

Admissions and Attendance

Eligibility and Admissions Requirements

Minimum Age—

Except as provided for in Policy FBAB, Military Children, the District may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

Utah Code Ann. § 53A-3-402 (2013)

Student Residency (Parent or Guardian Resides in Utah)—

The District of residence of a minor child whose custodial parent or legal guardian resides in Utah is:

1. The School District in which the custodial parent or guardian who has legal custody of the child resides; or
2. The District in which the child resides;
3. While in the custody or under the supervision of a Utah state agency;
4. While under the supervision of a private or public agency authorized to provide child placement services by the state of Utah;
5. If the child is married or has been determined to be an emancipated minor by a court of law or authorized administrative agency;
6. The child resides in the District while living with a responsible adult resident of the District, but only if the Board has determined that all of the following conditions exist:
 7. the child's physical, mental, moral or emotional health is best served by considering the child to be a resident for school purposes;
 8. exigent circumstances prevent the case from being considered under the procedures provided for in this policy for interdistrict transfers (see "Student Who is Resident of Utah Attending District Outside of School of Residence," below);
 9. considering the child to be a resident of the District will not violate any other law or rule of the State Board of Education; and
 10. the person with whom the child is living has been designated as the child's custodian through a durable power of attorney as provided for in this policy.

11. A “responsible adult resident” is an individual who is 21 years of age or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child.

Student Residency (Parent or Guardian Does Not Reside in Utah)—

A minor child whose parent or legal guardian does not reside within Utah may be considered a resident of the District in which the child lives if it is established to the satisfaction of the local Board that:

1. The child is either married or has been determined to be an emancipated minor by a court of law or authorized state administrative agency;
2. The child was placed and is being supervised by a child placing agency which is authorized by the State of Utah to provide residential or child placement services and the agency is paying the child's tuition and fees to the extent required by Utah Code Ann. § 62A-4a-606;
3. The child is in custody or under the care of a Utah state agency;

Utah Code Ann. § 62A-4a-606(3) (2012)

4. The child lives with a resident of the District who is a responsible adult and whom the District agrees to designate as the child's legal guardian as provided for below; or
5. The District, in its sole discretion may accept a non-emancipated student as a resident of the District if each of the following are demonstrated to the Board's satisfaction:
6. The child lives with a responsible adult who resides in the District and is the student's non-custodial parent, grandparent, brother, sister, uncle or aunt; and
7. The child's presence in the District is not for the primary purpose of attending the public schools; and
8. The child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and
9. The child is prepared to abide by the rules and policies of the school district; and

10. The person with whom the child resides in the district has been designated as the child's custodian in a durable power of attorney which the District agreed in its sole discretion to accept.

NOTE: A document issued by other than a court of law that purports to award guardianship to a person who is not a resident of the jurisdiction in which guardianship is awarded is not valid until reviewed by a court of law.

Durable Power of Attorney—

In certain circumstances identified above, a durable power of attorney must be obtained before a child can be admitted to attend school within the District. This durable power of attorney does not confer legal guardianship. In order to be sufficient, this durable power of attorney must be issued by the person who has legal custody of the child and must grant the custodian full authority to take any appropriate action in the interests of the child, including authorization for educational or medical services.

In addition, the person with legal custody of the child (the grantor of the power of attorney) and the person who the child is to reside with (the person empowered by the power of attorney) must both agree to:

1. Assume responsibility for any fees or other charges related to the child's education in the District, and
2. Provide the District with all requested financial information needed to determine eligibility for fee waivers, if those are claimed.

Guardianship for Residency Purposes—

Subject to the District's acceptance and approval, a responsible adult resident residing in the District may obtain guardianship of a child whose custodial parent or legal guardian does not reside in the District for the limited purpose of establishing school district residency of a minor child by submitting to the Superintendent a signed and notarized statement by all persons recognized under the law as the child's parent(s) or legal guardian(s) which states that:

1. The child's presence in the district is not for the primary purpose of attending the public schools;
2. The child's physical, mental, moral or emotional health would be best served by transfer of guardianship to a Utah resident;
3. The affiant is aware that designation of a guardian is equivalent to a Court established guardianship and will suspend or terminate any existing parental or guardianship rights in the same manner as a court-established guardianship;

