**

Under current Colorado law, every school district must allow its resident students the option to apply for enrollment in any program or school within the district. This option is called "public schools of choice." Each school district must have a written set of policies and procedures for such an application process. The school district may deny the application only for the following reasons: (1) there is a lack of space or teaching staff within the requested school or program; (2) the requested school does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet the needs of the student or does not offer the specific program requested; (3) the student does not meet the eligibility criteria for participation in the particular program sought, including age requirements, course prerequisites, or required levels of performance; (4) a desegregation plan is in effect and denial is necessary for compliance with the plan; (5) the student has been expelled or is in the process of being expelled. Students who reside in one school district may, apply to enroll in another school district under similar criteria. All students who exercise the public schools of choice option must provide their own transportation to the chosen school.

Students who reside in Jefferson County can exercise the public schools of choice option in one of two ways. Both require a written application form to be completed by March 1<sup>st</sup> of the school year prior to the anticipated fall enrollment. Parents complete the forms, providing identifying information about their student.

### **Letter of Transfer**

A student may apply to the school of choice under a Letter of Transfer or Transfer Request form. Once a student is accepted at the school of choice, continued enrollment is made conditional upon the student maintaining satisfactory daily attendance, abiding by school rules and regulations, and "displaying a positive attitude toward school work," which simply means that the student must maintain acceptable grades. If the requesting student has special needs, the services to be provided to meet those needs may depend upon the caseload of the special services personnel assigned to that school.

Acceptance of a student under a Letter of Transfer is valid for one school year at a time. A student must reapply each year and faces possible denial on any of the grounds listed above. A Letter of Transfer does not change the student's "home school," which remains the school the student would normally attend based upon district-defined attendance boundaries. A student whose Letter of Transfer is denied must re-enroll in the school designated by his parents.

### **Application for Open Enrollment**

A student may exercise a second option for attending the school of choice by completing an Application for Open Enrollment. Like the Letter of Transfer, approval is incumbent upon space availability, program availability and meeting eligibility criteria. But the Open Enrollment Form operates differently from a Letter of Transfer. It is actually a request to change the student's "home school" and, if accepted, permanently changes the student's school for all of the grades served by that school. In other words, an open enrollment application to an elementary school other than the one designated by the parents' residence will change the student's school of attendance through the sixth grade without the need for re-applying. The time period covered for accepted middle school open enrollment applications is grades 7th through 8th. For high school it is freshman year through the senior year or, in the case of a student in special education, through age 21.

Furthermore, after a student is accepted under an open enrollment application, the student may not later be unenrolled and sent back to the designated school of attendance due to lack of space, poor grades, or attendance or behavior problems, although disciplinary actions may be taken. Acceptance of a student under an Open Enrollment application does change the student's "home school" for all of the grades served by that accepting school. No annual re-application is required. Consequently, if the student later decides to return to his former school of attendance, he must complete another Open Enrollment application and be accepted. The return to a former school of attendance, the former "home" school, or enrollment at another school, is not automatic, even if the parents have changed their residence.

Acceptance at a school of choice does not guarantee the student enrollment in the school that the student body would normally attend upon graduation. That is, attending a specific elementary school under Open Enrollment does not automatically guarantee that the student will attend the middle school or high school into which the school normally "feeds" its students. The student must complete another Open Enrollment request for that particular middle school or high school.

### **How Does All of This Affect Special Education Students?**

Students in special education, i.e., those being served under the Individuals with Disabilities Education Act, have the same right to exercise the public school of choice options, but are subject to denial on the same grounds as any other student. Once a student is accepted by another school on an open enrollment basis, the school accepting the student must provide services to meet the child's needs. In other words, if a student who is not identified as needing special education services upon acceptance under open enrollment is later evaluated and determined to require special education services, the student may not be unenrolled simply because of the need for special education services. The student's school (placement) may only be changed by consensus of the I.E.P. team when it is determined that the student's needs as identified by the I.E.P. cannot be met at the current school. Similarly, if a student who has been served under an I.E.P. requires additional special education or related services, the school administrator may not unenroll the student due to a lack of space/services required under the new I.E.P. The I.E.P. team must convene and determine whether the student's needs can

continue to be met at the current school or whether an alternative placement would better serve the student's needs.