

# Davis School District Policy and Procedures

**Subject:** 5S-001 Enrollment Options for Students  
**Index:** Student Services – *Enrollment and Registration*  
**Revised:** October 6, 2020

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## 1. PURPOSE AND PHILOSOPHY

- 1.1. The Board of Education of Davis School District (Board) desires to provide enrollment options that meet the diverse needs and interests of Davis School District (District) students. The Board provides such enrollment options through:
  - 1.1.1. open enrollment boundary variances, providing parents a choice of schools to attend within the public school system that is not limited by District boundaries;
  - 1.1.2. dual enrollment of students simultaneously in a public school and in a home school, or a regularly established private school.
- 1.2. The purpose of this policy is to establish procedures for the selection and transfer of students among District schools and enrollment or re-enrollment after attending a charter school, in accordance with state law, administrative rule, and Board policy.

## 2. OPEN ENROLLMENT BOUNDARY VARIANCE

This section outlines procedures for parents, students, and staff members to follow in designating which schools and programs will be available for open enrollment during the coming school year and the process for open enrollment applications and review of boundary variances consistent with the definitions and timelines of Utah Code Ann. Title 53G, Chapter 6, Part 4 to assure that decisions regarding open enrollment boundary variance request are administered fairly without prejudice to any student or class of student.

### 2.1. Definitions for Open Enrollment Boundary Variance

For purposes of this policy, the next definitions apply:

- 2.1.1. **“Available school or program”** means a school or program currently designated as open to nonresident students.
- 2.1.2. **“Early enrollment”** means application 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.
- 2.1.3. **“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 the following enrollment:
  - [a] for an elementary school, an instructional station shall have an enrollment at least equal to the district's average class size for the corresponding grade; and
  - [b] for a junior, or senior high school, an instructional station shall have an enrollment at least equal to the district's average class size for similar classes;
  - [c] the Director of Planning, in consultation with the School Directors shall determine the instructional station capacity for laboratories, physical education facilities, shops, study halls, self-contained special education classrooms, facilities jointly financed by the school district and another community agency for joint use, and similar rooms; and

- [d] capacity for self-contained special education classrooms shall be based upon students per class as defined by USBE and federal special education standards.
- 2.1.4. **"Instructional station"** means a classroom, laboratory, shop, study hall, or physical education facility to which the Board could reasonably assign a class, teacher, or program during a given class period. More than one instructional station may be assigned to a classroom, laboratory, shop, study hall, or physical education facility during a class period.
- 2.1.5. **"Late enrollment"** means application 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 for admission for the current year to a school that is not the student's school of residence.
- 2.1.6. **"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:
  - [a] in an elementary school, a class size at least equal to the District's average class size for the corresponding grade; or
  - [b] in a junior, or senior high school, a class size at least equal to the District's average class size for similar classes.
- 2.1.7. **"Nonresident student"** means a student who lives outside the boundaries of the school attendance area.
- 2.1.8. **"Open enrollment threshold"** means:
  - [a] for early enrollment, a projected school enrollment level that is the greater of 90% of the maximum capacity or, maximum capacity minus 40 students; and
  - [b] for late enrollment, actual school enrollment that is the greater of 90% of adjusted capacity or, adjusted capacity or, adjusted capacity minus 40 students.
- 2.1.9. **"Projected school enrollment"** means the current year enrollment of a school as of October 1, adjusted for projected growth for the next school year.
- 2.1.10. **"Safety emergency"** is defined as a situation in which:
  - [a] enrollment in a specific school is necessary to protect the health of the student as determined by a specific medical recommendation from a medical doctor; or
  - [b] enrollment in a specific school is necessary to protect the emotional or physical safety of a student, based on documentation/evidence provided by the student's previous school, the parent, a clinical psychologist who is tracking the student, or cumulative information.
- 2.1.11. **"School attendance area"** means an area established by the Board from which students are assigned to attend a certain school.
- 2.1.12. **"School of residence"** means the school to which a student is assigned to attend based on the student's place of residence.

- 2.1.13. **“Serious infraction of the law or school rules”** means chronic misbehavior by a student which is likely, if it were to continue after the student was admitted, to endanger persons or property, cause serious disruptions in the school, or to place unreasonable burdens on school staff.

