



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J - Students
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1. PURPOSE AND PHILOSOPHY

The Board of Education of Nebo School District desires to establish student enrollment and school transfer procedures in accordance with Utah law to provide legally compliant, consistent, and equitable practices among all the schools in Nebo School District.

2. DEFINITIONS

- 2.1. **“Adjusted Capacity”** is the total number of students who can be enrolled in a school if the class size is at least equal to the district’s average class size for the corresponding grade in an elementary school and a similar class in a secondary school. Adjusted Capacity for each school is established by the Board of Education.
- 2.2. **“Administrative Transfer”** occurs when a student is moved from their resident school to a nonresident school at the sole discretion of the district. Administrative Transfers are utilized under special and unique circumstances to address the critical educational needs of a student. An Administrative Transfer shall be approved by the resident and nonresident school administrators and the respective Director of Elementary Education, Secondary Education, or Special Education. An Administrative Transfer may also be initiated and completed by the respective Director of Elementary Education, Secondary Education, or Special Education. An Administrative Transfer may occur when the district determines a student would be better served by being transferred to another school or program within the district for any of the following reasons: (a) student discipline; (b) providing appropriate educational services for “at-risk” students, special education students, and Section 504 students; or (c) any other reason deemed to be in the best interest of the student and/or the district.
- 2.3. **“Custodial parent(s)”** or **“parent(s)”** means the natural or adoptive father and/or mother of a minor student who has legal custody rights.
- 2.4. **“Custody”** is defined in Section 3 below.
- 2.5. **“Early Enrollment”** is the period of time when an application may be submitted to the district requesting admission to a school that is not a student’s resident school for the next school year. Utah State Board of Education Standard Open Enrollment Applications for Early En-

rollment are accepted beginning December 1st through the third Friday in February for admission for the next school year.

- 2.6.** The “**emotional or physical safety**” of a student is defined for purposes of Section 6.14 as special and unique emotional or physical safety concerns that affect the critical academic needs of a student. Generally, such safety concerns only exist when the student’s critical academic needs cannot be adequately addressed at the resident school after interventions have proven to be unsuccessful. Emotional or physical safety concerns do not satisfy the requirements of Section 6.14 if such safety concerns are merely anticipated or based solely upon speculation. Evidence of such emotional or physical safety concerns should be based upon documentation or other evidence provided by the student’s school, the custodial parent(s) / legal guardian(s), and/or medical professionals. Meetings with school personnel, parent(s) / legal guardian(s), and other individuals who have specific knowledge of the facts and circumstances of the safety concerns may be held in order to gather more information. Some examples of reasons that generally do not warrant the transfer to a closed school under emotional and physical safety under Section 6.14 include, but are not limited to: (a) the student desires to attend the same school with certain friends; (b) teacher preference; (c) program choice; and (d) athletic participation.
- 2.7.** “**Employee**” is defined for purposes of Sections 6.7 and 6.14 as an individual who is currently employed by the district at the requested transfer school AND:
- 2.7.1.** the individual is an administrative or certified employee who is employed as a 0.5 or more Full Time Equivalent (FTE) ; OR
 - 2.7.2.** the individual is a classified employee who is employed to work twenty (20) hours or more per week ; OR
 - 2.7.3.** the individual is a certified or classified employee who has been employed at the requested transfer school for the past five (5) consecutive years or since the inception of the school; OR
 - 2.7.4.** the individual is a head varsity coach or head advisor of a Utah High School Activities Association (UHSAA) sponsored team or group; OR
 - 2.7.5.** the individual is an assistant varsity coach or assistant advisor of a UHSAA sponsored team or group who: (i) has been employed in that same position at the requested transfer school for the past five (5) consecutive years or since the inception of the school; and (ii) has been paid a district approved stipend for that position; OR
 - 2.7.6.** the individual is a head advisor/director of cheerleading, orchestra, band, or choir; OR
 - 2.7.7.** the individual is an assistant advisor/director of cheerleading, orchestra, band, or choir who: (i) has been employed in that same position at the requested transfer school for the past five (5) consecutive years or since the inception of the school; and (ii) has been paid a district approved stipend for that position.
- 2.8.** “**Exigent circumstances**” generally means circumstances beyond the control of an individual(s).
- 2.9.** “**Late Enrollment**” is the period of time when an application may be submitted to the district requesting admission to a school that is not a student’s resident school for the next or current school year. Utah State Board of Education Standard Open Enrollment Applications for Late Enrollment are submitted after the third Friday in February for admission for the next school year, or for admission for the current school year.

