

1 **R277. Education, Administration.**

2 **R277-437. Open Enrollment.**

3 **R277-437-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board;

7 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law; and

9 (c) Subsection 53G-6-405, which directs the Board to provide a formula by rule for
10 resident students to attend school districts under 53G-6-401.

11 (2) The purpose of this rule is:

12 (a) to establish necessary definitions;

13 (b) to establish a formula for the residual per pupil expenditure for school districts to
14 reimburse each other for full and part-time nonresident students;

15 (c) to summarize school, school district, and state responsibilities under Section
16 53G-6-401; and

17 (d) to provide a standard statewide open enrollment form required under Subsection
18 53G-6-402(4)(b)(ii).

19

20 **R277-437-2. Definitions.**

21 (1) "Available school or program" means a school or program currently designated
22 under the law and this rule by a district as open to nonresident students.

23 (2) "Nonresident student" means a student attending or seeking to attend a school
24 other than the designated school of residence.

25 (3) "Resident district" means a student's school district of residence under Section
26 53G-6-302.

27 (4) "Resident district's per student expenditure" means the expenditure based on the
28 most recent State Superintendent's Annual Report according to the following formula
29 calculated by the Superintendent:

30 (a) take total expenditures before interfund transfer for:

31 (i) maintenance and operation;

- 32 (ii) tort liability; and
33 (iii) capital projects;
34 (b) subtract the following from the sum of (4)(a), above:
35 (i) resident district's taxes collected under the Minimum School Program;
36 (ii) state revenue;
37 (iii) federal revenue; and
38 (iv) expenditures for site acquisition or new facility construction, which includes
39 remodeling that increases building square footage or other major remodeling; and
40 (c) divide the remainder of (4)(a) and (4)(b) above by the total student membership
41 of the district as reported in the most recent annual year-end Membership Report.
42 (5) "School of residence" means the school which a student would normally attend
43 in the student's district of residence.
44 (6) "School into which the school's students feed" for purposes of this rule means
45 school boundaries and feeder systems as determined by the local board of education which
46 may change over time.
47 (7) "Split enrollment" means a student that is enrolled in two or more LEAs
48 simultaneously during a school year.

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50 **R277-437-3. Local School Board and District Responsibilities.**

51 (1) A local school board shall have policies describing procedures for a student to
52 follow in applying to attend school other than the student's respective schools of residence.

53 (2) A Local school board shall designate which schools and programs will be
54 available for open enrollment during the coming school year consistent with the definitions
55 and timelines of Title 53G, Chapter 6, Part 4, School District Enrollment.

56 (3) The school district shall adjust timelines for open enrollment applications if the
57 district is developing a district-wide reconfiguration of the district's schools consistent with
58 Subsection 53G-6-401(1).

59 (4) A school district may establish longer or broader timelines for enrollment than
60 required by law.

61 (5) If construction, remodeling, or other circumstances beyond the control of the local
62 school board do not reasonably permit the local school board to make sufficiently accurate

63 enrollment projections for a given school to determine whether the school should be
64 designated as available for open enrollment for the coming year, the local board shall
65 designate delays and procedures consistent with Subsection 53G-6-402(4)(c).

66 (6)(a) As required under Subsection 53G-6-405(2), a resident district shall pay to a
67 nonresident district one-half of the resident district's per student expenditure for each
68 resident student properly registered in the nonresident district.

69 (b) A resident district may pay a nonresident district any additional amount if agreed
70 upon by both districts.

71 (c) No payments shall be made pursuant to this rule for split enrollment of a student.

72 (d) Funding for students who are split enrolled shall be provided to the participating
73 LEAs in accordance with Section R277-419-6.

74 (7) An agreement between the resident district and a nonresident district may be
75 made prior to the acceptance of a requesting student and shall be done outside of the
76 Statewide Online Education Program process described in R277-726.

77 (8) A local school board shall establish a procedure to consider appeals of a student's
78 denial of initial or continued enrollment of a nonresident student under Subsection 53G-6-
79 404(1).

80 (9) A local school board may deny a student's request for enrollment for a reason
81 identified in Title 53G, Chapter 6, Part 4, School District Enrollment.

82 (10) This rule does not govern eligibility for nonresident students to participate in
83 activities supervised by the Utah High School Activities Association (UHSAA).

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85 **R277-437-4. Special Education Open Enrollment Requirements.**

86 (1) When considering an open enrollment request for a student who qualifies for
87 special education services, a nonresident district shall:

88 (a) consider the individual needs of the student and whether the nonresident district
89 can meet the student's needs when determining whether there is capacity to accept the
90 student; and

91 (b) establish policies and procedures for open enrollment that do not have the effect
92 of discriminating against a student who qualifies for special education services.

93 (2) The policies and procedures described in Subsection (1), as applied or

94 implemented, may not lead to the categorical denial of accepting a nonresident student who
95 qualifies for special education services.

96 (3) The Superintendent may provide model policies that meet the requirements of
97 this section.

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99 **R277-437-5. Transportation.**

100 (1) A school resident district may transport the district's students to schools in other
101 districts under Subsection 53G-6-405(3)(b)(i).

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103 **KEY: public education, enrollment options**

104 **Date of Enactment or Last Substantive Amendment: January 9, 2019**

105 **Notice of Continuation: October 5, 2018**

106 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(1)(b); 53G-**
107 **6-405; 53G-6-401 et seq.; 53E-3-401(4)**