

**MODIFICATIONS OF SCHOOL CHOICE
PROGRAM**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Afton B. Bradshaw

A. Lamont Tyler

The act modifies provisions related to the State System of Public Education by prohibiting a local school board or superintendent from closing a school if 10% or more of the students attending the school reside outside its boundary and the school is operating at or above 70% of maximum student capacity. The act has an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-2-207, as repealed and reenacted by Chapter 119, Laws of Utah 1993

ENACTS:

53A-2-214, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-2-207** is amended to read:

53A-2-207. Enrollment of nonresident students -- 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 of Education for each student who resides in the district and, as provided in Sections 53A-2-207 through [~~53A-2-212~~] 53A-2-214 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.

(2) (a) The State Board of Education shall adopt rules defining school capacities and average daily membership thresholds for use in determining whether a school must be open for enrollment of nonresident students.

28 (b) If a school's average daily membership falls below the threshold designated by the State
29 Board of Education, the local school board shall allow students who do not reside within the
30 district to also enroll in the school.

31 (3) A local board of education may also allow enrollment of nonresident students in a
32 school which is operating above the average daily membership threshold for mandatory enrollment
33 of nonresident students.

34 (4) (a) A local school board shall adopt policies describing procedures for nonresident
35 students to follow in applying for entry into the district's schools.

36 (b) Those procedures shall provide, as a minimum, for:

37 (i) distribution to interested parties of information about the school or school district and
38 how to apply for admission;

39 (ii) use of standard application forms prescribed by the State Board of Education;

40 (iii) submission of applications during the month of January by those seeking admission
41 for the following year;

42 (iv) written notification to the student's parent or legal guardian of acceptance or rejection
43 of an application within six weeks after receipt of the application by the district or by March 1,
44 whichever is later;

45 (v) written notification to the resident district upon acceptance of a nonresident student for
46 enrollment; and

47 (vi) admission of students at times other than that permitted under standard policies if the
48 board determines that there are conditions of special need which warrant consideration.

49 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
50 application.

51 (6) An enrolled nonresident student shall be permitted to remain enrolled in the
52 nonresident district's schools, subject to the same rules and standards as resident students, without
53 renewed applications in subsequent years unless one of the following occurs:

54 (a) the student graduates;

55 (b) the student is no longer a Utah resident;

56 (c) the student is suspended or expelled from school; or

57 (d) the district determines that enrollment within the school in question will exceed 90%
58 of maximum capacity during the coming school year.

59 (7) (a) Determination of which nonresident students will be excluded from continued
60 enrollment in a nonresident district during a subsequent year under Subsection (6)(b) is based upon
61 time in the district, with those most recently enrolled being excluded first.

62 (b) Nonresident students who will not be permitted to continue their enrollment shall be
63 notified no later than March 15 of the current school year.

64 (8) The parent of a student enrolled in a nonresident district may withdraw the student
65 from that district for enrollment in another district by:

66 (a) submitting notice of intent to enroll the student in the district of residence for the
67 subsequent year to the district of attendance no later than March 15 of the current school year;

68 (b) submitting notice of intent to enroll the student in another nonresident district for the
69 subsequent school year to the current district of attendance, together with a letter of acceptance
70 from the proposed district of attendance, no later than March 15 of the current school year; or

71 (c) if the parent desires to change the student's enrollment during the school year or after
72 March 15, by obtaining approval from both the district of attendance and the district in which
73 enrollment is sought.

74 (9) Unless provisions have previously been made for enrollment in another school, a
75 nonresident district releasing a student from enrollment shall immediately notify the district of
76 residence, which shall enroll the student in the resident district and take such additional steps as
77 may be necessary to ensure compliance with laws governing school attendance.

78 (10) Subsection (6)(d) does not apply to a student who was attending a nonresident school
79 or district prior to January 1, 1993.

80 Section 2. Section **53A-2-214** is enacted to read:

81 **53A-2-214. Maintaining schools of choice.**

82 (1) In order to maintain and ensure the vitality, integrity, and effectiveness of the school
83 choice program authorized under Sections 53A-2-207 through 53A-2-213 and Subsection
84 53A-1a-106(2)(a)(iii), a local school board or local superintendent may not close a school if:

85 (a) 10% or more of the students attending the school reside outside the school's boundary;
86 and

87 (b) the school is operating at or above 70% of maximum student capacity.

88 (2) For purposes of this section, maximum student capacity is determined by State Board
89 of Education rule as directed in Subsection 53A-2-207(2)(a).

90 Section 3. **Effective date.**

91 If approved by two-thirds of all the members elected to each house, this act takes effect
92 upon approval by the governor, or the day following the constitutional time limit of Utah
93 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
94 date of veto override.

Legislative Review Note
as of 12-14-00 9:27 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel