

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

776Q0679

HOUSE BILL NO. 1236

Introduced by: Representatives Greenfield and Noem and Senator Frysliie

1 FOR AN ACT ENTITLED, An Act to require that transfers from a resident school district to
2 another school district through the enrollment options program are complete prior to the last
3 Friday in September.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 13-28-43 be amended to read as follows:

6 13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an
7 emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47,
8 inclusive, in a South Dakota school district other than the resident district or in a school within
9 the resident district other than the school to which the student has been assigned shall apply on
10 forms provided by the Department of Education.

11 The school board or the board's designee of the district in which the student desires to enroll
12 shall approve or disapprove the application and shall notify the applicant and the resident board,
13 if applicable, of its decision within five days of the decision. The district in which the student
14 desires to enroll shall review the applications in the order received.

15 Transfers to a school district other than the resident school district under the provisions of



1 §§ 13-28-40 to 13-28-47, inclusive, may only take place prior to the last Friday in September
2 of any school year. If a school district approves an application for such a transfer after that day,
3 the transfer shall occur in the following school year. Intradistrict transfer applications may be
4 accepted and acted upon at any time at the board's discretion if the policies on which the transfer
5 decisions are based are consistent with the other requirements of §§ 13-28-40 to 13-28-47,
6 inclusive.

7 An application may be withdrawn by the applicant prior to the approval of the request and
8 upon notification of the district to which the student applied. Once approved by the district in
9 which the student wishes to enroll, the approved application serves as the applicant's notice of
10 intent to enroll in the nonresident district or desired school during the school year and obligates
11 the student to attend school in the nonresident district or desired school during the school year,
12 unless the affected school board or boards agree in writing to allow the student to transfer back
13 to the resident district or assigned school, or unless the parents, guardians, or emancipated
14 student change residence to another district.

15 Once enrolled in a nonresident district or nonassigned school, the student may remain
16 enrolled and is not required to resubmit annual applications.