

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53A-2-207, as repealed and reenacted by Chapter 119, Laws of Utah 1993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



28 enrollment of nonresident students.

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

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

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

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

35 (iii) submission of applications [~~during the month of January~~] from December 1
36 through February 28 by those seeking admission for the following year;

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

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

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

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

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

49 (a) the student graduates;

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

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

52 (d) the district determines that enrollment within the school in question will exceed
53 90% of maximum capacity during the coming school year.

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

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

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

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

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

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

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

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

77 Section 2. **Effective date.**

78 This act takes effect on July 1, 2003.

Legislative Review Note
as of 12-5-02 7:08 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0086

Public School Choice Enrollment

23-Jan-03

10:11 AM

State Impact

Provisions outlined in House Bill 86 may be handled within existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst