



Effective 5/9/2017

53A-1a-506. Eligible students.

- 1) As used in this section:
  - a) "At capacity" means operating above the school's open enrollment threshold.
  - b) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
  - c) "Open enrollment threshold" means the same as that term is defined in Section 53A-2-206.5.
  - d) "Refugee" means a person who is eligible to receive benefits and services from the federal Office of Refugee Resettlement.
  - e) "School of residence" means the same as that term is defined in Section 53A-2-206.5.
  
- 2) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section and Section 53A-1a-506.5.
  - (a) A charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the charter school.
  - (b) If the number of applications exceeds the capacity of a program, class, grade level, or the charter school, the charter school shall select students on a random basis, except as provided in Subsections (4) through (8).
  
- 3) A charter school may give an enrollment preference to:
  - (a) a child or grandchild of an individual who has actively participated in the development of the charter school;
  - (b) a child or grandchild of a member of the charter school governing board;
  - (c) a sibling of an individual who was previously or is presently enrolled in the charter school;
  - (d) a child of an employee of the charter school;

- (e) a student articulating between charter schools offering similar programs that are governed by the same charter school governing board;
  - (f) a student articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board; or
  - (g) a student who resides within a two-mile radius of the charter school and whose school of residence is at capacity.
- 4)
- (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g), a charter school that is approved by the State Board of Education after May 13, 2014, and is located in a high growth area as defined in Section 53A-1a-502.5 shall give an enrollment preference to a student who resides within a two-mile radius of the charter school.
  - (b) The requirement to give an enrollment preference under Subsection (5)(a) does not apply to a charter school that was approved without a high priority status pursuant to Subsection 53A-1a-502.5(7)(b).
- 5) If a district school converts to charter status, the charter school shall give an enrollment preference to students who would have otherwise attended it as a district school.
- (a) A charter school whose mission is to enhance learning opportunities for refugees or children of refugee families may give an enrollment preference to refugees or children of refugee families.
  - (b) A charter school whose mission is to enhance learning opportunities for English language learners may give an enrollment preference to English language learners.
- 6) A charter school may weight the charter school's lottery to give a slightly better chance of admission to educationally disadvantaged students, including:
- (a) low-income students;
  - (b) students with disabilities;
  - (c) English language learners;
  - (d) migrant students;
  - (e) neglected or delinquent students; and
  - (f) homeless students.
- 7) A charter school may not discriminate in the charter school's admission policies or practices on the same basis as other public schools may not discriminate in admission policies and practice