



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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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 the right under Utah law and/or an applicable court order to make enrollment decisions for the student, as more fully set forth in Section 5 below.
- 2.4. **“Custody”** is defined in Section 5 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 Enrollment are

accepted beginning November 15 through the first 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 paragraph 8.14 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 paragraph 8.14 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 paragraph 8.14 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 paragraphs 8.7 and 8.14 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 two (2) 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 two (2) 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 two (2) 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. **“Health care facility”** means the same as that term is defined in [UTAH CODE ANN. § 26-21-2](#).
- 2.10. **“Human services program”** means the same as that term is defined in [UTAH CODE ANN. § 62A-2-101](#).
- 2.11. **“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 first Friday in February for admission for the next school year, or for admission for the current school year.

- 2.12. **“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.
- 2.13. **“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.
- 2.14. **“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.
- 2.15. **“Nonresident student”** is a student who lives outside the boundaries of their assigned school attendance area.
- 2.16. **“Open Enrollment”** refers to those enrollment procedures prescribed by [UTAH CODE ANN. § 53G-6-301 et seq.](#), [UTAH ADMIN. CODE R277-437](#), and Section 8 of this policy.
- 2.17. **“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:
 - 2.17.1. 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.
 - 2.17.2. 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.
- 2.18. **“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. § 53G-6-302\(5\)](#)). 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. § 53G-6-302\(3\)](#)).
- 2.19. **“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. § 53G-6-303\(1\)](#)).
- 2.20. A **“sibling”** of a student seeking enrollment under paragraph 8.14 and for ninth grade participation in high school activities under paragraph 6.7 is defined as follows:
 - 2.20.1. a brother or sister who is currently enrolled or has been accepted for enrollment in the requested transfer school; AND
 - 2.20.2. both the sibling and the student seeking enrollment are currently in good standing in regards to their academics, attendance, and behavior.
- 2.21. **“Supervision”** and **“supervise”** is defined in [UTAH CODE ANN. § 53G-6-302](#) and means a minor child is receiving services from a state agency, local mental health authority, or substance abuse authority with active involvement or oversight; and engaged in a human services program that is properly licensed or certified and has provided the school district receiving the minor child with an education plan that complies with the requirements of [UTAH CODE ANN. § 62A-2-108.1](#).

3. NEW STUDENT REGISTRATION AND ENROLLMENT

- 3.1. Before a student can be enrolled in and attend district schools and programs for the first time, the student's parent, guardian, or other legally responsible individual ("enroller") must complete the registration process outlined in this section. The registration process may be completed using an online application.
- 3.2. As required by law, and to ensure proper student placement, the enroller must provide the district with the documents and information outlined in this section.
- 3.3. Birth certificate or other proof of identity.
 - 3.3.1. The district's new-student registration process must include written notice to enrollers that the student's birth certificate or other proof of identity is required, as described below and consistent with [UTAH CODE ANN. § 53G-6-603](#).
 - 3.3.1.1. The notice must explain that by the first day of school the enroller must provide to the district a certified copy of the student's birth certificate.
 - 3.3.1.2. The notice must direct the enroller that if the birth certificate is unavailable, the enroller may provide other reliable documentation proving the student's identity, biological age, and relationship to the enroller, along with a signed and notarized affidavit explaining why a birth certificate cannot be provided.
 - 3.3.1.3. The enroller may use a template of an affidavit provided by the District.
 - 3.3.1.4. The reliable documentation described in paragraph 7.1.1 may include:
 - 3.3.1.4.1. a religious, hospital, or physician certificate showing the student's date of birth;
 - 3.3.1.4.2. an entry in a family religious text;
 - 3.3.1.4.3. an adoption record;
 - 3.3.1.4.4. previously verified school records;
 - 3.3.1.4.5. previously verified immunization records;
 - 3.3.1.4.6. documentation from a social service provider; or
 - 3.3.1.4.7. other legal documentation, including from a consulate, that reflects the student's biological age.
 - 3.3.2. If a birth certificate or other reliable proof is not provided within 30 days of the first day of school, the District shall assign a review team to work with the person enrolling the student to determine the student's biological age for enrollment and appropriate placement in school. The review team must include at least three members, and at least one of which must have completed training on prevention of child sexual abuse and human trafficking required under [UTAH CODE ANN. § 53G-9-207](#).
 - 3.3.3. In addition to any duty to comply with the mandatory reporting requirements described in UTAH CODE ANN. §§ 53E-6-701 and 62A-4a-403, a school shall report to local law enforcement and to the Utah Criminal Investigations and Technical Services Division of the Department of Public Safety (as established in UTAH CODE ANN. § 53-10-103), any sign of child trafficking that the review team identifies in carrying out the review team's duties described in paragraph 7.1.2.

