

SCHOOL ENROLLMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

This bill makes changes to the application period for early enrollment for nonresident students.

Highlighted Provisions:

This bill:

- changes the application period for early enrollment for nonresident students from December 1 through the third Friday in February, to November 15 through the first Friday in February.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-402, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. Section **53G-6-402** is amended to read:

53G-6-402. Open enrollment options -- 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 for each student who resides in the district and,

30 as provided in this section through Section 53G-6-407 and to the extent reasonably feasible, for
31 any student who resides in another district in the state and desires to attend a school in the
32 district.

33 (2) (a) A school is open for enrollment of nonresident students if the enrollment level
34 is at or below the open enrollment threshold.

35 (b) If a school's enrollment falls below the open enrollment threshold, the local school
36 board shall allow a nonresident student to enroll in the school.

37 (3) A local school board may allow enrollment of nonresident students in a school that
38 is operating above the open enrollment threshold.

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

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

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

44 (ii) use of standard application forms prescribed by the state board;

45 (iii) (A) submission of applications from [~~December 1~~] November 15 through the
46 [~~third~~] first Friday in February by those seeking admission during the early enrollment period
47 for the following year; or

48 (B) submission of applications from August 1 through November 1 by those seeking
49 admission during the early enrollment period for the following year in a school district
50 described in Subsection 53G-6-401(1)(b);

51 (iv) submission of applications by those seeking admission during the late enrollment
52 period;

53 (v) written notification to the student's parent of acceptance or rejection of an
54 application:

55 (A) within six weeks after receipt of the application by the district or by March 31,
56 whichever is later, for applications submitted during the early enrollment period;

57 (B) within two weeks after receipt of the application by the district or by the Friday

58 before the new school year begins, whichever is later, for applications submitted during the late
59 enrollment period for admission in the next school year; and

60 (C) within two weeks after receipt of the application by the district, for applications
61 submitted during the late enrollment period for admission in the current year;

62 (vi) written notification to the resident school for intradistrict transfers or the resident
63 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

64 (vii) written notification to the parents of each student that resides within the school
65 district and other interested parties of the revised early enrollment period described in
66 Subsection 53G-6-401(1)(b) if:

67 (A) the school district is doing a district wide grade reconfiguration of its elementary,
68 middle, junior, and senior high schools; and

69 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
70 implemented in the next school year.

71 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
72 applications and notifying parents of acceptance or rejection of an application, a local school
73 board may delay the dates if a local school board is not able to make a reasonably accurate
74 projection of the early enrollment school capacity or late enrollment school capacity of a school
75 due to:

76 (A) school construction or remodeling;

77 (B) drawing or revision of school boundaries; or

78 (C) other circumstances beyond the control of the local school board.

79 (ii) The delay may extend no later than four weeks beyond the date the local school
80 board is able to make a reasonably accurate projection of the early enrollment school capacity
81 or late enrollment school capacity of a school.

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

84 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
85 subject to the same rules and standards as resident students, without renewed applications in

86 subsequent years unless one of the following occurs:

- 87 (a) the student graduates;
- 88 (b) the student is no longer a Utah resident;
- 89 (c) the student is suspended or expelled from school; or
- 90 (d) the district determines that enrollment within the school will exceed the school's
- 91 open enrollment threshold.

92 (7) (a) Determination of which nonresident students will be excluded from continued
93 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in
94 the school, with those most recently enrolled being excluded first and the use of a lottery
95 system when multiple nonresident students have the same number of school days in the school.

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

98 (8) The parent of a student enrolled in a school that is not the student's school of
99 residence may withdraw the student from that school for enrollment in another public school by
100 submitting notice of intent to enroll the student in:

- 101 (a) the district of residence; or
- 102 (b) another nonresident district.

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

107 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between
108 schools, whether effective on the first day of the school year or after the school year has begun,
109 by exercising an open enrollment option under this section may not transfer to a different
110 school during the same school year by exercising an open enrollment option under this section.

111 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
112 student transfer made for health or safety reasons.

113 (c) A local school board may adopt a policy allowing a student to exercise an open

114 enrollment option more than once in a school year.

115 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school
116 that is not the student's school of residence, because school bus service is not provided between
117 the student's neighborhood and school of residence for safety reasons:

118 (a) shall be allowed to continue to attend the school until the student finishes the
119 highest grade level offered; and

120 (b) shall be allowed to attend the middle school, junior high school, or high school into
121 which the school's students feed until the student graduates from high school.

122 (12) Notwithstanding any other provision of this part or Part 3, School District
123 Residency, a student shall be allowed to enroll in any charter school or other public school in
124 any district, including a district where the student does not reside, if the enrollment is
125 necessary, as determined by the Division of Child and Family Services, to comply with the
126 provisions of 42 U.S.C. Section 675.