Admissions and Attendance Eligibility and Admissions Requirements

Minimum Age

The District may enroll children in school who are at least five years old before September 2 of the year in which admission is sought. The District may enroll a child in kindergarten who does not meet this age requirement if the child moves to Utah from a different state in which the child, during the school year, was a resident and was enrolled in kindergarten in accordance with the prior state's kindergarten age requirements and transfers to the enrolling school after the beginning of the same school year. The District may also enroll children as provided for in Policy FBAB, Military and DOD Civilian Children.

Utah Code § 53G-4-402(8) (2026)

Student Residency (Parent or Guardian Resides in Utah)

The district of residence of a minor child whose custodial parent resides in Utah is:

1. The school district in which the custodial parent resides; or

2. The District in which the child resides;

a. While in the custody or under the supervision of a Utah state agency, local mental health authority, or substance abuse authority;

b. While under the supervision of a private or public agency authorized to provide child placement services by the state of Utah;

c. If the child is married or has been determined to be an emancipated minor by a court of law or authorized administrative agency;

d. The child resides in the District while living with a responsible adult resident of the District who has been designated as the child's custodian through a durable power of attorney as provided for in this policy and the District has been determined to be the child's district of residency as provided for in "Alternative District of Residency" below; or

e. The child is receiving services from a health care facility or human services program (as defined by Utah Code § 26B-2-201 and Utah Code § 26B-2-101) and the District has been determined to be the child's district of residency as provided for in "Alternative District of Residency" below.

Utah Code § 53G-6-302(1), (2) (2024)

Utah Admin. Rules R277-621 (September 24, 2021) 3. A "responsible adult resident" is an individual who is 21 years old or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child.

Utah Code § 53G-6-303(1) (2024)

Alternative District of Residency

Procedure When a student's parent or legal guardian resides in Utah but not within the District, and the student resides in the District, the parent or legal guardian may request a determination that the District is the student's alternative district of residency by filing a written request with the District for that determination. The written request shall demonstrate that:

1. the child's physical, mental, moral or emotional health will be best served by considering the child to be a resident for school purposes;

2. exigent circumstances prevent the case from being considered under the procedures provided for in this policy for interdistrict transfers (see "'Open Enrollment' for Utah Resident Students," below); and

3. considering the child to be a resident of the District will not violate any other law or rule of the State Board of Education.

Utah Admin. Rules R277-621-3(1) (September 24, 2021)

Utah Code § 53G-6-302(2)(b)(iii), (iv) (2024)

For alternative district requests, the District designates the District Superintendent as its review official. Upon receipt of an alternative district request, the review official shall review the request in light of the requirements set forth above and within 10 business days make a recommendation to the Board of Education (or its designee) on whether the student should be treated as a resident of the District.

Utah Admin. Rules R277-621-3(2) (September 24, 2021)

The Board of Education (or its designee) shall review the request and the recommendation and determine, based on the criteria set forth above, whether to grant or deny the request. The decision shall be in writing and shall set for the reasons for approval or denial in accordance with the criteria.

Utah Admin. Rules R277-621-3(5) (September 24, 2021)

If the request is denied by the Board of Education, the student or parent may appeal the denial to the State Superintendent within 10 business days. The State Superintendent will rule on the appeal within 10 business days.

Utah Admin. Rules R277-621-3(6) (September 24, 2021)

Requirements

Pending a decision on the request, the district of residence of the student's custodial parent or legal guardian is responsible for the student's education services. If the request is approved, the District shall immediately enroll the student and assume responsibility for providing educational services to the student.

Utah Admin. Rules R277-621-3(3), (4) (September 24, 2021)

If the request is approved and the student qualifies for services under IDEA, the District shall conduct an IEP meeting with representation from the District and from the student's prior district (the district of residence of the student's custodial parent or legal guardian).

Utah Admin. Rules R277-621-3(7) (September 24, 2021)

The District is not responsible for a student's required transportation between a health care facility or a human services program facility and the District's facility.

Utah Admin. Rules R277-621-4(3) (September 24, 2021)

The Board of Education or its designee may periodically re-evaluate the student's eligibility for educational services from the District.

Utah Admin. Rules R277-621-4(4) (September 24, 2021)

Students Attending a Private Human Services Program

When the District is established as the alternative district of residence of a student while the student is attending a private human services program, the student is entitled to educational services from the District at District facilities, as determined by the District. The District is not required to provide educational services on site at the private human services program facility unless the District's IEP team determines that on-site services are required to meet the needs of the student under federal law.

Utah Admin. Rules R277-621-4(1), (2) (September 24, 2021)

Student Residency (Parent or Guardian Does Not Reside in Utah)

A minor child whose parent or legal guardian does not reside within Utah may be considered a resident of the District in which the child lives if it is established to the satisfaction of the local Board that:

1. The child is either married or has been determined to be an emancipated minor by a court of law or authorized state administrative agency;

2. The child was placed and is being supervised by a child placing agency which is authorized by the State of Utah to provide residential or child placement services and the agency is paying the child's tuition and fees to the extent required by Utah Code § 26B-2-131;

3. The child is in custody or under the care of a Utah state agency;

Utah Code § 26B-2-131 (2023) 4. The child lives with a resident of the District who is a responsible adult and whom the District agrees to designate as the child's legal guardian as provided for below; or

5. The District, in its sole discretion may accept a non-emancipated student as a resident of the District if each of the following are demonstrated to the Board's satisfaction:

a. The child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and

b. The child is prepared to abide by the rules and policies of the District; and

c. The person with whom the child resides in the District has been given authority in a durable power of attorney, as specified below, which the District agreed in its sole discretion to accept; and

d. One of the following two sets of circumstances exists:

i. The child lives with a responsible adult who resides in the District and is the student's non-custodial parent, grandparent, brother, sister, uncle or aunt and the child's presence in the District is not for the primary purpose of attending the public schools; or

ii. The child's parent has moved from the state, and the child resides with a responsible adult who resides in the District, and the child's attendance in the school will not be detrimental to the school or to the District.

Utah Code § 53G-6-302(3) (2024)

NOTE: A document issued by other than a court of law that purports to award guardianship to a person who is not a resident of the jurisdiction in which guardianship is awarded is not valid until reviewed by a court of law.

Durable Power of Attorney

In certain circumstances identified above, a durable power of attorney must be obtained before a child can be admitted to attend school within the District. This durable power of attorney does not confer legal guardianship. In order to be sufficient, this durable power of attorney must be issued by the person who has legal custody of the child and must grant the custodian full authority to take any appropriate action in the interests of the child, including delegating powers regarding care, custody, and property, including authority over schooling. In addition, the person with legal custody of the child (the grantor of the power of attorney) and the person who the child is to reside with (the person empowered by the power of attorney) must both agree to:

1. Assume responsibility for any fees (as defined in Policy FI) related to the child's education in the District, and

2. Provide the District with all requested financial information needed to determine eligibility for fee waivers, if those are claimed.

Utah Code § 53G-6-302(4) (2024)

Utah Code § 75-5-103 (2018)

Forms for this power of attorney and for acceptance of custodianship are provided below. Guardianship for Residency Purposes

Subject to the District's acceptance and approval, a responsible adult resident residing in the District may obtain guardianship of a child whose custodial parent does not reside in the District for the limited purpose of establishing school district residency of a minor child by submitting to the Superintendent a signed affidavit by the child's parent which states that:

1. The child's presence in the district is not for the primary purpose of attending the public schools;

2. The child's physical, mental, moral or emotional health would be best served by transfer of guardianship to a Utah resident;

3. The affiant is aware that designation of a guardian is equivalent to a Court established guardianship and will suspend or terminate any existing parental or guardianship rights in the same manner as a court-established guardianship;

4. The affiant consents and submits to suspension or termination of parental or guardianship rights;

5. The affiant submits to jurisdiction of Utah State courts in which the District is located for any action related to guardianship or custody of the student;

6. The affiant designates the responsible adult resident as agent to accept service of process and notice; and

7. It is the affiant's intent that the student become a permanent resident of the District under the supervision of the responsible adult. The responsible adult must also submit a signed affidavit stating that:

1. The affiant is a resident of the school district and desires to become the guardian of the student;

2. The affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;

3. The affiant will accept responsibilities of guardianship to provide adequate supervision, discipline, food, shelter, educational and emotional support, medical care and pay all school fees; and

4. The affiant accepts the parent or prior guardian's appointment of agency. Forms for the affidavits of the parent and the responsible adult are provided below. If the child's custodial parent cannot be found in order to execute the statement required under subsection (6), then the responsible adult resident must submit a signed affidavit to that effect to the District. A form for this affidavit is provided below. The District shall also submit a copy of the affidavit to the Criminal Investigations and Technical Services Division of the Department of Public Safety.

The student who lives with the responsible adult must submit a signed affidavit stating that:

1. The student desires to become a permanent resident of the State of Utah and reside in the District with and be responsible to the named responsible adult; and

2. The child will abide by rules and policies of the district and schools. A form for this affidavit is provided below. The District may require the responsible adult to also submit any other relevant documents that it reasonably believes to be necessary to substantiate any claim made in connection with the application. Upon receipt of the required information and documentation, and a determination by the board that the information is accurate, that the requirements have been met, and that the interests of the child would best be served by granting the guardianship, the Board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant. The District shall deliver the original documents filed with the District, together with a copy of the designation of guardianship issued by the District, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the District is located. Intentional submission to the District of fraudulent or misleading information under this policy is punishable under Utah Code § 76-8-504. If the District has reason to believe that a party has intentionally submitted false or misleading information under this part, it may, after notice and opportunity for the party to respond to the allegation:

1. void any guardianship, authorization, or action which was based upon the false or misleading information; and

2. recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees (as defined in Policy FI), and other unpaid school charges, together with any related costs of recovery.

Utah Code § 53G-6-303 (2024)

Appeal of Guardianship Denial

If the Board denies the application for a guardianship designation, the applicant may either appeal the denial to the Utah district court where the District is located or may file an original petition for guardianship with the court.

Utah Code § 53G-6-303(5) (2024)

Termination of Guardianship

A guardianship designation issued by the District may be terminated, and the authority and responsibility of the prior custodial parent may be restored, upon submission to the District of:

1. a signed affidavit by the person who consented to the guardianship which requests termination of the guardianship, or

2. a signed written request by the designated guardian requesting termination of the guardianship. If the District determines that it would not be in the best interests of the child to terminate the guardianship, the District may refer the request for termination to the Utah district court where the original guardianship documents were submitted. If the District determines, after giving notice and an opportunity to respond, that an individual has intentionally submitted false or misleading information to the District in connection with a guardianship designation, the District may

1. void any guardianship, authorization, or action which was based on the false or misleading information, and

2. recover from the person submitting the false or misleading information the full cost of any benefits received by the child based on the false or misleading information, including tuition, fees (as defined by Policy FI), and other unpaid school charges, along with any related costs of recovery. A student whose guardianship or enrollment has been terminated may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Utah Code § 53G-6-303 (2024)

Tuition

The board shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls unless the board, in open meeting, determines to waive the charge for that child in whole or in part. The official minutes of the meeting shall reflect the determination.

Utah Code § 53G-6-306(3) (2025)

Tuition for Education Outside of the District

If the Board so determines, it shall pay tuition to any accredited district outside the state with which it has a written agreement to educate students attending school in the out-of-state district. The agreement shall be approved by both districts and filed with the State Board of Education. The District is not required to pay tuition to any district with which it has not contracted.

Utah Code § 53G-6-305 (2019)

All documents submitted for proof of guardianship shall be kept by the District until the student has reached 18 years old unless the District receives a valid court order to do otherwise.

Utah Code § 53G-6-303(9) (2024)

The District may require evidence that a child is eligible to attend the public free schools of the District at the time it considers an application for admission of the child. The District may withdraw any student who ceases to be a resident; however, a student who guardianship or enrollment has been terminated under this policy may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Plyler v. Doe, 102 S. Ct. 2382 (1982)

Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984) “Open Enrollment” for Utah Resident Students

The Board is responsible for providing educational services consistent with Utah state law and rules of the State Board of Education for each student within the District and—to the extent reasonably feasible and in accordance with the limitations and provisions herein—for any student who resides in another district in the state and desires to attend a school in the District. For purposes of “open enrollment,” the following definitions apply:

1. “Early enrollment” means:

a. application between November 15 and the first Friday in February for admission for the next school year to a school that is not a student's school of residence; or

2. “Early enrollment for grade reconfiguration” means

a. application between August 1 through November 1 for admission for the next school year to a school that is not a student’s school of residence if:

i. the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and

ii. that grade reconfiguration will be implemented in the next school year.