- 2.10. “Legal guardian(s)”** means a person or persons who has been appointed by the court and vested with legal custody rights and responsibilities to manage the affairs of a minor student.
- 2.11. “Maximum Capacity”** is the total number of students who can be enrolled in a school if each of the classrooms were to have an enrollment at least equal to the district’s average class size for the corresponding grade in an elementary school and a similar class in a secondary school. Maximum Capacity for each school is established by the Board of Education.
- 2.12. “Minor student”** is defined as a child who has reached the age of six (6) years but has not reached the age of eighteen (18) years, but does not include an emancipated minor.
- 2.13. “Nonresident student”** is a student who lives outside the boundaries of their assigned school attendance area.
- 2.14. “Open Enrollment”** refers to those enrollment procedures prescribed by UTAH CODE ANN. § 53A-2-201 et seq., UTAH ADMIN. CODE R277-437, and Section 6 of this policy.
- 2.15. “Open Enrollment Threshold”** is the maximum number of students to be enrolled in a school during Early Enrollment and Late Enrollment which is determined as follows:
- 2.15.1.** Early Enrollment Threshold is the projected enrollment that is the greater of ninety percent (90%) of the “Maximum Capacity”; or “Maximum Capacity” minus forty (40) students.
- 2.15.2.** Late Enrollment Threshold is the actual school enrollment that is the greater of ninety percent (90%) of “Adjusted Capacity”; or “Adjusted Capacity” minus forty (40) students.
- 2.16. “Power of Attorney”** is a legal instrument, signed and notarized by an individual(s) who has legal custody of a minor student, that designates a responsible adult as the student’s custodian and grants the designated adult authority to take any appropriate action on behalf of the student, including authorization of education and medical services. A “Power of Attorney” does not confer legal guardianship (see UTAH CODE ANN. § 53A-2-201(5)). Both the granting party and the designated adult shall agree to: (a) assume responsibility for any fees or other charges relating to the student’s education; AND (b) if eligible for fee waivers, provide the district with all financial information requested by the district for purposes of determining eligibility for fee waivers (see UTAH CODE ANN. § 53A-2-201(3)).
- 2.17. “Responsible adult”** is defined as an individual twenty-one (21) years of age or older who is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for a minor student (see UTAH CODE ANN. § 53A-2-202(1)).
- 2.18. A “sibling”** of a student seeking enrollment under Section 6.14 and for ninth grade participation in high school activities under Section 6.7 is defined as follows:
- 2.18.1.** a brother or sister who is currently enrolled in and has attended the requested transfer school for at least one full term during the previous school year; AND
- 2.18.2.** both the sibling and the student seeking enrollment are currently in good standing in regards to their academics, attendance, and behavior.

3. CUSTODY

- 3.1.** Parents generally have custody rights over their minor students. Custody includes physical custody and legal custody. Physical custody refers to the number of nights a child spends at each parent’s home, and legal custody means the right to make important decisions about the child. In cases of divorce, Utah recognizes several custody arrangements, including sole legal and sole physical, joint legal and joint physical, joint legal and sole physical, and split

custody. The Divorce Decree or other order of the court typically sets forth the custody arrangement for the minor children and may need to be consulted to determine the rights of divorced parents when disagreements related to enrollment arise between them. In case of disagreement, a student will typically be enrolled at the school in which boundaries the parent with primary physical custody lives.

- 3.2. In certain situations where parental rights have been terminated or suspended by circumstances or prior court order, a court may appoint a legal guardian(s) in the best interests of the minor student. In that event, the legal guardian(s) is given the custody rights over the minor student.
- 3.3. In limited situations as specifically provided by Utah law and this policy, a person who has legal custody over a minor student may issue a Power of Attorney to a responsible adult. In that event, the responsible adult is given the custody rights over the minor student.

4. STUDENT ENROLLMENT

UTAH CODE ANN. § 53A-2-201(1) provides that the school district of residence of a minor student is where the custodial parent or legal guardian resides. Accordingly, a student who lives with his/her custodial parent(s) or legal guardian(s) and resides within the geographical boundaries of Nebo School District is considered a resident of the district for school enrollment. A minor student must be enrolled in the district as a resident if the student lives in the district with his/her custodial parent(s) or legal guardian(s). A resident student is to be enrolled in the particular school/program in which boundaries he/she resides or is assigned by the district, unless an intra-district school transfer is approved as provided in Section 5 below. However, there are certain circumstances wherein a minor student may be enrolled in Nebo School District even though the student does not reside with his/her custodial parent(s) or legal guardian(s). These particular circumstances are described in Paragraphs 4.1 and 4.2 below.

4.1. Custodial Parent(s) / Legal Guardian(s) of a Minor Student Lives out of Nebo School District but within the State of Utah:

- 4.1.1. A minor student must be enrolled in the district as a resident if the student lives in the district and is in custody of or supervised by a Utah State agency (i.e., foster parents). Documentation of the custody or supervision by the Utah State agency shall be provided to and approved by the Coordinator of School Services or his/her designee(s).
- 4.1.2. A minor student must be enrolled in the district as a resident if the student lives in the district and is supervised by an approved child placement agency (i.e., proctor parents). The agency must be licensed by the State of Utah and satisfy all education and support coordination requirements. The agency shall pay all student fees, deposits, or other charges in accordance with Utah law and district policy (See UTAH CODE ANN. §§ 62A-2-108.1 and 62A-4a-606). Documentation of the supervision by the agency shall be provided to and approved by the Coordinator of School Services or his/her designee(s).
- 4.1.3. A minor student must be enrolled in the district as a resident if the student lives in the district with a responsible adult resident of the district if a determination has been made by the Coordinator of School Services or his/her designee(s) in accordance with rules made by the State Board of Education that all of the following criteria are satisfied: (a) the student's physical, mental, moral, or emotional health is best served; (b) exigent circumstances exist that cannot be appropriately addressed under the Open Enrollment procedures set forth in Section 6 below (see UTAH CODE ANN. § 53A-2-207, et seq. and UTAH ADMIN. CODE R277-437); AND (c) the enrollment of the student does not violate any other law or rule of the Utah State Board of Education. Enrollment of the minor student under this paragraph requires the responsible adult resident to be issued a Durable Power of Attorney by the individual(s) who has legal custody of the minor student granting the responsible adult full authority to take any

appropriate action, including authorization for educational or medical services, in the interests of the child.