- 3.4. Immunization record.
 - 3.4.1. As provided in [UTAH CODE ANN. § 53G-9-306](#), upon enrollment of a student in a District school for the first time, the District shall request a complete and updated immunization record of the student. In the absence of an immunization record, an immunization exemption form must be completed and submitted to the school.
 - 3.4.2. Requirements for student immunizations, including conditional enrollment, are more fully described in [Nebo School District Policy JHCB, *Immunization of Students*](#).
- 3.5. Proof of residency.
 - 3.5.1. An enroller must provide proof of residency during the registration process to determine whether the student is a resident, as described in section 6.
 - 3.5.2. Proof of residency may include records of mortgage payments or lease payments, a notarized affidavit from the enroller's landlord, utility bills, valid driver's license, voter registration documentation, and church or religious records.
- 3.6. 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.
- 3.7. The payment of student fees, or waiver of fees documentation has been completed and submitted to the school.
- 3.8. The student's cumulative educational file and other educational records or information relevant to the student.
- 3.9. Toilet Training Requirement
 - 3.9.1. According to [UTAH CODE ANN. § 53G-7-203](#) and [UTAH ADMIN. CODE R277-631](#), a child may not attend kindergarten until the child is toilet trained. A child is toilet trained when the child can independently complete the following:
 - 3.9.1.1. Communicate toileting needs to an adult;
 - 3.9.1.2. Use the toilet without help;
 - 3.9.1.3. Dress and undress; and
 - 3.9.1.4. Maintain hygiene after using the toilet (ensuring clothing and restroom are free from urine or feces, hands are washed, etc.).
 - 3.9.2. Upon enrolling a student entering kindergarten, a parent shall indicate that the student is toilet trained.
 - 3.9.3. If the school administrator determines that a student who has begun kindergarten is not toilet trained, meaning the student has toileting accidents with sufficient frequency to impact the educational experience of the student or the student's peers, the school will notify the student's parent that the student will be unenrolled from kindergarten within five school days.
 - 3.9.4. Parents may contact the school counselor to request resources on toilet training, and a school counselor may provide parents with resources on toilet training. A school principal may, but is not required to, create an individualized plan for a student that permits the student's parent, for a limited time, to aid in the student's toilet training at the school. Toilet training at a school must take place in a private restroom with no other students present.

- 3.9.5. A student who has been unenrolled under paragraph 3.9.4 may be re-enrolled upon notice from the student’s parent/guardian to the school administration that the student has become toilet trained. A re-enrolled student under this paragraph is not guaranteed enrollment in the same kindergarten classroom as previously assigned. If upon re-enrollment the school administrator determines the student is still not toilet trained, the student will be unenrolled under paragraph 3.9.4.
- 3.9.6. [UTAH ADMIN. CODE R277-631](#) includes exceptions for students with disabilities or other conditions. A school may not deny or revoke the enrollment of a student who is not toilet trained if the student has an Individualized Education Program (IEP) under Nebo School District Policy JS, *Special Education*, or if the student’s lack of toilet training is due to a condition addressed in Section 504 plan. A student whose lack of toilet training is suspected to be due to a disability must be referred for an evaluation in accordance with Nebo School District Policy JR, *Section 504 of the Rehabilitation Act of 1973*.

4. ANNUAL REGISTRATION

- 4.1. The parent of a district student returning for the next school year must complete an online registration process.
- 4.2. The annual online registration process will include the following:
 - 4.2.1. Parents must review, verify, and if necessary update their contact information;
 - 4.2.2. Parents must review, verify, and if necessary update student information as requested;
 - 4.2.3. Parents and students must review and agree to district policies and procedures; and
 - 4.2.4. Parents may be requested to provide additional information to facilitate enrollment and participation in the next school year.

