

53A-2-207 Open enrollment options -- Procedures -- Processing fee -- Continuing enrollment.

- (1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the State Board of Education for each student who resides in the district and, as provided in this section through Section 53A-2-213 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district.
- (2)
 - (a) A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.
 - (b) If a school's enrollment falls below the open enrollment threshold, the local school board shall allow a nonresident student to enroll in the school.
- (3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.
- (4)
 - (a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.
 - (b) Those procedures shall provide, as a minimum, for:
 - (i) distribution to interested parties of information about the school or school district and how to apply for admission;
 - (ii) use of standard application forms prescribed by the State Board of Education;
 - (iii)
 - (A) submission of applications from December 1 through the third Friday in February by those seeking admission during the early enrollment period for the following year; or
 - (B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53A-2-206.5(1)(b);
 - (iv) submission of applications by those seeking admission during the late enrollment period;
 - (v) written notification to the student's parent or legal guardian of acceptance or rejection of an application:
 - (A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;
 - (B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year; and
 - (C) within two weeks after receipt of the application by the district, for applications submitted during the late enrollment period for admission in the current year;
 - (vi) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and
 - (vii) written notification to the parents or legal guardians of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53A-2-206.5(1)(b) if:
 - (A) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be implemented in the next school year.
 - (c)

- (i) Notwithstanding the dates established in Subsection (4)(b) for submitting applications and notifying parents of acceptance or rejection of an application, a local school board may delay the dates if a local school board is not able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school due to:
 - (A) school construction or remodeling;
 - (B) drawing or revision of school boundaries; or
 - (C) other circumstances beyond the control of the local school board.
 - (ii) The delay may extend no later than four weeks beyond the date the local school board is able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school.
- (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of application.
- (6) An enrolled nonresident student shall be permitted to remain enrolled in a school, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:
- (a) the student graduates;
 - (b) the student is no longer a Utah resident;
 - (c) the student is suspended or expelled from school; or
 - (d) the district determines that enrollment within the school will exceed the school's open enrollment threshold.
- (7)
- (a) Determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school.
 - (b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.
- (8) The parent or guardian of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:
- (a) the district of residence; or
 - (b) another nonresident district.
- (9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.
- (10)
- (a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.
 - (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.
 - (c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.
- (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:

- (a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and
 - (b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.
- (12) Notwithstanding any other provision of this part, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Section 675.

Amended by Chapter 67, 2012 General Session