

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

192A0337

HOUSE BILL NO. 1075

Introduced by: Representatives Eccarius, Brown (Richard), DeMersseman, Derby, Duniphan, Fitzgerald, Hagg, Konold, Madden, Pederson (Gordon), and Wick and Senators Everist, Ham, Lawler, Olson, Paisley, Shoener, and Whiting

1 FOR AN ACT ENTITLED, An Act to provide for statewide limited open enrollment of students
2 in public school districts in which they do not reside.

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

4 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 An enrollment options program is established to enable any student to attend a public school
7 in a district in which the student does not reside, subject to the provisions in this Act. Any
8 student who is enrolled, pursuant to this Act, in a district in which the student does not reside
9 is not subject to the tuition requirements of § 13-28-22. For purposes of determining average
10 daily membership, any student who is enrolled, pursuant to this Act, in a district in which the
11 student does not reside is deemed to be enrolled in the school district in which the student
12 attends.

13 Section 2. No resident or nonresident district is required to grant a request for a transfer that
14 results in more than a two percent reduction or increase in average daily membership over the
15 previous year. However, any such district at its discretion may elect to exceed the two percent

1 limit. In determining whether to accept or reject a request for a transfer in or out of the district
2 that causes the two-percent limit to be exceeded, the district shall rely on criteria established by
3 the district pursuant to section 4 of this Act. Additionally, no district is required to approve a
4 transfer request for a student enrolled in a special education program if the cost of providing that
5 program in the receiving district would exceed the cost of offering the program in the district of
6 residence, unless the additional cost of providing the program in the receiving district is paid by
7 the parent or guardian of the transfer student.

8 Section 3. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 In order that a student may attend a school or program in a nonresident district pursuant to
11 section 1 of this Act, the student's parent or guardian shall submit an application to the resident
12 and nonresident districts on a form provided by the Department of Education and Cultural
13 Affairs. The application shall include a written statement of the reason for the requested transfer.
14 The application shall be submitted by January fifteenth for initial enrollment beginning the
15 following school year. The resident and nonresident districts shall each notify the parent or
16 guardian in writing by February first of the districts' approval or rejection of the application for
17 transfer and the reasons for any rejection. The same procedures apply to any student who
18 subsequently applies to transfer from one nonresident district to a different nonresident district
19 or to return to the resident district. The parent or guardian of any student who becomes a new
20 resident of a school district after January fifteenth of any school year may submit an application
21 for transfer to a nonresident district within forty-five days after establishing residency, and the
22 districts shall notify the parent or guardian of their decision within fifteen days after receipt of
23 the application. If accepted, an application to enroll in the nonresident district obligates the
24 student to attend the nonresident district, unless the school boards of the resident and the
25 nonresident districts agree in writing to allow the student to transfer back to the resident district,

1 or the student's parent or guardian changes residence to another district. Once enrolled in a
2 nonresident district, the student may remain enrolled and is not required to resubmit annual
3 applications.

4 Section 4. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Each school district shall adopt, by resolution, relevant standards for acceptance and
7 rejection of applications for transfer pursuant to this Act. Standards may include the capacity of
8 a program, class size, pupil/teacher ratio, impact on facilities, or other related relevant factors.
9 Discrimination based on race, gender, religious affiliation, or disability is prohibited. The
10 standards shall include a policy and an appeal process enabling the parent or guardian to request
11 that the district reconsider a decision to reject the request for a transfer to or from the district.

12 Section 5. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The parent or guardian of a student who has been accepted for transfer is responsible for
15 transporting the student to the receiving district without reimbursement. Neither the district of
16 residence nor the receiving district has any obligation to provide transportation to students
17 approved for transfer.

18 Section 6. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 A school district shall accept credits for any course completed in any other accredited school
21 district as the result of a transfer under this Act. The nonresident district shall award a diploma
22 to a nonresident student only if the student satisfactorily meets its graduation requirements.

23 Section 7. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 Each school district shall make relevant information about the district, schools, programs,

1 policies, and procedures available to all interested people.