

Effective 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 service member 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.

Amended by Chapter 44, 2023 General Session