

Effective 1/24/2018

**Part 5
Charter School Enrollment**

53G-6-501 Definitions.

As used in this part:

- (1) "Asset" means the same as that term is defined in Section 53G-5-102.
- (2) "Board of trustees of a higher education institution" or "board of trustees" means the same as that term is defined in Section 53G-5-102.
- (3) "Charter school authorizer" or "authorizer" means the same as that term is defined in Section 53G-5-102.

Amended by Chapter 293, 2019 General Session

53G-6-502 Eligible students.

- (1) As used in this section:
 - (a) "At capacity" means operating above the school's open enrollment threshold.
 - (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
 - (c) "Open enrollment threshold" means the same as that term is defined in Section 53G-6-401.
 - (d) "Refugee" means a person who is eligible to receive benefits and services from the federal Office of Refugee Resettlement.
 - (e) "School of residence" means the same as that term is defined in Section 53G-6-401.
- (2) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section and Section 53G-6-503.
- (3)
 - (a) A charter school shall enroll:
 - (i) a foster child residing in the same residence as an individual who is enrolled in the charter school; and
 - (ii) an eligible student other than a child described in Subsection (3)(a)(i) who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the charter school.
 - (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity of a program, class, grade level, or the charter school, the charter school shall select students on a random basis, except as provided in Subsections (4) through (8).
- (4) A charter school may give an enrollment preference to:
 - (a) a child or grandchild of an individual who has actively participated in the development of the charter school;
 - (b) a child or grandchild of a member of the charter school governing board;
 - (c) a sibling of an individual who was previously or is presently enrolled in the charter school;
 - (d) a child of an employee of the charter school;
 - (e) a student articulating between charter schools offering similar programs that are governed by the same charter school governing board;
 - (f) a student articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board;
 - (g) an individual seeking enrollment in a charter school if:
 - (i) the individual's sibling is a student enrolled in a charter school; and

- (ii) the charter school where the individual is seeking enrollment has an articulation agreement with the charter school where the sibling is enrolled that the State Charter School Board approves;
 - (h) a student who resides within up to a two-mile radius of the charter school and whose school of residence is at capacity;
 - (i) a child of a military service member;
 - (j) a child of a DOD civilian; or
 - (k) for the 2022-2023 school year, a student who withdraws from the charter school to attend an online school or home school for the 2020-2021 or 2021-2022 school years due to the COVID-19 emergency.
- (5)
- (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a charter school that is approved by the state board after May 13, 2014, and is located in a high growth area as defined in Section 53G-6-504 shall give an enrollment preference to a student who resides within a two-mile radius of the charter school.
 - (b) The requirement to give an enrollment preference under Subsection (5)(a) does not apply to a charter school that was approved without a high priority status pursuant to Subsection 53G-6-504(7)(b).
- (6) If a district school converts to charter status, the charter school shall give an enrollment preference to students who would have otherwise attended it as a district school.
- (7)
- (a) A charter school whose mission is to enhance learning opportunities for refugees or children of refugee families may give an enrollment preference to refugees or children of refugee families.
 - (b) A charter school whose mission is to enhance learning opportunities for English language learners may give an enrollment preference to English language learners.
- (8) A charter school may weight the charter school's lottery to give a slightly better chance of admission to educationally disadvantaged students, including:
- (a) low-income students;
 - (b) students with disabilities;
 - (c) English language learners;
 - (d) migrant students;
 - (e) neglected or delinquent students; and
 - (f) homeless students.
- (9) A charter school may not discriminate in the charter school's admission policies or practices on the same basis as other public schools may not discriminate in admission policies and practices.

Amended by Chapter 438, 2025 General Session

53G-6-503 Charter school students -- Admissions procedures -- Transfers.

- (1) As used in this section:
- (a) "Nonresident school district" means a school district other than a student's school district of residence.
 - (b) "School district of residence" means a student's school district of residence as determined under Section 53G-6-302.
 - (c) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.

