

## Todd County School District Policy: JFB

### OPEN ENROLLMENT

This policy is enacted to fairly allow admission and assignment of both resident and non-resident students in the Todd County School District. For the purposes 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 the attendance center, location or program within the district to which a resident student is assigned. The term “non-assigned school” means an attendance center, location or program within a resident student’s district to which the student has not been assigned.

#### A. General Principles

1. A student who is a legal resident of another South Dakota district seeking to transfer to Todd County School District must make application to both the resident and non-resident districts. The application must be on forms application must be made by an unemancipated student’s parent or guardian or by an emancipated student. (The parent with the authority to request enrollment is the resident custodial parent.)
2. The application will be approved or disapproved by the Todd County School Board and the applicant and the 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 by the Superintendent, with board approval being made at the next meeting.
  - b. The application for open enrollment may be withdrawn by the applicant before approval of the request and upon notification to the affected school boards.
  - 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 two boards agree in writing to allow a student to return to the original

district or assigned school or if the parents, guardian, or student changes residence to another district.

3. A student for whom application is made to open-enroll to the Todd County School District, who is accepted but does not attend, shall be ineligible to again apply to the District for open enrollment attendance.
4. Once enrolled in a non-resident district or non-assigned school, the enrollment will continue unless a bona fide change of residence occurs or a subsequent transfer application is received.
5. 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 for non-resident only if the student satisfactorily meets the non-resident district's graduation requirements.
6. Transportation—Non-resident students who attend the Todd County School District may ride the regular school district transportation busses free of charge, if (a) there is available space, (b) the transportation office is notified, and (c) the student meets the bus at a point on its regular route. On request by individual students or groups of students the Todd County school board may in its discretion alter bus routes to accommodate this free transportation provision for non-resident students. Interested parties should contact the school superintendent for more information.

## **B. Special Education Students**

Both state and federal law require 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 South Dakota Open Enrollment Act, the following additional considerations will apply:

1. The combined placement committee will determine that the non-resident district can provide appropriate instructional programs and facilities to meet the
2. The resident district will reimburse the non-resident district the "actual costs incurred in providing an appropriate special education."
3. The combined placement committee shall determine whether the student requires transportation as a related service and, if the service is required, the

resident district will be required to provide or pay for the service.

4. Return of the non-resident special education student to the resident district will be subject to the approval of the combined placement committee.

(NOTE: Disagreements within this combined placement committee can result in additional special education due process procedures.)

5. No separate dates will be in effect for notification and decision-making with respect to open enrollment of special education students.

### **C. Standards for Making Open Enrollment 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 will be established based on the capacities of each of the following elements within the district in any approvals:

Programs:

The Todd County School District reserves the right to refuse to create new programs to accommodate non-resident students.

Program Capacity:

The Todd County School District reserves the right to refuse to enroll non-resident students if such enrollment would cause the district to exceed capacity in any program.

Class Size:

Applications may be refused if student/teacher ratios exceed established school district policy or practice due to the admittance of non-resident students.

Facilities:

The Todd County School District reserves the right to refuse to obtain, enlarge, lease or construct new facilities to accommodate non-resident students.

2. The South Dakota Department of Education and Cultural Affairs 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 board may deny applications for any of the following reasons:

- a. The application violates statutory or regulatory restrictions of SDCL 13-28-40 to -47 or the state Department of Education and Cultural Affairs;
- b. The standards established in paragraph C-1 above are violated;
- c. The applicant is under suspension or expulsion from another school district;
- d. The applicant has been convicted or adjudicated in court of possession of a firearm or other dangerous weapon for a violation that occurred on school premises;
- e. The applicant has been convicted or adjudicated in court of vandalism of any public school property; or
- f. The applicant has been convicted or adjudicated in court of possession, use, or distribution of any controlled substance, including marijuana and is under suspension from extracurricular activities pursuant to SDCL 13-32-9.

**D. Miscellaneous Provisions**

1. In situations where the available space for open enrollment is limited to any number that is less than the number of applicants for open enrollment, the board may give priority to certain students based upon relevant criteria, including but not limited to:
  - a. Whether a parent of the applicant is employed by the District; and
  - b. Whether the projected resident student enrollment within the next three years will create a reasonable probability of exceeding any of the standards in paragraph C-1, above.
2. The board will assign all students among the schools within the district, pursuant to SDCL Ch. 13-28. If a student for whatever reason (IDEA, section 504, ADA, behavioral, disciplinary, staff or student safety concerns, etc.) will in the judgment of district be suited or eligible for special program assignment, including an individualized home schooling program by district personnel, this assignment may be made a condition of an open enrollment transfer by non-resident district. Notice of such an assignment will be provided to parents or guardians before the open enrollment transfer is acted upon by non-resident school district.

3. The district will make relevant information about the district, schools, programs, policies, and procedures available to all interested people upon request.
4. Appeal from board action under the South Dakota Open Enrollment Act can be made under SDCL Ch. 13-46.

ADOPTED: March 25, 2008  
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