- 4.1.4. A minor student must be enrolled in the district as a resident while the student is receiving services from a health care facility or human services program, as defined by Utah law, if a determination has been made by the Coordinator of School Services or his/her designee(s) in accordance with rules made by the State Board of Education that all of the following criteria are satisfied: (a) the student’s physical, mental, moral, or emotional health is best served; (b) exigent circumstances exist that cannot be appropriately addressed under the Open Enrollment procedures set forth in Section 6 below (see UTAH CODE ANN. § 53A-2-207, et seq. and UTAH ADMIN. CODE R277-437); AND (c) the enrollment of the student does not violate any other law or rule of the Utah State Board of Education.
- 4.1.5. A minor student may be enrolled in the district as a resident if the student lives in the district with a responsible adult resident of the district under the Open Enrollment procedures described in Section 6 below. All Open Enrollment applications are processed and approved by the Coordinator of School Services or his/her designee(s). Enrollment of the minor student under this paragraph requires the responsible adult resident to be issued an appropriate Power of Attorney by the individual(s) who has legal custody of the minor student.
- 4.1.6. A minor student must be enrolled in the district as a resident if the student lives in the district and is “emancipated” either by: (a) marriage; (b) court order; OR (c) a determination by an authorized state administrative agency.
- 4.1.7. A minor student must be enrolled in the district as a resident if the student lives in the district and is deemed “homeless” under the *Stewart B. McKinney Homeless Assistance Act*, 42 U.S.C. § 11431 (see also Nebo School District Policy JECC, *Students in Homeless Situations*, and UTAH ADMIN. CODE R277-616. All “homeless” determinations shall be approved by the Coordinator of School Services or his/her designee(s).

4.2. Custodial Parent(s) of a Minor Student Lives outside the State of Utah:

- 4.2.1. A minor student must be enrolled in the district as a resident if the student lives in the district with his/her legal guardian(s). Tuition will be charged only if provided for in a court order.
- 4.2.2. A minor student may be enrolled in the district as a resident if the student lives in the district with a responsible adult and a determination has been made by the Coordinator of School Services, or his/her designee(s), that all of the following criteria are satisfied: (a) the individual with whom the student lives is considered a responsible adult as defined in Section 2.17; (b) the responsible adult is given authority by a Durable Power of Attorney by the individual(s) who has legal custody of the minor student; (c) the student’s physical, mental, moral, or emotional health is best served; (d) the student is prepared to abide by district and school policies and rules, and an appropriate “Provisional Enrollment Contract” is executed; AND (e) tuition is paid.
- 4.2.3. A minor student must be enrolled in the district as a resident if the student lives in the district and is “emancipated” either by: (a) marriage; (b) court order; OR (c) a determination by an authorized state administrative agency.
- 4.2.4. A minor student must be enrolled in the district as a resident if the student lives in the district and is deemed “homeless” under the *Stewart B. McKinney Homeless Assistance Act*, 42 U.S.C. § 11431 (see also Nebo School District Policy JECC, *Students in Homeless Situations*, and UTAH ADMIN. CODE R277-616. All “homeless” determinations shall be approved by the Coordinator of School Services or his/her designee(s).

- 4.2.5. A minor student may be enrolled in the district as a resident if the student lives in the district and is supervised by a Utah State agency under an Interstate Compact effectuated through Utah State Human Services and an analogous agency in another state. Tuition must be paid unless the Utah State agency has assumed all financial responsibility for the student (see UTAH CODE ANN. §§ 62A-2-108.1 and 62A-4a-606). Students to be enrolled under this provision shall be approved by the Coordinator of School Services or his/her designee(s).
- 4.2.6. A minor student may be enrolled in the district as a resident if the student lives in the district and is an approved foreign exchange student by the Utah State Board of Education (i.e., J-1 Visa students). Tuition must be paid unless the foreign exchange program and student satisfy the requirements of UTAH CODE ANN. § 53A-2-206 and UTAH ADMIN. CODE R277-615. Students to be enrolled under this paragraph shall be approved by the Coordinator of School Services or his/her designee(s). Enrollment of the minor student under this provision requires the responsible adult resident to be issued an appropriate Power of Attorney by the individual(s) who has legal custody of the minor student.
- 4.2.7. A minor student may be enrolled in the district as a resident if the student lives in the district and is an approved foreign student (i.e., F-1 Visa students). Tuition must be paid. Students to be enrolled under this paragraph shall be approved by the Coordinator of School Services or his/her designee(s). Enrollment of the minor student under this provision requires the responsible adult resident to be issued an appropriate Power of Attorney by the individual(s) who has legal custody of the minor student.

4.3. Transfer of Military Students through the Interstate Compact

The Coordinator of School Services shall assist in the transfer and enrollment of students whose parents are active duty members of the uniformed services in accordance with Utah law -- the Interstate Compact on Educational Opportunity for Military Children (the “Interstate Compact”), and the rules and procedures promulgated by the “Interstate Commission on Educational Opportunity for Military Children,” which purpose is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- 4.3.1. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance or age requirements.
- 4.3.2. Facilitating the student placement process to accommodate variations between Nebo School District's requirements and the previous school district's requirements related to minimum school age, attendance, scheduling, sequencing, grading, course content, and assessment.
- 4.3.3. Facilitating the qualification and eligibility for participation in educational programs, and in extracurricular, academic, athletic, and social activities.
- 4.3.4. Facilitating the on-time graduation of children of military families.
- 4.3.5. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under the Interstate Compact.
- 4.3.6. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

5. SCHOOL TRANSFERS

In an effort to retain the benefits of neighborhood schools, to maintain strong school and community loyalty, and to promote stability and predictability of student enrollment numbers, it is strongly preferred that students in the district enroll in and attend the schools in the boundaries in which they reside. Notwithstanding this preference, students may attend another school within the district through the Open Enrollment procedures or through an Administrative Transfer. In addition, students who have been enrolled in and attending a school other than their boundary school may return to their boundary school by following the procedures in this section.