3. “Late enrollment” means application:

a. after the first Friday in February for admission for the next school year to a school that is not the student's school of residence; or

b. for admission for the current year to a school that is not the student’s school of residence.

4. “Nonresident student” means a student who lives outside the boundaries of the school attendance area.

5. “Open enrollment threshold” means the school enrollment levels (for early enrollment or late enrollment) determined under Utah Code § 53G-6-401 and regulations established by the Utah State Board of Education.

6. “School of residence” means the school that a student is assigned to attend based on the student’s place of residence.

7. “School attendance area” means an area established by the Board of Education from which students are assigned to attend a certain school.

Utah Code § 53G-6-401 (2019)

Utah Code § 53G-6-402(4)(b) (2025)

If a school’s average daily membership falls below the open enrollment threshold, the Board shall allow nonresident students to enroll in the school. If a school’s average daily membership is above the open enrollment threshold, the Board may, in its discretion, allow enrollment of nonresident students in the school upon satisfactory completion of the application process set forth herein. The Board shall provide written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period beginning August 1 and ending November 1 if the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and the grade reconfiguration will be implemented in the next school year. The Board shall make information about the District, its schools, programs, policies and procedures available to all students who are residents of the State and express an interest in transferring into the District or in transferring to another school within the District. In order for a Utah student to attend a District school other than the student’s school of residence, the nonresident

student’s parent must submit an application to the District on a form provided by the State Board of Education. To be considered as an “early enrollment” application, the student’s parent must submit the application from August 1 to November 1 if there is a district wide grade reconfiguration the following school year or from December 1 through the third Friday in February prior to the school year of application for initial enrollment to begin the following school year in the District. Applications which are submitted for the current school year or after the third Friday in February for the following school year will be considered as “late enrollment” applications.

Utah Code § 53G-6-401 (2019)

The District shall charge applicants a one-time $5.00 processing fee to be paid at the time of application.

Utah Code § 53G-6-402(5) (2025)

Open Enrollment Applications Following Boundary Changes

Notwithstanding the early and late open enrollment application deadlines, a student who is affected by a school boundary change may submit an open enrollment application within 30 days after the day on which the boundary change takes effect.

Utah Code § 53G-6-402(4)(b)(v) (2025)

Utah Code § 53G-4-402(24)(f)(ii) (2026)

Notice of Acceptance or Rejection of Application

For an early enrollment application, the District shall provide written notice of acceptance or rejection of that application within six weeks after receipt of the application by the District or by March 31 whichever is later. For a late enrollment application for the following school year, written notice of acceptance or rejection shall be provided within two weeks of the District's receipt of the application or by the Friday before the new school year begins, whichever is later. For a late enrollment application for the current school year, written notice of acceptance or rejection shall be provided within two weeks of the District's receipt of the application. For an application submitted by a student affected by a boundary change, written notice of acceptance or rejection shall be given within two weeks after receipt of the application. Written notice of acceptance of an application for enrollment shall also be sent to the nonresident student's school of residence (for intradistrict transfers) or district of residence (for intradistrict transfers).

Utah Code § 53G-6-402(4)(b)(vi), (vii) (2025)

Denial of Enrollment Appeal

Denial of initial or continuing enrollment of a nonresident student may be appealed to the Board. Written notice of the request for appeal to the Board must be submitted to the Board within fifteen (15) days of the date of the Board's denial of the application. The decision of the Board shall be upheld in any subsequent proceedings unless the Board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Utah Code § 53G-6-404 (2019)

Standards for Application

Acceptance or rejection of an application shall be determined on an individual basis. Standards applied to each application include at least the following: No nonresident student shall be allowed to voluntarily enroll in programs within the District unless, on a case by case basis, the District determines that there is capacity for additional students in the program for which the nonresident student applies, and that there is adequate space, facilities, and teacher availability in the class, grade level and school building for which the student applied. For secondary schools, the District may also consider the capacity of a comprehensive program in determining to accept or reject an application.