- (2)
 - (a) The state board, in consultation with the State Charter School Board, shall make rules describing procedures for students to follow in applying for entry into, or exiting, a charter school.
 - (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:
 - (i) posting on a charter school's Internet website, beginning no later than 60 days before the school's initial period of applications:
 - (A) procedures for applying for admission to the charter school;
 - (B) the school's opening date, if the school has not yet opened, or the school calendar; and
 - (C) information on how a student may transfer from a charter school to another charter school or a district school;
 - (ii) written notification to a student's parent of an offer of admission;
 - (iii) written acceptance of an offer of admission by a student's parent;
 - (iv) written notification to a student's current charter school or school district of residence upon acceptance of the student for enrollment in a charter school; and
 - (v) the admission of students at:
 - (A) any time to protect the health or safety of a student; or
 - (B) times other than those permitted under standard policies if there are other conditions of special need that warrant consideration.
 - (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is enrolled in a charter school or who has accepted an offer of admission to a charter school from duplicating enrollment for the student in another charter school or a school district without following the withdrawal procedures described in Subsection (3).
- (3) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in another charter school or a school district by submitting to the charter school:
 - (a) on or before June 30, a notice of intent to enroll the student in the student's school of residence for the following school year;
 - (b) after June 30, a letter of acceptance for enrollment in the student's school district of residence for the following year;
 - (c) a letter of acceptance for enrollment in the student's school district of residence in the current school year;
 - (d) a letter of acceptance for enrollment in a nonresident school district; or
 - (e) a letter of acceptance for enrollment in a charter school.
- (4)
 - (a) A charter school shall report to a school district, by the last business day of each month the aggregate number of new students, sorted by their school of residence and grade level, who have accepted enrollment in the charter school for the following school year.
 - (b) A school district shall report to a charter school, by the last business day of each month, the aggregate number of students enrolled in the charter school who have accepted enrollment in the school district in the following school year, sorted by grade level.
- (5) When a vacancy occurs because a student has withdrawn from a charter school, the charter school may immediately enroll a new student from its list of applicants.
- (6) Unless provisions have previously been made for enrollment in another school, a charter school releasing a student from enrollment during a school year shall immediately notify the school district of residence, which shall enroll the student in the school district of residence and take additional steps as may be necessary to ensure compliance with laws governing school attendance.

- (7)
 - (a) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application of admission is submitted to the school district of residence by June 30.
 - (b) If the parent of a student enrolled in a charter school submits an application of admission to the student's school district of residence after June 30 for the student's enrollment in the school district of residence in the following school year, or an application of admission is submitted for enrollment during the current school year, the student may enroll in a school of the school district of residence that has adequate capacity in:
 - (i) the student's grade level, if the student is an elementary school student; or
 - (ii) the core classes that the student needs to take, if the student is a secondary school student.
 - (c) State board rules made under Subsection (2)(a) shall specify how adequate capacity in a grade level or core classes is determined for the purposes of Subsection (7)(b).
- (8) Notwithstanding Subsection (7), a school district may enroll a student at any time to protect the health and safety of the student.
- (9) A school district or charter school may charge secondary students a one-time \$5 processing fee, to be paid at the time of application.

Amended by Chapter 293, 2019 General Session

53G-6-504 Approval of increase in charter school enrollment capacity -- Expansion.

- (1) For the purposes of this section:
 - (a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.
 - (b) "Next school year" means the school year that begins on or after the July 1 immediately following the end of a general session of the Legislature.
- (2) The state board may approve an increase in charter school enrollment capacity subject to the Legislature:
 - (a) appropriating funds for an increase in charter school enrollment capacity in the next school year; or
 - (b) authorizing an increase in charter school enrollment capacity in the school year immediately following the next school year.
- (3) In appropriating funds for, or authorizing, an increase in charter school enrollment capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section 53G-5-301.
- (4)
 - (a) A charter school may annually submit a request to the state board for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.
 - (b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.
 - (c) The state board shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student

allocation for each charter school student in the state to supplement school district property tax revenues.

- (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.
 - (e) For the 2021-2022 school year, the previous school year described in Subsection (4)(a) is the 2019-2020 school year.
- (5)
- (a) On or before January 1, 2017, the state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from charter school authorizers, make rules establishing requirements, procedures, and deadlines for an expansion of a charter school.
 - (b) The rules described in Subsection (5)(a) shall include rules related to:
 - (i) an expansion of a charter school when another charter school issues a notice of closure; and
 - (ii) the establishment of a satellite campus.
- (6)
- (a) If the Legislature does not appropriate funds for an increase in charter school enrollment capacity that is tentatively approved by the state board, the state board shall prioritize the tentatively approved schools and expansions based on approved funds.
 - (b) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status for available funding.
- (7)
- (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in charter school enrollment capacity for new charter schools and expanding charter schools, the state board shall give:
 - (i) high priority to approving a new charter school or a charter school expansion in a high growth area; and
 - (ii) low priority to approving a new charter school or a charter school expansion in an area where student enrollment is stable or declining.
 - (b) An applicant seeking to establish a charter school in a high growth area may elect to not receive high priority status as provided in Subsection (7)(a)(i).
- (8) For fiscal year 2021, in addition to an appropriation described in Subsection 53F-2-704(2)(a), for the guarantee described in Section 53F-2-704, the state board may use up to \$8,000,000 from the following sources in priority order:
- (a) funds from the federal Elementary and Secondary School Emergency Relief Fund described in the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136; and
 - (b) notwithstanding anything to the contrary in Subsection 53F-2-205(3)(b), nonlapsing Minimum School Program funds.

Amended by Chapter 9, 2020 Special Session 6