

Dell Rapids School District #49-3

Policies and Regulations Code: JECB – Students



JECB ADMISSION OF NONRESIDENT STUDENTS/ASSIGNMENT OF RESIDENT STUDENTS

This policy is enacted to fairly allow admission and assignment of both resident and non-resident students in the Dell Rapids School District. For the purpose of this policy, the term “resident district” means the district in which a student has legal residence as determined by SDCL 13-28-9. The term “non-resident district” means any district in which a non-resident student seeks to enroll. The term “assigned school” means an attendance center within a resident student’s district to which the resident student is assigned. The term “non-assigned school” means an attendance center within a resident student’s district to which this student has not been assigned.

The Board will accept all students from other districts wishing to enroll, provided the non-resident district’s facilities can accommodate the students without adversely affecting the quality of the educational program. This determination will be based upon criteria adopted by the Board, see Criteria for Making Transfer Determinations below, and is subject to the following conditions:

A. General Principals

1. A student who is a legal resident of another South Dakota school district seeking to transfer to the Dell Rapids School District must make application on forms provided by the Department of Education. The application must be made by a non-emancipated student’s parent or guardian or by the emancipated student. (The parent with the authority to request is the resident custodial parent.)
2. The application will be approved or disapproved by the Dell Rapids School Board and the applicant and resident district must be notified of the decision within five (5) days of the decision. Applications will be reviewed in the order received.
 - a. In-district transfer applications to move to a non-assigned school can be accepted and acted upon by the Board at any time; however, decisions regarding transfers among attendance centers within the district will be based upon policies consistent with resident/non-resident transfers.
 - b. The application may be withdrawn by the applicant prior to the approval of the request and upon notification of the district to which the student applied.
 - c. Once approved by the non-resident district, the applicant’s intent to enroll obligates the student to attend school in the receiving non-resident district or non-assigned school for the next school year, unless the parent, guardian, or student changes residence to another district. Students once accepted under this may continue enrollment for subsequent years without reapplication. Enrollment procedures for resident students apply to non-resident students in subsequent school years.
3. Once enrolled in a non-resident or non-assigned school, the enrollment will continue unless a bona-fide change of residence occurs.
4. A non-resident district will accept credits granted for any course successfully completed in another accredited district. The non-resident district may award a diploma to a non-resident only if the student satisfactorily meets the non-resident district’s graduation requirements.
5. Transportation of non-resident students to school is the responsibility of the applicant. Both the resident and non-resident districts may provide transportation to non-resident students if approved. The receiving district may charge a reasonable fee if the student elects to use the transportation services offered by the receiving district.

B. Special Education Students

Both state and federal law requires that the resident district be responsible for providing a free and appropriate public education for students in need of special education and related services. All applications for transfer of a special education student will first be considered by a placement committee, and the placement committee will include representatives of both the resident and non-resident districts. In addition to the other considerations of the 1997 Open Enrollment Act, the following considerations will apply:

1. An individual education program team consisting of representatives from both the resident and non-resident districts will determine if the non-resident district can provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
2. If the request to transfer is granted, the non-resident district is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services.
3. Notwithstanding the provisions of SDCL 13-28-45, the individualized education program team shall also determine whether the student in need of special education requires transportation as a related service. If so, the non-resident district shall provide or ensure the provision of transportation within the boundaries of the attendance center to which the student is assigned.

C. Criteria for Making Transfer Determinations

The standards will be available to any individual so requesting. Discrimination based upon race, gender, religious affiliation, or disability is prohibited. All members of the same family residing in the same household will be treated the same.

1. The standards for approval will be established based on the capacities of each of the following elements within the district. The standards should be adopted or amended prior to acting upon any request for the subsequent year:
 - a. Programs;
 - b. Classes;
 - c. Grade levels;
 - d. Buildings;
 - e. Pupil/teacher ratios.
2. The Department of Education has authority to promulgate rules setting forth procedural and administrative requirements of the open enrollment program. The school district will follow any and all such rules and procedures.
3. The school board may deny applications for any of the following reasons:
 - a. Any standard established in paragraph C-1 above is violated;
 - b. The applicant is under suspension or expulsion;
 - c. The applicant has been convicted of possession, use, or distribution of any controlled substance, including marijuana and is under suspension pursuant to SDCL 13-32-43;
 - d. The applicant has been convicted of a weapons charge relating to the schools and is under suspension pursuant to SDCL 13-32-43.

D. Miscellaneous Provisions

1. The school board will assign all students among the schools within the district, pursuant to SDCL 13-28. In district transfer requests must be treated pursuant to SDCL 13-28-43.
2. The district will make relevant information about the district, schools, programs, policies, and procedures available to all interested people.
3. Appeals from school board action under the 1997 Open Enrollment Act can be made under SDCL 13-36 and the court will conduct a de novo review. The time for appeal under SDCL 13-46 is within ninety (90) days from the date of the decision.

LEGAL REF.: SDCL 13-13-10.1; 13-15-8.1 through 13-15-9; 13-15-11; 13-15-21;
SDCL 13-15-21.1; 13-15-23 through 13-15-24; 13-28-9; 13-28-10
through 13-28-11; 13-28-19; 13-28-19.1; 13-28-21; 13-28-22;
SDCL 13-28-23; 13-28-30; 13-28-34; 13-28-40 through 13-28-47;
SDCL 13-32-4.3; 13-37-35; 13-46

Adopted: May 1997

Amended: December 2003