The District shall give priority to a student who is a child of a military service member or a child of a DOD civilian (as defined in Utah Code § 53H-11-202.) The District shall maintain

heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students. The District shall not be required to provide any program that it has not previously provided to its own students. If the District does not offer a program that the student requires, that fact shall be considered in reviewing the student's application. The District shall consider the willingness of prospective students to comply with District policies. The District shall consider whether an applicant's brother or sister is attending the requested school or another school in the District. The District may give preference to applicants from students residing within the District over applications from students who do not reside within the District. The District may consider whether the requested transfer is needed for the student's health or safety. The District may reject an application for transfer for the current school year when the student has already transferred to another school for the current school year under open enrollment (whether that was effective at the beginning of the school year or during the school year). Standards may not include previous academic achievement, athletic or other extra-curricular ability, the fact that the student requires special education services for which space is available, previous disciplinary proceedings, except that the District may deny applications from students who have committed serious infractions of the law or school rules, including rules of the District which may not have been rules of the student's prior district where the conduct occurred. The District may deny applications from students who have been guilty of chronic misbehavior which would, if continued, endanger persons or property, cause serious disruptions in the school, or place unreasonable burdens on school staff. The District may reject an application from a student who has any school safety incidents or safe-school violatoions. The Board may, in its discretion, allow provisional enrollment of students with prior behavior problems. In such cases the Board will, on a case-by-case basis, establish conditions under which enrollment of the nonresident student would be permitted. The Board may also impose such conditions on a nonresident student previously enrolled in the District, under which the nonresident student's enrollment would be continued.

Utah Code § 53G-6-402(1) (2025)

Utah Code § 53G-6-403 (2026)

Posting of School Enrollment Information

For each school, the District shall post the following information on the District website:

1. The school's maximum capacity;

2. The school's adjusted capacity;

3. The school's projected enrollment used in calculating the open enrollment threshold;

4. The school's actual enrollment on October 1, January 2, and April 1;

5. The number of nonresident student enrollment applications for the school;

6. The number of nonresident student enrollment applications accepted; and

7. The number of resident students transferring to another school.

Utah Code § 53G-6-403(5) (2026)

Participation in Interscholastic Competition

The participation by nonresident students in interscholastic competition shall be governed under rules established by the State Board of Education, in consultation with the Utah High School Activities Association. Final determinations as to extent of participation shall be made by the Board of Education or coaches delegated such authority.

Termination of Enrollment

Once a nonresident student is enrolled within a school in the District, the student may remain enrolled in that school subject to compliance with all rules and standards established for students in the District, and is not required to submit annual or periodic applications unless one of the following occurs:

1. the student graduates;

2. the student is no longer a Utah resident;

3. the student is suspended or expelled from school; or

4. the District determines that enrollment within the school in question will exceed the open enrollment threshold during the coming school year. However, even when the open enrollment threshold will be exceeded, a student may remain enrolled in the following circumstances. When a military service member or DOD civilian (as defined in Utah Code § 53H-11-202) moves from temporary to permanent housing outside of the relevant boundaries following a permanent change of station, a child of the service member or DOD civilian in kindergarten through grade 10 may remain enrolled until the student completes the current school year and a child of the service member or DOD civilian in grade 11 or 12 may remain enrolled until the student graduates. Where a nonresident student is enrolled in a nonresident school for safety reasons because bus service is not provided between the student's neighborhood and their school of residence, that

student may remain at that school through the highest grade offered and may thereafter attend the middle school, junior high school, or high school into which the nonresident school feeds, until graduation.

Utah Code § 53G-6-402(6), (11) (2025)

Otherwise, where the open enrollment threshold will be exceeded, determination of which nonresident students will be excluded from continued enrollment in the school during a subsequent year is based upon time in the 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 at the school. Nonresident students who will not be permitted to continue their enrollment in the District shall be notified on or before March 15 of the school year prior to the school year during which enrollment will be denied.

Utah Code § 53G-6-402(7) (2025)

Transportation

The parent of the nonresident student must arrange for the student's own transportation to and from schools. The District shall provide transportation for a nonresident student on the basis of available space on an approved route within the District to the school of attendance if District students would be eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Utah Code § 53G-6-407 (2019)

Withdrawal of Enrollment

Except as set forth below for charter school students, the parent of a nonresident student may withdraw the student from the nonresident school by doing one of the following:

1. Submitting notice of intent to enroll the student in the student's school of residence for the subsequent year.

2. Submitting notice of intent to enroll the student in another nonresident school for the subsequent school year. Unless provisions have previously been made for enrollment in another school, if the District releases a nonresident student from enrollment in the District, the District superintendent shall immediately notify the student's district of residence. If the District receives notice from another district that a student residing in the District, but who has been enrolled in the other district, is released from enrollment with that district, the District shall enroll the student in the appropriate District school and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

Utah Code § 53G-6-402(8), (9) (2025)

The Board may allow a student residing outside the state to attend school within the District but shall charge the nonresident child tuition at least equal to the

per capita cost of the school program in which the child enrolls, unless the Board, in open meeting, determines to waive all or part of the charge for that child. In determining what nonresident students to enroll, the Board may give priority to a child of a member of the

uniformed services or a DOD civilian (as those are defined by Utah Code § 53H-11-202). Such action shall be recorded in the minutes of the meeting.