4. The affiant consents and submits to suspension or termination of parental or guardianship rights;
5. The affiant submits to jurisdiction of Utah State courts in which the District is located for any action related to guardianship or custody of the student;
6. The affiant designates the responsible adult resident as agent to accept service of process and notice; and
7. It is the affiant's intent that the student become a permanent resident of the District under the supervision of the responsible adult.
8. The responsible adult must also submit a signed and notarized affidavit stating that:
9. The affiant is a resident of the school district and desires to become the guardian of the student;
10. The affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;
11. The affiant will accept responsibilities of guardianship to provide adequate supervision, discipline, food, shelter, educational and emotional support, medical care and pay all school fees;
12. The affiant accepts the parent or prior guardian's appointment of agency; and

If the child's custodial parent or legal guardian cannot be found in order to execute the statement required under subsection (6), then the responsible adult resident must submit a signed and notarized affidavit to that effect to the District. The District shall also submit a copy of the affidavit to the Criminal Investigations and Technical Services Division of the Department of Public Safety.

The student who lives with the responsible adult must submit a signed and notarized affidavit stating that:

1. The student desires to become a permanent resident of the State of Utah and reside in the District with and be responsible to the named responsible adult; and
2. The child will abide by rules and policies of the district and schools.

The District may require the responsible adult to also submit any other relevant documents that it reasonably believes to be necessary to substantiate any claim made in connection with the application.

Upon receipt of the required information and documentation, and a determination by the board that the information is accurate, that the requirements have been met, and that the interests of the child would best be served by granting the guardianship, the Board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant.

The District shall deliver the original documents filed with the District, together with a copy of the designation of guardianship issued by the District, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the District is located.

Intentional submission to the District of fraudulent or misleading information under this policy is punishable under Utah Code Ann. § 76-8-504.

If the District has reason to believe that a party has intentionally submitted false or misleading information under this part, it may, after notice and opportunity for the party to respond to the allegation:

1. void any guardianship, authorization, or action which was based upon the false or misleading information; and
2. recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, and other unpaid school charges, together with any related costs of recovery.

Utah Code Ann. § 53A-2-202 (2012)

Appeal of Guardianship Denial—

If the Board denies the application for a guardianship designation, the applicant may either appeal the denial to the Utah district court where the District is located, or may file an original petition for guardianship with the court.

Utah Code Ann. § 53A-2-202 (2012)

Termination of Guardianship—

A guardianship designation issued by the District may be terminated, and the authority and responsibility of the prior custodial parent or legal guardian may be restored, upon submission to the District of:

1. a signed and notarized statement by the person who consented to the guardianship which requests termination of the guardianship, or
2. a signed written request by the designated guardian requesting termination of the guardianship.

If the District determines that it would not be in the best interests of the child to terminate the guardianship, the District may refer the request for termination to the Utah district court where the original guardianship documents were submitted.

If the District determines, after giving notice and an opportunity to respond, that an individual has intentionally submitted false or misleading information to the District in connection with a guardianship designation, the District may

1. void any guardianship, authorization, or action which was based on the false or misleading information, and
2. recover from the person submitting the false or misleading information the full cost of any benefits received by the child based on the false or misleading information, including tuition, fees, and other unpaid school charges, along with any related costs of recovery.

A student whose guardianship or enrollment has been terminated may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Utah Code Ann. § 53A-2-202 (2012).

Tuition—

The board shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls unless the board, in open meeting, determines to waive the charge for that child in whole or in part. The official minutes of the meeting shall reflect the determination.

Utah Code Ann. § 53A-2-205 (2012)

Tuition for Education Outside of the District—

If the Board so determines, it shall pay tuition to any accredited district outside the state with which it has a written agreement to educate students attending school in the out-of-state district. The agreement shall be approved by both districts and filed with the State Board of Education. The District is not required to pay tuition to any district with which it has not contracted.

Utah Code Ann. § 53A-2-204 (2012)

Eligibility and Admissions Requirements—

All documents submitted for proof of guardianship shall be kept by the District until the student has reached the age of eighteen (18) unless the District receives a valid court order to do otherwise.

Utah Code Ann. § 53A-2-202(9) (2012)

The District may require evidence that a child is eligible to attend the public free schools of the District at the time it considers an application for admission of the child. The District may withdraw any student who ceases to be a resident; however, a student whose guardianship or enrollment has been terminated under this policy

may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Plyler v. Doe, 102 S. Ct. 2382 (1982)

Daniels V. Morris, 746 F.2d 271 (5th Cir. 1984)

"Open Enrollment" for Utah Resident Students—

The Board is responsible for providing educational services consistent with Utah state law and rules of the State Board of Education for each student within the District and—to the extent reasonably feasible and in accordance with the limitations and provisions herein—for any student who resides in another district in the state and desires to attend a school in the district.

