

	ABERDEEN SCHOOL DISTRICT	NEPN Code: JFB
	POLICIES AND REGULATIONS	

OPEN ENROLLMENT

State law (SDCL 13-28-43) provides nonresident parents and students an opportunity to apply for enrollment within the District. It also allows resident parents and students an opportunity to apply for enrollment in an attendance center within the District other than that to which the student has been assigned.

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides in another school district (i.e., nonresident student), and who wishes to enroll the student in the District, or the parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides within the District and wishes to enroll the student at an attendance center within the District other than that to which the student has been assigned, must apply to open enroll in the School District.

1. Nonresident student open enrollment: The District shall grant a request for a transfer into the district of a child who is a resident of another school district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.
2. Nonresident alternative instruction student open enrollment: The District shall grant a request to admit into the district a child who is a resident of another school district and who is receiving alternative instruction in the resident district pursuant to law, unless admitting the nonresident child would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.
3. Resident student in-district transfer to different attendance center: The District shall grant a request from a resident of the District for a student transfer to an attendance center within the District other than that to which the student has been assigned unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.

A. General Rules:

1. Transfers from another school district into the District may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If the District approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If the District approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. The deadlines for transfer do not apply if:
 - a. A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
 - b. A student enrolls in a school district after the deadline in either semester; or
 - c. The District's Superintendent determines that special circumstances exist and allows a student to transfer into the District after the deadline.
2. All nonresident requests for open enrollment into the District must be submitted to the District's Superintendent on the official application form provided by the South Dakota Department of Education.

3. Nonresident student open enrollment applications to attend school within the District will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the District, that student's application shall take priority over all other applications.
4. The Superintendent shall either approve or deny the application for open enrollment. A decision of the Superintendent to deny an open enrollment application may be appealed to the School Board. A decision of the School Board to deny student's application for open enrollment may be appealed to the circuit court pursuant to State Law.
5. Decisions to accept or reject open enrollment applications will be based on the criteria listed in "Criteria for Making Open Enrollment Determinations" (Section C).
6. The applicant and the resident school board will be notified within five days of the decision.
7. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the District's Superintendent.
8. Once approved by the District, the approved application serves as the applicant's notice of intent to enroll in the District and obligates the student to attend school within the District during the school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district. A decision by either school board to deny a request to return to the resident school district may be appealed to circuit court pursuant to law.
9. Once enrolled under open enrollment in the District, the student may remain enrolled and is not required to resubmit annual applications.
10. If, after the conclusion of a school year, a student who is open-enrolled into the District wishes to return to the student's resident school district or assigned school, the student's parent or legal guardian shall, or the student (if the student is emancipated) shall, on forms provided by the Department of Education, notify the affected school board or boards of the student's intent to return to the resident school district or previously assigned school. The affected school board or boards must receive written notice of the student's intent to re-enroll in the resident school district or previously assigned school no later than August first. However, if the affected school board or boards determine that special circumstances exist, a student may be allowed to transfer to the student's resident school district or assigned school after the deadline.
11. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement.
12. The District shall accept credits for any course completed in any other accredited school district but shall award a diploma to a nonresident student only if the student satisfactorily meets the District's graduation requirements.
13. If two or more nonresident students from the same family, residing in the same household, request open enrollment into the District, all requests from that family must be either approved or denied and the District shall not deny an application if doing so would result in children from the same household enrolling in different school districts. However, if the District cannot provide an appropriate education for a child in need of special education or special education and related services, the District may deny that child's application for open enrollment.

14. Any student under long term suspension or expulsion will not be allowed to open enroll until the suspension or expulsion is completed.

15. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

B. Resident In-District Transfers:

The provisions of this policy apply to resident student transfers (applications to attend an attendance center different than that to which the student is assigned) except as modified below:

1. Resident student in-district transfer applications to attend an attendance center within the District other than that to which the student has been assigned will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the attendance center to which the applicant is wishing to enroll, that student's application shall take priority over all other applications.
2. If a student is transferred from one attendance center to another attendance center within the District at the request of the student's parent or guardian, the District shall not provide transportation services to the student.

C. Criteria for Making Open Enrollment Determinations (SDCL 13-28-44)

Open enrollment requests will be granted on a space available basis at the time the request is considered. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only. Actual class sizes may be greater than the capacity listed below because of students residing within the school district and school attendance center area.

- Kindergarten through grades two: The student to teacher ratio shall not exceed twenty-three students in each grade as a result of open enrollment.
- Grades three through five: The student to teacher ratio shall not exceed twenty-six students in each grade as a result of open enrollment.
- Grade six through grade twelve: Enrollment may not exceed attendance center building capacity.
- An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.
- Open enrollment of a special education student will not be approved if the student cannot be accommodated at current staffing levels or the program is at capacity.

D. Open Enrollment of Special Education Students (SDCL 13-28-42.1)

1. A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the Aberdeen School District special education administration determines that the District can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs. If the request to transfer is granted, the Aberdeen School 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. If the student requires transportation as a related service, the Aberdeen School District shall provide or ensure the provision of transportation within the boundaries of the attendance center which the student is assigned.
2. If the Aberdeen School District special education administration is not able to confirm the provision of an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the District must initiate an individual education program team meeting consisting of representatives from the resident district and the Aberdeen School District to determine whether the Aberdeen School District can provide an appropriate instructional program, facilities, and transportation if necessary.

3. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to SDCL 13-28-44, Standards for acceptance of rejection of application to enroll, or if an individual education program team consisting of representatives from the resident and nonresident districts determine that the nonresident district cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
4. If a parent or guardian of a student in need of special education or special education and related services requests to transfer the student back to the resident district, provisions of SDCL 13-28-43, Enrollment of student in other than resident district or transfer with district, apply.
5. If two or more students from the same family residing in the same household request open enrollment and the District determines it can provide an appropriate special education or special education and related services for the special education student(s), the applications shall be approved subject to consideration of the Criteria for Making Open Enrollment Determinations (Section B). However, if the District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or special education and related services, the District may deny the application for open enrollment related to the individual special education student(s).
6. If it is determined that a parent or guardian of a student, or an emancipated student, in need of special education or special education and related services submitted a request for an open enrollment transfer but did not indicate that the student needs special education services on the application, the open enrollment transfer will be void and the process of consideration of the open enrollment transfer request will be conducted as outlined in this policy, to determine if the student's open enrollment request can be approved.

LEGAL REFERENCES:

SDCL 13-28-9 School residence for free school privileges--Change of residence during school year
SDCL 13-28-40 Enrollment options program established
SDCL 13-28-41 Request for transfer--Request for admission of nonresident child excused from attending in another district
SDCL 13-28-41.1 School district not required to provide transportation to student transferred within district
SDCL 13-28-42.1 Transfer of special education students--Nonresident district's responsibilities
SDCL 13-28-43 Enrollment of student in other than resident district or transfer within district--Approval and notification
SDCL 13-28-44 Standards for acceptance or rejection of application to enroll
SDCL 13-28-45 Transportation of transfer student
SDCL 13-28-46 Transfer credits
SDCL 13-28-47 Disclosure
SDCL 13-28-47.1 Return of student to resident district
SDCL 13-28-48 Nonresident district must serve student's grade level within district
SDCL 13-32-4.3 Effect of student's suspension or expulsion on enrollment
SDCL 13-46 Appeals in student matters

POLICY REFERENCE:

Aberdeen School Board Policy IIB, IIB-R Class Size
Aberdeen School Board Policy JFAA, JFAA-R Admission of Resident Students
Aberdeen School Board Policy JEAA Student Alternative Instruction

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