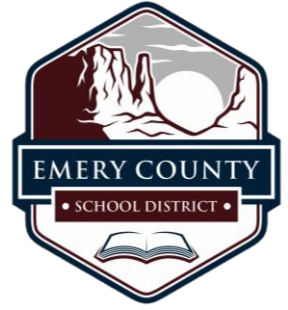


Emery County School District



Policy: JFAB—School Admissions

Date Adopted: 12 October 1994
Current Review / Revision: 11 November 2020

It is the policy of the Emery County School District that educational services consistent with Utah State law and the rules of the State Board of Education be provided for each student who resides in the district, and as provided in Utah Code 53G-6-402 through 53G-6-407, to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the Emery County School District.

Entry into the Emery County School District schools shall be determined by chronological age. Children that are five (5) years of age, on or before September 1 of a given school year, will be enrolled in kindergarten. Children who have not completed an accredited kindergarten program may enroll in first grade provided they have reached the age of six (6) on or before September 1 of the school year they desire to enroll.

Students entering kindergarten must present a certificate of health and a certified birth certificate and comply with the State Board of Health immunization requirements. Students entering school in the District at any other time must also comply with all District and state requirements at the time of admission.

Admission of Non-Resident Students

As defined in Utah Code 53G-6-401:

- "Nonresident Student" means a student attending or seeking to attend a school other than the designated school of residence.
- "School of residence" means the school that a student would normally attend in the student's district of residence.
- "Early enrollment" means application prior to the third Friday in February for admission for the next school year.
- "Late enrollment" means application after the third Friday in February for admission for the next school year or for admission during the current school year.
- "Maximum capacity" means the total number of students who could be served in a school building if each of the building's instructional stations were to have an enrollment equal to the district class-size averages as described in 53G-6-402 through 53G-6-407.
- "Adjusted capacity" means the total number of students who could be served in a school if each teacher were to have the class size equal to the districts average class size for the corresponding elementary grade or similar secondary courses.
- "Open enrollment threshold" means:

- 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
- for late enrollment, the actual school enrollment that is the greater of:
 - 90% of adjusted capacity; or
 - adjusted capacity minus 40 students.

Schools in the Emery County School District shall be considered open for nonresident students contingent on open enrollment thresholds, early enrollment school capacity ("maximum capacity"), late enrollment school capacity ("adjusted capacity"), special program limitations, staff availability, and/or circumstances under Utah Code 53G-6-402. Capacity for special education classrooms shall be consistent with Utah Special Education caseload guidelines and will depend on staffing and funding constraints of the school district.

Nonresident students who desire to enroll in any school in the Emery County School District shall file the Utah State Board of Education Standard Open Enrollment Application.

Nonresident students desiring to enroll in a school in the Emery County School District under the provisions of Utah Code 53G-6-303 shall also be required to complete and submit the applicable residency form below:

- Consent Guardianship form, for students whose custodial parent(s) reside outside the state, and who will be living with a responsible adult within the School District who is not a non-custodial parent, grandparent, brother, sister, uncle or aunt.
- Power of Attorney form, for students whose custodial parent(s) reside in Utah but outside of the District, and for students whose custodial parent(s) reside outside of the state and who will be living with a responsible adult within the School District who is a non-custodial parent, grandparent, brother, sister, uncle or aunt.

Nonresident students may be required to complete and submit the Provisional Enroll Agreement prior to admission to a District school.

Standards for accepting or rejecting applications

1. Capacity of the grade level or course.
2. A student may be approved for a maximum of one nonresident transfer per school year.
3. Maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students.
4. Not offering, or having capacity in, an elementary or secondary special education or other special program the student requires.
5. Maintenance of reduced class sizes where Title One or school trust monies are used to reduce class size in order to improve student achievement.
6. Willingness of prospective students to comply with district policies.

The School District may deny applications of nonresident students if the District determines that enrollment within the school in question will exceed the open enrollment threshold described in this policy. The District may also deny applications to those who have committed serious infractions of the law or school rules, or have been guilty of chronic misbehavior that would, if it were to continue, endanger persons or property, cause serious disruption in the school, or place unreasonable burdens on school staff. At the discretion of the school, exceptions may be made by the Principal.

A Provisional Enrollment Agreement shall be entered into by the parent, student, and school, establishing conditions and consequences for continued enrollment.

Denial of Enrollment Appeal

Denial of initial or continuing enrollment of a nonresident 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 Board shall be upheld in any subsequent 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. Utah Code 53G-6-404.

Tuition for Non-Resident Students (Out-of-State)

Students who plan to attend the Emery County Schools, and whose custodial parent(s) or legal guardian(s) reside out of the State of Utah, must have a bona-fide legally appointed guardianship established with whom they will reside (in Emery County) prior to school registration. Otherwise a tuition fee (at least equal to the per capita cost of the school program) as determined by the Board of Education will be required. This payment is to be made at the School District office. The required tuition fee must be paid prior to enrollment. Students who pay tuition are not to be included in the District's reports for the purpose of obtaining state funds.

The Board of Education may waive tuition for any out-of-state non-resident student, in whole or part, in an open Board meeting.

Funding - Residual Reimbursement

For Utah students whose custodial parent(s) reside outside of the District, the Emery County School District shall take the necessary steps to collect from the district of residence one-half of the resident district's residual per student expenditure for each resident student properly registered in the Emery County School District as allowed under Subsection 53G-5-405.