5. CUSTODY

- 5.1. 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 each parent when disagreements related to enrollment arise between them.
 - 5.1.1. Utah law requires a divorce decree or other order granting joint legal or joint physical custody to include a parenting plan that sets forth the decision-making authority of each parent regarding the child’s education. The parenting plan includes an education plan that designates (1) the home residence of the child for purposes of identifying the school in which the child will be enrolled, (2) the parent that has authority to make education decisions for the child if the parents cannot agree, and (3) whether one or both parents may have access to the child during school and authority to check the child out of school. When parents disagree on enrollment decisions for their child, the education plan should be consulted and followed.
 - 5.1.2. Unless otherwise set forth by court order, in cases where parents disagree on enrollment decisions of their child and no education plan is provided to the district, the parent having the child the majority of the time as set forth by court order is designated the custodial parent for purposes of enrollment.

- 5.2. In certain situations where parental rights have been terminated or suspended, 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.
- 5.3. 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.

6. RESIDENT STUDENTS

- 6.1. The district may not deny enrollment to a resident student except as permitted by law or other district policy.
- 6.2. In general, the school district of residence of a minor student is the district in which the student's custodial parent or legal guardian resides, subject to the exceptions described in this section. [UTAH CODE ANN. § 53G-6-302\(2\)](#). Accordingly, a student who lives with the student's custodial parent or legal guardian within the geographical boundaries of Nebo School District is considered a resident.
- 6.3. A student is also considered a resident of the district under the following conditions.
- 6.4. **Custodial Parent Lives in Utah:**
 - 6.4.1. State Agency. A minor student is 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), local mental health authority, or substance abuse authority. Documentation of the custody or supervision must be provided to and approved by the Coordinator of School Services.
 - 6.4.2. Child Placement Agency. A minor student is 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.
 - 6.4.3. Exigent Circumstances. A minor student is 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 in accordance with rules made by the USBE that all of the following criteria are satisfied:
 - 6.4.3.1. the student's physical, mental, moral, or emotional health is best served;
 - 6.4.3.2. exigent circumstances exist that cannot be appropriately addressed under the Open Enrollment procedures set forth in Section 8 below (see [UTAH CODE ANN. § 53G-6-401, et seq.](#) and [UTAH ADMIN. CODE R277-437](#));
 - 6.4.3.3. the enrollment of the student does not violate any other law or rule of the Utah State Board of Education; AND
 - 6.4.3.4. the responsible adult resident is 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.
 - 6.4.4. Human Services Program. A minor student is a resident if the student lives in the district while 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 in accordance with rules made by the USBE that all of the following criteria are satisfied:

- 6.4.4.1. (a) the student’s physical, mental, moral, or emotional health is best served;
 - 6.4.4.2. (b) exigent circumstances exist that cannot be appropriately addressed under the Open Enrollment procedures set forth in Section 8 below (see [UTAH CODE ANN. § 53G-6-401](#), et seq. and [UTAH ADMIN. CODE R277-437](#)); AND
 - 6.4.4.3. (c) the enrollment of the student does not violate any other law or USBE rule.
- 6.4.5. Educational Service Provider. A minor student is a resident if the student and the student’s custodial parent live in Utah and the student has been accepted in a District program offered through a contracted Educational Service Provider in accordance with the contract.

