

Effective 1/24/2018

Part 4
School District Enrollment

53G-6-401 Definitions.

As used in Sections 53G-6-402 through 53G-6-407:

- (1) "Early enrollment" means:
 - (a) except as provided in Subsection (1)(b), application prior to the third Friday in February for admission for the next school year to a school that is not a student's school of residence; and
 - (b) application prior to November 1 for admission for the next school year to a school that is not a student's school of residence if:
 - (i) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - (ii) the grade reconfiguration described in Subsection (1)(b)(i) will be implemented in the next school year.
- (2)
 - (a) "Early enrollment school capacity" or "maximum capacity" means the total number of students who could be served in a school building if each of the building's instructional stations were to have the enrollment specified in Subsection (2)(b).
 - (b)
 - (i) Except as provided in Subsection (2)(b)(ii):
 - (A) for an elementary school, an instructional station shall have an enrollment at least equal to the school district's average class size for the corresponding grade; and
 - (B) for a middle, junior, or senior high school, an instructional station shall have an enrollment at least equal to the district's average class size for similar classes.
 - (ii)
 - (A) A local school board shall determine the instructional station capacity for laboratories, physical education facilities, shops, study halls, self-contained special education classrooms, facilities jointly financed by the school district and another community agency for joint use, and similar rooms.
 - (B) Capacity for self-contained special education classrooms shall be based upon students per class as defined by state board and federal special education standards.
- (3)
 - (a) "Instructional station" means a classroom, laboratory, shop, study hall, or physical education facility to which a local school board could reasonably assign a class, teacher, or program during a given class period.
 - (b) More than one instructional station may be assigned to a classroom, laboratory, shop, study hall, or physical education facility during a class period.
- (4) "Late enrollment" means application:
 - (a) after the third Friday in February for admission for the next school year to a school that is not the student's school of residence; or
 - (b) for admission for the current year to a school that is not the student's school of residence.
- (5)
 - (a) "Late enrollment school capacity" or "adjusted capacity" means the total number of students who could be served in a school if each teacher were to have the class size specified in Subsection (5)(b).
 - (b)

- (i) An elementary school teacher shall have a class size at least equal to the district's average class size for the corresponding grade.
- (ii) A middle, junior, or senior high school teacher shall have a class size at least equal to the district's average class size for similar classes.
- (6) "Nonresident student" means a student who lives outside the boundaries of the school attendance area.
- (7) "Open enrollment threshold" means:
 - (a) for early enrollment, a projected school enrollment level that is the greater of:
 - (i) 90% of the maximum capacity; or
 - (ii) maximum capacity minus 40 students; and
 - (b) for late enrollment, actual school enrollment that is the greater of:
 - (i) 90% of adjusted capacity; or
 - (ii) adjusted capacity minus 40 students.
- (8) "Projected school enrollment" means the current year enrollment of a school as of October 1, adjusted for projected growth for the next school year.
- (9) "School attendance area" means an area established by a local school board from which students are assigned to attend a certain school.
- (10) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.

Amended by Chapter 293, 2019 General Session

53G-6-402 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 for each student who resides in the district and, as provided in this section through Section 53G-6-407 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, giving priority to a child of a military service member or a child of a DOD civilian.
- (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;
 - (iii)
 - (A) submission of applications from November 15 through the first 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 53G-6-401(1)(b);
- (iv) submission of applications by those seeking admission during the late enrollment period;
- (v) notwithstanding any other provision of this part or Part 3, School District Residency, submission of applications for at least 30 days after the day on which a school boundary change takes effect for those affected by the school boundary change;
- (vi) written notification to the student's parent 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;
 - (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; and
 - (D) within two weeks after receipt of the application by the district, for applications submitted by students affected by a school district boundary change;
- (vii) 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
- (viii) written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401(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)(viii)(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;
 - (d) except for a student described in Subsection (6)(e), the district determines that enrollment within the school will exceed the school's open enrollment threshold; or

- (e) for a child of a military service member or a child of a DOD civilian who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:
 - (i) in kindergarten through grade 10, the student completes the current school year; or
 - (ii) in grades 11 and 12, the student graduates.
- (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 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 or Part 3, School District Residency, 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. Sec. 675.

Amended by Chapter 438, 2025 General Session

53G-6-403 Policies for acceptance and rejection of applications.

- (1)
 - (a) A local school board shall adopt policies governing acceptance and rejection of applications required under Section 53G-6-402.