For purposes of "open enrollment," the following definitions apply:

1. "Early enrollment" means:
 - a. prior to the third Friday in February for admission for the next school year to a school that is not a student's school of residence; or
2. "Early enrollment for grade reconfiguration" means
 - a. application prior to November 1 for admission for the next school year to a school that is not a student's school of residence if:
 - i. the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - ii. the grade reconfiguration described in Subsection (1)(b) will be implemented in the next school year.
3. "Late enrollment" means application:
 - a. (a) after the third Friday in February for admission for the next school year to a school that is not the student's school of residence; or
 - b. (b) for admission for the current year to a school that is not the student's school of residence.
4. "Nonresident student" means a student who lives outside the boundaries of the school attendance area.
5. "Open enrollment threshold" means the school enrollment levels (for early enrollment or late enrollment) determined under Utah Code Ann.

§ 53A-2-206.5 and regulations established by the Utah State Board of Education.

6. "School of residence" means the school that a student is assigned to attend based on the student's place of residence.
7. "School attendance area" means an area established by the Board of Education from which students are assigned to attend a certain school.

Utah Code Ann. § 53A-2-206.5 (2012)

If a school's average daily membership falls below the open enrollment threshold, the Board shall allow nonresident students to enroll in the school. If a school's average daily membership is above the open enrollment threshold, the Board may, in its discretion, allow enrollment of nonresident students in the school upon satisfactory completion of the application process set forth herein.

The School Board shall provide written notification to the parents or legal guardians of each student that resides within the school district and other interested parties of the revised early enrollment period beginning August 1 and ending November 1 if the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and the grade reconfiguration will be implemented in the next school year.

The School Board shall make information about the District, its schools, programs, policies and procedures available to all students who are residents of the State and express an interest in transferring into the District or in transferring to another school within the District.

In order for a Utah student to attend a District school other than the student's school of residence, the nonresident student's parent or guardian must submit an application to the District on a form provided by the State Board of Education.

To be considered as an "early enrollment" application, the student's parent or guardian must submit the application from August 1 to November 1 if there is a district wide grade reconfiguration the following school year or from December 1 through the third Friday in February prior to the school year of application for initial enrollment to begin the following school year in the District. Applications which are submitted for the current school year or after the third Friday in February for the following school year will be considered as "late enrollment" applications.

Utah Code Ann. § 53A-2-206.5 (2012)

The District shall charge applicants a one-time \$5.00 processing fee to be paid at the time of application.

Utah Code Ann. § 53A-2-207 (2009)

Notice of Acceptance or Rejection of Application—

For an early enrollment application, the District shall provide written notice of acceptance or rejection of that application within six weeks after receipt of the

application by the District or by March 31 whichever is later. For a late enrollment application for the following school year, written notice of acceptance or rejection shall be provided within two weeks of the District's receipt of the application or by the Friday before the new school year begins, whichever is later. For a late enrollment application for the current school year, written notice of acceptance or rejection shall be provided within two weeks of the District's receipt of the application. Written notice of acceptance of an application for enrollment shall also be sent to the nonresident student's school of residence (for intradistrict transfers) or district of residence (for intradistrict transfers).

Utah Code Ann. § 53A-2-207 (2009)

Denial of Enrollment Appeal—

Denial of initial or continuing enrollment of a nonresident student may be appealed to the Board. Written notice of the request for appeal to the Board must be submitted to the Board within fifteen (15) days of the date of the Board's denial of the application. The decision of the Board shall be upheld in any subsequent proceedings unless the Board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Utah Code Ann. § 53A-2-209 (1993)

Standards for Application—

Acceptance or rejection of an application shall be determined on an individual basis. Standards applied to each application include at least the following:

No nonresident student shall be allowed to voluntarily enroll in programs within the District unless, on a case by case basis, the District determines that there is capacity for additional students in the program for which the nonresident student applies, and that there is adequate space, facilities, and teacher availability in the class, grade level and school building for which the student applied.

The District shall maintain heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students.

The District shall not be required to provide any program that it has not previously provided to its own students. If the District does not offer a program that the student requires, that fact shall be considered in reviewing the student's application.

The District shall consider the willingness of prospective students to comply with District policies.