Utah Code § 53G-6-306(2), (3) (2025)

Returning Charter School Students

A charter school student who resides in the District and who submits required enrollment information for the upcoming school year before June 30 shall be enrolled in the student's boundary school for the upcoming school year. However, if the student is leaving the charter school because it has been closed, the student shall be enrolled in the student's boundary school regardless of when the enrollment information is submitted. Otherwise, if the enrollment application is submitted after June 30 for the following year or is submitted for the current year, the student may enroll in a District school, grade level, program or course which is below capacity or has space available "Below capacity" means that the grade level or program is less than 100% of the District, school, or grade level average (as applicable). The capacity and averages are determined as provided for in Utah Administrative Rules R277-472-2, R277-472-3, and R277-472-4. However, below capacity standards for individual schools, grade levels, courses or programs do not apply if the school has documentation that the school community council in a public meeting has designated more than ½ of the school's LAND trust annual allotment to reduce class size in a specific school, grade level, program, or course.

Utah Code § 53G-6-503(7) (2019)

Utah Admin. Rules R277-472-2 (May 8, 2024)

Utah Admin. Rules R277-472-3 (May 8, 2024)

Utah Admin. Rules R277-472-4 (May 8, 2024)

Utah Admin. Rules R277-472-5(2) (May 8, 2024)

Utah Admin. Rules R277-472-7 (May 8, 2024)

To facilitate transfer of charter school students, the District shall post the following information on District and school websites:

1. Elementary schools within the District that are below capacity and available for charter transfer students;

2. Grade levels and special programs within elementary schools that are below capacity and available for charter transfer students;

3. Secondary schools that are below capacity and available for charter transfer students based on calculated capacity of language arts, science and mathematics; and

4. Special programs within secondary schools that are below capacity and available for charter transfer students.

Utah Admin. Rules R277-472-5(1) (May 8, 2024)

Notwithstanding these limitations, a student may be enrolled at any time if the District determines that is necessary to protect the health or safety of the student.

Utah Code § 53G-6-503(8) (2019)

Exception to Open Enrollment Requirements for DCFS Cases

Regardless of the student's place of residency or the open enrollment requirements set forth above, the District shall allow enrollment of a student in a District school where such enrollment is determined by the Utah Division of Child and Family Services to be necessary to comply with the provisions of 42 U.S.C. § 675.

Utah Code § 53G-6-402(12) (2025)

Transfer from a Persistently Dangerous School

The State Superintendent may designate a school as "persistently dangerous" when at least 3% of students for three consecutive school years have been suspended or expelled for either a gun free school violation or for a reported violent criminal offense that took place either on school property or at a school- sponsored activity.

20 U.S.C. § 7912

20 U.S.C. § 7961

Utah Code § 53G-8-205(2) (2026)

Utah Admin. Rules R277-714-2 (May 8, 2025)

Utah Admin. Rules R277-714-3(1) (May 8, 2025)

If a District school is designated by the State Superintendent as persistently dangerous, then the District shall, within 15 days of receiving notice of the designation, notify the parents of the school's students:

1. That the school has been designated as persistently dangerous and the criteria that caused the designation;

2. That a parent may transfer the parent's student to a safer school within the District if the parent chooses; and

3. That the parent may request the transfer within 30 days after the parent received notice of the designation.

Utah Admin. Rules R277-714-3(3) (May 8, 2025)

Upon receipt of a timely transfer request, the student shall be promptly transferred to a safe school within the District notwithstanding other limitations on transfers or enrollment changes contained in this policy. In the event of a persistently unsafe school designation, the District shall also provide the State Superintendent with the information and materials required under Utah Administrative Rules R277-714-3 and R277-714-4.

