

STUDENT ENROLLMENT REQUIREMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to charter schools and enacts provisions related to local school boards and the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ prohibits a charter school or a school district from contracting with a third party to recruit or enroll students;
- ▶ requires the State Board of Education to report to the Education Interim Committee before July 1, 2014, regarding a certain audit; and
- ▶ provides a repeal date for the State Board of Education report.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-506.5, as last amended by Laws of Utah 2010, Chapter 162

ENACTS:

53A-3-432, Utah Code Annotated 1953

Uncodified Material Affected:



28 ENACTS UNCODIFIED MATERIAL

29

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

31 Section 1. Section **53A-1a-506.5** is amended to read:

32 **53A-1a-506.5. Charter school students -- Admissions procedures -- Transfers.**

33 (1) As used in this section:

34 (a) "District school" means a public school under the control of a local school board
35 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
36 Boards.

37 (b) "Nonresident school district" means a school district other than a student's school
38 district of residence.

39 (c) "School district of residence" means a student's school district of residence as
40 determined under Section [53A-2-201](#).

41 (d) "School of residence" means the school to which a student is assigned to attend
42 based on the student's place of residence.

43 (2) (a) The State School Board, in consultation with the State Charter School Board,
44 shall make rules describing procedures for students to follow in applying for entry into, or
45 exiting, a charter school.

46 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

47 (i) posting on a charter school's Internet website, beginning no later than 60 days before
48 the school's initial period of applications:

49 (A) procedures for applying for admission to the charter school;

50 (B) (I) the school's opening date, if the school has not yet opened; or

51 (II) the school calendar; and

52 (C) information on how a student may transfer from a charter school to another charter
53 school or a district school;

54 (ii) use of standard application forms prescribed by the State Board of Education;

55 (iii) written notification to a student's parent or legal guardian of an offer of admission;

56 (iv) written acceptance of an offer of admission by a student's parent or legal guardian;

57 (v) written notification to a student's current charter school or school district of

58 residence upon acceptance of the student for enrollment in a charter school; and

59 (vi) the admission of students, provided that the admission does not disqualify the
60 charter school from federal funding, at:

61 (A) any time to protect the health or safety of a student; or

62 (B) times other than those permitted under standard policies if there are other
63 conditions of special need that warrant consideration.

64 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is
65 enrolled in a charter school or who has accepted an offer of admission to a charter school from
66 duplicating enrollment for the student in another charter school or a school district without
67 following the withdrawal procedures described in Subsection (3).

68 (3) The parent of a student enrolled in a charter school may withdraw the student from
69 the charter school for enrollment in another charter school or a school district by submitting to
70 the charter school:

71 (a) on or before June 30, a notice of intent to enroll the student in the student's school
72 of residence for the following school year;

73 (b) after June 30, a letter of acceptance for enrollment in the student's school district of
74 residence for the following year;

75 (c) a letter of acceptance for enrollment in the student's school district of residence in
76 the current school year;

77 (d) a letter of acceptance for enrollment in a nonresident school district; or

78 (e) a letter of acceptance for enrollment in a charter school.

79 (4) (a) A charter school shall report to a school district, by the last business day of each
80 month the aggregate number of new students, sorted by their school of residence and grade
81 level, who have accepted enrollment in the charter school for the following school year.

82 (b) A school district shall report to a charter school, by the last business day of each
83 month, the aggregate number of students enrolled in the charter school who have accepted
84 enrollment in the school district in the following school year, sorted by grade level.

85 (5) When a vacancy occurs because a student has withdrawn from a charter school, the
86 charter school may immediately enroll a new student from its list of applicants.

87 (6) Unless provisions have previously been made for enrollment in another school, a
88 charter school releasing a student from enrollment during a school year shall immediately
89 notify the school district of residence, which shall enroll the student in the school district of

90 residence and take additional steps as may be necessary to ensure compliance with laws
91 governing school attendance.

92 (7) (a) The parent of a student enrolled in a charter school may withdraw the student
93 from the charter school for enrollment in the student's school of residence in the following
94 school year if an application of admission is submitted to the school district of residence by
95 June 30.

96 (b) If the parent of a student enrolled in a charter school submits an application of
97 admission to the student's school district of residence after June 30 for the student's enrollment
98 in the school district of residence in the following school year, or an application of admission is
99 submitted for enrollment during the current school year, the student may enroll in a school of
100 the school district of residence that has adequate capacity in:

- 101 (i) the student's grade level, if the student is an elementary school student; or
- 102 (ii) the core classes that the student needs to take, if the student is a secondary school
103 student.

104 (c) State Board of Education rules made under Subsection (2)(a) shall specify how
105 adequate capacity in a grade level or core classes is determined for the purposes of Subsection
106 (7)(b).

107 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time
108 to protect the health and safety of the student.

109 (9) A school district or charter school may charge secondary students a one-time \$5
110 processing fee, to be paid at the time of application.

111 (10) A charter school may not contract with a third party to:

- 112 (a) recruit students; or
- 113 (b) enroll students.

114 Section 2. Section **53A-3-432** is enacted to read:

115 **53A-3-432. Contracts to recruit or enroll students prohibited.**

116 A local school board may not contract with a third party to:

- 117 (1) recruit students; or
- 118 (2) enroll students.

119 Section 3. **State Board of Education report.**

120 The State Board of Education shall report to the Education Interim Committee before

121 July 1, 2014, regarding the board's February 7, 2014, audit of "Distance and Online Education
122 Programs in Utah Schools."

123 Section 4. **Repeal date.**

124 Uncodified Section 3, State Board of Education report, is repealed on July 1, 2014.

Legislative Review Note
as of 2-27-14 2:47 PM

Office of Legislative Research and General Counsel