



**“To Build Knowledge and Skills for Success Today and Tomorrow”**

File: JECB/JECC

## 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 Meade School District. For the purposes of this policy, the term "resident district" means the district in which the 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 within the district to which a resident student is assigned. The term "non-assigned school" means an attendance center within a resident student's district to which the student has not been assigned.

The Board will accept all students from other districts wishing to enroll, provided the Meade School District's facilities can accommodate the students without adversely affecting the quality of the educational program. The Board also will consider applications for resident students to enroll in non-assigned schools. The procedures and criteria to be used by the Board in making its decisions are specified below.

### 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:
  - (1) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
  - (2) A student enrolls in a school district after the deadline in either semester; or
  - (3) 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. <sup>(a)</sup>
5. Decisions to accept or reject open enrollment applications will be based on the criteria listed in "Criteria For Making Transfer Determinations" (Section E).
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. 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.
11. 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.
12. 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.
13. Any student under long term suspension or expulsion will not be allowed to open enroll until the suspension or expulsion is completed.
14. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

15. In accordance with SDCL 13-28-10, a non-resident child who wishes to attend school within the Meade School District and who does not live with his or her parent or legal guardian, may be granted residency status upon petition to the School Board by the resident person with whom the child is living. The resident person with whom the child is living must present documentation verifying that he or she has Power of Attorney to act as the guardian of the child, including the right to act entirely *in loco parentis*; including the authority to approve or to decline medical treatment of any kind for the child and including the right to review medical records or school records. If the School Board rejects the request, the person who made the request may, within fifteen days after receipt of the rejection, appeal to the School Board for a hearing. The decision of the School Board after the hearing is final and may be appealed to the Circuit Court.

#### B. ASSIGNMENT OF RESIDENT STUDENTS

1. The attendance areas for schools in the Meade School District are contained in Policy JC. Parents or guardians who wish to have their student attend a school other than the assigned school (except for kindergarten students) must submit an application on prescribed forms.
2. The application will be approved or disapproved by the Meade School Board. The applicant will be notified of the decision within five days of the decision.
3. The application may be withdrawn by the applicant prior to the approval of the request through notification to the Board.
4. Applications from resident students to attend non-assigned schools will be processed prior to assigning non-resident students to specific schools in the Meade School District.
5. Assignments made by the Board of resident students to non-assigned schools and of non-resident students to specific schools will be considered tentative until pre-school registration has been completed in August. Students who move into the attendance area of a particular school prior to the dates of pre-school registration will be allowed to "bump" students who do not live in the attendance area. Notification of a reassignment based upon this provision will be made prior to the first day of school.
6. Resident students whose applications for reassignment have been denied due to lack of space in the requested school will have their names placed on a waiting list. Should spaces be available after pre-school registration in August has been completed, these students will be given the opportunity to attend the requested school. Notification of the availability of this option will be made prior to the first day of school.
7. Once the Meade School Board has approved an application, the applicant's intent to enroll obligates the student to attend school in the non-assigned school for the next school year, unless the Board agrees in writing to allow the student to return to the assigned school.
8. Students who are enrolled in a non-assigned school may receive bus service to the non-assigned school only if there is space available on an existing bus route. Students who are enrolled in a non-assigned school who are entitled to a mileage payment to the assigned school will receive the lesser of the mileage to the assigned school or the non-assigned school.