The District shall consider whether an applicant's brother or sister is attending the requested school or another school in the District.

The District may give preference to applicants from students residing within the District over applications from students who do not reside within the District.

The District may consider whether the requested transfer is needed for the student's health or safety.

The District may reject an application for transfer for the current school year when the student has already transferred to another school for the current school year under open enrollment (whether that was effective at the beginning of the school year or during the school year).

Standards may not include previous academic achievement, athletic or other extra-curricular ability, the fact that the student requires special education services for which space is available, previous disciplinary proceedings, except that the District may deny applications from students who have committed serious infractions of the law or school rules, including rules of the District which may not have been rules of the student's prior district where the conduct occurred. The District may deny applications from students who have been guilty of chronic misbehavior which would, if continued endanger persons or property, cause serious disruptions in the school, or place unreasonable burdens on school staff.

The Board may, in its discretion, allow provisional enrollment of students with prior behavior problems. In such cases the Board will, on a case-by-case basis, establish conditions under which enrollment of the nonresident student would be permitted. The Board may also impose such conditions on a nonresident student previously enrolled in the District, under which the nonresident student's enrollment would be continued.

Utah Code Ann. § 53A-2-208 (2008)

Posting of School Enrollment Information—

For each school, the District shall post the following information on the District website:

1. The school's maximum capacity;
2. The school's adjusted capacity;
3. The school's projected enrollment used in calculating the open enrollment threshold;
4. The school's actual enrollment on October 1, January 2, and April 1;
5. The number of nonresident student enrollment applications for the school;
6. The number of nonresident student enrollment applications accepted; and
7. The number of resident students transferring to another school.

Utah Code Ann. § 53A-2-208(5) (2008)

Participation in Interscholastic Competition—

The participation by nonresident students in interscholastic competition shall be governed under rules established by the State Board of Education, in consultation with the Utah High School Activities Association. Final determinations as to extent of participation shall be made by the Board of Education or coaches delegated such authority.

Termination of Enrollment—

Once a nonresident student is enrolled within a school in the District, the student may remain enrolled in that school subject to compliance with all rules and standards established for students in the District, and is not required to submit annual or periodic applications unless one of the following occurs:

1. the student graduates;
2. the student is no longer a Utah resident;
3. the student is suspended or expelled from school; or
4. the District determines that enrollment within the school in question will exceed the open enrollment threshold during the coming school year.

However, even when the open enrollment threshold will be exceeded, where a nonresident student is enrolled in a nonresident school for safety reasons because bus service is not provided between the student's neighborhood and their school of residence, that student may remain at that school through the highest grade offered and may thereafter attend the middle school, junior high school, or high school into which the nonresident school feeds, until graduation.

Utah Code Ann. § 53A-2-207(11) (2009)

Otherwise, where the open enrollment threshold will be exceeded, determination of which nonresident students will be excluded from continued enrollment in the school during a subsequent year is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days at the school. Nonresident students who will not be permitted to continue their enrollment in the District shall be notified on or before March 15 of the school year prior to the school year during which enrollment will be denied.

Utah Code Ann. § 53A-2-207(7) (2009)

Transportation—

The parent or guardian of the nonresident student must arrange for the student's own transportation to and from schools. The District shall provide transportation for a nonresident student on the basis of available space on an approved route within the District to the school of attendance if District students would be eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Utah Code Ann. § 53A-2-213 (2008)

Withdrawal of Enrollment—

Except as set forth below for charter school students, the parent of a nonresident student may withdraw the student from the nonresident school by doing one of the following:

1. Submitting notice of intent to enroll the student in the student's school of residence for the subsequent year.
2. Submitting notice of intent to enroll the student in another nonresident school for the subsequent school year.

Unless provisions have previously been made for enrollment in another school, if the District releases a nonresident student from enrollment in the District, the District superintendent shall immediately notify the student's district of residence.

If the District receives notice from another district that a student residing in the District, but who has been enrolled in the other district, is released from enrollment with that district, the District shall enroll the student in the appropriate District school and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

Utah Code Ann. § 53A-2-207 (2009)

The Board may allow a student residing outside the state to attend school within the District, but shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls, unless the Board, in open meeting, determines to waive all or part of the charge for that child. Such action shall be recorded in the minutes of the meeting.