6.5. Custodial Parent Lives outside of Utah:

- 6.5.1. Relative. A minor student is a resident if the student lives in the district with a responsible adult who is a resident of the district and is the child’s noncustodial parent, grandparent, brother, sister, uncle, or aunt, and a determination has been made by the Coordinator of School Services that all of the following criteria are satisfied:
 - 6.5.1.1. the student’s presence in the district is not for the primary purpose of attending school;
 - 6.5.1.2. the responsible adult is given authority by a Durable Power of Attorney by the individual(s) who has legal custody of the minor student;
 - 6.5.1.3. the student’s physical, mental, moral, or emotional health is best served;
 - 6.5.1.4. the student is prepared to abide by district and school policies and rules; AND
 - 6.5.1.5. tuition is paid.
- 6.5.2. Parents Moved from Utah. A minor student is 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 that all of the following criteria are satisfied:
 - 6.5.2.1. The student and the student’s custodial parent or guardian previously lived within the geographical boundaries of the district, the student was enrolled in and attending a district school, and the student’s custodial parent or guardian has moved from Utah but left the student living within the district’s geographical boundaries without unenrolling the student from a district school;
 - 6.5.2.2. The student’s parent or guardian has executed a Durable Power of Attorney that delegates powers regarding care, custody, property, and schooling to a responsible adult with whom the student resides;
 - 6.5.2.3. The responsible adult with whom the student resides is a resident of the district;
 - 6.5.2.4. The student’s physical, mental, moral, or emotional health is best served by considering the student to be a resident for school purposes;
 - 6.5.2.5. The student is prepared to abide by district and school policies and rules; AND

6.5.2.6. The student’s attendance in the school will not be detrimental to the school or district.

6.6. Married or Emancipated

A minor student is a resident if the student lives in the district and is married or has been determined to be an emancipated minor by a court of law or a state administrative agency authorized to make that determination.

6.7. Homeless Students

A minor student is 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.

6.8. Interstate Compact on the Placement of Children

A minor student is a resident if the student lives in the district and is supervised by a Utah State agency under the Interstate Compact on the Placement of Children, effectuated through the Utah Department of Human Services and an analogous agency in another state. [UTAH CODE ANN. § 62A-4a-701](#). Tuition must be paid unless the Utah agency has assumed all financial responsibility for the student (see [UTAH CODE ANN. §§ 62A-2-108.1](#) and [62A-4a-606](#)). Student enrollment under this provision requires approval by the Coordinator of School Services.

6.9. Foreign Exchange Students

6.9.1. A minor student is 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. § 53G-6-707](#) and [UTAH ADMIN. CODE R277-612](#). Students to be enrolled under this paragraph must be approved by the Coordinator of School Services. 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.

6.9.2. The District does not support F-1 Visa students.

6.10. Military Students

6.10.1. 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”), [UTAH CODE ANN. § 53E-3-901](#) et seq., 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:

6.10.1.1. 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.

6.10.1.2. 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.

- 6.10.1.3. Facilitating the qualification and eligibility for participation in educational programs, and in extracurricular, academic, athletic, and social activities.
- 6.10.1.4. Facilitating the on-time graduation of children of military families.
- 6.10.1.5. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under the Interstate Compact.
- 6.10.1.6. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.
- 6.10.2. The district may not charge tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis.
- 6.10.3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis, may continue to attend the school in which the student was enrolled while residing with the custodial parent.
- 6.10.4. Provisional Enrollment.
 - 6.10.4.1. An eligible student under this subsection is a student who is a dependent child of a member of the uniformed services who is:
 - 6.10.4.1.1. Relocating to the state and does not reside in the state during the district’s enrollment period; or
 - 6.10.4.1.2. relocating out of the state during the school year.
 - 6.10.4.2. Provisional enrollment under this subsection means enrollment in the district by an eligible student
 - 6.10.4.2.1. Before the eligible student relocates to the state, or
 - 6.10.4.2.2. after the eligible student’s parent relocates out of the state, but before the eligible student relocates out of the state.
 - 6.10.4.3. The district shall allow an eligible student to:
 - 6.10.4.3.1. Provisionally enroll in a district school at the same time and in the same manner as individuals who reside in the state, or
 - 6.10.4.3.2. Provisionally enroll in the district’s virtual education options in the same manner as an individual residing in the state.
 - 6.10.4.4. The district may not require proof of residency from an eligible student at the time the eligible student applies to enroll in the district. Instead, the district shall require proof of residency within 10 days after the eligible student’s first day of residence in the state.

7. SCHOOL AND PROGRAM ENROLLMENT

- 7.1. Except as provided in this section, an enrolled resident student must be enrolled in the school in which boundaries the student is a resident according to section 6.
- 7.2. Notwithstanding paragraph 7.1, the district may assign a student to attend a school or program other than that in which the student is a resident.