5.1. **Students Returning to District Boundary School After Completion of Any Grade Level:**

Students who have been or are currently enrolled in and attending a charter school, a private school, a school outside of the district, or a non-boundary school within the district, and who will complete a grade level at that particular school, may enroll in their boundary elementary school, junior high school, or high school, as applicable, for the upcoming school year in accordance with the same enrollment and registration procedures, forms, and timelines established for district students attending their boundary schools. Enrollment and registration information should be submitted as soon as possible, but no later than the first day of school.

5.2. **Students Returning to District Boundary School During the Current School Year:** Students who are currently enrolled in and attending a charter school, a home school, a private school, a school outside of the district, or a non-boundary district school, and who wish to return and enroll in their boundary school may do so in accordance with the conditions set forth below:

Elementary and Secondary School: An elementary or secondary student may return and enroll in their boundary school only within the first two (2) weeks of each term by: (a) providing notice to and properly unenrolling the student from the non-boundary school; (b) providing the boundary school with the student's educational records from the previous non-boundary school; (c) completing the applicable enrollment and registration forms at the boundary school; (d) providing any required documentation and information to the boundary school; and (e) obtaining authorization and approval from the boundary school confirming that there are no current academic, attendance, or behavioral issues or concerns that need to be specifically addressed prior to enrollment.

5.3. **Open Enrollment:** The Open Enrollment option is available to in-district and out-of-district students whose custodial parent(s) or legal guardian(s) live in the State of Utah. Open Enrollment allows a student to enroll in and attend a school in Nebo School District other than the school in which boundaries he/she resides. The terms and conditions of the Open Enrollment option are set forth in UTAH CODE ANN. § 53A-2-201, et seq. and UTAH ADMIN. CODE R277-437 (see Section 6 below).

5.4. **Administrative Transfer:** The district may, in its sole discretion, transfer a student to a non-resident school for special and unique circumstances to address the critical academic needs of a student. Administrative Transfers are generally done in situations when the student's specific academic needs cannot be adequately addressed at the resident school. Some examples of reasons that generally do not warrant an Administrative Transfer include, but are not limited to: (a) the student desires to attend the same school with certain friends; (b) teacher preference; (c) program choice; and (d) athletic participation. Administrative Transfers may be granted for any of the following reasons: (a) student discipline; (b) providing appropriate educational services for "at-risk" students, special education students, and Section 504 students; or (c) any other reason deemed to be in the best interest of the student and/or the district.

5.4.1. Administrative Transfers are reserved only for students who are residents of the district. The principal of the receiving school shall consult with the principal of the resident school to assist in evaluating the transfer. Either or both principals may request a meeting with the student and his/her custodial parent(s) / legal guardian(s) to gather more information relative to the proposed transfer. The district's Director of Element-

tary Education, Secondary Education, Special Education, or other designated district official may also be involved, as appropriate, in regards to a proposed transfer.

- 5.4.2. Administrative Transfers of secondary school students shall include a transcript, attendance record, and a discipline report from the resident school. In addition, if a secondary school student desires to participate in Utah High School Activities Association (UHSAA) sponsored athletics, the custodial parent(s) / legal guardian(s) must complete the Nebo School District Athletic Eligibility and Transfer Form(s) and the UHSAA Transfer of Eligibility Forms, if applicable. All transfers must be in compliance with Utah law, Nebo School District policies, Utah State Board of Education rules, and the constitution, bylaws, policies, and rules of UHSAA.
- 5.4.3. Administrative Transfers should not be utilized if: (a) the reasons do not concern the critical academic needs of a student; (b) the student's specific needs can be adequately addressed at the resident school; (c) there is a need to maintain appropriate student-teacher ratios in a particular grade, class, program, or school; (d) the student has committed serious infractions of the law, violated district or school policies and rules, or has been guilty of chronic misbehavior; (e) the proposed transfer could reasonably cause disruptions in the receiving school or place unreasonable burdens on school personnel; or (f) the proposed transfer is not in the best interests of the student and/or the school.
- 5.4.4. Administrative Transfers must be approved by both the receiving school and the resident school principals and the respective Director of Elementary Education, Secondary Education, or Special education. An Administrative Transfer may also be initiated and completed by the respective Director of Elementary Education, Secondary Education, or Special Education. The receiving principal may allow for provisional enrollment of the student and establish terms and conditions under which enrollment would be permitted or continued. Such students must remain in good standing by maintaining acceptable behavior, attendance, and grades. If the student fails to abide by these terms and conditions, the student will be returned to his/her resident school. Administrative Transfers are granted on an individual student basis, and there are no transfer guarantees for siblings, neighbors, or friends.
- 5.4.5. The custodial parent(s) / legal guardian(s) of students who are subject to an Administrative Transfer may be responsible to provide transportation or otherwise assure that the student gets safely to and from school.
- 5.4.6. In the elementary schools, an Administrative Transfer is for the current grade (school year) only. Administrative Transfers must be effectuated for subsequent years in an elementary school and when transitioning from elementary school to junior high school.
- 5.4.7. In secondary schools, an Administrative Transfer is for all grades within that school. In the event an Administrative Transfer was approved for a particular junior high school, the Administrative Transfer does not extend to the next designated high school in the system.