## 2.2. EARLY ENROLLMENT

### 2.2.1. Designation of Available School or Program

- [a] On or before November 15<sup>th</sup> of each school year, the Director of Planning, shall consult with the Director of Admissions, the School Directors, and the Director of Special Education to determine the “early enrollment school capacity” or “maximum capacity” of each school for the next school year.
- [b] Based on the early enrollment school capacity, the Director of Planning will set the “open enrollment threshold” for the next school year.
- [c] A school will be designated as open for early enrollment application by nonresident students if the enrollment level is at or below the open enrollment threshold.
- [d] Using the open enrollment threshold and the maximum capacity, the Director of Planning will calculate the number, if any, of boundary variances that may be granted to nonresident students to bring the school’s enrollment up to the open enrollment threshold
- [e] For schools which are “closed” due to enrollments projected to exceed the open enrollment threshold, the principal of a school or designee may grant boundary variance requests of intradistrict students up to 1.5% of the projected enrollment as long as it does not require additional staffing or facilities.
- [f] If a school is “open” but the available capacity is less than 1.5%, the 1.5% may be used.
- [g] Schools shall provide notification to interested parties of the school’s designation as outlined with section 2.4 of the policy and the procedures for applying for enrollment.

### 2.2.2. Application Process

Students may apply for an early enrollment boundary variance for admission for the next school year to a school that is open for enrollment that is not a student’s school of residence as follows:

- [a] The student’s parent shall submit an application to the school they desire to have the student attend between December 1 and the third Friday in February for initial open enrollment to begin the following school year.
- [b] A one-time, non-refundable five dollar (\$5.00) processing charge payable to the District will be charged at the time of the application.
- [c] Upon receiving a completed request form, the principal or designee shall assign the form a number to be used should the random selection process be needed at that particular school.
- [d] If at the close of the application period, the number of applications does not exceed the number of available spaces identified in 2.2.1[d] above, the principal or designee shall review the requests and notify the student’s parent of acceptance or rejection of the request as soon as reasonably possible but in no event later than March 31.

- [e] If the number of requests exceeds the number of available spaces identified in 2.2.1[d] above, student applications shall be selected on a random basis except that the school will exclude requests that would exceed the capacity of a particular program, class, or grade level; and the school will give preference to siblings of students presently enrolled in the school and students who reside within the District.
- [f] The random selection process shall be conducted on the first school day following the close of the open enrollment period, in accordance with District guidelines.
- [g] The names of those students not being granted a boundary variance through the random selection process shall be placed on a waiting list at the school. The order of names on the waiting list shall be determined by a continuation of the random selection process. Students whose name is on the waiting list need not submit an additional application under the Late Enrollment Period for attendance the following school year.
- [h] In an effort to accommodate the maximum number of variance requests, while maintaining a desirable enrollment balance, cross-level exchanges will be carried out under the direction of the Planning Director after the random selection process is completed.
- [i] Written notification to each applicant student's parent of acceptance or rejection of a boundary variance request, whether or not the random selection process is required, no later than March 31.
- [j] If at any time during the school year a student attending on a boundary variance withdraws from that school, the principal may fill that opening with the next name on the waiting list.

### 2.3. LATE ENROLLMENT

#### 2.3.1. Designation of Available School or Program

- [a] On or before April 1 of each school year, the Director of Planning, shall consult with the Director of Admissions, the School Directors, and the Director of Special Education and determine the "late enrollment school capacity" or "adjusted capacity" based on the actual enrollment of students.
- [b] Based on the adjusted capacity, the Director of Planning will set the "open enrollment threshold" for each school for the remainder of the late enrollment period.
- [c] A school will be designated as open for late open enrollment applications by nonresident students if the enrollment level is at or below the open enrollment threshold.
- [d] Using the open enrollment threshold and the adjusted capacity, the Director of Planning will calculate the number, if any, of boundary variances that may be granted to nonresident students to bring the school's enrollment up to the open enrollment threshold.
- [e] Schools shall provide notification to interested parties of the school's designation as outlined in section 2.4 of the policy and the procedure for applying for enrollment.

