



ADMISSION AND DENIAL OF ADMISSION **Policy JF**

Admission

All persons age 6 and under 21 who have not graduated from high school or received any document evidencing completion of the equivalent of a secondary curriculum (G.E.D.), and resides within the boundaries of this school district may be permitted to attend public schools without payment of tuition.

A birth certificate or other proof of legal age, as well as proof of residence, shall be required by the school administration.

Except as otherwise provided by state law concerning enrollment of students in out-of-home placements, students new to the district shall be enrolled conditionally until records, including discipline records, from the schools previously attended by the student are received by the district. Notice of the conditional enrollment status of new students shall be clearly indicated on all new student enrollment forms. In the event the student's records indicate a reason to deny admission, the student's conditional enrollment status shall be revoked. The student's parent/guardian shall be provided with written notice of the denial of enrollment. The notice shall inform the parent/guardian of the right to request a hearing.

Students shall be urged to have a physical examination and to submit a report from the examining physician on a form provided by the district prior to enrollment.

The Board of Education may establish fees for evening high school, summer school, adult education or community education

Denial of Admission

The Board of Education or the Superintendent may deny admission to the schools of the district for cause. The grounds for denial of admission shall be those established by law. (See exhibit JF-E and regulation JF-R.)

Students who were expelled from any school district during the preceding 12 months or whose behavior during the preceding 12 months in another school district was detrimental to the welfare or safety of other students or school personnel may be denied admission.

Pursuant to Colorado law, a student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

1. The expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;

2. There is an identifiable victim of the expelled student's offense; and
3. The offense for which the student was expelled does not constitute a crime against property.

If the district has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

The Board shall provide due process of law to students and parents/guardians through written procedures consistent with law for denial of admission to a student.

The policy and procedures for denial of admission shall be the same as those for student suspension and expulsion inasmuch as the same section of the law governs these areas. (See regulation JKD/JKE-R.)

(NOTE: In any district that has only one school in which the expelled student can enroll, the district shall either prohibit the student from enrolling or design a schedule that, to the extent possible, avoids contact between the expelled student and the victim or victim's family.)

Students who are not residents of the Aspen School District No. 1 (RE) may enroll and attend schools in the school district only as provided in this policy. Non-resident students who do not comply with the provisions of this policy will not be enrolled in any school or program in the school district. Tuition may be charged only as provided in this policy.

1. **Grounds for Denial of Admissions to Non-Resident Colorado Students.** The school district may deny admission to students who are not resident in the school district and who are resident in the State of Colorado only if (1) the non-resident student applicant fails to comply with the application procedures set forth in this policy, (2) the non-resident student applicant fails to meet the enrollment criteria set forth in the policy, (3) the non-resident student applicant fails to actually be enrolled in a school or program in the school district on or before October 1 of the school year in which admission is sought, (4) the school district lacks space or teaching staff within the program or school in which the student seeks to be enrolled, or (5) there exists any other reason permitted by law or applicable Board policy to deny enrollment.
2. **Determination of Available Space and Teaching Staff.** To determine whether the school district has the space or teaching staff available in the program or school in which a non-resident student seeks admission, the school district may consider any of its guidelines on class size, the capacity of the room or building in which the non-resident student wishes to enroll, the type of class or classes which the non-resident student would be attending, the type of program or programs in which the non-resident student would be enrolled, existing staff available in the program or school, and any other factor which may have a bearing on the available space and teaching staff within the school or program in which the non-resident student seeks enrollment. The school district will maintain a certain number of vacancies at the beginning of each school year in each of its schools and programs in order to accommodate student growth or turnover during the course of the year. In establishing the number of vacancies a school or program will maintain for this purpose, the school district shall consider the rate of turnover and growth in previous years and the projected rate of turnover or growth in upcoming years.

3. **Priority of Admission.** If there is insufficient space for teaching staff to permit the enrollment of all out-of-district applicants to a school or program, students shall be admitted based on the following order of priority:
 - a. Students who are resident in the school district. Resident students will be admitted during any time they are a resident in the school district, subject only to the provisions of state and federal law and school district policy. (Students who are dependents of school district employees and who are not residents of the school district will be considered as in-district students.)
 - b. Non-resident students already attending Aspen School District (length of consecutive years).
 - c. Non-resident students who have one or more siblings already attending Aspen School District.
 - d. Additional vacancies will be filled by lottery for new nonresident students on the waiting list.

In the event new students seek to enroll in any of the foregoing priority groups than there are openings in a school or program because of lack of space or teaching staff, the school district shall enroll students in that priority group based on the order in which their applications for admission were received by the school district.