- 7.3. 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.
- 7.4. **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.
- 7.5. **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:
- 7.6. **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.
- 7.7. **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. § 53G-6-401, et seq.](#) and [UTAH ADMIN. CODE R277-437](#) (see Section 8 below).
- 7.8. **Administrative Transfer:** The district may, in its sole discretion, transfer a student to a nonresident 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.
- 7.8.1. 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 Elementary Education, Secondary Education, Special Education, or other designated district official may also be involved, as appropriate, in regards to a proposed transfer.
- 7.8.2. 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.

- 7.8.3. 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.
- 7.8.4. 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.
- 7.8.5. 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.
- 7.8.6. Administrative Transfers must be approved when transitioning from elementary school to middle, from middle to junior high, and from junior high to high school.
- 7.8.7. 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.

8. 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. Application for Open Enrollment may be made during the Early Enrollment Period or the Late Enrollment Period, as described in this section. A student has a better opportunity of being accepted during the Early Enrollment Period rather than the Late Enrollment Period. 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 8 and in [UTAH CODE ANN. § 53G-6-401, et seq.](#) and [UTAH ADMIN. CODE R277-437](#).

8.1. District Responsibilities:

- 8.1.1. The district 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.

- 8.1.2. 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.
- 8.1.3. 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.
- 8.1.4. 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.

8.2. Application During the Early Enrollment Period

- 8.2.1. Early Enrollment applications shall be submitted to the district using the process described on the District website.
- 8.2.2. Applications must be timely submitted. Applications are accepted from November 15 through the first Friday in February for enrollment to begin the following school year in the requested school/program of the district. Applications received after the first Friday in February will not be considered during the Early Enrollment Period.
- 8.2.3. 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”).
- 8.2.4. The student’s application shall identify the reason(s) for enrolling in the requested school/program in the district.
- 8.2.5. 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.
- 8.2.6. All submitted applications must also include a five-dollar (\$5.00) processing fee.

8.3. Application During the Late Enrollment Period

- 8.3.1. Late Enrollment applications shall be submitted to the district using the process described on the District website.
- 8.3.2. Late Enrollment means
 - 8.3.2.1. Application for admission during the current school year, and
 - 8.3.2.2. Application submitted after the first Friday in February for admission for the next school year.

8.3.3. Notification of Acceptance or Rejection

8.3.3.1. Parents will be notified of acceptance or rejection of Late Enrollment applications for the next school year within two weeks of receipt of the application or by the Friday before the new school year begins, whichever is later.

8.3.3.2. Parents will be notified of acceptance or rejection of Late Enrollment applications for the current school year within two weeks after receipt of the application.

8.3.4. Students whose Late Enrollment applications are accepted by the district during the current school year may enroll only within the first two (2) weeks of each term.

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

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

8.4. Acceptance and Rejections of Applications.

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

8.4.1.1. For an elementary school, the capacity of a grade level.

8.4.1.2. For a secondary school, the capacity of a comprehensive program.

8.4.1.3. The ability to maintain a heterogeneous student population.

8.4.1.4. 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.

8.4.1.5. Not offering, or having capacity in, an elementary or secondary special education class or other special program the student requires.

8.4.1.6. The willingness of a prospective student to comply with district and school policies.

8.4.1.7. Giving priority to intradistrict transfers over interdistrict transfers.

8.4.1.8. 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.