Utah Admin. Rules R277-714-3 (May 8, 2025)

Utah Admin. Rules R277-714-4 (May 8, 2025)

Required Identification

An "enroller" is an individual who enrolls a student in a public school. Upon enrollment of a student for the first time in a particular school in the District, that school shall notify the enroller in writing that within 30 days the enroller shall provide the school with either (1) a certified copy of the student's birth certificate, or (2) other reliable proof of the student's identity, biological age, and relationship to the student's legally responsible individual, together with an affidavit explaining the enroller's inability to produce a copy of the student's birth certificate. If the documentation inaccurately describes the student's biological age, the enroller shall also provide an affidavit explaining the reason for this inaccuracy and supporting documentation that establishes the student's biological age.

Utah Code § 53G-6-603 (2026)

Supporting documentation to establish a student's biological age may include:

1. A religious, hospital, or physician certificate showing the student's date of birth;

2. An entry in a family religious text;

3. An adoption record;

4. Previously verified school records;

5. Previously verified immunization records;

6. Documentation from a social service provider (as defined by Utah Code § 53E-3-524); or

7. Other legal documentation, including from a consulate, that reflects the student's biological age.

Utah Code § 53G-6-603(3)(b) (2026)

If supporting documentation to establish the student's biological age is not available, the school shall assign a review team to determine the student's biological age for the District to use in enrolling and placing the student. The review team shall consist of at least three members, with at least one of the members having completed the child sexual abuse and human trafficking prevention training described in Policy DDA and Policy GH within the prior two years. Review team members may include

any of the following: an appropriate district administrator, the student's teacher or teachers, the school principal, a school counselor, a school social worker, a school psychologist, a culturally competent and trauma-informed

community representative, a school nurse or other school health specialist, an interpreter (if necessary), or a relevant educational equity administrator.

Utah Code § 53G-6-603(4)(a), (b) (2026)

In addition to meeting the mandatory reporting requirements regarding suspected physical or sexual abuse, the school shall also report to local law enforcement and to the Division of Child and Family Services any sign of child trafficking that the review team identifies in performing its duties.

Utah Code § 53G-6-603(4)(c) (2026)

Utah Code § 53E-6-701 (2022)

Utah Code § 80-2-602 (2022)

Distribution of Kits for Missing Child Identification Program

The Missing Child Identification Program administered by the Utah Attorney General provides for distribution of fingerprint and DNA identification kits that parents may use to collect and store fingerprint and DNA information for potential use by law enforcement in the event that the child is missing. Each elementary school in the District which receives a supply of such kits through the program shall offer a kit to a parent or guardian of each student entering kindergarten at the school.

Utah Code § 67-5-38(3) (2022)

Missing Child

If a school within the District receives notification from the Bureau of Criminal Identification that a child that is currently or was previously enrolled is missing, the school shall flag that child's records sufficiently to alert school officers that the record is that of a missing child. If the school receives notification from the Bureau of Criminal Investigation that the child is no longer missing, it shall remove the flag from the record.

Utah Code § 53G-6-602 (2018)

Transfer Students

When enrolling a transfer student (and simultaneously with enrollment if the student is a military child), a school shall request, directly from the student's previous school, a certified copy of his record and shall exercise due diligence in obtaining the record. A student may not be enrolled unless the student record from the previous school has been received or the school administrator or designee has reviewed the data gateway for any safe-school violation, reintegration, or threat assessment regarding the student.

Utah Code § 53G-6-604 (2026)

Utah Code § 53E-3-905(2) (2018)

If a school within the District is requested to forward a copy of a transferring student's record to the student's new school, it shall comply within five school days unless the record has been flagged as being that of a missing child, in which case the copy shall not be forwarded and the school shall notify the Bureau of Criminal Identification of the request. Any knowledge as to the whereabouts of a missing child shall be reported immediately to the Bureau of Criminal Identification. The forwarded record shall include the student's discipline file, including any safe-school violation, reintegration, or threat assessment.

Utah Code § 53G-6-602 (2018)

Utah Code § 53G-6-604 (2026)

Utah Code § 53E-3-905(2) (2018)

Health Examinations

The Board shall implement policies as prescribed by the Department of Health and Human Services for vision, dental, abnormal curvature of spine, and hearing examinations of students attending the District's schools. Qualified health professionals shall provide instruction, equipment and material for conducting the examinations. Upon written request from any parent of a student who contends that an examination provided by this policy would

violate the personal beliefs of the person making the request and of the student, the student shall be exempt from submitting to the examination. The school shall give notice in writing to a student's parent of any impairment disclosed by the examination.