6. OPEN ENROLLMENT (EARLY AND LATE)

The Open Enrollment option is available only to in-district students and out-of-district students whose custodial parent(s) or legal guardian(s) live in the State of Utah. Open Enrollment allows a student to enroll in and attend a school in Nebo School District other than the school in which boundaries he/she resides. A student has a better opportunity of being accepted through Early Enrollment rather than Late Enrollment. Accordingly, Early Enrollment should be the preferred method of transferring a student. The terms and conditions of the Open Enrollment option are set forth below in this Section 6 and in UTAH CODE ANN. § 53A-2-207, et seq. and UTAH ADMIN. CODE R277-437.

6.1. District Responsibilities:

- 6.1.1.** The district, prior to September 30th, shall provide information about the district and 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 Nebo School District other than their respective school of residence.
- 6.1.2.** The district shall designate which schools and programs will be available for Open Enrollment during the coming school year. 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 which are deemed “closed” as per this policy.
- 6.1.3.** A resident district shall pay to a nonresident district one-half of the resident district’s residual per student expenditure for each resident student properly registered in the nonresident district in accordance with applicable Utah laws and regulations.
- 6.1.4.** For each school in the district, the district shall post on its website the following information: (a) the school’s Maximum Capacity; (b) the school’s Adjusted Capacity; (c) the school’s projected enrollment in the calculation of the Open Enrollment Threshold; (d) the school’s actual enrollment on October 1, January 2, and April 1; (e) the number of nonresident student enrollment requests; (f) the number of accepted nonresident student enrollment requests; and (g) the number of resident students transferring to another school.

6.2. Application for Early Enrollment

- 6.2.1.** Early Enrollment transfers shall be submitted to the district on the Utah State Board of Education Standard Open Enrollment Application form and the applicable Nebo School District Open Enrollment Documentation for Elementary or Secondary Students form. Said application forms are available at the district office and at the schools. The student’s custodial parent(s) / legal guardian(s) must submit properly completed application forms to the District Office at the Elementary Education Department or the Secondary Education Department, as applicable, at the district office.
- 6.2.2.** Applications must be timely submitted. Applications are accepted beginning December 1st through the third Friday in February for initial enrollment to begin the following school year in the requested school/program of the district. After the third Friday in February, no further applications for Early Enrollment will be accepted.
- 6.2.3.** The student’s custodial parent(s) / legal guardian(s) may request on their application a particular school/program from a list of those that are open for enrollment as identified by the district. The district shall determine which schools are open for enrollment during the coming school year. Schools may be closed by the district if the estimated enrollment of the school/program exceeds the applicable Open Enrollment Thresholds for Early Enrollment (“Maximum Capacity”).
- 6.2.4.** The student’s application shall identify the reason(s) for enrolling in the requested school/program in the district.
- 6.2.5.** The student’s parent or legal guardian shall receive written notification within six (6) weeks after receipt of the application by the district or by March 31st, whichever is later, as to whether the application has been accepted or denied.
- 6.2.6.** All submitted applications must also include a five dollar (\$5.00) processing fee.

6.3. Application for Late Enrollment

6.3.1. Late Enrollment transfers shall be submitted to the district on the Utah State Board of Education Standard Open Enrollment Application form and the applicable Nebo School District Open Enrollment Documentation for Elementary or Secondary Students form. Said application forms are available at the district office and at the schools. The student's custodial parent(s) / legal guardian(s) must submit properly completed application forms to the District Office at the Elementary Education Department or the Secondary Education Department, as applicable, at the district office.

6.3.2. Secondary Schools:

6.3.2.1. When considering Late Enrollment applications for the next school year in secondary schools (which applications are filed at the district office after the third Friday in February through May 31st), custodial parent(s) / legal guardian(s) will generally receive notification of acceptance or denial of the application no earlier than June 1st and no later than June 15th. In the event sufficient information is available and considered, the district may provide notification of acceptance or denial on certain applications prior to June 1st.

6.3.2.2. When considering Late Enrollment applications for the next school year in secondary schools (which applications are filed at the district office on or after June 1st), custodial parent(s) / legal guardian(s) will generally receive notification of acceptance or denial of the application no earlier than August 1st and no later than the Friday before the new school year begins. In the event sufficient information is available and considered, the district may provide notification of acceptance or denial on certain applications prior to August 1st.

6.3.3. Elementary Schools: When considering Late Enrollment applications for the next school year in elementary schools (which applications are filed at the district office after the third Friday in February), custodial parent(s) / legal guardian(s) will generally receive notification of acceptance or denial of the application no earlier than August 1st and no later than the Friday before the new school year begins. In the event sufficient information is available and considered, the district may provide notification of acceptance or denial on certain applications prior to August 1st.

6.3.4. The student's custodial parent(s) / legal guardian(s) may request on their application a particular school/program from a list of those that are open for enrollment as identified by the district. Schools may be closed by the district if the estimated enrollment of the school/program exceeds the applicable Open Enrollment Thresholds for Late Enrollment ("Adjusted Capacity").

6.3.5. When considering Late Enrollment applications during the current school year, custodial parent(s) / legal guardian(s) will receive notification of acceptance or denial of the application within two (2) weeks after receipt of the application by the district. In regards to Late Enrollment applications that are submitted and accepted by the district during the current school year, elementary and secondary students may enroll only within the first two (2) weeks of each term.

6.3.6. The student's application shall identify the reason(s) for enrolling in the requested school/program of the district.

