

Effective 5/4/2022

Superseded 5/3/2023

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 servicemember as defined in Section 53B-8-102; or
 - (j) 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.