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

8.4.2.1. Previous academic achievement.

8.4.2.2. Athletic or other extracurricular ability.

8.4.2.3. Special education services for which space is available.

8.4.2.4. Proficiency in the English language.

- 8.4.2.5. The student's race, color, religion, gender, national origin, disability, or any other classification protected by law.
- 8.4.2.6. Previous disciplinary proceedings, except as provided in paragraph 8.4.1.8. Notwithstanding the foregoing, the district may, in its sole and absolute discretion, provide for provisional enrollment of a student with prior behavior problems and establish terms and conditions under which enrollment of the student would be permitted or continued.
- 8.5. The district office shall provide written notification to the student's parent(s) / legal guardian(s) of acceptance or justification for the rejection of any Early Enrollment applications and Late Enrollment applications within the time periods set forth above.
- 8.6. The district office shall also provide written notification to the resident school district upon acceptance of a nonresident student for enrollment.
- 8.7. A student enrolled in a nonboundary school under the Open Enrollment procedures is generally eligible to participate in extracurricular activities at the school consistent with eligibility standards as applied to students that reside within the school attendance area, subject to the following.
 - 8.7.1. Notwithstanding the foregoing, students are subject to eligibility guidelines established by the Utah State Board of Education and UHSAA regarding student participation in interscholastic competition. Specifically, there is no presumption of eligibility for participation in UHSAA sanctioned activities for students transferring schools under these Open Enrollment procedures. School transfers may adversely affect the student's eligibility to participate in athletics sanctioned by UHSAA. All transfers must be in compliance with Utah law, Nebo School District policies, Utah State Board of Education rules, and the constitution, bylaws, policies, and rules of UHSAA.
 - 8.7.2. A student's application for open enrollment must be approved before the student may register or try out for any groups or teams associated with that school.
 - 8.7.3. 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 an application and receive approval for their student to attend a high school that is not the student's resident high school.
 - 8.7.4. Ninth grade students may participate only on teams, groups, and other extracurricular programs of the high school:
 - 8.7.4.1. in which boundaries the student is a resident under section 6;
 - 8.7.4.2. at which a sibling of the student currently attends;
 - 8.7.4.3. at which the student's custodial parent /legal guardian is employed; or
 - 8.7.4.4. whose boundary is the same as the junior high school where the student is currently enrolled or has been accepted for enrollment.
 - 8.7.5. For purposes of subsection 8.7.4:
 - 8.7.5.1. a ninth grade student's resident high school is determined by the address of the student's custodial parent(s)/legal guardian(s) and the school boundary area associated with that address;
 - 8.7.5.2. the "sibling" of the student must meet the qualifications and definition set forth in paragraph 2.18;

- 8.7.5.3. 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 paragraph 2.7; and
 - 8.7.5.4. the junior high school where the student is currently enrolled or has been accepted for enrollment is the boundary feeder school for the high school.
- 8.8. Students who enroll in schools/programs through the Open Enrollment procedures are subject to compliance with all district and school policies, rules, and procedures.
- 8.9. Once enrolled in a nonresident school, the student may remain enrolled in that school consistent with paragraph 8.12 and 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, until one of the following occurs:
- 8.9.1. The student graduates from high school;
 - 8.9.2. The student is no longer a Utah resident;
 - 8.9.3. The student is suspended or expelled from school; OR
 - 8.9.4. The district determines that enrollment within the particular school/program will exceed Open Enrollment Threshold capacities.
- 8.10. The determination of which nonresident student(s) will be excluded from continued enrollment in the nonresident school during a subsequent year (as per Paragraph 6.9.4 above) is based upon time in the nonresident school, 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 in the district in accordance with [UTAH ADMIN. CODE R277-437](#).
- 8.11. 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.
- 8.12. The district shall designate the schools which students shall attend as they progress from elementary school to middle school, junior high school, and 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 nonresident school under the Open Enrollment procedures are not automatically enrolled in the next designated middle school, junior high school, or high school. Students must submit another Open Enrollment application for each school or program.
- 8.13. A student who is enrolled in a school that is not the student’s school of residence because school bus service is not provided between the student’s neighborhood and the school of residence for safety reasons: (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 Middle School, Junior High School and High School into which the school’s students feed until the student graduates from high school.
- 8.14. 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.

- 8.15. 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.
- 8.16. 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.
- 8.17. 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.
- 8.18. Appeal Process:
 - 8.18.1. 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.
 - 8.18.2. 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 a review by the Superintendent, or his/her designee, within ten (10) calendar days.
 - 8.18.3. 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 review the Appeals Committee’s decision and either uphold or overturn it. The Superintendent or designee shall communicate his/her decision to the student’s parent(s) / legal guardian(s). The Superintendent’s, or his/her designee’s, 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.
 - 8.18.4. 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.

8.19. Funding:

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

8.19.2. 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.

8.20. 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.