Utah Code Ann. § 53A-2-205 (1988)

Returning Charter School Students—

The parent of a student residing in the District but enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application for admission is submitted to the District by June 30. If the application is submitted after June 30 for the following year or is submitted for the current year, the student may enroll in a school in the District which has adequate capacity in the student's grade level (for elementary students) or the core classes that the student needs to take (for secondary students). (These determinations shall be made following regulations issued by the State Board of Education.)

Notwithstanding these limitations, a student may be enrolled at any time if the District determines that is necessary to protect the health or safety of the student.

Utah Code Ann. §53A-1a-506.5(7), (8) (2010)

Exception to Open Enrollment Requirements for DCFS Cases—

Regardless of the student's place of residency or the open enrollment requirements set forth above, the District shall allow enrollment of a student in a District school where such enrollment is determined by the Utah Division of Child

and Family Services to be necessary to comply with the provisions of 42 U.S.C. § 675.

Utah Code Ann. § 53A-2-207(12) (2009)

Required Identification—

Upon enrollment of a student for the first time in a particular school in the District, that school shall notify in writing the person enrolling the student that within 30 days he or she must provide the school with either a certified copy of the student's birth certificate, or other reliable proof of the student's identity and age, together with an affidavit explaining the inability to produce a copy of the birth certificate. If the affidavit appears inaccurate or suspicious, the school shall immediately report such concerns to the Bureau of Criminal Identification within the Department of Public Safety. If a person enrolling a student fails to comply with this requirement, the school shall notify that person in writing that unless he or she complies within ten days the case shall be referred to the local law enforcement authority for investigation. If the person fails to comply within the ten-day period, the school shall refer the case to the Bureau of Criminal Identification within the Department of Public Safety.

Utah Code Ann. § 53A-11-503 (1993)

Missing Child—

If a school within the District receives notification from the Bureau of Criminal Identification that a child that is currently or was previously enrolled is missing, the school shall flag that child's records sufficiently to alert school officers that the record is that of a missing child. If the school receives notification from the Bureau of Criminal Investigation that the child is no longer missing, it shall remove the flag from the record.

Utah Code Ann. § 53A-11-502 (1998)

Transfer Students—

Within fourteen (14) days after enrolling a transfer student (simultaneously if the student is a military child), a school shall request, directly from the student's previous school, a certified copy of his record and shall exercise due diligence in obtaining the record.

Utah Code Ann. § 53A-11-504 (2010)

Utah Code Ann. § 53A-1-1001 Article IV.B. (2010)

If a school within the District is requested to forward a copy of a transferring student's record to the student's new school, it shall comply within thirty (30) school days (10 days if the student is a military child) unless the record has been flagged as being that of a missing child, in which case the copy shall not be forwarded and the school shall notify the Bureau of Criminal Identification of the request. Any knowledge as to the whereabouts of a missing child shall be reported immediately to the Bureau of Criminal Identification.

Utah Code Ann. § 53A-11-502, 504

Utah Code Ann. § 53A-1-1001 Article IV.B. (2010)

Health Examinations—

The Board shall implement rules as prescribed by the Department of Health for vision, dental, abnormal curvature of spine, and hearing examinations of students attending the District's schools.

Qualified health professionals shall provide instruction, equipment and material for conducting the examinations.

Upon written request from any parent or guardian of a student who contends that an examination provided by this policy would violate the personal beliefs of the person making the request and of the student, the student shall be exempt from submitting to the examination.

The school shall give notice in writing to a student's parent or guardian of any impairment disclosed by the examination.

Utah Code Ann. § 53A-11-201 (1996)

Credits and Records Transfer—

The District shall accept credits from accredited secondary schools, accredited special purpose schools and the Utah Electronic High School.

Utah Admin. Rules 277-705-1(a), 277-705-3(B)(1) (August 8, 2011)

Graduation—

The District shall award a diploma to a nonresident student attending school within the District during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.

Utah Code Ann. § 53A-2-211 (1993)

Placement of Transfers—

Records and transcripts of students from Utah nonpublic schools or from out of state shall be evaluated, and students shall be placed promptly in appropriate classes.

Expelled from Another District—

A student who has been expelled from another school district who is otherwise eligible to enroll may enroll in District schools; however, upon receipt of the expulsion order from the other school district, the District may continue the expulsion under the terms of the order or may allow the student to attend classes without completing the period of expulsion.

Utah Code Ann. § 53A-11-105(3), (4) (2007)

Student Identification Number—

District may not use a nine digit number as a student's identification number with the District.

Utah Code Ann. § 63G-15-201 (2012)