



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 15, 2008

Mr. Speaker:

The Education Committee reports a favorable recommendation on **H.B. 349**, OPEN ENROLLMENT REVISIONS, by Representative Julie Fisher, with the following amendments:

1. *Page 5, Lines 132 through 145:*

132 (6) An enrolled nonresident student shall be permitted to remain enrolled in [~~the~~
133 ~~nonresident district's schools~~] a school, subject to the same rules and standards as resident
134 students, without renewed applications in subsequent years unless one of the following
occurs:

135 (a) the student graduates;

136 (b) the student is no longer a Utah resident;

137 (c) the student is suspended or expelled from school; or

138 (d) the district determines that enrollment within the school [~~in question~~] will exceed
139 [~~90% of maximum capacity during the coming school year~~] the school's open enrollment
140 threshold.

141 (7) (a) Determination of which nonresident students will be excluded from continued
142 enrollment in a [~~nonresident district~~] school during a subsequent year under Subsection

(6) {~~(b)~~} (d)
143 is based upon time in the [~~district~~] school, with those most recently enrolled being
excluded

144 first and the use of a lottery system when multiple nonresident students have the same
number

145 of school days in the school.

2. *Page 6, Line 172:*

172 student transfer made for health or safety reasons. _

(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

Bill Number



HB0349

Action Class



H

Action Code



HCRAMD

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.

1. Page 6, Lines 167 through 172:

167 (10) (a) ~~{A}~~ **Except as provided in Subsection (10)(c), a** student who
transfers between schools, whether effective on the first day of
168 the school year or after the school year has begun, by exercising an open enrollment option
169 under this section may not transfer to a different school during the same school year by
170 exercising an open enrollment option under this section.

171 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
172 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.

2. Page 6, Line 180 through Page 7, Line 185:

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

181 (a) for an elementary school, the capacity of the [program, class,] grade level[, or
182 school building];

183 (b) maintenance of heterogeneous student populations if necessary to avoid violation
of

184 constitutional or statutory rights of students;

185 (c) not offering ~~{a}~~ **, or having capacity in, an elementary or secondary special education, Title 1 school, or other special** program the student requires; [and]

3. Page 7, Lines 207 through 209:

207 (4) **(a)** The State Board of Education, in consultation with the Utah High School
Activities

208 Association, shall establish policies regarding nonresident student participation in

209 interscholastic competition. =

(b) Nonresident students shall be eligible for extracurricular activities at a public

Bill Number



HB0349

Action Class



H

Action Code



HCRAMD

school consistent with eligibility standards as applied to students that reside within the school attendance area, except as provided by policies established under Subsection (4)(a).

4. Page 7, Line 210 through Page 8, Line 216:

210 (5) For each school in the district, the local school board shall post on the school
211 district's website:
212 (a) the school's maximum capacity;
213 (b) the school's adjusted capacity;
214 (c) the school's projected enrollment used in the calculation of the open enrollment
215 threshold;
216 (d) actual enrollment {for each semester} on October 1, January 2, and
April 1 ;

5. Page 9, Lines 261 through 263:

261 {+} (ii) **In granting interdistrict and intradistrict transfers to a particular**
school, the local
262 **school board shall take into consideration the fact that an applicant's brother or**
sister is
263 **attending the school or another school within the district.** {+}

Respectfully,

Gregory H. Hughes
Committee Chair

Voting: 13-0-2

3 HB0349.HC1.WPD 2/15/08 10:06 am csteffen/CCS DSL/CCS

Bill Number



HB0349

Action Class



H

Action Code



HCRAMD