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Charter School Eligibility

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Heidi Balderree

House Sponsor:

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LONG TITLE

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General Description:

4 This bill enacts a provision relating to charter school enrollment preferences.

Highlighted Provisions:

5 This bill:

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- 8 ▶ expands charter school enrollment preference to certain students within the boundaries of
9 a political subdivision; and
- 10 ▶ makes technical and conforming changes.

11 Money Appropriated in this Bill:

12 None

13 Other Special Clauses:

14 This bill provides a special effective date.

15 Utah Code Sections Affected:

16 AMENDS:

17 **53G-6-502**, as last amended by Laws of Utah 2025, Chapter 438

18

*19 Be it enacted by the Legislature of the state of Utah:*20 Section 1. Section **53G-6-502** is amended to read:21 **53G-6-502 . Eligible students.**

22 (1) As used in this section:

- 23 (a) "At capacity" means operating above the school's open enrollment threshold.
- 24 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
25 Organization declared a pandemic on March 11, 2020.
- 26 (c) "Open enrollment threshold" means the same as that term is defined in Section
27 53G-6-401.
- 28 (d) "Refugee" means a person who is eligible to receive benefits and services from the
29 federal Office of Refugee Resettlement.
- 30 (e) "School of residence" means the same as that term is defined in Section 53G-6-401.

31 (2) All resident students of the state qualify for admission to a charter school, subject to the
32 limitations set forth in this section and Section 53G-6-503.

33 (3)(a) A charter school shall enroll:

34 (i) a foster child residing in the same residence as an individual who is enrolled in the
35 charter school; and

36 (ii) an eligible student other than a child described in Subsection (3)(a)(i) who
37 submits a timely application, unless the number of applications exceeds the
38 capacity of a program, class, grade level, or the charter school.

39 (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity
40 of a program, class, grade level, or the charter school, the charter school shall select
41 students on a random basis, except as provided in Subsections (4) through (8).

42 (4) A charter school may give an enrollment preference to:

43 (a) a child or grandchild of an individual who has actively participated in the
44 development of the charter school;

45 (b) a child or grandchild of a member of the charter school governing board;

46 (c) a sibling of an individual who was previously or is presently enrolled in the charter
47 school;

48 (d) a child of an employee of the charter school;

49 (e) a student articulating between charter schools offering similar programs that are
50 governed by the same charter school governing board;

51 (f) a student articulating from one charter school to another pursuant to an articulation
52 agreement between the charter schools that is approved by the State Charter School
53 Board;

54 (g) an individual seeking enrollment in a charter school if:

55 (i) the individual's sibling is a student enrolled in a charter school; and

56 (ii) the charter school where the individual is seeking enrollment has an articulation
57 agreement with the charter school where the sibling is enrolled that the State
58 Charter School Board approves;

59 (h) a student who resides within up to a two-mile radius of the charter school and whose
60 school of residence is at capacity;

61 (i) a student who resides within the boundaries of a political subdivision containing the
62 charter school and whose school of residence is at capacity;

63 [f] (j) a child of a military service member;

64 [f] (k) a child of a DOD civilian; or

65 [({k})] (1) for the 2022-2023 school year, a student who withdraws from the charter school
66 to attend an online school or home school for the 2020-2021 or 2021-2022 school
67 years due to the COVID-19 emergency.

68 (5)(a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a
69 charter school that is approved by the state board after May 13, 2014, and is located
70 in a high growth area as defined in Section 53G-6-504 shall give an enrollment
71 preference to a student who resides within a two-mile radius of the charter school.

72 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
73 apply to a charter school that was approved without a high priority status pursuant to
74 Subsection 53G-6-504(7)(b).

75 (6) If a district school converts to charter status, the charter school shall give an enrollment
76 preference to students who would have otherwise attended it as a district school.

77 (7)(a) A charter school whose mission is to enhance learning opportunities for refugees
78 or children of refugee families may give an enrollment preference to refugees or
79 children of refugee families.

80 (b) A charter school whose mission is to enhance learning opportunities for English
81 language learners may give an enrollment preference to English language learners.

82 (8) A charter school may weight the charter school's lottery to give a slightly better chance
83 of admission to educationally disadvantaged students, including:

- 84 (a) low-income students;
- 85 (b) students with disabilities;
- 86 (c) English language learners;
- 87 (d) migrant students;
- 88 (e) neglected or delinquent students; and
- 89 (f) homeless students.

90 (9) A charter school may not discriminate in the charter school's admission policies or
91 practices on the same basis as other public schools may not discriminate in admission
92 policies and practices.

93 **Section 2. Effective Date.**

94 This bill takes effect on July 1, 2026.