6.3.7. All submitted applications must also include a five dollar (\$5.00) processing fee.

6.4. Acceptance and Rejections of Applications.

6.4.1. Criteria for the acceptance or rejection of Open Enrollment applications include the following:

- gibility 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, Nebo School District policies, Utah State Board of Education rules, and the constitution, bylaws, policies, and rules of UHSAA. Nebo School District encourages students who choose to be involved with accelerated teams, summer leagues, club sports, etc. to participate on teams whose members live in the same school boundaries. In addition, the student must receive approval to attend the next school in the feeder system before registering or trying-out for any groups or teams associated with that school. For example, a student may have attended a junior high school under these Open Enrollment procedures. The student's custodial parent(s) / legal guardian(s) would have to submit application and receive approval for their student to attend a high school that is not the student's resident high school. Ninth grade students can only participate on the high school teams, groups, and other extracurricular programs: (a) in which boundaries the student resides; (b) the high school where a sibling of the student currently attends; or (c) the high school where the student's custodial parent /legal guardian is employed. For purposes hereof: (a) a ninth grade student's resident school is determined by the address of their custodial parent(s)/legal guardian(s) and the school boundary area associated with that address; (b) the "sibling" of the student must meet the qualifications and definition set forth in Section 2.18; and (c) the student's custodial parent/legal guardian must be currently employed at the high school, and must meet the definition of an "employee" as defined in Section 2.7.
- 6.8.** Students who enroll in schools/programs through the Open Enrollment procedures are subject to compliance with all district and school policies, rules, and procedures.
 - 6.9.** Once enrolled in a nonresident school/program, 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:
 - 6.9.1.** The student graduates from high school;
 - 6.9.2.** The student is no longer a Utah resident;
 - 6.9.3.** The student is suspended or expelled from school; OR
 - 6.9.4.** The district determines that enrollment within the particular school/program will exceed Open Enrollment Threshold capacities.
 - 6.10.** The determination of which nonresident student(s) will be excluded from continued enrollment in the district during a subsequent year (as per Paragraph 6.9.4 above) is based upon time in the district, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school. Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15th of the current school year. Nonresident students may be eligible for relocation in other open schools/programs in the district in accordance with UTAH ADMIN. CODE R277-437.
 - 6.11.** The custodial parent(s) / legal guardian(s) of a student enrolled in a school that is not the student's school of residence may remove 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.
 - 6.12.** The district shall designate the schools which students shall attend as they progress from elementary school to junior high school and then to high school. School boundaries are established by the district using nondiscriminatory criteria in order to maintain stability and predictability of student enrollment numbers. Students who attend a particular school/program under the Open Enrollment procedures are not automatically enrolled in the next designated junior

high school or high school. Students must submit another Open Enrollment application for each school or program.

- 6.13.** A student who is enrolled in a school that is not the student' school of residence because school bus service is not provided between the student's neighborhood and the school for residence for safety reasons: (a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and (b) shall be allowed to attend the Junior High School and High School into which the school's students feed until the student graduates from high school.
- 6.14.** A student may be allowed to enroll in a nonresident school that is determined to be "closed" by the district due to the Open Enrollment Threshold if: (a) enrollment in a specific school is necessary to protect the emotional or physical safety of a student, based on sufficient documentation and evidence; (b) if a sibling currently attends that school; OR (c) if a parent / legal guardian is an employee of the school. Any school enrollments permitted under the provisions of this paragraph are done so in the sole and absolute discretion of the district.
- 6.15.** No student who resides in the attendance area of a school within the district shall be displaced or excluded because of students transferring from outside the school attendance area under these Open Enrollment procedures.
- 6.16.** Notwithstanding the dates set forth in the policy for submitting applications and notifying custodial parent(s) / legal guardian(s) of acceptance or rejection of applications, the Board of Education may delay the dates if it is not able to make a reasonably accurate projection of the Early Enrollment school capacity or Late Enrollment school capacity of a school due to: (a) school construction or remodeling; (b) drawing or revision of school boundaries; or (c) other circumstances beyond the control of the district. The delay may extend no later than four (4) weeks beyond the date the Board of Education is able to make a reasonably accurate projection of the Early Enrollment school capacity or Late Enrollment school capacity of a school.
- 6.17.** 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 for "health or safety reasons." For purposes hereof, "health or safety reasons" are situations in which enrollment in a specific school/program is necessary: (a) to protect the health of the student as determined by a specific medical recommendation from a medical doctor; or (b) to protect the emotional or physical safety of a student, based on documentation/evidence provided by the student's previous school, the custodial parent(s) / legal guardian(s), a clinical psychologist who is tracking the student, or cumulative information.
- 6.18. Appeal Process:**
- 6.18.1.** 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, or their respective designee, within ten (10) calendar days from the date of the notice of the denial. Failure to appeal within the above time period shall constitute a waiver of rights to contest the denial of enrollment.
- 6.18.2.** 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. 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. 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 an appeal before the Superintendent, or his/her designee, within ten (10) calendar days.

6.18.3. If no request for an appeal is received within the ten (10) calendar days, the Appeals Committee's decision is final. If a request for an appeal is received within the time period, the Superintendent, or his/her designee, shall schedule and conduct a hearing and issue a written decision to the student's parent(s) / legal guardian(s) concerning the enrollment. The Superintendent's, or his/her designee's, written decision shall also include a statement of their right to request in writing an appeal before the Board of Education within ten (10) calendar days.

6.18.4. If no request for an appeal is received within the ten (10) calendar days, the Superintendent's, or his/her designee's, decision is final. If a request for an appeal is received within the time period, the Board of Education shall schedule and conduct a hearing and issue a written decision to the student's parent(s) / legal guardian(s) concerning the enrollment. The Board of Education'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.

