



Cache County School District

Policy Series 3000: Students

Policy No. 3010

3010 P1

Open Enrollment (School Choice)

Section 1 - Definitions

“Early Enrollment” means the application period between the 15th of November and the third Friday in February for admission for the next school year to a school that is not a student's school of residence. In a time of district school or boundary reconfiguration, it is the application period prior to November 1 for admission for the next school year to a school that is not a student's school of residence.

“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 (classrooms) were to have the enrollment specified as follows:

1. For an elementary school, an instructional station (classroom) shall have an enrollment at least equal to the school district's average class size for the corresponding grade; and
2. For a middle or high school, an instructional station (classroom) shall have an enrollment at least equal to the district's average class size for similar classes.
3. Capacity for self-contained special education classrooms shall be based upon students per class as defined by the State Board of Education and federal special education standards.
4. "Instructional station" means a classroom, laboratory, shop, study hall, or physical education facility, and similar rooms to which a teacher, class, or program could be reasonably assigned during a given class period.

“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.

“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 the class size specified as follows:

1. An elementary school teacher shall have a class size at least equal to the district's average class size for the corresponding grade.
2. A middle or high school teacher shall have a class size at least equal to the district's average class size for similar classes.

“Nonresident Student” means a student who lives outside the boundaries of the school attendance area.

“Open Enrollment Threshold” means:

1. For early enrollment, a projected school enrollment level that is the greater of 90% of the maximum capacity; or maximum capacity minus 40 students.
2. For late enrollment, actual school enrollment that is the greater of 90% of adjusted capacity; or adjusted capacity minus 40 students.

“Projected School Enrollment” means the current year enrollment of a school as of October 1, adjusted for projected growth for the next school year.

“School Attendance Area” means an area established by the Board from which students are assigned to attend a certain school.

“School of Residence” means the school to which a student is assigned to attend based on the student's place of residence.

Section 2 - District Responsibilities

The Cache County Board of Education will designate which schools and programs will be available for open enrollment for the upcoming school year. A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold. Students who wish to attend a school other than the resident boundary school may file a request for an open enrollment permit at the school they desire to attend.

Out-of-boundary students accepted for enrollment in a district dual language immersion program (DLI) do not require an open enrollment application to request a permit to attend the school where the program is located. Out-of-boundary permits for DLI students will be given upon confirmation of a student's intent to participate in the program. If the student withdraws from the program, an out-of-boundary application must be submitted and a new permit approved in order to remain enrolled at the school where the program is located.

The district shall provide information about its schools, programs, policies, and procedures to all students who are residents of the State of Utah who have expressed an interest in applying to attend schools in Cache County School District other than their respective school of residence. The district, in its sole and absolute discretion, may allow a specified number of student

openings available through open enrollment in certain schools, programs, classes, and/or grade levels that are deemed “full” as per this policy.

For each school in the district, the district shall post on its website the following information:

1. the school’s maximum capacity;
2. the school’s adjusted capacity;
3. the school’s projected enrollment in the calculation of the open enrollment threshold;
4. the school’s actual enrollment on October 1, January 2, and April 1;
5. the number of nonresident student enrollment requests;
6. the number of nonresident student enrollment requests accepted; and
7. the number of resident students transferring to another school.

Section 3 - Open Enrollment Application Process

Application During the Early Enrollment Period

Applications are accepted from November 15 through the third Friday in February for enrollment to begin the following school year in the requested school/program of the district. Applications received after the third Friday in February will not be considered during the Early Enrollment Period, but will be considered as a Late Enrollment application.

Early Enrollment applications shall be submitted to the district using the process described on the district website. All submitted applications must also include a one-time five-dollar (\$5.00) processing fee. The student’s custodial parent(s) / legal guardian(s) may request on their application up to three schools from a list of those that are open for enrollment as identified by the Board. The student’s application shall identify the reason(s) for enrolling in the requested school/program in the district.

Permit seats are granted through a lottery process using the following priorities established by the Board:

High School

1. Juniors wishing to remain at a school as a senior;
2. Children of school employees;
3. Siblings of students already attending on an open enrollment permit;
4. Students living within the district;
5. All other students.

Middle School

1. Children of school employees;
2. Students currently enrolled at the school wishing to remain at the school;
3. Siblings already attending on an open enrollment permit;
4. Students living within the district;

5. All other students.

Elementary School

1. Children of school employees;
2. 5th graders wishing to remain as 6th graders;
3. Students currently enrolled at the school wishing to remain at the school;
4. Siblings of students on open enrollment permits;
5. Students living within the district.
6. All other students.