#### 2.3.2. Application - Late Enrollment Period for **Following School Year**

Students may apply for a late enrollment boundary variance for admission for the next school year to a school that is not the student's school of residence as follows:

- [a] The student's parent shall submit a late open enrollment application to the school they desire to have the student attend between the third Friday in February and three weeks prior to the first day of the school year for initial enrollment to begin the following school year.
- [b] A one-time, non-refundable five-dollar (\$5.00) processing charge payable to the District will be charged at the time of the application.
- [c] If the adjusted open enrollment threshold calculated in section 2.3.1 above identifies available spaces at a school for the following school year and:
  - (i) a waiting list remains of students desiring but not receiving a boundary variance through the early enrollment process, any applications received during the late enrollment process shall be placed at the end of that waiting list in the order they are received;
  - (ii) no waiting list exists and there is space available for the following school year the principal or designee may review the requests and accept or reject them in the order they are received.
- [d] The principal or designee shall provide written notice to the student's parent of acceptance or rejection of the request as soon as reasonably possible but in no event later than the Friday before the school year begins.
- [e] If at any time during the school year a student attending on a boundary variance withdraws from the school, the principal may fill that opening with the next name on the waiting list.

2.3.3. Application Process - Late Enrollment for **Current School Year**

Students may apply for a late enrollment boundary variance for admission for the current year to a school that is not the student's school of residence.

- [a] The student's parent shall submit an application to the school they desire to have the student attend at any time during the school year for admission to a school that is not the student's school of residence for the current school year.
- [b] A one-time, non-refundable five dollar (\$5.00) processing charge payable to the District will be charged at the time of the application.
- [c] If at the time the application is submitted, a waiting list exists, the student's application will be added to the bottom of the waiting list and the parent will be notified of the student's position on the list.
- [d] If at the time the application is submitted, no waiting list exists and there is space available for the current school year, the principal may grant a boundary variance at any time during the school year.
- [e] The principal or designee shall review a late enrollment application for attendance in the current school year and notify the parents of the acceptance or rejection of the application within two weeks.
- [f] If an application is accepted, the school will provide written notification to the prior school of the student's transfer.
- [g] If at any time during the school year a student attending on a boundary variance withdraws from that school, the principal may fill that opening with the next name on the waiting list.

2.3.4. Notwithstanding any other provision of section 2.3, a student shall be allowed to enroll in any public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the child's case plan.

2.4. Notice of Policy and Designations

2.4.1. Schools shall provide notification to interested parties of information about that school, the availability of space for non-resident students, and information regarding application for admission.

2.4.2. The Director of Planning shall post on the District's website for each school in the District:

- [a] the school's maximum capacity;
- [b] the school's adjusted capacity;
- [c] the school's projected enrollment used in the calculation of the open enrollment;
- [d] actual enrollment on October 1, January 2, and April 1;
- [e] the number of nonresident student enrollment requests;
- [f] the number of nonresident student enrollment requests accepted; and
- [g] the number of resident students transferring to another school.

2.5. Standards for acceptance and rejection of open enrollment applications

2.5.1. Standards for accepting or rejecting an open enrollment application may include:

- [a] for an elementary school, the capacity of the specific grade level
- [b] maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;
- [c] not offering, or having capacity in, an elementary or secondary special education or other special program the student requires;
- [d] maintenance of reduced class sizes in a Title I school that uses federal, state, and local monies to reduce class sizes for the purpose of improving student achievement, or in a school that uses school trust monies to reduce class size;
- [e] willingness of the applicant student to comply with district and school policies; and
- [f] giving priority to intradistrict transfers over interdistrict transfers.

2.5.2. Standards for acceptance of an open enrollment application shall not include:

- [a] previous academic achievement;
- [b] athletic or other extracurricular ability;
- [c] the fact that the student requires special education services for which space is available;
- [d] proficiency in the English language; or
- [e] previous disciplinary proceedings, except that an application may be denied for a student who has committed serious infractions of the law or school rules, including rules of the District; or has been guilty of chronic misbehavior which would, if it were to continue after the student was admitted:
  - (i) endanger persons or property;
  - (ii) cause serious disruptions in the school; or
  - (iii) place unreasonable burdens on school staff.

- 2.5.3. The school shall take into consideration the fact that an applicant's sibling is attending the school.
- 2.5.4. A principal may allow provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.
- 2.5.5. When considering acceptance or rejection of an early enrollment application, the principal or designee may exclude requests that would exceed the capacity of a particular program, class, or grade level.
- 2.5.6. 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 under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this policy, unless the transfers is requested for a verifiable safety emergency.

2.6. Students Impacted by School Boundary Changes

In the school year a secondary school boundary change will be implemented, the District shall give preference in the boundary variance process to secondary students impacted by a boundary change and requesting a boundary variance to remain in their current school.

