

PUBLIC SCHOOL CHOICE ENROLLMENT

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Carol Spackman Moss

This act modifies provisions relating to school districts by extending the application period for enrollment in a school located outside a student's resident district. This act takes effect on July 1, 2003.

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53A-2-207, as repealed and reenacted by Chapter 119, Laws of Utah 1993

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 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.

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

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

(4) (a) A local school board shall adopt policies describing procedures for nonresident

students to follow in applying for entry into the district's schools.

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

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

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

(iii) submission of applications [~~during the month of January~~] from December 1 through the third Friday in February by those seeking admission for the following year;

(iv) written notification to the student's parent or legal guardian of acceptance or rejection of an application within six weeks after receipt of the application by the district or by March [~~±~~] 31, whichever is later;

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

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

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

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

(a) the student graduates;

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

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

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

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

(b) Nonresident students who will not be permitted to continue their enrollment shall be

notified no later than March 15 of the current school year.

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

(a) submitting notice of intent to enroll the student in the district of residence for the subsequent year to the district of attendance no later than March ~~[15]~~ 31 of the current school year;

(b) submitting notice of intent to enroll the student in another nonresident district for the subsequent school year to the current district of attendance, together with a letter of acceptance from the proposed district of attendance, no later than March ~~[15]~~ 31 of the current school year; or

(c) if the parent desires to change the student's enrollment during the school year or after March ~~[15]~~ 31, by obtaining approval from both the district of attendance and the district in which enrollment is sought.

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

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

Section 2. Effective date.

This act takes effect on July 1, 2003.