

**MILITARY SERVICEMEMBER CHILD ENROLLMENT**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions regarding nonresident and open enrollment for children of military servicemembers.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions regarding nonresident and open enrollment for children of military servicemembers to provide additional opportunity; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53G-6-306**, as last amended by Laws of Utah 2021, Chapter 321

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

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

Section 1. Section **53G-6-306** is amended to read:

**53G-6-306. Permitting attendance by nonresident of the state -- Tuition.**



28 (1) As used in this section:

29 (a) "Armed forces" means the same as that term is defined in Section [68-3-12.5](#).

30 (b) "Eligible student" means a student who is a dependent child of a member of  
31 uniformed services who is:

32 (i) (A) relocating to the state and does not reside in the state during an LEA's  
33 enrollment period; or

34 (B) relocating out of the state during the school year; and

35 (ii) on permanent change of station orders.

36 (c) "Nonresident child" means a child residing outside the state.

37 (d) "Provisional enrollment" means enrollment in a public school by an eligible  
38 student:

39 (i) before the eligible student relocates to the state; or

40 (ii) after the eligible student's parent relocates out of the state, but before the eligible  
41 student relocates out of the state.

42 (e) "Uniformed services" means:

43 (i) the same as that term is defined in Section [68-3-12.5](#);

44 (ii) the reserve components of the armed forces; and

45 (iii) the national guard of a state.

46 (2) (a) An LEA may permit a nonresident child to attend school within the district,  
47 giving priority to a child of a military servicemember, as that term is defined in Section  
48 [53B-8-102](#).

49 (b) With the exception of a child enrolled under Section [53G-6-707](#), a nonresident  
50 child is not included for the purpose of apportionment of state funds.

51 (3) (a) An LEA shall charge a nonresident child who enrolls in a school within the  
52 LEA tuition in an amount at least equal to the per capita cost of the school program in which  
53 the nonresident child enrolls unless the LEA, in open meeting, determines to waive the charge  
54 for that nonresident child in whole or in part.

55 (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the  
56 LEA's determination to waive the charge described in Subsection (3)(a).

57 (4) (a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow  
58 an eligible student to:

59 (i) provisionally enroll in a public school in the LEA at the same time and in the same  
60 manner as individuals who reside in the state; or

61 (ii) provisionally enroll in virtual education options that the LEA provides in the same  
62 manner as an individual residing in the state.

63 (b) An LEA may not require proof of residency from an eligible student at the time the  
64 eligible student applies to enroll in a public school in the LEA.

65 (c) An LEA shall require proof of residence within 10 days after the eligible student's  
66 first day of residence in the state.

67 Section 2. Section **53G-6-402** is amended to read:

68 **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**  
69 **enrollment.**

70 (1) Each local school board is responsible for providing educational services consistent  
71 with Utah state law and rules of the state board for each student who resides in the district and,  
72 as provided in this section through Section [53G-6-407](#) and to the extent reasonably feasible, for  
73 any student who resides in another district in the state and desires to attend a school in the  
74 district, giving priority to a child of a military servicemember, as that term is defined in Section  
75 [53B-8-102](#).

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

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

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

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

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

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

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

88 (iii) (A) submission of applications from December 1 through the third Friday in  
89 February by those seeking admission during the early enrollment period for the following year;

90 or

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

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

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

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

100 (B) within two weeks after receipt of the application by the district or by the Friday  
101 before the new school year begins, whichever is later, for applications submitted during the late  
102 enrollment period for admission in the next school year; and

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

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

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

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

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

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

119 (A) school construction or remodeling;

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

- 121 (C) other circumstances beyond the control of the local school board.
- 122 (ii) The delay may extend no later than four weeks beyond the date the local school  
123 board is able to make a reasonably accurate projection of the early enrollment school capacity  
124 or late enrollment school capacity of a school.
- 125 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of  
126 application.
- 127 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
128 subject to the same rules and standards as resident students, without renewed applications in  
129 subsequent years unless one of the following occurs:
- 130 (a) the student graduates;
- 131 (b) the student is no longer a Utah resident;
- 132 (c) the student is suspended or expelled from school; [or]
- 133 (d) except for a student described in Subsection (6)(e), the district determines that  
134 enrollment within the school will exceed the school's open enrollment threshold[-]; or
- 135 (e) for a child of a military servicemember, as that term is defined in Section  
136 53B-8-102, who moves from temporary to permanent housing outside of the relevant school  
137 district boundaries following a permanent change of station:
- 138 (i) in kindergarten through grade 10, the student completes the current school year; or  
139 (ii) in grades 11 and 12, the student graduates.
- 140 (7) (a) Determination of which nonresident students will be excluded from continued  
141 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in  
142 the school, with those most recently enrolled being excluded first and the use of a lottery  
143 system when multiple nonresident students have the same number of school days in the school.
- 144 (b) Nonresident students who will not be permitted to continue their enrollment shall  
145 be notified no later than March 15 of the current school year.
- 146 (8) The parent of a student enrolled in a school that is not the student's school of  
147 residence may withdraw the student from that school for enrollment in another public school by  
148 submitting notice of intent to enroll the student in:
- 149 (a) the district of residence; or
- 150 (b) another nonresident district.
- 151 (9) Unless provisions have previously been made for enrollment in another school, a

152 nonresident district releasing a student from enrollment shall immediately notify the district of  
153 residence, which shall enroll the student in the resident district and take such additional steps  
154 as may be necessary to ensure compliance with laws governing school attendance.

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

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

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

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

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

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

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