2.7. Delay

Notwithstanding the dates established in this policy for submitting applications and notifying parents of acceptance or rejection of an application, the District may delay the dates if the Director of Planning is not able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school due to:

- 2.7.1. school construction or remodeling;
- 2.7.2. drawing or revision of school boundaries; or
- 2.7.3. other circumstances beyond the control of the local board.

A delay under this section may extend no later than four (4) weeks beyond the date the Director of Planning is able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school.

2.8. Revocation or Termination

- 2.8.1. A student with a boundary variance shall be permitted to remain in the school until the student has completed the highest grade in the school subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:
  - [a] the student graduates;
  - [b] the student is no longer a Utah resident;
  - [c] the student commits a serious infraction of the law or school rules, is suspended or expelled from school; or
  - [d] the District determines that enrollment within the school will exceed the school's open enrollment threshold.

- 2.8.2. Determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year because the school will exceed the open enrollment threshold is based upon time enrolled 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.
- 2.8.3. Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.
- 2.8.4. A student with a boundary variance shall be permitted to remain the school until the student has completed the highest grade in the school, unless revoked by the school principal, the director of admissions, or the Case Management Team for serious infractions of the law or school rules (see section 2.1.13 of this policy). Students who desire to attend a school other than their school of residence when moving from one school level to the next (i.e., elementary, junior high, high school) must apply as outlined in this policy.
- 2.8.5. Falsification or intentional misrepresentation of information by the parent or student on the application will result in cancellation of the boundary variance request granted under this policy.

2.9. Withdrawal or Transfer

Unless provisions have previously been made for enrollment in another school, a nonresident school releasing a student from enrollment shall immediately notify the school or district of residence, which shall enroll the student in the resident school or district and take such additional steps as, may be necessary to ensure compliance with laws governing school attendance.

2.10. Eligibility for Extracurricular Activities

Granting of a boundary variance application does not assure eligibility for participation in extracurricular activities. Eligibility for extracurricular activity participation shall be determined as outlined in the Utah High School Activities Association Handbook, Utah Administrative Rules, District Policy 5S-200 Minimum Standards of Eligibility for Extracurricular Participation, and District Policy 5S-201 9<sup>th</sup> Grade Participation in High School Sports.

2.11. Appeals Process Open Enrollment Application

Appeals for denial of initial or continuing enrollment in a nonresident school arising either from the early open enrollment period or late open enrollment period will be heard by the Case Management Team.

2.11.1. The Team shall consider appeals from a custodial parent only.

2.11.2. The appeal must be submitted in writing to the Director of Admissions within ten (10) school days of a boundary variance denial.

2.11.3. If the appeal is not received within ten (10) working days of notification of denial, the- Case Management Team is not required to consider the appeal.



- 2.11.4. The Team shall issue a final written opinion within ten (10) school days following a review of the matter. The written decision shall be mailed to the parent, legal guardian, or emancipated youth.
- 2.11.5. The Team shall not hear appeals for extracurricular activities decisions or special education transfer decisions.
- 2.11.6. Parents making an appeal of a transfer request denial must present persuasive evidence that the process was not conducted in a fair manner or that a documented safety emergency exists, as defined in section 2.1.10 of this policy.
- 2.11.7. Confidentiality shall be carefully maintained.
- 2.11.8. The Team has the authority to place students beyond the open enrollment threshold limit if placement is deemed appropriate for a student and such placement does not unduly burden the staff or building capacity.
- 2.11.9. The decision of the Case Management Team is a final administrative decision.
- 2.12. Transportation  

The transferring student's parent is responsible for transportation to and from the receiving school. The District shall provide transportation on the basis of available space on an approved route within the District to the school of the student's attendance if the student would be otherwise 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.

**3. CHARTER SCHOOL STUDENTS ENROLLMENT OPTIONS**

- 3.1. The District shall enroll a student who is a resident of the District, who desires to transfer from a charter school to the student's school of residence at any time during the school year. Open enrollment boundary variance application and fee are not required when enrolling in school of residence.
- 3.2. The parent of a student who desires to transfer from a charter school to enroll in a District school other than their school of residence must follow the open enrollment boundary variance procedures as outlined in this policy.
- 3.3. Charter school students may be denied enrollment in a District school if they have been expelled, or if they leave a charter school with disciplinary procedures pending at the previous school until previous allegations have been resolved.

