

**POLICY—500.30—OPEN ENROLLMENT, SCHOOL ADMISSIONS, AND SCHOOL MORATORIUMS**
**DISTRICT CODE:**

500.30

**ADOPTED:**

5.7.2019

**RESCINDS:**

500.30

**ADOPTED:**

3.15.2016

**BOARD POLICY**

1. The Board of Education has the power to establish, locate, and maintain kindergarten, elementary, secondary, and applied technology schools. (See, Utah Codes §§53G-6-302; 53G-4-402; 53G-7-203).
2. The Board of Education is committed to compliance with all state and federal laws regarding enrollment and admission of students in District schools.
3. The Board of Education subscribes to the philosophy of educational choice and enrollment options for Canyons District students and their parents/legal guardians.
4. The Board believes that children and youths experiencing homelessness and refugees should have access to the same free, appropriate public education, as provided to other children and youths.
5. The Board of Education has power and discretion to issue and remove school enrollment moratoriums when a school exceeds the open enrollment permit threshold as established in state law.
6. The Board of Education determines enrollment guidelines and location and possible relocation for special academic programs within the District.
7. The Board of Education authorizes the Superintendent and District Administration to develop administrative regulations with this policy, subject to review and approval by the Board.

**ADMIN-REG:**

500.30-1

**APPROVED:**

5.7.19

**ADMINISTRATIVE REGULATION—500.30-2: (Definitions)**

For purposes of this policy the following definitions apply:

1. **“district program”**: means a district-wide program designated by the Board of Education located at select schools and offered to all students in the district during normal school hours.
2. **“early enrollment”**: means an enrollment application submitted prior to the deadline (third Friday in February) for admission for the next school year that is not a student’s school of residence.
3. **“late enrollment”**: means an enrollment application submitted after the deadline (third Friday in February) for admission for the next school year 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.

4. “open enrollment”: refers to the enrollment procedures prescribed by U.C.A. §53G-6-302, et seq., Utah Admin. Code R277-437.
5. “Open enrollment threshold”: means:
  - 5.1. for early enrollment, a projected school enrollment that is the greater of:
    - 5.1.1. 90% of the maximum capacity as defined by §U.C.A. 53G-6-401; or
    - 5.1.2. maximum capacity minus 40 students; and
  - 5.2. for late enrollment, actual school enrollment that is the greater of:
    - 5.2.1. 90% of adjusted capacity as defined by §U.C.A. 53G-6-401; or
    - 5.2.2. adjusted capacity minus 40 students.
6. “School enrollment moratorium”: means an action by the Board of Education to designate a school as not open for permit enrollment for nonresident students, because the school is operating above the open enrollment threshold.
7. The term “homeless children and youths”: Please refer to Policy—500.31—School Admissions—Homeless Children and Youths and Unaccompanied Minors.
8. “refugee”: any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

ADMIN REG:  
500.30-2

APPROVED:  
5.7.19

**ADMINISTRATIVE REGULATION—500.30-2:** (Determination of a Child’s School District of Residence and Open Enrollment)

For District procedures for enrollment of homeless children and youth and unaccompanied minors in accordance with federal and state law, please refer **Policy-500.31—School Admissions—Homeless Children and Youth and Unaccompanied Minors.**

**Determination of Child’s School District of Residence:**

1. The school district of residence of a minor child whose parent/legal guardian resides within Utah is the school district in which the parent/legal guardian resides, or the school district in which the child resides:
  - 1.1. while in the custody or under the supervision of a Utah state agency;
  - 1.2. while under the supervision of a private or public agency authorized to provide child placement services by the state;
  - 1.3. while living with a responsible adult resident of the district, if a determination has been made by the board that:
    - 1.3.1. the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;



- 1.3.2. exigent circumstances exist that do not permit the case to be appropriately addressed under the district's open enrollment procedures; and
    - 1.3.3. considering the child to be a resident of the district would not any other law or rule;
  - 1.4. if the child is married or has been legally declared an emancipated minor; or
  - 1.5. while the child is receiving services from a health care facility or human services program, if a determination has been made by the board that:
    - 1.5.1. the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
    - 1.5.2. exigent circumstances exist that do not permit the case to be appropriately addressed under the district's open enrollment procedures; and
    - 1.5.3. considering the child to be a resident of the district would not violate any other law or rule.
2. A minor child whose parent/legal guardian does not reside in the state is considered to be a resident of the district in which the child lives, if:
  - 2.1. the child is married or an emancipated minor;
  - 2.2. the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal guardian in accordance with state law;
  - 2.3. the Board determines that:
    - 2.3.1. the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;
    - 2.3.2. the child's presence in the district is not for the primary purpose of attending the public schools;
    - 2.3.3. the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes; and
    - 2.3.4. the child is prepared to abide by the rules and policies of the school and school district in which attendance is sought; or
  - 2.4. the Board determines that:
    - 2.4.1. the child's parent or guardian moves from the state;
    - 2.4.2. the child's parent or guardian executes a power of attorney under Utah Code 75-5-103 that:
      - 2.4.2.1. meets the requirements (3) below; and
      - 2.4.2.2. delegates powers regarding care, custody, or property, including schooling, to a responsible adult with whom the child resides;
    - 2.4.3. the responsible adult described in 2.3.1 is a resident of the district;
    - 2.4.4. the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
    - 2.4.5. the child is prepared to abide by the rules and policies of the school and school district in which attendance is sought; and
    - 2.4.6. the child's attendance in the school will not be detrimental to the school or school district.

