

## SECTION N

### **Sioux Valley School District 5-5 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 Sioux Valley District. For the purposes of this policy, the term “resident district” means the district in which a 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 non-resident district’s facilities can accommodate the students without adversely affecting the quality of the educational program. This determination will be based upon criteria adopted by the Board, (see Section C below) and is subject to the following conditions:

#### **A. General Principles**

1. A student who is a legal resident of another South Dakota district seeking to transfer to the Sioux Valley District must make application to the resident district. The application must be on forms provided by the Department of Education. The application must be made by a non emancipated student’s parent or guardian or by the emancipated student.
2. The applicant and resident district must be notified of the decision within five days of the decision. Applications will be reviewed in the order received.
  - a. The application may be withdrawn by the applicant through notification to the affected school boards.
  - b. Once approved by the non-resident district, the applicant’s intent to enroll obligates the student to attend school in the receiving non-resident or non-assigned school during the school year, unless the two boards agree in writing to allow a student to return to the original district or assigned school or if the parent, guardian, or student changes residence to another district.
3. Once enrolled in a non-resident district or non-assigned school, the enrollment will continue unless a bona fide change of residence occurs or a subsequent transfer application is received.
4. A non-resident district will accept credits granted for any course successfully completed in another accredited district. The non-resident district may award a diploma to a non-resident only if the student satisfactorily meets the non-resident district’s graduation requirements.
5. Transportation of non-resident students to school is the responsibility of the applicant. Sioux Valley School will consider bus transportation requests that are within approximately three miles of the district’s boundaries and said route changes do not cause undue hardships to other riders. The district reserves the right to establish pick-up and drop-off points.

#### **B. Special Education Students**

Both state and federal law require that the resident district be responsible for providing a free and appropriate public education for students in need of special education and related services. All applications for transfer of a special education student will first be considered by a placement committee, and the placement committee will include representatives of both the resident and non-resident districts. In addition to the other considerations of the 1997 Open Enrollment Act, the following additional considerations will apply:

1. The combined placement committee will determine that the non-resident district can provide appropriate instructional programs and facilities to meet the student’s needs.
2. The combined placement committee shall determine whether the student requires transportation as a related service and, if the service is required, the non-resident district will be required to provide the service.

3. Return of the non-resident special education student to the resident district will be subject to the approval of the combined placement committee.
4. No separate dates will be in effect for notification and decision-making with respect to special education students.

**C. Criteria for Making Transfer Determinations**

The standards will be available to any individual so requesting. Discrimination based upon race, gender, religious affiliation, or disability is prohibited. All members of the same family residing in the same household will be treated the same.

1. The standards will be established based on the capacities of each of the following elements within the district in any approvals:
  - a. Programs;
  - b. Classes;
  - c. Grade levels;
  - d. Buildings.
2. The Department of Education has authority to promulgate rules setting forth procedural and administrative requirements of the open enrollment program. The school district will follow any and all such rules and procedures.
3. The Board may deny applications for any of the following reasons:
  - a. The standards established in paragraph C-1 above 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 13-32-4.3;
  - d. The applicant has been convicted of a weapons charge relating to the schools and is under suspension pursuant to SDCL 13-32-4.3.
4. The Board reserves the right to annually establish capacities of programs, classes, grade levels, and buildings within the district, which will be based upon administrative recommendations. The administrative recommendations shall take into account current and projected enrollments in light of physical, fiscal, and human resources projected within the district. Insofar as possible, any numerical factor will be building or attendance center specific.

**D. Miscellaneous Provisions**

1. The Board will assign all students among the schools within the district, pursuant to SDCL ch. 13-28.
2. The district will make relevant information about the district, schools, programs, policies, and procedures available to all interested people.
3. Appeals from Board action under the 1997 Open Enrollment Act can be made under SDCL ch. 13-46 and the court will conduct a *de novo* review.

Adopted: October 1997

Revised: July 2012