

ADMISSION OF NONRESIDENT AND HOMELESS STUDENTS

Policy Number: Board File: JFAB

Nonresident Child

A nonresident child includes any child who is not included under the District's definition of resident child (File: JFAB-R).

Nonresident students may apply to enroll in a program or school in the District. Applications must be submitted pursuant to District Policy and Regulation Files JCA/JFB, JCA/JFB-R, Assignment of Students to Schools. The Board reserves the right to accept or reject students from outside the state as is necessary to protect the best interests of those children who live within the District.

Resident students who become nonresidents during the course of a school year shall be entitled to complete the school year for credit. High school seniors who become nonresidents during the school year shall be allowed to finish the school year as residents.

Homeless Students

Homeless students shall be enrolled in the District in accordance with applicable state and federal law. Enrollment shall be immediate in the school of origin or attendance area school as determined in consultation with district personnel and shall be admitted without payment of tuition. In addition, transportation shall be provided to homeless students in accordance with applicable state and federal law (per McKinney-Vento Homeless Assistance Act (NCLB Title X-C)).

Homeless students shall be provided access to education and other services for which they are eligible to ensure that they have an opportunity to meet the same student performance standards to which all students are held, comparable to services provided to other students in the school, regardless of residency, including, but not limited to, transportation services, vocational and technical education programs, gifted and talented programs, English Language Learner programming, Special Education, and school nutrition programs. All homeless students are eligible for Title 1A services, whether or not they live in a Title 1 school attendance area or meet the academic standards required of other children for eligibility.

If a homeless student becomes permanently housed outside the district during the school year, the student shall be considered a nonresident student and may continue enrollment in the district for the remainder of the school year.

The term "homeless student" is defined in the McKinney-Vento Homeless Assistance Act (NCLB Title X-C) as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

- sharing the housing of other persons due to the loss of housing, economic hardship, or a similar reason (sometimes referred to as a doubled-up)
- living in motels, hotels, or camping grounds (trailer parks) due to the lack of alternative adequate accommodations
- living in emergency shelters or transitional housing programs
- abandoned in hospitals

- awaiting foster care placements
- using a primary nighttime residence that is not designed for, or ordinarily used as, a regular sleeping accommodation for human beings
- living in inadequate accommodations, such as cars, parks, bus or train stations, abandoned buildings, or similar settings
- unaccompanied youth who live in a circumstance described above
- migratory children who qualify as homeless because they are living in circumstances described above.

“Homeless student” applies to children and youth age 21 and under, consistent with their eligibility for public education services.

Enrollment/Service Disputes: If an enrollment or service dispute arises between the student’s custodial parent/guardian (or the student not in the custody of a parent/guardian) and the school district, the student shall be immediately enrolled in the school selected by the parent/guardian, or student until the dispute is resolved.

The parent/guardian (or student, if applicable) may appeal an enrollment determination made by the school district to the district personnel within 14 days after receiving the written determination and notice of right-to-appeal.

The school district designee shall issue a written decision on the dispute within 14 days of the receipt of the appeal. The parent/guardian, (or student, if applicable), will then have 5 days to appeal the school district’s decision to the Board of Education. The Board of Education shall issue a written decision on the dispute within 60 days of the receipt of the appeal and send the written decision and notice of right-to-appeal to the State Coordinator for the Education of Homeless Children and Youth and to the parent/guardian, (or student, if applicable). The decision of the State Coordinator shall be final.

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, or disability in the determination or recommendation of action under this policy.

Tuition

The Board shall, from time to time, fix or adjust tuition rates as provided by Colorado law.

The parents or guardians of nonresident Colorado students who attend school in the District under open enrollment shall not be charged tuition.

The District may enter into a written agreement with a nonresident Colorado student’s district of residence under which the district of residence agrees to pay tuition to allow the student to attend school within the District. A copy of such agreement shall be furnished to the parent or guardian of the child covered by the agreement. Such parent or guardian shall not be liable for any part of the tuition, if any, not paid by the district of residence.

When a nonresident Colorado student with a disability enrolls and attends school in the District under open enrollment, tuition may be charged. To the extent that tuition is charged, the student’s district of

residence shall be responsible for such tuition, the amount of which shall be established by a contract between the two districts.

When a nonresident student, whose parents or guardian resides outside Colorado, attends school in the District, the student's parents or guardian may be required to pay tuition on behalf of the student. Students may qualify for a tuition waiver by filing a certificate from county district court that a bona fide resident of Colorado has been appointed legal guardian.

In case of change from nonresident to Colorado resident status during the school year, tuition fees already paid shall be refunded to the proper source or individual on a pro rata basis for that portion of the school year following establishment of legal residence within Colorado.

Tuition From Incoming Residents

Families wishing to enroll their children in the District prior to moving to Douglas County will be permitted to do so. If the family resides outside of the state prior to enrollment, tuition must be paid in advance (at least one semester), but the full amount will be refunded if the family becomes residents of Colorado within 40 school days.

If the family does not move to Colorado within 40 days, the amount will be retained and tuition will be prorated from the date of enrollment until Colorado residence is established.

Registration officials in the various schools must receive information from the central office that tuition has been paid before registration is permitted.

Adopted: date of manual adoption

Revised: July 19, 1994

Revised: October 15, 2002

Revised: June 16, 2009

Revised: February 5, 2013

LEGAL REFS.:

42 U.S.C. 11431 et seq (McKinney-Vento Homeless Assistance Act, as amended by No Child Left Behind Act of 2001)

C.R.S. 22-1-102 (Residence of child)

C.R.S. 22-1-102.5 (Definition of homeless child)

C.R.S. 22-32-115 (Tuition for resident school-age children)

C.R.S. 22-32-116 (Exclusion of nonresidents-exception)

C.R.S. 22-33-103 (Free education - tuition may be charged, when)

C.R.S. 22-33-103.5 (Attendance of homeless children)

CROSS REFS.:

JC, School Attendance Areas

JCA/JFB and JCA/JFB-R, Assignment of Students to Schools (and Open School Enrollment)

JF, Student Admissions