



## Provo City School District Policy Series: 3000 Students

Policy No. 3118

### Open Enrollment

#### Purpose:

It is the policy of Provo City School District to support and promote student choice of a school or program when that choice does not negatively affect the receiving school. The Board is responsible for providing educational services consistent with Utah state law and rules of the State Board of Education for each student within the district and, to the extent reasonably feasible and in accordance with the limitations and provisions herein, for any student who resides in another district in the state and desires to attend a school in the district.

#### Definitions:

For purposes of “open enrollment,” the following definitions apply:

“Early enrollment” means application between November 15 and the first Friday in February for admission for the next school year to a school that is not a student’s school of residence.

“Grade reconfiguration” means the process of reorganizing or restructuring the way grade levels are grouped or assigned within a school district or individual schools. This often involves changes in which grades are housed together in specific schools, how students are divided between elementary, middle, and high school levels, or adjustments to grade spans (e.g., moving from a K-6 to a K-5 or 6-8 model).

“Early enrollment for grade reconfiguration” means application between August 1 through November 1 for admission for the next school year to a school that is not a student’s school of residence if:

- the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
- that grade reconfiguration will be implemented in the next school year.

“Late enrollment” application means:

- after the first 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.

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

“Open enrollment threshold” means the school enrollment levels (for early enrollment or late enrollment) determined under [Utah Code § 53G-6-401](#) and regulations established by the Utah State Board of Education.

“Maximum Capacity” means the maximum number of students that can be enrolled in a particular school based on square footage and classroom spaces.

“Adjusted Capacity” means the actual number of students that a school can enroll based on the usable educational spaces. It is to be noted that schools utilize classroom spaces for wellness rooms, music rooms, and student support rooms that cannot be utilized as regular daily classrooms. As a result, capacities for each school are adjusted based on the needs of the school as determined by the principal, Director of Student Services, and Assistant Superintendents over Elementary and Secondary Education.

“Early Open Enrollment Threshold” is defined as 95% of the school’s adjusted capacity; however, this number may be adjusted because of special programs for which the school must reserve space (i.e. Dual Language Immersion, special classes for special education students, gifted/talented programs). This number is higher than the “Late Open Enrollment Threshold” because the student enrollment is determined well in advance of the following school year to ensure that the school receives the proper staffing allocations based on student enrollment.

“Late Open Enrollment Threshold” is defined as 90% of the school’s adjusted capacity; however, this number may be adjusted because of special programs for which the school must reserve space (i.e. Dual Language Immersion, special classes for special education students, gifted/talented programs). This number is lower than the “Early Open Enrollment Threshold” because it is necessary to ensure that staffing is adequate to provide an appropriate education for students enrolled.

“School of residence” means the school that a student is assigned to attend based on the student’s place of residence.

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

“Average Daily Membership” is defined as the number of students who are enrolled in a school for at least 160 days over the course of a school year.

**Overview:**

Adjusted capacities for schools and early open enrollment and late open enrollment numbers can be found on the Student Services Website: [Open Enrollment](#)

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 application process set forth herein. The determination of the threshold shall be made by December 1 for the following school year following

Commented [1]: I have reordered the paragraphs here. Let's talk about this in policy committee, and you can let me know if this makes sense.

recommendations from Student Services, the Assistant Superintendents over Elementary and Secondary Education, and school-based administrators in an open board meeting.

The Board or its Designee shall make information about the district, its schools, programs, policies and procedures on its website so that all students who are residents of the State and express an interest in transferring into a school within the district would have access to this information.

In order for a Utah student to attend a District school other than the student's school of residence, the nonresident student's parent must submit an online application to the District on the Student Services website: [Open Enrollment Process](#).

To be considered as an "early enrollment" application, the student's parent must submit the application from December 1 through the first Friday in February prior to the school year of application for initial enrollment to begin the following school year in the district. 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.

If the school district is doing a district-wide grade reconfiguration of its elementary, middle, junior, and/or senior high schools, AND the grade reconfiguration will be implemented in the next school year, this notification of grade reconfiguration shall be issued to parents by the Board of Education prior to August 1 of the year prior to the grade reconfiguration. The Board of Education shall provide written notification to the parents of each student that resides within the school district and other interested parties of a revised early enrollment application period beginning August 1 and ending November 1.

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### **Open Enrollment Applications Following Boundary Changes**

Notwithstanding the early and late open enrollment application deadlines, a student who is affected by a school boundary change may submit an open enrollment application within 30 days after the day on which the boundary change takes effect.

### **Notice of Acceptance or Rejection of Application**

For an early enrollment application, the district (Student Services) shall provide written notice of acceptance or rejection of that application within six weeks after receipt of the application by the district, or by March 31, whichever is later. 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.

Commented [3]: We want to look at special education enrollment based on FTE (90% capacity), not on prevalence at the school. Wendy will go in and look at state law.

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. For an application submitted by a student affected by a boundary change, written notice of acceptance or rejection shall be given within two weeks after receipt of the application. Written notice of acceptance of an application for enrollment shall also be sent to the nonresident student's school of residence within Provo City School District.