3. If admission is sought under 1.3, 2.3, or 2.4, then the district may require the person with whom the child lives to be designated as the child's custodian in a durable power of attorney, or the child's guardian.

### **Open Enrollment**

1. **Open Enrollment**: Students who wish to attend a school other than the resident boundary school may file a request (standard open enrollment form) for an open enrollment permit at the school they desire to attend.
  - 1.1. Early enrollment period permit requests shall be considered on a first-come, first-served basis each year. Approved permit requests shall become effective the following school year.
  - 1.2. Late enrollment period permit requests shall be considered on a first-come, first-served basis. Approved permit requests shall become effective the following school year or the current year, as indicated on the request form.
2. **Acceptance or Rejection of an Open Enrollment Permit**:
  - 2.1. Criteria for the acceptance or rejection of an Open Enrollment permit includes the following:
    - 2.1.1. In an elementary school, the capacity of a grade level;
    - 2.1.2. The ability to maintain a heterogeneous student population if necessary to avoid violation of constitutional or statutory rights of students;
    - 2.1.3. 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;
    - 2.1.4. Not offering or not having capacity in an elementary or secondary special education class or other special program the student requires;
    - 2.1.5. The willingness of a prospective student to comply with district and school policies;
    - 2.1.6. Giving priority to intra-district transfers over inter-district transfers; or
    - 2.1.7. Serious infractions of law or school rules, chronic misbehavior which is likely to endanger persons, property, cause serious disruptions in the school, or place unreasonable burdens on the school staff.
  - 2.2. Criteria for acceptance or rejection may **not** include the following:
    - 2.2.1. Previous academic achievement;
    - 2.2.2. Athletic or other extracurricular ability;
    - 2.2.3. Special education services for which space is available;
    - 2.2.4. Proficiency in the English language;
    - 2.2.5. The students race, color, national origin, gender, disability or any other classification protected by law; or
    - 2.2.6. Previous disciplinary proceedings, **except** as listed in 2.1.7.

- 2.3. A provisional enrollment may be granted to students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.
3. **Notification:** The school administrator shall send written notification of acceptance or rejection of the permit application to the student's parent(s)/ legal guardian(s) and to the Department of Planning and Enrollment as follows:
- 3.1. Early Enrollment Period: within six weeks of receipt of the application, or by March 31, whichever is later;
  - 3.2. Late Enrollment Period 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;
  - 3.3. Late Enrollment Period for the current school year: within two weeks of receipt of the application.
  - 3.4. Notification Exception: Notification of parents of acceptance or rejection of an application may be delayed if the school board is not able to make a reasonably accurate projection of the early or late enrollment capacity of a school due to construction or remodeling, boundary changes, or other circumstances beyond their control. The delay may be up to four weeks after the accurate projection can be made.
  - 3.5. Parents/legal guardians shall be notified of the right to appeal the decision of the school administrator to an Enrollment Appeal Panel.
4. Once enrolled in a nonresident school, the student may remain enrolled subject to compliance with all District and school policies, rules, and procedures established for all students, and the student is not required to submit annual or periodic applications unless one of the following occurs:
- 4.1. The student graduates from high school;
  - 4.2. The student is no longer a Utah resident;
  - 4.3. The student is suspended or expelled from school; or
  - 4.4. The District determines that enrollment within the particular school will exceed Open Enrollment Threshold capacities.
5. **Nonrenewal of Permits:** When the district determines that enrollment within the school will exceed the school's open enrollment threshold, determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year is based upon time in the school, with those most recently enrolled excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school.

