

1                                   **OPEN ENROLLMENT AMENDMENTS**

2   2012 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Derek E. Brown**

5                                   Senate Sponsor: Wayne L. Niederhauser

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies the State System of Public Education code by amending provisions  
10 relating to open enrollment.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ amends the early enrollment period application date for admission for the next  
14 school year to a school that is not a student's school of residence if:

15                   • the school district is doing a district wide grade reconfiguration of its  
16 elementary, middle, junior, and senior high schools; and

17                   • the grade reconfiguration will be implemented in the next school year;

18           ▶ requires a local school board to adopt policies that require written notification to the  
19 parents or legal guardians of each student that resides within the school district and  
20 other interested parties of the revised early enrollment period if the school district is  
21 doing a district wide grade reconfiguration of its elementary, middle, junior, and  
22 senior high schools and the grade reconfiguration will be implemented in the next  
23 school year; and

24           ▶ makes technical changes.

25 **Money Appropriated in this Bill:**

26           None

27 **Other Special Clauses:**

28           None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-2-206.5**, as enacted by Laws of Utah 2008, Chapter 346

32 **53A-2-207**, as last amended by Laws of Utah 2009, Chapter 161

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

35 Section 1. Section **53A-2-206.5** is amended to read:

36 **53A-2-206.5. Definitions.**

37 As used in Sections 53A-2-207 through 53A-2-213:

38 (1) "Early enrollment" means:

39 (a) except as provided in Subsection (1)(b), application prior to the third Friday in  
40 February for admission for the next school year to a school that is not a student's school of  
41 residence[-]; and

42 (b) application prior to November 1 for admission for the next school year to a school  
43 that is not a student's school of residence if:

44 (i) the school district is doing a district wide grade reconfiguration of its elementary,  
45 middle, junior, and senior high schools; and

46 (ii) the grade reconfiguration described in Subsection (1)(b) will be implemented in the  
47 next school year.

48 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total  
49 number of students who could be served in a school building if each of the building's  
50 instructional stations were to have the enrollment specified in Subsection (2)(b).

51 (b) (i) Except as provided in Subsection (2)(b)(ii):

52 (A) for an elementary school, an instructional station shall have an enrollment at least  
53 equal to the school district's average class size for the corresponding grade; and

54 (B) for a middle, junior, or senior high school, an instructional station shall have an  
55 enrollment at least equal to the district's average class size for similar classes.

56 (ii) (A) A local school board shall determine the instructional station capacity for  
57 laboratories, physical education facilities, shops, study halls, self-contained special education

58 classrooms, facilities jointly financed by the school district and another community agency for  
59 joint use, and similar rooms.

60 (B) Capacity for self-contained special education classrooms shall be based upon  
61 students per class as defined by State Board of Education and federal special education  
62 standards.

63 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or  
64 physical education facility to which a local board of education could reasonably assign a class,  
65 teacher, or program during a given class period.

66 (b) More than one instructional station may be assigned to a classroom, laboratory,  
67 shop, study hall, or physical education facility during a class period.

68 (4) "Late enrollment" means application:

69 (a) after the third Friday in February for admission for the next school year to a school  
70 that is not the student's school of residence; or

71 (b) for admission for the current year to a school that is not the student's school of  
72 residence.

73 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number  
74 of students who could be served in a school if each teacher were to have the class size specified  
75 in Subsection (5)(b).

76 (b) (i) An elementary school teacher shall have a class size at least equal to the district's  
77 average class size for the corresponding grade.

78 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal  
79 to the district's average class size for similar classes.

80 (6) "Nonresident student" means a student who lives outside the boundaries of the  
81 school attendance area.

82 (7) "Open enrollment threshold" means:

83 (a) for early enrollment, a projected school enrollment level that is the greater of:

84 (i) 90% of the maximum capacity; or

85 (ii) maximum capacity minus 40 students; and

86 (b) for late enrollment, actual school enrollment that is the greater of:

87 (i) 90% of adjusted capacity; or

88 (ii) adjusted capacity minus 40 students.