4. **Reduction in Student Enrollment.** It is the goal of the Aspen School District to assure that every out-of-district student, once enrolled in our district, will be able to remain in our district throughout their school career unless we exceed our defined capacity. It is understood that once a student begins the school year they will be allowed to finish the school year. In the unlikely event that a “rollback” of enrollment had to occur for the next school year, students will be assigned priority based on the following:
 - a. Length of time in district (number of years, enrollment date)
 - b. One or more siblings enrolled in the district.
 - c. If the factors listed above are equal and there are additional enrollment spots that must be eliminated, or awarded, a lottery will occur to determine admittance.
5. **Application for Admission.** All applications for admission by students not resident in the school district must be received by the building administrator of the school in which enrollment is sought on or before July 1 in the year in which the non-resident student seeks to enroll. Applications must be made on the form established by the school district, and such application forms may be obtained from building secretaries or from the central administration offices. At the time of a non-resident student's application for admission, the school district may require the non-resident student to produce copies of his or her records from his or her previous school. An application for admission by a non-resident student will not be considered if it is not complete or submitted on or before the date set forth in this paragraph. A non-resident student must submit an application for admission as provided in this policy for each school year in which the non-resident student seeks to attend school in the school district.
6. **Time of Enrollment.** No non-resident student shall be enrolled in the school district after October 1 of the year in which application is sought.
7. **Students with Disabilities.** The school district may require the student district of residence of a non-resident student with disabilities to pay tuition on behalf of such student with

disabilities as provided by state law. The amount of such tuition shall be set forth in a contract between the Aspen School District No. 1 (RE) and the school district of resident, a copy of which shall be furnished to the parent(s) or guardians(s) of the non-resident student with disabilities. Nothing in this policy shall be construed to require the school district to create a new program in a school or to take any other action except as required by law.

8. **Students Not Resident in Colorado.** In addition to the reasons set forth in this policy for the denial of admission of non-resident Colorado students, non-resident students who are not residents of the State of Colorado may be denied admission for the following reasons:
 - a. A poor attendance record at schools previously attended.
 - b. A poor disciplinary record at schools previously attended.
 - c. A poor academic record at schools previously attended.
 - d. A poor attitude toward school.
 - e. Any other reason or factor which in the judgment of the school district may affect the student's attendance or performance as a student in the school district and/or the educational environment in the school district.

If a student not a resident in the State of Colorado is admitted to the school district, continued attendance by the student in the school district shall be subject to the same criteria which governs admission of that student. The school district may, from time to time, establish a tuition schedule for students who are not resident in the State of Colorado.

9. **Evidence of Residency.** The school district may at any time demand evidence of a student's residence. The school district shall have the sole discretion to determine what evidence of residency is sufficient, in accordance with state law. Residency is defined by Aspen School District as living 100% of the time at the submitted address during the school calendar year.

If any nonresident student or the parents of any nonresident student deliberately misrepresent residency information for the purpose of causing the school district to believe the student is a resident of the school district, that student may be withdrawn by the school district based on such misrepresentation. The student may be immediately withdrawn by the school district upon discovery of information showing the student has or the student's parent(s) or legal guardian(s) have misrepresented the student's residency. All withdrawals under this paragraph shall be conducted pursuant to school district policies and procedures as those for student suspension and expulsion inasmuch as the same section of the law governs these areas. Any student withdrawn pursuant to the provisions of this paragraph, may apply to be admitted to the school district as a nonresident student as provided in this policy. However, notwithstanding any other provision in this policy any student who applies for admission after the student has been withdrawn, as provided in this paragraph, shall not be entitled to claim any of the priorities set forth in paragraphs 3. Priority of Admission of this policy.

10. **Transportation.** Nothing in this policy shall be construed to require the school district to provide transportation to non-resident students or to take any other action in regard to the school district program and staff to accommodate a non-resident student or students unless such transportation or other action is required by law. Students admitted under this policy may board school district buses at regularly scheduled stops within the school if written permission is first obtained from the building administrator of the school the student is attending.

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, religion, sex, sexual orientation, marital status, disability or need for special education services in the determination or recommendation of action under this policy.

Adopted: January 23, 1995
Revised: April 27, 1998
Revised: October 18, 2000
Revised: January 8, 2003
Revised: February 9, 2004
Revised: March 15, 2004
Revised: August 10, 2012
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LEGAL REFS.:

C.R.S. 22-1-102 (defines "resident")
C.R.S. 22-1-102.5 (defines "homeless child")
C.R.S. 22-1-115 (school age is any age over five and under twenty-one years)
C.R.S. 22-2-409 (notification of risk)
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. 22-32-115 (tuition to another school district)
C.R.S. 22-32-116 (non-resident students)
C.R.S. 22-32-138 (enrollment of students in out-of-home placements)
C.R.S. 22-33-103 through 22-33-110 (school attendance law)
C.R.S. 22-33-105(2)(c) (requiring hearing to be convened if requested within 10 days after denial of admission or expulsion)

CROSS REFS.:

JEB, Entrance Age Requirements
JKD/JKE, Suspension/Expulsion of Students
JLCB, Immunization of Students