

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

389H0242

SENATE BILL NO. 87

Introduced by: Senators Sutton (Dan), Ham, Koetzle, McIntyre, and Symens and
Representatives Kooistra, Bartling, Elliott, Garnos, Hennies (Thomas), and
Holbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to open enrollment.

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

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

4 13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an
5 emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47,
6 inclusive, in a South Dakota school district other than the resident district or in a school within
7 the resident district other than the school to which the student has been assigned shall apply on
8 forms provided by the Department of Education and Cultural Affairs.

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

13 Intradistrict transfer applications may be accepted and acted upon at any time at the board's
14 discretion if the policies on which the transfer decisions are based are consistent with the other



1 requirements of §§ 13-28-40 to 13-28-47, inclusive.

2 An application may be withdrawn by the applicant prior to the approval of the request and
3 upon notification of the district to which the student applied. Once approved by the district in
4 which the student wishes to enroll, the approved application serves as the applicant's notice of
5 intent to enroll in the nonresident district or desired school during the school year and obligates
6 the student to attend school in the nonresident district or desired school during the school year,
7 ~~unless the affected school board or boards agree in writing to allow the student to transfer back~~
8 ~~to the resident district or assigned school, or unless the parents, guardians, or emancipated~~
9 student change residence to another district. The student may not transfer back to the resident
10 district or assigned school during the remainder of the school year. Following the school year,
11 the student may return to the resident district or assigned school if the affected school board or
12 boards agree in writing to allow it.

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