

LCSD Guidelines on Open Enrollment

References: [53G-6-401](#) [53G-6-402](#) [FBA Eligibility and Admissions Requirements](#)

When Do We Allow Permit Enrollments?

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 district-approved application process.

Once an enrollment permit has been approved a new application must be submitted when a student moves from elementary to middle school, and from middle school to high school.

What Constitutes Early Enrollment?

To be considered as an "early enrollment" application, the student's parent or guardian must submit the application from **Nov. 15 to the first Friday in February** prior to the school year of application for initial enrollment to begin the following school year in the District. During the open enrollment window, a school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold for that school.

What is the Enrollment Threshold, and How is it Determined?

"Early enrollment school *capacity*" or "maximum capacity" means the total number of students who could be served in a school building if each of the building's *instructional stations* were to have

- an enrollment at least equal to the school district's average class size for the corresponding grade (elementary)
- an enrollment at least equal to the district's average class size for similar classes (secondary)

The open enrollment *threshold* is:

- projected school enrollment level that is 90% of the maximum capacity, or
- the maximum capacity minus 40 students.

The "Late enrollment school capacity" or "adjusted capacity" means the total number of students who could be served in a school if *each teacher* were to have:

- an enrollment at least equal to the school district's average class size for the corresponding grade (elementary)
- an enrollment at least equal to the district's average class size for similar classes (secondary)

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When Do I Notify a Parent That Their Early Enrollment Application Is Approved or Denied?

The school must send written notification to the student's parent of acceptance or rejection of an application within six weeks after the receipt of the application by the district or by March 31, whichever is later.

What Constitutes Late Enrollment?

Applications which are submitted for the current school year or after the first Friday in February for the following school year will be considered as "late enrollment" applications.

When Do I Notify a Parent That Their Late Enrollment Application Is Approved or Denied?

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.

What Are the Standards for Accepting or Rejecting An Application?

Acceptance or rejection of an application shall be determined on an individual basis. These standards apply to *both* early and late permit applications. Standards applied to each application include at least the following:

- All sections of the application must be complete, with no missing information. This includes the questions regarding whether a student has an IEP.
- 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 not capacity for additional students in the program for which the nonresident student applies, and that there is not adequate space, facilities, and teacher availability in the class, grade level and school building for which the student applied. For secondary schools, the District may also consider the capacity of a comprehensive program in determining to accept or reject an application.

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- 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).

What Standards Cannot Be Used When Evaluating a Permit Application?

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*, or previous disciplinary proceedings, except that

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.

So, Can We Clarify What We Do With Permit Applications for Students With Patterns of Inappropriate Behavior?

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

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such conditions on a nonresident student previously enrolled in the District, under which the nonresident student's enrollment would be continued.

Enrollment may be classified as provisional *at the time of initial enrollment*. A student's status may not be changed to provisional after their enrollment has already been approved.

What Do We Do With Permits for Students With Disabilities under IDEA?

Standards for evaluating a permit application may not include the fact that the student requires special education services *for which space is available*.

If a permit application is submitted for a student who requires special education services, the principal will contact the Director of Special Education to consult regarding whether there is space available in the special education program of the school.

When Can A School Revoke a Student's Enrollment Permit?

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

- the student graduates
- the student is no longer a Utah resident
- the student fails to comply with the conditions of his or her *provisional enrollment* (the school needs to show efforts to provide appropriate behavioral interventions and communicate regularly with the student's parent to inform them that if the conditions of the provisional permit are not met the permit will be revoked)
- the student (who was not placed on *provisional enrollment*) is given two out of school suspensions for inappropriate behavior, the school has documented evidence that appropriate behavioral interventions were applied, and the student's parent was informed that if the student's behavior does not improve, the permit will be revoked
- the student is expelled from school
- except for a child of a military servicemember, the district determines that enrollment within the school will exceed the school's open enrollment threshold

An enrollment permit may not be revoked slowly due to excessive student absences.

Are There Additional Guidelines for Children of Military Members?

If the district determines that enrollment within the school will exceed the school's open enrollment threshold...

for a child of a military servicemember (active duty, reservist assigned in Utah, Utah National Guard, maintains a domicile in Utah but is assigned outside of Utah pursuant to federal

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permanent change of station orders) who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:

- in kindergarten through grade 10, the student completes the current school year
- in grades 11 and 12, the student graduates

If We Have Increased Neighborhood Enrollment, How Would We Choose Which Permits to Revoke?

In the case of increased neighborhood enrollment, determination of which nonresident students will be excluded from continued enrollment in a 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 in the school.

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

Are There Rules Governing When a Parent Withdraws Their Student Who Was on an Enrollment Permit?

The parent of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:

- the district of residence
- another nonresident district

A student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option may not transfer to a different school during the same school year by exercising an open enrollment option.

- This restriction on transfers does not apply to a student transfer made for health or safety reasons

Are There Additional Rules for UHSAA Transfers?

A student may request and an association shall grant a student eligibility to participate in an interscholastic activity after the student transfers to another school if the student participates in interscholastic activities at the new school and at least one of the following apply:

- A. The student's full family moves outside of the boundaries of the originating school and into the boundary of the new school;
- B. The student's transfer to the new school is a result of a death in the family, which requires the

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- C. student to move from the student's original residence;
- D. The student's transfer to the new school is a result of a divorce, which requires the student to move from the student's original residence;
- E. The student moves to live with an individual who has legal custody of the student with full and complete legal guardianship, which includes therapeutic boarding schools for students who are involved in therapeutic treatment at the new UHSAA member school;
- F. The student has been a victim of bullying and the bullying was reported, documented, and investigated by the school or law enforcement.

Any student making such a request shall provide such documentation as the Association may require and all requests will be considered on the facts documented.

A student whose situation does not meet the criteria above may compete at the sub varsity level at the new school for a period of twelve (12) months from the last day of attendance at the former school provided they meet all other UHSAA and school/district eligibility requirements. Once a student has enrolled and attended at the new school, that student is no longer eligible at the former school.