ADMISSION OF NONRESIDENT IN-STATE STUDENTS

The Belle Fourche School District will accept students from other districts in South Dakota wishing to enroll provided the Belle Fourche School District can provide a quality educational program based upon factors/criteria/standards adopted by the Board (see Section B. below) and subject to the following general principles:

(For the purpose of this policy, the term "resident district" means the district in South Dakota in which a student has legal residence as determined by SDCL 13-28-9. The term "nonresident district" means the Belle Fourche School District in which a nonresident student seeks to enroll. An "emancipated student" is a student under the age of 18 who (1) has entered into a valid marriage, (2) is on active military duty, or (3) who has obtained a court order declaring the child emancipated.)

NOTE:Students from out-of-state are charged a daily tuition rate as agreed upon between the sending district and the Belle Fourche School District.

A. GENERAL PRINCIPLES:

1. A student who is a legal resident of another South Dakota district seeking to transfer into the Belle Fourche School District must apply to both the Belle Fourche School District and the resident district prior to enrollment in the Belle Fourche School District. The application must be on forms provided by the Department of Education and available in the Superintendent's office. The application must be made by the student's parent or guardian (if the student is under age 18) or by an emancipated student.

2. For nonresident student transfers, parents/guardians or the emancipated student shall authorize the resident district to provide copies of the student's educational, attendance and discipline records to the Belle Fourche School District.

3. The applications for nonresident students will be approved or disapproved by the Belle Fourche School Board at a regularly scheduled board meeting and the applicant and resident district will be notified of the decision within five days of the decision. Applications for enrolling nonresident students will be acted upon in the order received. The application may be withdrawn

by the applicant through notification to all affected school boards (even if the Belle Fourche School Board has approved the application.)

4. If the student's school residency pursuant to SDCL 13-28-9 changes into a new school district, the parents, guardian, or emancipated student may submit an application pursuant to this policy within thirty (30) days of the change in residence. The Belle Fourche School Board will act on the application at the next regularly scheduled board meeting (or sooner if a special board meeting is held) and give notice to the applicant and the other school district involved, if any, within five days of the Board's decision.

5. Once approved by the Belle Fourche School District, the student must attend school in the Belle Fourche School District, for the current school year (subject to A.2. above) unless the parent, guardian, or student moves and establishes residence in another school district or a release is requested in writing and granted by the School Board.

6. Once a nonresident student is enrolled in the Belle Fourche School District, the enrollment will be continuous from one school year to the next unless (a) the parents/guardians or emancipated student changes residence into another school district or (b) until a subsequent transfer application is received and approved.

7. The Belle Fourche School District will accept credits granted for any course successfully completed in another state accredited school. The Belle Fourche School District will award a diploma to a nonresident student only if the student satisfactorily meets the Belle Fourche School District's graduation requirements.

8. Federal and state laws require that the resident district be responsible for providing a free and appropriate public education for students receiving special education or special education and related services. All transfer applicants for nonresident special education students into the Belle Fourche School District must be considered by a special education placement committee, and the placement committee must include representatives of both the Belle Fourche School District and the resident district.

a. The placement committee will determine whether the Belle Fourche School District can provide an appropriate educational program to meet the student's needs, and that the appropriate educational program can be provided with existing staff, services and programs within the Belle Fourche School District.

B. FACTORS/CRITERIA/STANDARDS FOR BOARD DECISIONS ON TRANSFER APPLICATIONS:

Discrimination based upon race, gender, religious affiliation, or disability is prohibited.

The Belle Fourche School District will not deny an application for a nonresident student to enroll in the District if doing so would result in students from the same family attending school in different school districts. EXCEPTION: Special education is governed by federal and state laws and therefore decisions affecting students in special education will be made for each student based solely on the needs of the student as determined by the placement committee.

1. The following factors/criteria/standards will be considered by the Board with respect to each application, and the acceptance or rejection of the application, for students wishing to enroll in the Belle Fourche School District:

   a. Written statement of reason(s) from the parents/guardians or emancipated student to be submitted with the application and stating why the parent(s)/guardians/emancipated student wishes the student to enroll in the Belle Fourche School District;

   b. Student's educational and discipline history in the resident district and any other previous school districts attended;
   c. Financial impact on the Belle Fourche School District, if any;

   d. Educational impact on the Belle Fourche School District, if any, including impact on existing and projected class sizes and student/teacher ratios, current staffing and projected staffing needs, and facilities;

   e. Rules and regulations promulgated by the Department of Education relating to the open enrollment program.

2. Each application will be considered individually and in the order received. The Board may deny applications for any of the following reasons:

    a. If after consideration of the criteria/factors/standards established in paragraph B.1 above, the Board determines the District would not be able to provide a quality educational program to the student;

    b. If the applicant has been convicted of possession, use, or distribution of any controlled substance, including marijuana;

    c. If the applicant has been convicted of a weapons charge relating to schools.

C. MISCELLANEOUS PROVISIONS

1. A copy of this policy shall be given to each nonresident student and/or the student's parents or guardians at the time of request for the open enrollment application. A copy of the policy shall be given to any other person upon request.

2. If a nonresident student application is under suspension or expulsion in the resident district at the beginning of the school year in which the student would otherwise enroll, state law prohibits the student from enrolling in the Belle Fourche School District during the period of suspension or expulsion. However, the Board may approve an application from a nonresident student with enrollment to begin following the suspension or expulsion.

3. Appeals of a Board decision to deny an application submitted under this policy are to be made to Circuit Court pursuant to SDCL ch. 13-46.

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