The student's parent or legal guardian shall receive written notification no later than March 31st, as to whether the application has been accepted or denied. A waiting list is used when seats are not available, and schools will follow the waiting list order should seats become available. If an application has been placed on a waiting list, parents and guardians will be notified of their initial placement on the waiting list. Parents will be notified if and when a seat is available. The application will remain on the waiting list through the end of the school year for which it was submitted; however, if a parent or guardian accepts any seat offered by a school, all waitlist positions for all schools for their student will be removed.

Application During the Late Enrollment Period

Late Enrollment means an application submitted after the third Friday in February for admission for the next school year, and an application for admission during the current school year. Late Enrollment applications shall be submitted to the district using the process described on the district website. All submitted applications must also include a five-dollar (\$5.00) processing fee. The student's custodial parent(s) / legal guardian(s) may request on their application up to three schools from a list of those that are open for enrollment as identified by the Board. The student's application shall identify the reason(s) for enrolling in the requested school/program in the district.

Late enrollment requests are granted first-come, first-served basis if space is still available after the Early Enrollment lottery process. Parents will be notified of acceptance or rejection of Late Enrollment applications for the next school year within two weeks of receipt of the application, or by the Friday before the new school year begins, whichever is later. Parents will be notified of acceptance or rejection of Late Enrollment applications for the current school year within two weeks after receipt of the application. Students whose Late Enrollment applications are accepted by the district during the current school year may enroll only within the first two (2) weeks of each trimester.

Standards for Consideration of Applications

Decisions regarding enrollment requests are administered fairly without prejudice to any student. Criteria for the acceptance or rejection of Open Enrollment applications may include the following:

1. For an elementary school, the capacity of a grade level;
2. For a secondary school, the capacity of the comprehensive school program;
3. Maintenance of heterogeneous student populations if necessary;
4. Not offering, or having capacity in, an elementary or secondary special education class or other special program the student requires;
5. 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;
6. The willingness of a prospective student to comply with district and school policies;
7. Giving priority to intradistrict transfers over interdistrict transfers;
8. Serious infractions of law or school or district policies, or chronic misbehavior which would, if it were to continue after the student was admitted, be likely to endanger persons or property, cause serious disruptions in the school, or place unreasonable burdens on the school staff.

Criteria for the acceptance or rejection of Open Enrollment applications may not include the following:

1. Previous academic achievement;
2. Athletic or other extracurricular ability;
3. Special education services for which space is available;
4. Proficiency in the English language;
5. Previous disciplinary proceedings, except serious infractions of law or school or district policies, or chronic misbehavior which would, if it were to continue after the student was admitted, be likely to endanger persons, property, cause serious disruptions in the school, or place unreasonable burdens on the school staff. Notwithstanding the foregoing, the district may, in its sole and absolute discretion, provide for provisional enrollment of a student with prior behavior problems and establish conditions under which enrollment of the student would be permitted or continued;
6. The student's race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or any other classification protected by law.

The district shall provide written notification to the student's parent(s) / legal guardian(s) of acceptance or justification for the rejection of any Early Enrollment applications and Late Enrollment applications within the time periods set forth above. The district office shall also provide written notification (permit to register) to the resident school upon acceptance of a nonresident student for enrollment. Students who enroll in schools/programs through the Open

Enrollment procedures are subject to compliance with all district and school policies, rules, and procedures.

The Board may delay the dates for notifying parent(s) / legal guardian(s) of acceptance or rejection of an application if the Board is not able to make a reasonably accurate projection of the Early Enrollment capacity or Late Enrollment capacity of a school due to construction or remodeling, school boundary changes, or other circumstances beyond their control. The delay may extend no later than four (4) weeks beyond the date the Board is able to make a reasonably accurate projection of the Early Enrollment school capacity or Late Enrollment school capacity of a school.

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 policy may not transfer to a different school during the same school year by exercising an open enrollment option. This restriction on transfer does not apply to a student transfer made by the administration for “health or safety reasons.”

Continued Enrollment

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:

1. The student graduates from high school;
2. The student is no longer a Utah resident;
3. The student is suspended or expelled from school;
4. The Board determines that enrollment within the particular school/program will exceed open enrollment threshold capacities.
 - a. The determination of which nonresident student(s) will be excluded from continued enrollment in the nonresident school during a subsequent year is based upon time in the nonresident school. Those most recently enrolled will be excluded first. The use of a lottery system will be used when multiple nonresident students have the same number of school days in the school.
 - b. Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15th of the current school year.

The custodial parent(s) / legal guardian(s) 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 or another nonresident district.

Designation of Feeder Schools

The district shall designate the schools which students shall attend as they progress from elementary school to middle school, and middle school to high school. School boundaries are established by the district in order to maintain stability and predictability of student enrollment numbers. Students who attend a nonresident school are not automatically enrolled in the next designated middle school or high school. Students must submit another Open Enrollment application for each school or program.

Exceptions

Exceptions to the process may be made in extraordinary circumstances. All such permit decisions are made by the school principal, in consultation with their Administrator of Schools and Student Services.