6.19. Funding:

6.19.1. A nonresident student who enrolls in Nebo School District is considered a resident of this district for purposes of state funding.

6.19.2. A resident district shall pay the nonresident district for each of the resident district's students who enroll in the nonresident district one-half (½) of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution, and if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount set forth above based on the percentage of school days the student is enrolled in the nonresident district.

6.20. 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 a "space available" basis on established and approved routes within the district to the school/program of attendance so long as the student's presence does not increase the cost of the bus route.

7. STUDENT REGISTRATION FOR UTAH RESIDENTS

In order to comply with Utah law and to insure proper student placement, Nebo District requires the following documents and information to be provided to the school prior to student registration of Utah residents:

7.1. A certified copy of the student's birth certificate. In the absence of a birth certificate, other sufficient and reliable documentation proving the student's identity and age must be provided to the school along with a signed and notarized affidavit explaining why a birth certificate cannot be provided.

7.2. A complete and updated immunization record. In the absence of an immunization record, an immunization exemption form must be completed and submitted to the school.

7.3. Proof of residency. The Utah State Office of Education recommends three (3) separate documents to show proof of residency, including, but not limited to, records of mortgage payments or lease payments, an affidavit from the landlord, utility bills, valid driver's license, vehicle registration, valid passport, voter registration documentation, and church or religious records.

- 7.4. For secondary students, a report card or check-out form from the previous school attended, along with a copy of the student’s transcript or transcript authorization request.
- 7.5. A social security number is encouraged but not required. Students are encouraged to provide their social security numbers for the purposes of identification.
- 7.6. The payment of student fees, or waiver of fees documentation has been completed and submitted to the school.
- 7.7. The student’s cumulative educational file and other educational records or information relevant to the student.

8. STUDENT REGISTRATION FOR NON-UTAH RESIDENTS

In order to comply with Utah law and to insure proper student placement, Nebo District requires the following documents and information to be provided to the school prior to student registration of non-Utah residents:

- 8.1. Schools shall not register nonresident, foreign exchange, or privately placed foreign students without authorization from the Coordinator of School Services.
- 8.2. Students whose custodial parent(s) / legal guardian(s) are not a resident of the State of Utah may be required to pay tuition. If applicable, tuition shall be paid in full prior to the enrollment and registration of the student in school. Tuition determinations and payments shall be handled by the Coordinator of School Services.
- 8.3. All documentation and information described in Section 7 above.
- 8.4. The payment of student fees, or waiver of fees documentation has been completed and submitted to the school.

EXHIBITS

Nebo School District – Determination of Residency Status or School Transfer

REFERENCES

Interstate Compact on Educational Opportunity for Military Children -- UTAH CODE ANN. § 53A-1-1001, et seq.
Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. § 11431
UTAH CODE ANN. § 53A-1a-506.5
UTAH CODE ANN. § 53A-2-201, et seq.
UTAH CODE ANN. § 62A-2-108.1
UTAH CODE ANN. § 62A-4a-606 et seq.
UTAH ADMIN. CODE R277-437
UTAH ADMIN. CODE R277-472
UTAH ADMIN. CODE R277-616
Nebo School District Policy JECB, *Students in Homeless Situations*

FORMS

Nebo School District Administrative Transfer
Utah State Board of Education Standard Open Enrollment Application
Nebo School District Open Enrollment Documentation for Elementary Students
Nebo School District Open Enrollment Documentation for Secondary Students
Provisional Enrollment Contract

HISTORY

Revised 11 October 2017 – revised definition and application of “custodial”; added provision for students receiving certain health care or human services, per HB125 (2017); made technical changes.
Revised 13 August 2014 – added home school to provision for students returning to boundary school.
Revised 13 November 2013 – added discretion for district to allow limited open enrollment in closed schools; added provisions related to notification of open enrollment decisions.
Revised 11 September 2013 – revised definition of and provisions regarding siblings.
Revised 12 September 2012 – revised definition of sibling as one who attended requested school at least one full term during previous year; reassigned administrative responsibilities from Student Services to School Services; added reference to IEP or 504 plan related to transportation;

Revised 14 September 2011 – added substantially to definition of “employee”; limited returns to boundary schools to first two weeks of term; added deadlines to late open enrollment.

Revised 8 December 2010 – added provisions for ninth grade students participating in high school activities.

Revised 11 August 2010 – revised paragraph on administrative transfer; revised provisions for custodial parent living outside Utah; added provisions under interstate compact for military children; made technical changes.

Revised 10 March 2010 – added definitions of “emotional or physical safety,” “employee,” and “sibling”; substantially revised determination of residency chart.

Revised 13 May 2009 – added deadlines for late open enrollment.

Revised or adopted 10 September 2008.