9. STUDENT REGISTRATION FOR NON-UTAH RESIDENTS

In order to comply with Utah law and to ensure 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:

- 9.1. Schools shall not register nonresident, foreign exchange, or privately placed foreign students without authorization from the Coordinator of School Services.
- 9.2. 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.
- 9.3. All documentation and information described in Section 3 above.
- 9.4. 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

- [Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. § 11431](#)
- [Interstate Compact on Educational Opportunity for Military Children -- UTAH CODE ANN. § 53E-3-901, et seq.](#)
- [UTAH CODE ANN. § 30-3-10 through 10.9](#)
- [UTAH CODE ANN. § 53G-6-301 et seq.](#)
- [UTAH CODE ANN. § 53G-6-401, et seq.](#)
- [UTAH CODE ANN. § 53G-6-503](#)
- [UTAH CODE ANN. § 56G-6-707](#)
- [UTAH CODE ANN. § 62A-2-108.1](#)
- [UTAH CODE ANN. § 62A-4a-606](#)
- [UTAH CODE ANN. § 62A-4a-701](#)
- [UTAH ADMIN. CODE R277-437](#)
- [UTAH ADMIN. CODE R277-472](#)
- [UTAH ADMIN. CODE R277-612](#)
- [UTAH ADMIN. CODE R277-616](#)

[Nebo School District Policy JECC, *Students in Homeless Situations*](#)
[Nebo School District Policy JHCB, *Immunization of Students*](#)

FORMS

[None]

HISTORY

Revised 8 January 2024 – added requirement that students be toilet trained per HB 331 (2024); removed provisional enrollment contract from resident categories.

Revised 7 February 2024 – added category of resident student for those accepted into a Nebo educational service provider program.

Revised 10 August 2022 – added another category for a ninth grade student to be eligible to participate in extra-curricular activities at the high school whose boundary is the same as the junior high school where the student is currently enrolled or has been accepted for enrollment; revised the definitions of “employee” and “sibling.”

Revised 11 May 2022 – changed early open enrollment from December 1-third Friday in February to November 15-first Friday in February, per HB380 (2022); revised birth certificate requirements per HB230 (2022); added sections describing annual registration and enrollment; clarified open enrollment procedures.

Revised 14 July 2021 – added definitions per HB125 (2017) and HB416 (2019); added provisional enrollment for children of uniformed service members per SB145 (2021); reorganized and added headings; updated citations; revised section on open enrollment application; made technical changes.

Revised 9 May 2018 – added education plan to definition of custody per HB48 (2018); added provision for residence of student if parents move from state per HB178 (2018); clarified capacity of secondary school comprehensive program per SB148 (2018); simplified review process for open enrollment denial.

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 10 September 2008 – title changed to “Student Enrollment and School Transfer”; administrative procedures incorporated into policy; scope expanded beyond open enrollment to include custody, enrollment of resident students, in-district transfers, early and late open enrollment, and registration for Utah residents and non-Utah residents.

Adopted 9 December 1992 – policy adopted as “Admission of Non-Resident Students to Facilitate the Concept of ‘Choice,’” in accordance with HB 202 (1990), which enacted UTAH CODE ANN. §§ 53A-2-207 through 213, establishing the open enrollment program.

**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 ¹²	REQUIRES POWER OF ATTORNEY ¹¹	MUST ADMIT IF MEETS MCKINNEY CRITERIA	CHARGE TUITION	MAY ADMIT UNDER ADMINISTRATIVE TRANSFER ¹⁴
1. Parent or legal guardian of minor¹ <u>lives in district:</u>							
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 <u>lives out of district but within Utah:</u>							
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		
2. Both parents of minor¹ <u>live outside Utah:</u>							
a. Student lives with person designated by the court as legal guardian. ¹³	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	

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. § 53G-6-303\(1\)](#)), 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. § 53G-6-402](#) (“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. § 53G-6-303\(1\)](#)); 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
 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. § 53G-6-707](#) and [UTAH ADMIN. CODE, R277-612](#); otherwise student pays tuition.
- 11 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. § 53G-6-302\(4\)](#)). 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. § 53G-6-302\(3\)](#)).
- 12 Follow procedures set forth in [Nebo School District Policy JECB, Student Enrollment and School Transfer](#). (See [UTAH CODE ANN. § 53G-6-302](#) and [UTAH ADMIN. CODE, R277-437](#)).
- 13 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.
- 14 “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.