When a school's current or projected capacity is designated as "full" a temporary permit may be issued at the discretion of the principal for a student who lived in the school boundary earlier in the year and has moved out of the school boundary, to remain at the school through the end of the current school year. The terms for the ending date will be noted on the temporary permit. The temporary permit does not guarantee continued enrollment for the following term or the following school year. A student wishing to remain at the out of boundary school beyond the end date of the temporary permit should submit an open enrollment application to be processed according to school capacity limits and the priorities established by the Board for the following school year.

Notwithstanding any other provision in these procedures, a student may be allowed to enroll in any school in the district if the enrollment is necessary, as determined by the Division of Child and Family Services in consultation with the Administrator of Schools and Student Services.

A student who is enrolled in a school that is not the student's school of residence because school bus service is not provided between the student's neighborhood and the school of residence for safety reasons:

1. shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and
2. shall be allowed to attend the middle school and high school into which the school's students feed until the student graduates from high school.

A student may be allowed to enroll in a nonresident school that is determined to be "full" by the Board due to the Open Enrollment Threshold if:

1. enrollment in a specific school is necessary to protect the emotional or physical safety of a student, based on sufficient documentation and evidence;

2. if a parent / legal guardian is an employee of the school; or
3. if a sibling currently attends that school.

Any school enrollments permitted under the provisions of this section are done so in the sole and absolute discretion of the district.

Transportation

The custodial parent(s) / legal guardian(s) of students enrolled in a school/program under these open enrollment procedures are responsible to provide transportation or otherwise assure that the student gets safely to and from school, unless otherwise specified in a student's Individualized Education Program (IEP) or a Section 504 Accommodation Plan. The district may provide bus transportation for nonresident students on the basis of available space on established and approved routes within the district to the school/program of attendance as long as the student's presence does not increase the cost of the bus route.

Appeal Process

Denial of initial or continuing enrollment in a nonresident school may be appealed according to the steps outlined below:

Level 1 - Appeal to Director of Schools

1. Denial of the initial or continuing enrollment of a student under the Open Enrollment procedures may be appealed in writing by the student's custodial parent(s) / legal guardian(s) to the Elementary Director or Secondary Director of Schools, or their respective designee, within ten (10) calendar days from the date of the notice of the denial.
2. Failure to appeal within the above time period shall constitute a waiver of rights to contest the denial of enrollment.
3. The Elementary Director or Secondary Director, or their respective designee shall form an appeals committee that shall hear and rule on all Open Enrollment appeals.
 - a. The parent(s) / legal guardian(s) pursuing the appeal must present persuasive evidence to the Appeals Committee that the Open Enrollment application was inappropriately denied.
 - b. The Appeals Committee shall render a written decision to the student's parent(s) / legal guardian(s), including a statement of their right to request in writing a review by the Executive Director of Student Services, or his/her designee, within ten (10) calendar days. If no request for an appeal is received within the ten (10) calendar days, the Appeals Committee's decision is final.

Level 2 - Appeal to Student Services

1. If a request for an appeal is received within the time period, the Executive Director of Student Services, or his/her designee, shall review the Appeals Committee's decision and either uphold or overturn it.
2. The Executive Director of Student Services or designee shall communicate his/her decision to the student's parent(s) / legal guardian(s).
3. The Executive Director of Student Services, or his/her designee's, decision shall also include a statement of their right to request in writing an appeal before the Board within ten (10) calendar days. If no request for an appeal is received within the ten (10) calendar days, the Executive Director's, or his/her designee's, decision is final.

Level 3 - Appeal to the Board

1. If a request for an appeal is received within the time period, the Board shall schedule and conduct a hearing and issue a written decision to the student's parent(s) / legal guardian(s) concerning the enrollment.
2. The Board's decision is the final decision of the district. The Board's decision shall be upheld in any subsequent judicial or non-judicial proceedings unless the Board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Section 4 - Extracurricular Activities

A student enrolled in a non-boundary school under the open enrollment procedures is generally eligible to participate in extracurricular activities at the school consistent with eligibility standards as applied to students who reside within the school attendance area, subject to the following:

1. Students are subject to eligibility guidelines established by the Utah State Board of Education and UHSAA regarding student participation in interscholastic competition. Specifically, there is no presumption of eligibility for participation in UHSAA sanctioned activities for students transferring schools under these open enrollment procedures. School transfers may adversely affect the student's eligibility to participate in athletics sanctioned by UHSAA. All transfers must be in compliance with Utah law, Cache County School District policies, Utah State Board of Education rules, and the constitution, bylaws, policies, and rules of UHSAA.
2. A student's application for open enrollment must be approved before the student may register or try out for any groups or teams associated with that school.

Legal References:

Utah Code 53G-6-4

School District Enrollment

USBE R277-437

Open Enrollment