

# S-1.B: Administrative Procedures School Choice/Open Enrollment



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## REFERENCES

[Board Policy S-1](#)

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## DEFINITIONS

**Alternative District or Alternative District of Residency:** A district, which may provide educational services, where a student resides:

- A. with a responsible adult, other than a custodial parent or legal guardian; or
- B. in a health care facility or human services program facility.

**Children of Military Families:** School aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

**Eligible Student of a Military Servicemember:** A student who is a dependent child of a member of uniformed services who is:

- A. relocating to the state and does not reside in the state during the district's enrollment period; or
- B. relocating out of the state during the school year and is on permanent change of station orders.

See definition of Military Servicemember below.

**Health Care Facility:** General acute hospitals, specialty hospitals, home health agencies, hospices, nursing care facilities, residential-assisted living facilities, birthing centers, ambulatory surgical facilities, small health care facilities, abortion clinics, facilities owned or operated by health maintenance organizations, end stage renal disease facilities, and any other health care facility that is designated by the State's Health Facility Committee. Health care facility does not include the offices of private physicians or dentists, whether for individual or group practice, except that it does include an abortion clinic.

**Human Services Program:** For purposes of these administrative procedures, human services program means a: foster home; therapeutic school; youth program; resource family home; or recovery facility. Human services program also includes a facility or program that provides: secure treatment; inpatient treatment; residential treatment; residential support; adult day care; day treatment; outpatient treatment; domestic violence treatment; child-placing services; social detoxification; or any other human services that are required to contract with and be licensed by Utah's Department of Human Services. Human services program does not include a boarding school or a residential, vocational and life skills program, as defined in Utah Code Ann. §13-53-102.

**Military Servicemember:** An individual who:

- A. is serving on active duty in the United States Armed Forces within the state of Utah;
- B. is a member of a reserve component of the United States Armed Forces assigned in Utah;
- C. is a member of the Utah National Guard; or
- D. maintains domicile in Utah but is assigned outside of Utah pursuant to federal permanent change of station orders.

### Parent:

For purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (FERPA) with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

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## PROCEDURES FOR IMPLEMENTATION

**I. School Choice, Standard Open Enrollment Applications, and Transfers**

- A. All students may attend their designated neighborhood boundary school without consideration of enrollment capacity.
- B. Students who wish to attend a school other than their boundary school must submit a Standard Open Enrollment Application to the student services department.
  - 1. Some district optional programs require submission of a separate application. Information about applications to various district optional programs is available on the district's website.
- C. If a school or grade level is open, students will be accepted in district schools in the following order of priority:
  - 1. student(s) whose sibling currently attends the school of choice and/or, in accordance with the definitions above, an eligible student of a military servicemember;
  - 2. students whose parent is a district employee;
  - 3. in-district students;
  - 4. out-of-district students; and
  - 5. students with a pressing need or extenuating individual or family circumstances take priority over other requests.

Once a school or grade level is closed, no out of boundary students will be admitted regardless of the priority preferences listed above.
- D. When determining whether to accept or reject an enrollment application, schools may not consider:
  - 1. previous academic achievement;
  - 2. athletic or other extracurricular ability;
  - 3. the fact that the student requires special education services for which space is available;
  - 4. proficiency in the English language, including the fact that the student needs alternative language services, English as a Second Language classes and/or English Language Development services; or
  - 5. previous disciplinary proceedings, except as provided in Section I.E.6. below.
- E. A student's application may be denied or a student may be excluded from enrollment based on:
  - 1. unavailability of space in a building;
  - 2. no capacity in a special education and/or extended learning program;
  - 3. for an elementary school, maximum capacity has been reached in the requested grade level;
  - 4. for a secondary school, the capacity of a comprehensive program such as a specific career and technical education pathway, or the Junior Reserve Officers' Training Corps (JROTC) program.
  - 5. unavailability of a program the student requires; or
  - 6. prior significant behavior problems. The district may deny enrollment to, or place conditions on the enrollment of, a student who has committed serious infractions of the law or school rules, including board policies and district administrative procedures, or has been guilty of chronic misbehavior which would, if it were to continue after the student was admitted, endanger persons or property, cause serious disruption in the school, or place unreasonable burdens on school staff.
- F. The parents of transfer students are responsible for the student's transportation to and from school, except as provided in state law.
- G. Transfer students may be allowed to ride on established district bus routes on a space available basis, as long as no additional costs will be incurred by the district. For more information on transportation, contact the district's transportation department at 801.974.8345. A transfer student's participation in interscholastic athletics and activities is governed by the rules of the Utah High School Activities Association (UHSAA) and the Utah State Board of Education ("USBE"). It is the parent's responsibility to verify and resolve any issues regarding their student's eligibility with UHSAA.
- H. Once enrolled, the transfer student may remain enrolled in the school, subject to the same rules and standards as resident students, without renewed application, as long as s/he complies with all school rules, board policies, and district administrative procedures.
  - 1. However, as the transfer student moves from elementary to middle school, a new application must be made for the middle school of choice, assuming the student does not return to his/her boundary school. Similarly, as the student moves from middle school to high school, an application must be made for the high school of choice.
- I. The principal will notify transfer students who are currently enrolled by March 15 if they are to be excluded for the next year due to the student's unwillingness to follow rules or policies, or as a result of the student's suspension or expulsion.

**II. Open Enrollment Period**

- A. Prior to November 15 of each school year, the board will designate which schools will be available for open enrollment during the upcoming year.