### **Denial of Enrollment Appeal**

Denial of initial or continuing enrollment of a non-resident student may be appealed to the Board. Written notice of the request for appeal to the Board must be submitted to the Board within fifteen (15) days of the date of the denial of the application. The decision of the district shall be upheld in any subsequent proceedings unless the district's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

### Standards for Application

Acceptance or rejection of an application shall be determined on an individual basis. Standards will be consistently utilized for each application and will include at least the following:

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1. No non-resident 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 capacity for additional students in the program for which the nonresident student applies, and that there is 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. Examples of programs include, but are not limited to, Dual Language Immersion, gifted and talented programs, Advanced Placement and Concurrent Enrollment programs, CTE programs. It is important to note that a school may be open in general but may be closed at a particular grade level because enrollment has exceeded adjusted capacity.
2. The district shall give priority to a student who is a child of a military service member (as defined in [Utah Code § 53B-8-102](#).)
3. The district shall maintain heterogeneous student populations, if necessary, to avoid violation of constitutional or statutory rights of students.
4. 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.
5. The district shall consider the willingness of prospective students to comply with District policies.
6. The district shall consider whether an applicant's brother or sister is attending the requested school or another school within the district.
7. The district may give preference to applicants from students residing within the district over applications from students who do not reside within the district.
8. The district may consider whether the requested transfer is needed for the student's health or safety.
9. 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).

Standards for enrollment 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, previous disciplinary proceedings, except that 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 Board may, in its discretion, allow provisional enrollment of students with prior behavior problems. In such cases Student Services will, on a case-by-case basis, establish conditions under which enrollment of the nonresident student would be permitted. Student Services may also impose such conditions on a non-resident student previously enrolled in the district, under which the non-resident student's enrollment would be continued.

### **Posting of School Enrollment Information**

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

1. The school's maximum capacity;
2. The school's adjusted capacity;
3. The school's projected enrollment used in calculating the open enrollment threshold;
4. The school's actual enrollment on October 1, January 2, and April 1;
5. The number of non-resident student enrollment applications for the school;
6. The number of non-resident student enrollment applications accepted; and
7. The number of resident students transferring to another school.

Provo City School District's school enrollment information is posted on the Student Services website under information for "Open Enrollment," which can be accessed here:  
<https://provo.edu/student-services/open-enrollment/>

### **Participation in Interscholastic Competition**

The participation by non-resident students in interscholastic competition shall be governed under rules established by the State Board of Education, in consultation with the Utah High School Activities Association. Determinations for participation shall be made in collaboration with secondary principals, the Assistant Superintendent over Secondary Education, and the Director of Student Services. Reports will be provided by the Superintendent to the Board of Education about the participation of school choice students in each high school for each activity sponsored by the Utah High School Activities Association. Appeals for interscholastic participation will be made to the Board of Education directly.

Commented [5]: I'm wondering if this addresses the concerns and pulls the conversation into the public.

### **Termination of Enrollment**

Once a non-resident student is enrolled within a school in the district, the student may remain enrolled in that school subject to compliance with all rules and standards established for students in

the district, and is not required to submit annual or periodic applications unless one of the following occurs:

1. the student graduates;
2. the student is no longer a Utah resident;
3. the student is suspended or expelled from school; or
4. the district determines that enrollment within the school in question will exceed the open enrollment threshold during the coming school year.

However, even when the open enrollment threshold will be exceeded, a student may remain enrolled in the following circumstances:

1. When a military service member (as defined in [Utah Code § 53B-8-102](#)) moves from temporary to permanent housing outside of the relevant boundaries following a permanent change of station, a child of the service member in kindergarten through grade 10 may remain enrolled until the student completes the current school year and a child of the service member in grade 11 or 12 may remain enrolled until the student graduates.
2. Where a non-resident student is enrolled in a nonresident school for safety reasons because bus service is not provided between the student's neighborhood and their school of residence, that student may remain at that school through the highest grade offered and may thereafter attend the middle school, junior high school, or high school into which the nonresident school feeds, until graduation.

Otherwise, where the open enrollment threshold will be exceeded, determination of which non-resident students will be excluded from continued enrollment in the 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 non-resident students have the same number of school days at the school. Non-resident students who will not be permitted to continue their enrollment in the district shall be notified on or before March 15 of the school year prior to the school year during which enrollment will be denied.

### **Transportation**

The parent of the non-resident student must arrange for the student's own transportation to and from schools. The district shall provide transportation for a non-resident student on the basis of available space on an approved route within the district to the school of attendance if District students would be 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. Space available busing would be made available to students who live within Provo City School District first before being opened to those living outside of the district's boundaries.

### **Withdrawal of Enrollment**

Except as set forth below for charter school students, the parent of a non-resident student may withdraw the student from the non-resident school by doing one of the following:

1. Submitting notice of intent to enroll the student in the student's school of residence for the subsequent year.
2. Submitting notice of intent to enroll the student in another non-resident school for the subsequent school year.

Unless provisions have previously been made for enrollment in another school, if the district releases a non-resident student from enrollment in the District, Student Services shall notify the student's district of residence.

