

1 **STANDARDS FOR ACCEPTANCE OF SCHOOL**

2 **TRANSFER APPLICATIONS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark B. Madsen**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9
10 This bill modifies standards for accepting or rejecting a student's application to enroll in
11 a school that is not the student's school of residence.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ prohibits discrimination against a student:
 - 15 • applying for enrollment in a school that is not the student's school of residence;

16 and

- 17 • whose intent is to participate in varsity athletics; and

- 18 ▶ prohibits rejection of a student's application for enrollment in a school that is not the
19 student's school of residence solely upon the basis that the student intends to
20 participate in varsity athletics.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53A-2-208**, as repealed and reenacted by Laws of Utah 1993, Chapter 119



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-2-208** is amended to read:

53A-2-208. Rules for acceptance and rejection of applications.

(1) A local school board shall adopt rules governing acceptance and rejection of applications required under Section 53A-2-207.

(2) Standards for accepting or rejecting an application for enrollment may include:

(a) the capacity of the program, class, grade level, or school building;

(b) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;

(c) not offering a program the student requires; and

(d) willingness of prospective students to comply with district policies.

(3) (a) Standards for accepting or rejecting an application for enrollment may not include:

(i) previous academic achievement[;];

(ii) athletic or other extracurricular ability[;];

(iii) the fact that the student requires special education services for which space is available[;];

(iv) proficiency in the English language[;]; or

(v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

(b) A board may provide for the denial of applications from students who:

(i) have committed serious infractions of the law or school rules, including rules of the district in which enrollment is sought[;]; or

(ii) have been guilty of chronic misbehavior which would, if it were to continue after the student was admitted[;];

(A) endanger persons[;] or property[;];

(B) cause serious disruptions in the school[;]; or

(C) place unreasonable burdens on school staff.

(c) A board may also provide for provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.

59 (4) A board may not:
60 (a) discriminate against a student applying for enrollment whose intent is to participate
61 in varsity athletics; or
62 (b) reject an application for enrollment solely based upon a student's intent to
63 participate in varsity athletics.
64 ~~(4)~~ (5) The State Board of Education, in consultation with the Utah High School
65 Activities Association, shall establish policies regarding nonresident student participation in
66 interscholastic competition.

Legislative Review Note
as of 1-29-08 11:58 AM

Office of Legislative Research and General Counsel

S.B. 223 - Standards for Acceptance of School Transfer Applications

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