89 (8) "Projected school enrollment" means the current year enrollment of a school as of  
90 October 1, adjusted for projected growth for the next school year.

91 (9) "School attendance area" means an area established by a local school board from  
92 which students are assigned to attend a certain school.

93 (10) "School of residence" means the school to which a student is assigned to attend  
94 based on the student's place of residence.

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

96 **53A-2-207. Open enrollment options -- Procedures -- Processing fee -- Continuing**  
97 **enrollment.**

98 (1) Each local school board is responsible for providing educational services consistent  
99 with Utah state law and rules of the State Board of Education for each student who resides in  
100 the district and, as provided in this section through Section 53A-2-213 and to the extent  
101 reasonably feasible, for any student who resides in another district in the state and desires to  
102 attend a school in the district.

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

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

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

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

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

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

- 114 (ii) use of standard application forms prescribed by the State Board of Education;
- 115 (iii) (A) submission of applications from December 1 through the third Friday in
- 116 February by those seeking admission during the early enrollment period for the following year;
- 117 or
- 118 (B) submission of applications from August 1 through November 1 by those seeking
- 119 admission during the early enrollment period for the following year in a school district
- 120 described in Subsection 53A-2-206.5(1)(b);
- 121 (iv) submission of applications by those seeking admission during the late enrollment
- 122 period;
- 123 (v) written notification to the student's parent or legal guardian of acceptance or
- 124 rejection of an application:
  - 125 (A) within six weeks after receipt of the application by the district or by March 31,
  - 126 whichever is later, for applications submitted during the early enrollment period;
  - 127 (B) within two weeks after receipt of the application by the district or by the Friday
  - 128 before the new school year begins, whichever is later, for applications submitted during the late
  - 129 enrollment period for admission in the next school year; and
  - 130 (C) within two weeks after receipt of the application by the district, for applications
  - 131 submitted during the late enrollment period for admission in the current year; [~~and~~]
  - 132 (vi) written notification to the resident school for intradistrict transfers or the resident
  - 133 district for interdistrict transfers upon acceptance of a nonresident student for enrollment[-];
  - 134 and
  - 135 (vii) written notification to the parents or legal guardians of each student that resides
  - 136 within the school district and other interested parties of the revised early enrollment period
  - 137 described in Subsection 53A-2-206.5(1)(b) if:
    - 138 (A) the school district is doing a district wide grade reconfiguration of its elementary,
    - 139 middle, junior, and senior high schools; and
    - 140 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
    - 141 implemented in the next school year.

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

- 147 (A) school construction or remodeling;
- 148 (B) drawing or revision of school boundaries; or
- 149 (C) other circumstances beyond the control of the local school board.

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

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

155 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
156 subject to the same rules and standards as resident students, without renewed applications in  
157 subsequent years unless one of the following occurs:

- 158 (a) the student graduates;
- 159 (b) the student is no longer a Utah resident;
- 160 (c) the student is suspended or expelled from school; or
- 161 (d) the district determines that enrollment within the school will exceed the school's  
162 open enrollment threshold.

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

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

169 (8) The parent or guardian of a student enrolled in a school that is not the student's

170 school of residence may withdraw the student from that school for enrollment in another public  
171 school by submitting notice of intent to enroll the student in:

- 172 (a) the district of residence; or
- 173 (b) another nonresident district.

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

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

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

184 (c) A local school board may adopt a policy allowing a student to exercise an open  
185 enrollment option more than once in a school year.

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

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

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

193 (12) Notwithstanding any other provision of this part, a student shall be allowed to  
194 enroll in any charter school or other public school in any district, including a district where the  
195 student does not reside, if the enrollment is necessary, as determined by the Division of Child  
196 and Family Services, to comply with the provisions of 42 U.S.C. Section 675.