If the District receives notice from another district that a student residing in the district, but who has been enrolled in the other district, is released from enrollment with that district, the district shall enroll the student in the appropriate District school and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

The Board may allow a student residing outside the state to attend school within the district but shall charge the non-resident child tuition at least equal to the per capita cost of the school program in which the child enrolls, unless the Board, in open meeting, determines to waive all or part of the charge for that child. In determining what non-resident students to enroll, the Board may give priority to children of military service members (as those are defined by [Utah Code § 53B-8-102](#)). Such action shall be recorded in the minutes of the meeting.

### **Returning Charter School Students**

A student from a charter school who lives in the district and submits the required enrollment information for the upcoming school year before June 30 will be enrolled in their boundary school for that year. However, if the charter school has closed and the student is leaving due to this closure, they will be enrolled in the boundary school regardless of when the enrollment information is submitted.

If the enrollment application is submitted after June 30 for the following year or for the current year, the student may still enroll in a District school, grade, program, or course that has available space. "Available space" means the grade level or program has fewer students than the district's enrolled capacity.

However, the "below capacity" standard does not apply if the school has documentation showing that the School Community Council has allocated more than half of the school's LAND trust funds to reducing class size in a specific grade level, program, or course. In this case, the school may prioritize smaller class sizes.

To facilitate transfer of charter school students, the district has posted the following information on our Student Services Open Enrollment website: <https://provo.edu/student-services/open-enrollment/>

1. Elementary schools within the district that are below capacity and available for charter transfer students;

2. Grade levels and special programs within elementary schools that are below capacity and available for charter transfer students;
3. Secondary schools that are below capacity and available for charter transfer students based on calculated capacity of language arts, science and mathematics; and
4. Special programs within secondary schools that are below capacity and available for charter transfer students.

Notwithstanding these limitations, a student may be enrolled at any time if the district determines that is necessary to protect the health or safety of the student.

#### **Exception to Open Enrollment Requirements for DCFS Cases**

Regardless of the student's place of residency or the open enrollment requirements set forth above, the District shall allow enrollment of a student in a District school where such enrollment is determined by the Utah Division of Child and Family Services to be necessary to comply with the provisions of [42 U.S.C. § 675](#).

#### **Exception to Open Enrollment Requirements for McKinney-Vento Students**

Regardless of the student's place of residency or the open enrollment requirements set forth above, the District shall allow enrollment of a student in a District school where such enrollment is determined by McKinney-Vento regulations to be necessary to comply with the provisions of the Education for Homeless Children and Youth Act ([42 USC Chapter 119, Subchapter VI, Part B](#)).

#### **Conclusion**

To manage the policy for open enrollment, procedures have been outlined regulating school capacity for transfers, transfer requests, and standards for student transfer applications.

The Board directs the superintendent to develop procedures for managing open enrollment in order to facilitate student choice while maintaining orderly staffing and scheduling plans, and an orderly atmosphere in schools.

#### **Legal References:**

[Utah Code § 53G-6-401 \(2019\)](#)  
[Utah Code § 53G-6-402\(4\)\(b\) \(2024\)](#)  
[Utah Code § 53G-6-402\(5\) \(2024\)](#)  
[Utah Code § 53G-6-402\(4\)\(b\)\(v\) \(2024\)](#)  
[Utah Code § 53G-4-402\(24\)\(f\)\(ii\) \(2024\)](#)  
[Utah Code § 53G-6-402\(4\)\(b\)\(v\) \(2024\)](#)  
[Utah Code § 53G-6-402\(4\)\(b\)\(vi\), \(vii\) \(2024\)](#)  
[Utah Code § 53G-6-404 \(2019\)](#)  
[Utah Code § 53G-6-402\(6\), \(11\) \(2024\)](#)  
[Utah Code § 53G-6-403\(5\) \(2019\)](#)  
[Utah Code § 53G-6-402\(12\) \(2024\)](#)



[Utah Admin. Rules R277-472-5\(1\) \(May 8, 2024\)](#)  
[Utah Code § 53G-6-503\(8\) \(2019\)](#)  
[Utah Code § 53G-6-503\(7\) \(2019\)](#)  
[Utah Admin. Rules R277-472-2 \(May 8, 2024\)](#)  
[Utah Admin. Rules R277-472-3 \(May 8, 2024\)](#)  
[Utah Admin. Rules R277-472-4 \(May 8, 2024\)](#)  
[Utah Admin. Rules R277-472-5\(2\) \(May 8, 2024\)](#)  
[Utah Admin. Rules R277-472-7 \(May 8, 2024\)](#)  
[Utah Code § 53G-6-402\(8\), \(9\) \(2024\)](#)  
[Utah Code § 53G-6-306\(2\), \(3\) \(2023\)](#)  
[Utah Code § 53G-6-402\(1\) \(2023\)](#)  
[Utah Code § 53G-6-403 \(2019\)](#)  
[Utah Code § 53G-6-402\(7\) \(2024\)](#)  
[Utah Code § 53G-6-407 \(2019\)](#)

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