### C. KINDERGARTEN STUDENTS

1. There will be a specific kindergarten registration period in the spring of each year. Should the number of students residing in an attendance area and wishing to attend the assigned school exceed the capacity of the assigned school, an attempt first will be made to find volunteers among parents residing in the attendance area who would be willing to enroll their students in another school. If this does not eliminate the excess number of students, a lottery will be held to determine which students may enroll in the assigned school. The administration will consult with the parents of the remaining students and assign them to another school.
2. Resident parents who wish to enroll their students in a non-assigned school will be provided with an application form for enrollment at a non-assigned school. The Board will approve such applications provided that the class-size limitations in the requested non-assigned school are not exceeded. Applicants will be notified of the decision within five days of the decision.
3. Should the number of applications for a given school from resident students exceed the class-size limitations, a lottery will be held to determine which applications shall be approved.
4. Non-resident kindergarten students will be accommodated on a space-available basis after the above steps have been followed. Applications will be reviewed in the order received.
5. Assignments made by the Board of resident kindergarten students to non-assigned schools and of nonresident kindergarten students to specific schools will be considered tentative until pre-school registration has been completed in August. Students who move into the attendance area of a particular school between the spring registration and the dates of pre-school registration in August will be allowed to "bump" students who do not live in the attendance area. Notification of a reassignment based upon this provision will be made prior to the first day of school.
6. Resident students whose applications for reassignment have been denied due to lack of space in the requested school will have their names placed on a waiting list. Should spaces be available after pre-school registration in August has been completed, these students will be given the opportunity to attend the requested school. Notification of the availability of this option will be made prior to the first day of school.

### D. SPECIAL EDUCATION STUDENTS

The district will observe the provisions of SDCL 13-28-40 through 13-28- 47 when considering the transfer application of any non-resident student in need of special education or related services.

### E. CRITERIA FOR MAKING TRANSFER DETERMINATIONS

The standards will be available to any individual so requesting. Discrimination based upon the basis of gender, color, disability, national origin, race, creed, religion, homelessness, marital status, or pregnancy is prohibited. All members of the same family in the same household will be treated the same.

In making decisions regarding the acceptance of non-resident students and the approval of the transfer of resident students from the assigned school to a non-assigned school, the Meade School Board will consider the following criteria:

1. The capacity of the Sturgis Academy will be 27 students per 1.0 FTE teacher.
2. The maximum class sizes will be as follows: kindergarten, 18 students; grade 1, 20 students; grade 2, 22 students; grade 3, 25 students; grades 4-6, 28 students. If there are special needs students assigned to a particular classroom, the principal may establish a lower maximum class size based upon the student needs. The Board will examine class sizes every year and reserves the right to raise or lower maximum class sizes in a particular year in order to accommodate student enrollment.
3. The maximum class size for grades 7-12 normally will be 30 students, except that the principals may establish lower or higher maximums for individual specialized classes at their discretion.
4. The capacity of special education program or classes will be determined by the Special Services Director on an individual basis. Applications of non-resident students for enrollment in a special education program may be denied if such enrollment would require the district to incur additional staffing or other related costs.
5. The capacity of rural school classrooms will be determined by the principal on an individual basis. Applications of non-resident students for enrollment in a rural school or of resident students who reside in another attendance area will be rejected if such enrollment would require the addition of a teacher aide as per Policy IIBA or an additional teacher as per the recommendation of the principal.
6. It is not the intent of the Meade School Board to add class sections in order to accommodate non-resident students. However, the Board may at its discretion add such sections if the number of applications for a particular grade or class is such as to justify an additional section.
7. The Board may deny applications for any of the following reasons:
  - a. The standards established above in this section are 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.
  - e. The Department of Education has authority to promulgate rules setting forth procedural and administrative requirements of the open enrollment program. The District will follow any and all such rules and procedures.

## F. MISCELLANEOUS PROVISIONS

1. The Board will assign all students among the schools within the district, pursuant to SDCL 13-28.
2. The District will make relevant information about the District, schools, programs, policies, and procedures available to all interested people.

Appeals from Board action under the 1997 Open Enrollment Act can be made under SDCL 13-46 and the court will conduct a *de novo* review. The time for appeal under SDCL 13-46 is within ninety days from the date of the decision.

LEGAL REFS.:SDCL 13-13-10.1, 13-15-8.1 through 13-15-9;13-15-11, 13-15-21, 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; 13-28-20; 13-28-21; 13-28-23; 13-28-30; 13-28-34; 13-28-40 through 13-28-47; 13-32-4.3; 13-37-35

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