- B. The open enrollment period begins every year on November 15 and continues through the first Friday in February for placement in the upcoming school year.
- C. Some schools declared "open" during this enrollment period may be at capacity and unable to accept students after the window closes. The principal will deny applications if space is unavailable or programs are at capacity.
- D. Applications will not be available for schools designated as "closed" during the open enrollment period.
- E. Applications are available on-line at <https://openenrollment.slcschools.org>. The student services department, located at 400 East 465 South, can provide families with computer access to use in submitting applications on-line, and the staff can provide assistance with completing those applications. Applications must be completed and submitted by the deadline of the third Friday in February.
- F. Students will be accepted in participating schools in the order of priority as stated in Section I.C. A lottery will be used when applications exceed space or capacity.
- G. After the open enrollment period closes, the principal will act on all properly submitted applications. Principals will notify the students and parents in writing on or before March 15<sup>th</sup> whether their application has been approved or denied.
  - 1. Schools may not create waiting lists of students who were not accepted during the open enrollment period.
- H. The principal will electronically notify the parents of their student's acceptance and will require the parents to either decline or commit to enroll their student in that school for the upcoming year. Using the hyperlink provided in the notification, parents must indicate their acceptance or rejection of the offer of enrollment. If parents do not respond by the deadline outlined in the notification, the student's acceptance will be nullified.

### **III. Late Enrollment Period**

- A. Before completing and submitting the on-line application for a late enrollment or transfer (also available at <https://openenrollment.slcschools.org>), check with the preferred school to make sure it is accepting transfer students.
- B. An application for a late enrollment or transfer may be submitted to the school principal at any time during the current school year, or after April 1 for the next school year.
- C. For applications made for the upcoming year, principals may not be able to approve a late enrollment or transfer until after the beginning of school when the principal can determine if space is available to accommodate the request.

### **IV. Open/Late Enrollment for Students with Disabilities**

- A. Families of students with disabilities may apply for open/late enrollment in the district through the on-line open/late enrollment process described in Sections I, II, and III above.
- B. The open/late enrollment application will ask families to indicate whether or not the student is currently receiving services through an individualized education program ("IEP") in: speech, resource, or a special class.
- C. If the principal initially selects a student to fill an available spot, and that student's application indicates that the student has an IEP, a review of the student's IEP will be required before the student is accepted or rejected.
  - 1. Behavior or school performance that is related to a disability may not be used as a reason to accept, deny, or reject an application.
  - 2. If the student is currently enrolled in another district school, the student's IEP can be obtained through the district's electronic student database.
  - 3. Out of district parents/guardians will receive electronic notification that the district is requesting a copy of their student's IEP. They will be asked to provide their student's IEP by either uploading it to their application or bringing a hard copy to the requesting school.
  - 4. If a parent/guardian misrepresents on the enrollment application the services that his/her student requires, that misrepresentation is grounds to cancel an offer of enrollment or a school permit, and/or deny enrollment to the requested school.
- D. If the application indicates that the student is currently receiving speech and/or resource services, the student's IEP will be reviewed at the school level.
  - 1. The special education service providers and school principal will conduct an individual review of the student's needs as outlined by the IEP.
  - 2. The school team, in conjunction with special education department staff will determine whether the student's needs can be addressed within the current capacity of the school's program. After this review is complete, parents will be notified of whether or not their student has been accepted within the same timeline parameters as students without disabilities as outlined in Section II.H.
- E. Applications for enrollment to a special class program will be routed to the director of special education. An individual review of the student's needs as outlined by the IEP will be conducted to determine whether the student's needs can be addressed at the requested site.

1. The director of special education will consider whether the requested site offers the special class that the student needs and the current capacity of the special class program at that site.
- F. Parents of students with disabilities can appeal any denial of their enrollment application using the process outlined in Section V.
- G. Failure to disclose the special education status of a student on the enrollment application may result in immediate rejection of the application.
- H. For students enrolled in a special education program in another school within the district or in another district, their parents may not decline special education services or programs for the purpose of obtaining enrollment in the requested school. Evidence of such action will result in a transfer rejection.

**V. School Choice Appeals**

- A. Any denial of an initial, late or continuing enrollment application made under these procedures may be appealed.
- B. The parent of the student may appeal the denial to the district executive director of educational equity and student support by filing a written request for an appeal within 20 school days of the date of the written notice of the denial of the transfer.
- C. The request for an appeal must be accompanied by a copy of the written notice denying the transfer and include a statement of the facts surrounding the denial, and the reasons why the appellant believes the denial should be reversed. The request for appeal may also include relevant legal authority or argument.
- D. The executive director of educational equity and student support will forward the request to the district appeals committee to review the appeal and make a decision within ten school days of receipt of the written request for an appeal.
  1. The committee is comprised of at least three staff members, one of whom is an administrator. Other designated members will advocate for the needs and interests of students, parents and the district.
- E. The committee will notify the executive director of educational equity and student support of their decision. The executive director will then notify the appellant of the committee's decision.
- F. The committee's decision may be appealed to a board subcommittee by the same process. The committee's decision will be upheld unless the committee's decision is found, by clear and convincing evidence, to violate applicable law or regulations, or to be arbitrary and capricious.
- G. The board subcommittee, after reviewing the appeal, may either make its decision without a hearing, or determine that a hearing would materially aid its deliberations. The appeal may be discussed in a closed executive meeting should the facts and circumstances warrant such action.
- H. A decision will be rendered within ten school days of the receipt of the written appeal. The board subcommittee may extend the time period in which to render a decision, however it will notify the appellant of the need for any such extension.
- I. Notice of the decision will be mailed to the appellant and will constitute the district's final action.