6. The Board of Education retains sole authority for any nonrenewal of permits which nonrenewal would be the result of the school exceeding the open enrollment threshold. Any such action of the Board will be done by vote in an open meeting.
7. Appeal: The determination of the open enrollment transfer request, may be appealed to a three-person District Enrollment Appeal Panel appointed by the Superintendent or the superintendent's designee.
  - 7.1. A written appeal must be made to the superintendent's designee with ten (10) business days of the day the open enrollment transfer acceptance or rejection is mailed to the student and parent/legal guardian.
  - 7.2. The appeal panel shall review the determination of the school administrator and any documents submitted by the student.
  - 7.3. The appeal panel may affirm the decision of the school administrator or amend the determination.
  - 7.4. The appeal panel's decision shall be issued within twenty-one (21) business days of receipt of the student's written appeal.
8. Appeal to the Board of Education: The decision of the District Enrollment Appeal Panel may be appealed in writing to the Board of Education only for procedural error or to submit any new evidence.
  - 8.1. The written appeal must be submitted within ten (10) business days of receiving the decision of the District's appeal panel.
  - 8.2. The Board of Education shall review written appeals submitted at the next available Board meeting.

ADMIN REG:  
500.30-3

APPROVED:  
5.7.19

**ADMINISTRATIVE REGULATION—500.30-3:** (Residency Documentation; Age of Entrance and Grade Placement; Enrollment Documentation; Legal Surname)

For District procedures for enrollment of homeless children and youth and unaccompanied minors in accordance with federal and state law, please refer to **Policy-500.31—School Admissions—Homeless Children and Youth and Unaccompanied Minors.**

**Residency Documentation:**

1. Prior to enrollment in a district school, the student's parent/legal guardian must show proof of residency in the district, except for a determination regarding homeless or unaccompanied youth or emancipated minors. Please refer to Exhibit—1—Residency Documentation.
2. The following do not establish residency:
  - 2.1. Powers of attorney;

- 2.2. Letters from friends or relatives;
- 2.3. P.O. Box in District boundaries;
- 2.4. Property owned in District boundaries.
3. False or misleading information regarding residency will result in revocation of student's enrollment.

**Age of Entrance and Grade Placement:**

1. The Board of Education may enroll children in school who are at least five (5) of age before September 2 of the year in which admission is sought (See, §53G-4-402 (6)). Enrollment in a kindergarten program is optional.
  - 1.1. Kindergarten and First Grade. In accordance with 53E-3-905, students entering Canyons School District from another state shall be allowed to continue their enrollment at grade level at the time of transition regardless of age, for kindergarten and first grade. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age.
2. Students transferring after the start of the school year shall enter the school on their validated level from an accredited school in the sending state.
3. Once a child is enrolled in an age appropriate grade, a parent/legal guardian may request a retention or acceleration in accordance with Policy-600.13—Student Retention and Acceleration.
4. Compulsory education laws require all children six to 18 to be enrolled in school or have a documented, current certificate excusing school-age minor from attendance.

**Enrollment Documentation:**

1. In accordance with state law, upon enrollment for the first time in a District school, the person enrolling the student must provide within 30 days of the date of enrollment:
  - 1.1. a certified copy of the student's birth certificate; or
  - 1.2. other reliable proof of the student's identity and age, together with an affidavit explaining the inability to provide a copy of the birth certificate; and
  - 1.3. a certified, accurate, and complete immunization record or official immunization exemption; and
  - 1.4. if applicable, a report card or written withdrawal form from the school last attended.
2. If the person enrolling the student fails to comply with section (1) above, the school shall provide written notification to the individual that unless he or she complies within ten (10) days, the case shall be referred to local law enforcement for investigation.
  - 2.1. If the person enrolling the student fails to comply within that ten (10) day period the school shall refer the case to the Criminal Investigations and Technical Services Division of the Department of Public Safety.

3. The school shall immediately report to the DPS any affidavit received pursuant to this section which appears inaccurate or suspicious.
4. A school enrolling a transfer student must request a certified copy of the transfer student's cumulative file directly from the student's previous school within 14 days.
  - 4.1. The student's previous school must send the file within 30 school days of the request, unless it has been notified by DPS that the record is that of a missing child.
    - 4.1.1. If the student record has been flagged as a missing child, the school may not forward the record to the new school, and must notify DPS of the request.

**Legal Surname:**

1. Students must be registered, and permanent records maintained, under the surname as shown on the student's birth certificate.
  - 1.1. The District may modify order of student names, provide for nicknames, or allow for different surnames, consistent with court documents and parent preferences.
  - 1.2. Pursuant to R277-419 10 (4), if the District needs to protect a student by using an alias, discretion should be used in recording the name of the student (contact Planning and Enrollment).

ADMIN REG:  
500.30-4

APPROVED:  
5.7.19

**ADMINISTRATIVE REGULATION—500.30-4:** (Foreign Exchange Students; Short-Term Cultural Foreign Exchange Visitors).

For purposes of this regulation, the following definitions apply:

**F-1 Visa - Foreign Exchange Student:** a foreign national secondary student who has entered the United States to study as a full-time student at an academic high school for one (1) year.

