

Effective 5/14/2019

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