

1 **R277. Education, Administration.**

2 **R277-621. District of Residence.**

3 **R277-621-1. 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; and

7 (b) Section 53E-3-401, 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) Section 53G-6-302, which directs the Board to establish rules for determination
10 of a student's district of residency in accordance with the statute.

11 (2) The purpose of this rule is to establish the procedure for reviewing a student's
12 request for an alternative district of residency in accordance with Subsections 53G-6-
13 302(2)(b)(iii) and 53G-6-302(2)(b)(iv).

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15 **R277-621-2. Definitions.**

16 (1) "Alternative district" or "alternative district of residency" means a district, which
17 may provide educational services, where a student resides:

18 (a) with a responsible adult, other than a custodial parent or legal guardian; or

19 (b) in a health care facility or human services program facility.

20 (2) "Health care facility" means the same as that term is defined in Section 26-21-
21 2.

22 (3) "Human services program" means the same as that term is defined in Section
23 62A-2-101.

24 (4) "Review official" means a district employee designated by the district's
25 superintendent to make an initial determination on a request for an alternative district of
26 residence in accordance with this rule.

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28 **R277-621-3. Determination of Alternative District of Residency.**

29 (1) A student's custodial parent or legal guardian may request a determination that
30 the student's district of residency is a district other than where the student's custodial
31 parent or legal guardian resides by filing a written request with an alternative district.

32 (a) The Superintendent shall provide a model form for use by a district to accept
33 requests under this rule.

34 (b) A student request shall outline why the student should receive resident
35 services from an alternative district in accordance with the criteria provided in:

36 (i) Subsection 53G-6-302(2)(b)(iii); or

37 (ii) Subsection 53G-6-302(2)(b)(iv).

38 (2) If an alternative district receives a request under Subsection (1), a district
39 review official shall review the request and make a recommendation to the alternative
40 district's local school board or designee on whether the student should be treated as a
41 resident of the alternative district within ten business days.

42 (3) The student's custodial parent or legal guardian's district of residence is
43 responsible for the student's education services pending a decision by the local school
44 board or designee of an alternative district in accordance with this R277-621-3.

45 (4) If the local school board or designee of an alternative district approves a
46 request under Subsection (1), the alternative district shall assume responsibility for
47 providing educational services for the student and enroll the student immediately.

48 (5) The decision of the alternative district's local school board or designee shall
49 be in writing and set forth the reasons for approving or denying the request in accordance
50 with the statutory criteria.

51 (6)(a) If the alternative district denies a student request, the student may appeal
52 the decision within ten business days to the Superintendent.

53 (b) The Superintendent shall rule on a request under Subsection (6)(a) within ten
54 business days.

55 (7) If a request for an alternative district of residence is approved for a student
56 qualifying for services under the IDEA, the alternative district shall conduct an IEP

57 meeting with representation from the alternative district and the former district of
58 residence under Subsection 53G-6-302(2)(a).

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60 **R277-621-4. Students at Human Services Program Facilities.**

61 (1) A student approved for an alternative district of residency while attending a
62 private human services program facility shall be entitled to the educational services of the
63 alternative district at the alternative district's educational facilities designated by the
64 alternative district.

65 (2) An alternative district of residency is not required to provide educational
66 services on site at a private human services program facility, unless the IEP team of the
67 alternative district determines that on site services are required to meet the needs of a
68 student under federal law.

69 (3) The alternative district is not responsible for a student's required transportation
70 between a health care facility or human services program facility and the school district's
71 facility.

72 (4) The alternative district's local school board or designee may periodically
73 reevaluate the non-resident student's eligibility for education services by the alternative
74 district as described in Subsections 53G-6-302(2)(b)(iii) or (iv).

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76 **KEY: students, alternative district of residency**

77 **Date of Last Change: September 24, 2021**

78 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-6-**
79 **302**