**4. DUAL ENROLLMENT OPTIONS**

- 4.1. A student who is exempt from compulsory public school education for instruction in a regularly established private school or a home school, may enroll in the District school within whose boundaries a student's custodial parent resides as a dual enrollment student and participate in a course, co-curricular activity, or program at the student's resident school.
- 4.2. A dual enrollment student is eligible to participate in a course, co-curricular activity, or program consistent with the eligibility standards for a full-time student.

- 4.3. A dual enrollment student is subject to the same behavior and discipline rules and requirements of the full-time student and is subject to administrative scheduling and teacher discretion of the public school.
- 4.4. A school shall waive a student participation fee for a dual enrollment private or home school student if the student is eligible; and the parent provides required documentation under Utah Law, Utah Administrative Code R277-407, and District Policy *6F-101 School Fee and Fee Waivers*.
- 4.5. A student with disabilities may participate as a dual enrollment student consistent with Utah Law, Utah Administrative Code R277-438, and 34 CFR §§ 300.450 through 300.455.
  - 4.5.1. A public school that enrolls a dual enrollment student with a disability shall prepare an Individualized Education Program (IEP) prior to the student's participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students.
  - 4.5.2. A student with a disability seeking dual enrollment is entitled to services for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP team.
  - 4.5.3. Decisions about the scheduling and manner of services provided is the responsibility of the enrolling school and District personnel.
- 4.6. For purposes of this section "co-curricular activity" means a school district or school activity, course, or experience, outside of school hours, that also includes a required regular school day component.

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**DEFINITIONS**

See section 2.1 for definitions related to Open Enrollment Boundary Variance

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**REFERENCES**

[Utah Code Ann. Title 53G, Chapter 6, Part 4](#) – School District Enrollment.

[Utah Code Ann. §53G-6-503](#) – Charter school students – Admissions procedures – Transfers.

[Utah Code Ann. §53G-6-702](#) – Dual enrollment.

[Utah Administrative Code R277-437](#) – Student Enrollment Options.

[Utah Administrative Code R277-438](#) – Dual Enrollment.

[Utah Administrative Code R277-472](#) – Charter School Student Enrollment and Transfers and School District Capacity Information.

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**RELATED DOCUMENTS**

[Open Enrollment Boundary Variance Guidelines and Procedures](#)

[Boundary Variances Webpage](#)

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**DOCUMENT HISTORY:**

**Adopted: September 16, 2008** – Adoption of this policy repeals sections 2.18 (enrollment options for nonresident students), 2.19 (Boundary variance for resident students) and 2.20 (Unsafe School Choice Transfer option) of policy 5S-403 Registration and Pupil Accounting. Updates open enrollment boundary variance in accordance with State law and administrative rule. Added section for Title I School Choice Enrollment Options.

**Revised: October 21, 2008** – Added Charter School Students Enrollment Options and Dual Enrollment.

**Revised: July 14, 2009** – Technical changes to comply with changes in State law. Added section 2.3.4 Allows enrollment In any public school if enrollment is necessary as determined by DCFS.

**Revised: September 1, 2009** – No change to content, renumbered from 5S-407 to 5S-001 with reorganization of Policy Table of Contents.

**Revised July 13, 2010** – Technical changes to comply with changes in State law and Administrative Code. Removed charter school and an online school student as dual enrollment students. Modified procedures for admitting students to charter schools and transferring from a charter school to a school district or another charter school.

**Revised: February 1, 2011** – Changed enrollment options for charter schools to comply with changes in how capacity is defined in Utah Administrative Rule 277-472 for charter school students who wish to enroll in their district school of residence.

**Revised: May 7, 2013** – Changed conduction of random selection process from March 1 to the first school day following the close of open enrollment

**Revised: June 6, 2017** - Updates in dual enrollment section to comply with changes in Administrative Code. Suspended Unsafe School Choice Option. Updated Public School Choice section with ESSA. Stylistic non-substantive changes.

**Revised: October 2, 2018** – Removed sections of policy that are no longer applicable under Federal Law: Unsafe School Choice Transfer Options & Title I Public School Choice. Added section on students impacted by school boundary changes.

**Revised: October 6, 2020 on Consent** - Removed language required written notification of boundary variance acceptance or requestion to be mailed.