**NEBO SCHOOL DISTRICT
DETERMINATION OF RESIDENCY STATUS OR SCHOOL TRANSFER**

STATUS OF STUDENTS REQUESTING ADMISSION	MUST ADMIT AS RESIDENT	MAY ADMIT AS RESIDENT	MAY ADMIT UNDER "OPEN ENROLLMENT" ¹³	REQUIRES "POWER OF ATTORNEY" ¹²	MUST ADMIT IF MEETS MCKINNEY CRITERIA	CHARGE TUITION	MAY ADMIT UNDER "ADMINISTRATIVE TRANSFER" ¹⁵
1. Parent or legal guardian of minor¹ lives in district:							
a. Student lives in district with parent or legal guardian.	S						
b. Resident student lives in district but wishes to transfer to another school in the district outside his/her school's boundary area.			D				E
2. Parent or legal guardian of minor¹ lives out of district but within Utah:							
a. Student lives in district and is in custody of or supervised by a Utah State agency. (i.e., foster parents) (Need documentation)	D						
b. Student lives in district and is supervised by an approved ² child placement agency. (i.e., proctor parents) (Need documentation)	D						
c. Student lives with a responsible ³ adult resident of the district, but parents or legal guardian lives elsewhere in the state.		D	D	D			
d. Student lives in district and is emancipated. ⁴	E						
e. Student lives in district and is homeless. ⁵					E		
3. Both parents of minor¹ live outside Utah:							
a. Student lives with person designated by the court as legal guardian. ¹⁴	E						
b. Student lives with responsible adult. ⁷		D		D		D	
c. Student lives in district and is emancipated. ⁴	E						
d. Student lives in the district and is homeless. ⁵					E		
e. Student is supervised by a Utah State agency under an Interstate Compact. ⁸		D				D⁹	
f. Student is a USBE approved ¹⁰ exchange student. (i.e., J-1 Visa students)		D		D		D¹⁰	
g. Student is a foreign student with an F-1 Visa. ¹¹		D		D		D¹¹	

FOOTNOTES

- 1 A “minor student” is under the age of 18 years. Students 18 years of age or older are adults and entitled to choose their own residence. Students may be required to conform to the same rules as minors if they wish to attend the regular high school instead of the adult high school.
- 2 Agency must be licensed by the State of Utah and meet education support and coordination requirements. Agency shall pay student fees, deposits, or other charges in accordance with state law and district policy. (See UTAH CODE ANN. §§ 62A-2-108.1 and 62A-4a-606).
- 3 A resident 21 years of age or older who is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child (see UTAH CODE ANN. § 53A-2-202(1)), and a determination has been made in accordance with district policy that all of the following criteria are satisfied:
1. The student’s physical, mental, moral, or emotional health is best served;
 2. Exigent circumstances exist that cannot be appropriately addressed under UTAH CODE ANN. § 53A-2-207 (“Open Enrollment”); AND
 3. Enrollment does not violate any other law or rule of the Utah State Board of Education.
- 4 A “minor student” (under 18 years of age) can only be emancipated by: (a) marriage; (b) court order; OR (c) determination by an authorized state administrative agency.
- 5 A “minor student” (under 18 years of age) who does not have a fixed, regular, and adequate residence. (See UTAH ADMIN. CODE R277-616 and *Stewart B. McKinney Homeless Assistance Act*, 42 U.S.C. § 11431, et seq.).
- 6
- 7 The student may be admitted as a resident if: (a) the student resides with responsible adult; (b) the responsible adult obtains an appropriate Power of Attorney from the custodial parent; (c) the responsible adult is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child (see UTAH CODE ANN. § 53A-2-202(1)); AND (d) a determination has been made in accordance with district policy that all of the following criteria are satisfied:
1. The student’s physical, mental, moral, or emotional health is best served;
 2. The student is prepared to abide by district and school policies and rules, and an appropriate “Provisional Enrollment Contract” is executed; AND
 3. Tuition is paid.
- 8 A legal contract between states which must be effectuated through Utah State Human Services and an analogous agency in another state. (See UTAH CODE ANN. § 62A-4a-701, et seq.)
- 9 Student must be admitted to school. Tuition must be paid unless the Utah State agency has assumed all financial responsibility for the student in which case the student is to be viewed as falling under category 1. b. (See UTAH CODE ANN. §§ 62A-2-108.1 and 62A-4a-606).
- 10 Exchange program and student must satisfy requirements of UTAH CODE ANN. § 53A-2-206 and UTAH ADMIN. CODE, R277-615; otherwise student pays tuition.
- 11 All foreign students with an F-1 Visa must be approved by the School Services Coordinator, live with a responsible adult with a Power of Attorney, and pay tuition.
- 12 A Power of Attorney issued by the party who has legal custody of the minor student designating the “responsible adult” as the student’s custodian and granting the “responsible adult” authority to take any appropriate action on behalf of the student, including authorization for education and medical services in the interest of the student. A Power of Attorney does not confer legal guardianship (see UTAH CODE ANN. § 53A-2-201(4)). Both the granting party and the “responsible adult” empowered by the Power of Attorney shall agree to:
1. Assume responsibility for any fees or other charges relating to the child’s education; AND
 2. If eligibility for fee waivers is claimed, provide the district with all financial information requested by the district for purposes of determining eligibility for fee waivers. (See UTAH CODE ANN. § 53A-2-201(3)).
- 13 Follow procedures set forth in Nebo School District Policy JECB, *Student Enrollment and School Transfer*. (See UTAH CODE ANN. § 53A-2-201, et seq. and UTAH ADMIN. CODE, R277-437).
- 14 Generally, a legal guardianship is the preferred way in which to enroll a student who lives in the district but whose parents live outside the state of Utah.
- 15 “Administrative Transfers” are reserved for resident students and are permitted in very special and unique circumstances to address the critical educational needs of a student. Administrative Transfers require the approval of the principals of both the receiving school and the sending school and the respective Director of Elementary Education, Secondary Education, or Special Education. Administrative Transfers may also be effectuated by the respective Director of Elementary Education, Secondary Education, or Special Education. Students transferred on Administrative Transfer are also generally placed on a “Provisional Enrollment Contract” which lists conditions of attendance in relation to behavior, grades, and attendance.