- (b) The policies adopted under Subsection (1)(a) shall include policies and procedures to assure that decisions regarding enrollment requests are administered fairly without prejudice to any student or class of student, except as provided in Subsection (2).
- (2) Standards for accepting or rejecting an application for enrollment may include:
 - (a) for an elementary school, the capacity of the grade level;
 - (b) for a secondary school, the capacity of a comprehensive program;
 - (c) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;
 - (d) not offering, or having capacity in, an elementary or secondary special education or other special program the student requires;
 - (e) maintenance of reduced class sizes:
 - (i) in a Title I school that uses federal, state, and local money to reduce class sizes for the purpose of improving student achievement; or
 - (ii) in a school that uses school trust money to reduce class size;
 - (f) willingness of prospective students to comply with district policies; and
 - (g) giving priority to intradistrict transfers over interdistrict transfers.
- (3)
 - (a) Standards for accepting or rejecting applications 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 local school board may provide for the denial of applications from students who:
 - (i) have committed serious infractions of the law or school policies, including policies 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 local school 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.
- (4)
 - (a) The state board, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.
 - (b) Nonresident students shall be eligible for extracurricular activities at a public 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).
- (5) For each school in the district, the local school board shall post on the school district's website:
 - (a) the school's maximum capacity;
 - (b) the school's adjusted capacity;
 - (c) the school's projected enrollment used in the calculation of the open enrollment threshold;
 - (d) actual enrollment on October 1, January 2, and April 1;
 - (e) the number of nonresident student enrollment requests;
 - (f) the number of nonresident student enrollment requests accepted; and
 - (g) the number of resident students transferring to another school.

Amended by Chapter 293, 2019 General Session

53G-6-404 Denial of enrollment -- Appeal.

- (1) Denial of initial or continuing enrollment in a nonresident school may be appealed to the local school board of the nonresident district.
- (2) The decision of the local school board shall be upheld in any subsequent proceedings unless the local school board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Amended by Chapter 293, 2019 General Session

53G-6-405 Funding.

- (1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.
- (2) The state board shall adopt rules providing that:
 - (a) except as provided in Subsection (2)(b):
 - (i) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and
 - (ii) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in this Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district; and
 - (b) the payment requirements under Subsection (2)(a) do not apply to students enrolled in an online school within the nonresident district.
- (3)
 - (a) Except as provided in this Subsection (3), the parent of a nonresident student shall arrange for the student's own transportation to and from school.
 - (b) The state board may adopt rules under which a nonresident student may be transported to the student's school of attendance if:
 - (i) transportation relieves overcrowding or other serious problems in the district of residence;
 - (ii) the district of residence lacks sufficient transportation services;
 - (iii) the costs of transportation are reasonable;
 - (iv) there is available space on an approved route within the student's school of attendance; or
 - (v) the Legislature has granted an adequate specific appropriation for that purpose.
 - (c) Nothing in this section shall be construed as prohibiting the resident district or the receiving district from providing bus transportation on any approved route.
 - (d) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.

Amended by Chapter 529, 2025 General Session

53G-6-406 Graduation credits.

- (1) A nonresident district shall accept credits toward graduation that were awarded by a school accredited or approved by the state board or a regional accrediting body recognized by the U.S. Department of Education.

- (2) A nonresident district shall award a diploma to a nonresident student attending school within the district during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.
- (3) A district may not require that a student attend school within the district for more than one semester prior to graduation in order to receive a diploma.

Amended by Chapter 293, 2019 General Session

**53G-6-407 Intradistrict transfers for students impacted by boundary changes --
Transportation of students who transfer within a district.**

- (1)
 - (a) In adjusting school boundaries, a local school board shall strive to avoid requiring current students to change schools and shall, to the extent reasonably feasible, accommodate parents who wish to avoid having their children attend different schools of the same level because of boundary changes which occur after one or more children in the family begin attending one of the affected schools.
 - (b) In granting interdistrict and intradistrict transfers to a particular school, the local school board shall take into consideration the fact that an applicant's brother or sister is attending the school or another school within the district.
- (2)
 - (a) A district shall receive transportation money under Sections 53F-2-402 and 53F-2-403 for resident students who enroll in schools other than the regularly assigned school on the basis of the distance from the student's residence to the school the student would have attended had the intradistrict attendance option not been used.
 - (b) The parent of the student shall arrange for the student's transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student's attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Amended by Chapter 293, 2019 General Session