Utah Code § 53G-9-402 (2023)

Credits and Records Transfer

The District shall accept credits from accredited secondary schools and accredited special purpose schools.

Utah Code § 53G-7-206 (2019)

Graduation

The District shall award a diploma to a nonresident student attending school within the District during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.

Utah Code § 53G-6-406 (2019)

Placement of Transfers

Records and transcripts of students from Utah nonpublic schools or from out of state shall be evaluated, and students shall be placed promptly in appropriate classes.

Expelled Within Twelve Months

A student who has been expelled from a public school within the prior 12 months who is otherwise eligible to enroll may be denied enrollment in a District school for that reason. A student who has been expelled within the past 12 months may be allowed to enroll upon approval by the superintendent or designee, subject to such conditions and requirements as are determined to be appropriate.

Utah Code § 53G-8-205(3) (2026)

Student Identification Number

The District may not use a nine-digit number as a student's identification number with the District.

Utah Code § 63G-15-201 (2012)

FBA Appendix A - Millard School District School Entrance Application

• Student name; grade; Millard County address; telephone; birth date; prior address. • Parent name, phone, and address; custodian/guardian name, phone, and address. • Primary language spoken in the home; last school attended; prior school phone and address. • Reason for requesting admittance. • Whether the student has received special education services or been classified for special education services in another school district. • Whether the student has been suspended or expelled in another school or school district, with explanation if applicable. • Juvenile court record profile statement or signature from court official if required. • Student and parent/guardian certification that information is true and correct, authorization for the District to obtain and review academic, citizenship, placement, police, criminal, and juvenile court records where legally permitted, and agreement to follow District rules.

Source: MSD Policy 6000, approved 2026.

FBA Appendix B - Millard School District Durable Power of Attorney and Custodian Acceptance

The District may use a Millard County School District Durable Power of Attorney form under Utah Code Section 53G-6-302 for a parent or legal custodian to designate a custodian for school enrollment and educational or medical authorization. The form

shall state that the power of attorney does not confer legal guardianship and remains effective only until the

earliest lawful expiration, emancipation, revocation, court order, or other stated termination event.

The custodian acceptance portion shall require the custodian to accept responsibility for the health and welfare of the student, authorize educational or medical services, cooperate fully with the District, pay fees or charges relating to the student's education, and provide required financial information if fee waivers are sought. The District designee or Director of Student Services shall document whether the requirements have been met, whether provisional enrollment is authorized pending records, and whether the District accepts or rejects residency treatment.

Source: MSD Policy 6000, approved 2026.

FBA Appendix C - Affidavit of Unavailable Parent / Temporary Educational Guardianship

When a parent or prior legal guardian cannot be located, the responsible adult may complete an affidavit stating the reasonable efforts made to locate the parent or guardian and the reason no parent or guardian is available to provide consent or assume educational responsibility. The temporary educational guardian must affirm residency within Millard School District, willingness to assume responsibility for school enrollment and educational decision-making, willingness to provide appropriate care and support, agreement to comply with District policy and required fees, and understanding that the affidavit does not replace a court-issued guardianship order if one is required.

Source: MSD Policy 6000, approved 2026.

Source Traceability

Source	Use in this policy
USBA Model Policy FBA, modified 16 June 2026	Model policy retained as the controlling admission age, residency, alternative residency, durable power of attorney, guardianship, open enrollment, transfer, required identification, missing child, health examination, record transfer, graduation, and expulsion-enrollment framework.

Source	Use in this policy
MSD Policy 6000, approved 2026	Board-approved local policy carefully preserved through FBA-1 through FBA-5 and the local appendices for preschool, residency agreements, guardianship, durable power of attorney, entrance application, tuition/WPU treatment, and local forms.
MSD Policy 5100, approved 2026	Reviewed for coordination with charter, online, home, private, dual-enrollment, credit-evaluation, and non-enrolled student participation procedures. Those substantive provisions remain assigned to FBB/FBBA/FBBB/FBBC/FFD and related grading/credit policies, with admission coordination noted in FBA-3.

Disposition: This from-beginning FBA draft replaces/reconciles the earlier targeted FBA draft. USBA FBA controls the structure; the newly Board-approved MSD 6000 local values are inserted as dashed FBA subsections and local appendices.