**J-1 Visa - Foreign Exchange Student:** a foreign national secondary student who has entered the United States on an exchange visitor (J) non-immigrant visa category to participate in work-and study-based exchange visitor programs for one (1) year.

**Short-Term Cultural Foreign Student Visit:** An agency requesting to place Short-Term Cultural Foreign Student Visitors must submit an application and receive approval by the Director of Planning and Enrollment.

1. In accordance with state law, the Utah State Board of Education (USBE) will determine how many J-1 Visa foreign exchange students may be accepted annually based on availability of space and legislative resources.



2. Foreign exchange students (J-1) or (F-1) must be placed by a Canyons School District approved exchange program agency or a Canyons School District Principal Designated School Official (PDSO). All agencies must be certified through the Council on Standards for International Education Travel (CSIET).
3. For additional guidelines regarding Foreign Exchange Registration and Procedures please refer to the following Exhibits:
  - 3.1. Exhibit—2—Guidelines for F-1 Foreign Exchange Student Registration
  - 3.2. Exhibit—3—Guidelines for J-1 Foreign Exchange Student Registration
  - 3.3. Exhibit—4—Guidelines for Short-Term Cultural Foreign Student Visitors

ADMIN-REG:  
500.30-5

APPROVED:  
5.7.19

**ADMINISTRATIVE REGULATION—500.30-5:** (School Enrollment Moratorium)

**School Enrollment Moratorium:** Once the Board of Education takes action to issue a school enrollment moratorium for a District school, the District Administration is responsible to implement procedures for moratorium schools.

1. A District school designated by the Board of Education as a moratorium school is closed to open enrollment permits.
2. All first-time resident (i.e., boundary) students registering at a moratorium school must provide proof of residency upon enrollment.
3. Proof of residency is established by submitting documentation of a primary residence that lies within the school boundaries as outlined in the District’s proof of residency procedures.
4. If it is determined by the superintendent or superintendent’s designee that a student or parent/legal guardian has falsified residency information, the student and or parent/legal guardian is required to return to their boundary school and has forfeited any appeal options.
5. If a student moves their place of residence during the school year, the student is allowed to complete the current school year only.

ADMIN-REG:  
500.30-6

APPROVED:  
5.7.19

**ADMINISTRATIVE REGULATION—500.30-6:** (Enrollment and Special Programs)

1. Students accepted into a District program (i.e., dual immersion; SALTA) are granted enrollment into the school where the program is located, regardless of the school’s open enrollment status, provided the student remains in the District program.
2. District programs may be located at more than one school, and acceptance into a program does not guarantee a particular school location for a student.

	ADMIN-REG: 500.30-7	APPROVED: 5.7.19
<p><b><u>ADMINISTRATIVE REGULATION—500.30-7:</u></b> (Miscellaneous)</p> <ol style="list-style-type: none"> <li>1. <b><u>Transportation:</u></b> Students accepted on an open enrollment permit are responsible for their transportation to and from school.</li> <li>2. <b><u>Notification:</u></b> <ol style="list-style-type: none"> <li>2.1. Unless provisions have previously been made for enrollment in another school, a nonresident school/district releasing a student from enrollment shall immediately notify the district/school of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.</li> </ol> </li> <li>3. <b><u>Sibling Enrollment under Boundary Change:</u></b> In the event of a boundary change, the Board of Education may allow current students, who became non-resident due to the boundary change, to remain at the school regardless of the open enrollment status of the school. The Board of Education may also allow siblings of the above students to permit to the school.</li> </ol>		
<p><b><u>EXHIBITS</u></b></p> <ol style="list-style-type: none"> <li>1. Exhibit—1—Residency Documentation</li> <li>2. Exhibit—2—Guidelines for F-1 Foreign Exchange Student Registration</li> <li>3. Exhibit—3—Guidelines for J-1 Foreign Exchange Student Registration</li> <li>4. Exhibit—4—Guidelines for Short-Term Cultural Foreign Student Visitors</li> </ol>		
<p><b><u>REFERENCES</u></b></p> <p>Utah Code §53F-2-303. Foreign exchange student weighted pupil units.          Utah Code §53G-6-302. Child school district of residence – Determination – Responsibility for provide educational services.          Utah Code §53G-6-401, et seq. School District Enrollment          Utah Code §53G-6-601, et seq. Preventing Enrollment or Transfer of Missing Children          Utah Admin. Code R277-437. Student Enrollment Options          Utah Admin. Code R277-612. Foreign Exchange Students</p>		
<p><b><u>FORMS</u></b> None</p> <p><i>CANYONS BOARD OF EDUCATION</i></p>		



**CANYONS SCHOOL DISTRICT  
POLICY MANUAL**

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.